

PROPOSED DISTRICT #1  
March 25, 1980

ORDINANCE NO. 8

ORDINANCE TO ESTABLISH CONFLICT OF INTEREST CODE  
FOR THE HUMBOLDT BAY HARBOR,  
RECREATION AND CONSERVATION DISTRICT,  
A PUBLIC ENTITY

1122 Fifth Street  
P.O. Box 134  
Eureka, CA 95501

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION,  
AND CONSERVATION DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Introduction.

In compliance with the Political Reform Act of 1974, California Government Code Section 81000, et seq., and specifically with Section 87300 et seq. and Hays v. Wood, 25 Cal 3d 772, the Humboldt Bay Harbor, Recreation and Conservation District hereby adopts this Conflict of Interest Code which shall be applicable to all designated employees of the agency. 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 2. Definition of Terms.

The definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100 et seq.), Hays v. Wood, 25 Cal. 3d 772, and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 3. Designated Employees.

The persons holding positions listed in Appendix A are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

#### Section 4. Disclosure Statements.

A designated employee shall be assigned one or more of the disclosure categories set forth in Appendix B. It has been determined that the financial interests set forth in a designated employee's disclosure category are the types of financial interests which he or she foreseeably can affect materially through the conduct of his or her office. Each designated employee shall file statements of economic interests disclosing his or her financial interests as required by the applicable disclosure category.

#### Section 5. Place of Filing.

All designated employees 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.

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. Time of Filing.

(a) Initial Statements. All designated employees employed by the agency on the effective date of this Code shall file statements within thirty days after the effective date of this Code.

(b) Assuming Office Statements.

(1) All persons assuming designated positions after the effective date of this Code which are civil service/merit system positions, shall file statements within thirty days after assuming the designated positions.

(2) All other persons appointed, promoted or transferred to designated positions after the effective date of the Code, shall file statements within ten days after assuming office, or if subject to confirmation, ten days after being nominated or appointed.

(c) Annual Statements. All designated employees shall file statements no later than February 15.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

Section 7. Contents of Statements.

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments and interests in real property held on the effective date of the Code.

(b) Assuming Office Statements. Assuming office statements shall disclose any reportable investments and interests in real property held on the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, and income held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(d) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, and income held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 8. Manner of Reporting.

Disclosure statements shall be made on forms supplied by the Humboldt Bay Harbor, Recreation, and Conservation District, and shall contain the following information:

(a) Contents of Investment and Real Property Reports.

When an investment or interest in real property is required to be reported, the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business activity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(b) Contents of Personal Income Reports.

When personal income is required to be reported, the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address of the donor, a description of the gift, the amount or value of the gift, and the date on which the gift was received.

(c) Contents of Business Entity Income Reports.

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity, the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(d) Contents of Management Position Reports.

When management positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any

position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 9. Disqualification.

Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the designated employee has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. (The fact that a designated employee's vote is needed to break a tie does not make his or her participation legally required for purposes of this section.)

Section 10. Manner of Disqualification.

A designated employee required to disqualify himself or herself shall notify his or her supervisor in writing. This

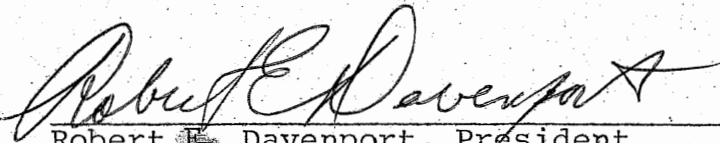
notice shall be forwarded to the President, Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall reassign the matter to another employee. In the case of a designated employee who is a board member or commissioner, notice of disqualification shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the board or commission.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS  
OF THE HUMBOLDT BAY HARBOR, RECREATION, AND  
CONSERVATION DISTRICT ON THE 24th DAY OF APRIL,  
1980, BY THE FOLLOWING POLLED VOTE:

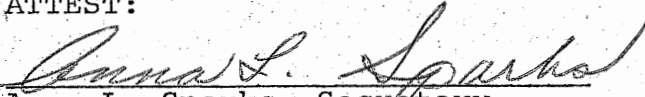
AYES: 4

NAYES: 1

ABSENT:       

  
Robert E. Davenport, President,  
Board of Commissioners,  
Humboldt Bay Harbor, Recreation,  
and Conservation District

ATTEST:

  
Anna L. Sparks, Secretary

APPENDIX A

Designated Positions

Disclosure Category

Members of the Board of Commissioners,  
Humboldt Bay Harbor, Recreation, and  
Conservation District

1, 2, 3, 4, 5, 6

Chief Executive Officer

1, 2, 3, 4, 5, 6

Attorney

1, 2, 3, 4, 5, 6

Treasurer

1, 2, 3, 4, 5, 6

Chief Engineer

1, 2, 3, 4, 5, 6

Planner

1, 2, 3, 4, 5, 6

## APPENDIX B

### General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income 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. When a designated employee is required to disclose interests in real property, he 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 local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

### Disclosure Categories

- Category 1: All investments and sources of income as required in Section 8(a), 8(b) and 8(c) above.
- Category 2: All interests in real property as required in Section 8(a) above.
- Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department.
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property.
- Category 5: Interests in real property located within two miles of any land owned or used by the Humboldt Bay Harbor, Recreation, and Conservation District.
- Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the Humboldt Bay Harbor, Recreation and Conservation District to provide services, supplies, materials, machinery or equipment.