



MENDOCINO COUNCIL OF GOVERNMENTS

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PHILLIP J. DOW, EXECUTIVE DIRECTOR

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July 27, 2016

To: Susan Ranochak, County Clerk-Recorder
From: Janet Orth, Deputy Director/CFO
Subject: Amended Conflict of Interest Code

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On June 6, MCOG's Board of Directors amended its Conflict of Interest Code. I have attached a certified copy of the resolution, which passed unanimously.

This routine amendment reinstated an obsolete "designated employee" position, that of Transportation Planner, due to the recent staffing reorganization and resulting separation of MCOG's Administration and Planning services.

Would you please forward this to the appropriate entities for approval.

Let me know if anything else is needed from us, and thanks for your assistance.

Enc:
Resolution Adopting an Amended Conflict of Interest Code by Reference
with Appendix A

2016 Local Agency Biennial Notice

Name of Agency: Mendocino Council of Governments

Mailing Address: 367 N. State St., Suite 206, Ukiah, CA 95482

Contact Person: Janet Orth, Deputy Director/CFO Phone No. (707) 463-1859

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Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☒ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☒ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☒ Other (*describe*) Place of filing expanded to include County Clerk-Recorder's office

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2016**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

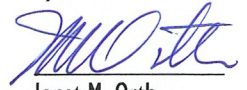
MENDOCINO COUNCIL OF GOVERNMENTS

BOARD of DIRECTORS

RESOLUTION No. M2016-13

ADOPTING AN AMENDED CONFLICT OF INTEREST CODE BY REFERENCE

I certify that this is
a true and complete
copy of the original
resolution adopted
by MCOG.



Janet M. Orth
Deputy Director/CFO

WHEREAS,

- The Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code;
- The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which will be amended from time to time to conform to amendments in the Political Reform Act after public notice and hearings conducted by the FPPC pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq.;
- Incorporation by reference of the aforementioned regulation and amendments to it will save this body time and money by minimizing the actions required of this body to keep the Code in conformity with the Political Reform Act; and
- Mendocino Council of Governments (MCOG) has determined that the attached Appendix A to this Resolution accurately sets forth those positions that should be designated and sets forth those categories of financial interests that should be made reportable; therefore, be it

RESOLVED THAT:


1. All previously adopted resolutions approving various separate Conflict of Interest Codes are hereby rescinded.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute MCOG's Conflict of Interest Code, including positions and disclosure categories as described in Appendix A.
3. Place of Filing: Persons holding designated positions shall file statements of economic interest with the MCOG office or with the Mendocino County Clerk-Recorder, and upon receipt of statements, each agency staff shall make a copy for the other agency and retain a copy as needed; and the Clerk-Recorder's office shall forward either the original or a paper copy or an electronic copy of these statements to the FPPC as required.


4. MCOG staff shall make the statements available for public inspection and reproduction (Government Code Section 81008).

ADOPTION OF THIS RESOLUTION was moved by Director Woodhouse, seconded by Director Carter, and approved on this 6th day of June, 2016, by the following roll call vote:

AYES: Directors Jackman (PAC), Hammerstrom, Scalmanini, Stranske, Koogler,
Carter (Alt.), Woodhouse, and Gjerde
NOES: None
ABSTAINING: None
ABSENT: None

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.


ATTEST: Phillip J. Dow, Executive Director


Dan Gjerde, Chair

MCOG Conflict of Interest Code

Designated Positions and Disclosure Categories

Under provisions of this Code, designated employees shall file statements of economic interests. The following are designated employees because their positions involve the making or participating in the making of decisions which could affect private financial interests materially. The financial effect of a government decision is material if the decision will have a significant effect on a person's or business entity's real property or source of income in question. Any investments, interests in real property and sources of income held by the designated employee's spouse or dependent children must be reported as though held by the designated employee personally.

DESIGNATED POSITIONS - *all Disclosure Categories apply*

- A. All members and alternates of this Council of Governments' Board of Directors
- B. Legal Counsel to the Council of Governments
- C. Consultants engaged by the Council of Governments as designated employees serving in a staff capacity, who shall disclose pursuant to the broadest disclosure category in the Code, to include the following:
 - 1. The Executive Director, as contracted staff
 - 2. The Transportation Planner, as contracted staff

This code shall NOT apply to those consultants with whom the Council contracts on a per-project basis with a limited scope of work and responsibility, as determined by the Executive Director, to include but not limited to the following:

- 1. Fiscal auditors
- 2. Performance auditors
- 3. Overall Work Program project consultants
- 4. Other specific project consultants and contractors.

Further, the Executive Director may determine in writing that a particular consultant, who could be considered for a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this Appendix. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

DISCLOSURE CATEGORIES - *reportable for all Designated Positions*

1. Investments or positions in any business entity that, within the last two years, has contracted, or in the foreseeable future might contract with the Council to provide services, supplies, materials, machinery or equipment to the Council. See Government Code Sections 82034, 87103, 87206.
2. Income from any source that, within the last 12 months, has contracted, or in the foreseeable future might contract with the Council to provide services, supplies, materials, machinery or equipment to the Council. See Government Code Sections 82030, 87103, 87207.
3. Interest in Real Property located in whole or in part either within the Council's jurisdiction, including any leasehold, beneficial or ownership interest, or option to acquire such interest in real property. See Government Code Sections 82033, 87103, 87206.