



CALIFORNIA OCEAN PROTECTION COUNCIL

John Laird, Secretary for Natural Resources, Council Chair
Matt Rodriguez, Secretary for Environmental Protection
Gavin Newsom, Lieutenant Governor, State Lands Commission Chair
Robert Hertzberg, State Senator
Bill Quirk, State Assemblymember
Geraldine Knatz, Public Member
Michael Brown, Public Member

MEMORANDUM

Item 4b

TO: Ocean Protection Council
FROM: Jenn Eckerle, Deputy Director
DATE: April 26, 2017
REGARDING: Approval of revised Conflict of Interest Code

Requested Action: Approve the revised Conflict of Interest Code (COIC), as accepted by the FPPC

Background Information: The law requires that every state agency have a conflict of interest code which identifies all agency officials and employees who make or participate in making governmental decisions. It is legally required that an agency's conflict of interest code reflect the current structure of its organization and properly identify officials who should be filing Statements of Economic Interests (Form 700).

A review of the Ocean Protection Council's (OPC) code revealed that the code is out of date, and does not accurately reflect the physical location of the OPC or staff classifications. The revision corrects these changes and accurately reflects the current organizational structure, as well as makes changes to reporting categories to bring the OPC in line with other Councils, Commissions and Boards.

After Council approval, there will be a 45 day public notice and public comment period, after which the amended code will be submitted to the FPPC for final approval.

**CONFLICT -OF -INTEREST CODE FOR THE
OCEAN PROTECTION COUNCIL**

The Political Reform Act (Government Code § 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict -of -interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. §18730) that contains the terms of a standard conflict -of -interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations § 18730 and any amendments duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating officials and employees and establishing disclosure categories, shall constitute the conflict -of -interest code of the **California Ocean Protection Council (Council)**.

Individuals holding designated positions shall file their statements with the ~~State Coastal Conservancy~~ Natural Resources Agency / Ocean Protection Council, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) Upon receipt of the statements of the Council members ~~and~~, their alternates, and the Executive Director, the ~~State Coastal Conservancy~~ Natural Resources Agency / Ocean Protection Council shall make and retain a copy and forward the original to the **Fair Political Practices Commission**. All other statements will be retained by the ~~State Coastal Conservancy~~ Natural Resources Agency / Ocean Protection Council.

Comment [JS1]: The Ocean Protection Council (OPC) was moved from the State Coastal Conservancy to the Natural Resources Agency see the Budget Act of 2013.

Authority: Gov. Code §§ 87300 and 87304 Reference: Gov. Code §§ 87300, *et seq.*

APPENDIX A
DESIGNATED POSITIONS

Designated Position	Assigned Disclosure Categories	
Council Members and Alternates	1,2	
Executive Director	1,2	
Assistant Secretary for Coastal and Ocean Policy, Resources Agency	1,2	Comment [JS2]: Position eliminated
Secretary to the Ocean Protection Council, Conservancy	1,2	Comment [JS3]: Position eliminated
Science Policy Advisor/ Staff Environmental Scientist	1,2	
Deputy Executive Officer, Ocean Program Supervisor, Conservancy	1,2	Comment [JS4]: Position eliminated
Staff Counsel, Conservancy , <u>Natural Resources Agency</u>	1,2	Comment [JS5]: Counsel is staff at Natural Resources Agency
Conservancy/Council Project Development Analyst Series		
Including, but not limited to, Project Manager and Project Specialist	1,2	
Environmental Scientist (all levels)	1,2	
Including but not limited to, Supervisory and Specialist	1,2	Comment [JS6]: Current staff re-classed to this classification
Associate Governmental Program Analyst	1,2	Comment [JS7]: New classification for staff
<u>Information Systems Analyst</u>	<u>3</u>	
Consultants/ <u>New Positions</u>	*	

* Consultants and new positions shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The ~~Secretary of the Council~~ Executive Director may determine in writing that a particular consultant or new position, although 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 section. Such a determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The ~~Secretary to the Council's~~ 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. (Gov. Code Sec. 81008.)

Comment [JS8]: Position eliminated

Elected state officers who serve on the Ocean Protection Council and the Secretary of the Natural Resources Agency, the Secretary of the Environmental Protection Agency, and the Chair of the State Lands Commission are not required to file a statement of economic interests under this conflict of interest code. Elected state officers are excepted from filing under Government Code Section 82019, and the Secretaries and Chair are excepted from filing under Regulation 18730, Section 3.

APPENDIX B
DISCLOSURE CATEGORIES

(1) Persons in Category (1) must disclose:

- All investments and business positions in a business entity and sources of income, including gifts, loans, and travel payments, from entities involved in maritime shipping, energy (such as oil and gas), fishing, marine aquaculture, scientific research, pharmaceuticals, ocean recreational activities and companies that engage in environmental planning, real estate (such as sales, brokerage or investment) or construction.

- Interests in real property in the State of California.

(2) Persons in Category (2) ~~shall~~must disclose all investments and business positions in a business entity or income, including gifts, loans, and travel payments, from a source which is of the type that contracts with the Council to provide goods, services, materials or facilities to the Council or receives grants or monies from or through the Council.

(3) Persons in Category (3) must disclose all investments and business positions in a business entity and sources of income, including gifts, loans, and travel payments, if the business entity or source provides information technology or telecommunications goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, data processing firms and media services.

Authority: Gov. Code §§ 87300 and 87304 Reference: Gov. Code §§ 87300, *et seq.*