

**HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT**

AMENDMENT NO. 3 TO ORDINANCE 8

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS AMENDING THE
CONFLICT OF INTEREST CODE OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT**

RECITALS

WHEREAS, the Board of Commissioners of the Humboldt Bay Harbor, Recreation, and Conservation District ("District") passed and adopted District Ordinance No. 8, which established the District's Conflict of Interest Code in compliance with the Political Reform Act of 1974;

WHEREAS, over time, the Board of Commissioners has amended Ordinance No. 8 by further ordinance; and

WHEREAS, The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) containing terms of a standard conflict of interest code that may be incorporated by reference into an agency's conflict of interest code; and

WHEREAS, the Board of Commissioners, by way of this Ordinance, desires to further amend Ordinance No. 8 to incorporate by reference the model ordinance contained in California Code of Regulations, Section 18730.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY
HARBOR, RECREATION AND CONSERVATION DISTRICT DO ORDAIN AS
FOLLOWS:**

Section 1. Sections 1 through 13, inclusive, of Ordinance No. 8, as amended by Amendment No. 2 to Ordinance No. 8, passed and adopted on October 26, 1995, are deleted in their entirety and replaced with the text set forth in **Exhibit A** hereto and incorporated herein. On and after the Effective Date, **Exhibit A** hereto shall be the Conflict of Interest Code of the District.

Section 2. Publication. The Clerk of the Board shall publish, within 15 days from the passage, at least once in a daily newspaper of general circulation that is printed and published within the District. The publication must also include the names of the members voting for and against.

Section 3. Effective Date. This Ordinance shall be effective upon expiration of 30 days from its publication.

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**PASSED AND ADOPTED THIS 8th DAY OF OCTOBER 2020 BY THE BOARD OF
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:**

AYES: DALE, DOSS, HIGGINS, KULLMANN, MARKS

NOES: NONE

ABSENT: NONE



**STEPHEN KULLMANN, PRESIDENT
Board of Commissioners**

ATTEST:



**PATRICK HIGGINS, SECRETARY
Board of Commissioners**

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Exhibit A

CONFLICT OF INTEREST CODE OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

Section 1. Introduction.

In compliance with the Political Reform Act of 1974 ("Act"), California Government Code Section 81000, et seq., and specifically with Section 87300 et seq., the Humboldt Bay Harbor, Recreation, and Conservation District ("District") hereby adopts this Conflict of Interest Code, which shall be applicable to all designated employees of the District. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, Title 2, Section 18730, which contains the terms of a standard conflict of interest code ("Model Code") for local agencies to adopt. The Model Code may be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to the amendments to the Political Reform Act.

Section 2. Incorporation of the Model Code as the District's Conflict of Interest Code.

The Model Code set forth in Section 18730 of Title 2 of the California Code of Regulations, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with the attached **Appendix A** and **Appendix B**, constitute the conflict of interest code of the Humboldt Bay Harbor, Recreation, and Conservation District. The requirements of this Code are in addition to other requirements of the Act such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest.

Section 3. Designated Employees; and Disclosure Categories.

The persons holding positions listed in **Appendix A** are designated positions. It has been determined that these directors, officers and employees make or participate in the making of decisions which may have a foreseeable material effect on financial interests. Each designated position is assigned one or more of the disclosure categories as set forth in **Appendix B**. It has been determined that the financial interests set forth in a designated position's disclosure category are the types of financial interests which the individual foreseeably can affect materially through the conduct of his or her office. Each person holding a designated position shall file statements of economic interests disclosing his or her financial interests as required by the applicable disclosure category.

Section 5. Statements of Economic Interests; Place of Filing.

All designated positions required to submit a statement of economic interests shall file the original with the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall be the filing officer for all designated employees other than the members of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District.

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Upon receipt of the statement of economic interests of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, the agency shall make and retain a copy and forward the originals of these statements to the Humboldt County, California, Board of Supervisors, who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late.

Section 6. Statements of Economic interests: Time of Filing.

(A) Initial Statements.

All persons holding a designated position on the effective date of this Code, as originally adopted, promulgated and approved by the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, shall file statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements.

All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements.

All persons holding a designated position shall file statements no later than April 1.

(D) Leaving Office Statements.

All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 12. Assistance of the Commission and Counsel.

Any person holding a designated position who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for the District, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 13. Violations.

This Code has the force and effect of law. Designated employees, officers or directors violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in

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relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

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APPENDIX A

Designated Positions

Disclosure Category

Members of the Board of Commissioners, Humboldt Bay Harbor Recreation, and Conservation District	1, 2, 3, 4
Executive Director	1, 2, 3, 4
Deputy Director	1, 2, 3, 4
Director of Facilities Maintenance	1, 2, 3, 4
Director of Administrative Services	1, 2, 3, 4
District Counsel	1, 2, 3, 4
District Treasurer	1, 2, 3, 4
District Engineer	1, 2, 3, 4
District Planner	1, 2, 3, 4

Consultants*

* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. 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.

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Appendix B

General Provisions

When a designated employee, officer or director is required to disclose investments, sources of income and business positions, he or she need only disclose investments and positions in business entities and sources of income (other than gifts) which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. Gifts must be disclosed without regard to the location of the donor. When a designated employee, officer or director is required to disclose interests in real property, he or she need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

Designated employees, officers or directors shall disclose their financial interests pursuant to the appropriate disclosure categories indicated in **Appendix A**.

Disclosure Categories

- Category 1: Reportable business entity income.
- Category 2: Reportable business positions.
- Category 3: Interests in real property located within two miles of any land owned or used by the Humboldt Bay Harbor, Recreation and Conservation District.
- Category 4: Reportable personal income.