



# CALIFORNIA OCEAN PROTECTION COUNCIL

---

Mike Chrisman, *Secretary for Resources, Council Chair*  
Steve Westly, *State Controller*  
Linda Adams, *Secretary for Environmental Protection*  
Sheila Kuehl, *State Senator, Ex officio Member*  
Pedro Nava, *State Assemblymember, Ex officio Member*

## **STATEMENT OF INCOMPATIBLE ACTIVITIES FOR THE OCEAN PROTECTION COUNCIL**

Pursuant to Government Code Section 19990, this policy statement sets forth standards of conduct with which staff working for the Ocean Protection Council are expected to comply.

Section 19990 of the Government Code requires in part that:

“A state officer or employee shall not engage in any employment, activity or enterprise which is clearly inconsistent, incompatible, in conflict with or inimical to his or her duties as a state officer or employee or with the duties, functions or responsibilities of his/her appointing power or the agency by which he or she is employed.”

The following employments, activities or enterprises by officers or staff of the Ocean Protection Council are considered to be inconsistent, incompatible or in conflict with their duties:

1. The use for private gain or advantage of state time, facilities, equipment or supplies, or the prestige or influence of one's office or employment. Examples include, but are not limited to:
  - a) The use for private gain or advantage of confidential information acquired by virtue of state office or employment;
  - b) The undisclosed financial interest in any organization, firm, corporation or person who is subject to gain by Council activities. Any such financial interest must be disclosed to the Conservancy Executive Officer who must determine whether said interest is compatible with the employee's duties for the Council.
2. The receipt or acceptance of any money or other consideration from anyone (other than the state as employer) for the performance of an act that the officer or employee would be required or expected to render in the regular course of his or her employment or duties as a state officer or employee.

This provision shall include accepting any gift or gratuity from any person whose interests may be affected by the performance of an officer or employee under circumstances from which it could reasonably be inferred that the gift was intended to influence his or her official duties. This shall not apply to items so nominal that they could not influence an officer or employee, such as coffee or sandwiches provided at working lunches, nor shall it apply to the acceptance of transportation provided in connection with the inspection of any project area or attendance at any meeting in the course of his or her duties.

3. The performance of an act in other than one's capacity as an officer or employee that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by such officer or employee or the agency by which he or she is employed.

4. The performance of an act that involves such time demands as would render performance of his or her duties as a state officer or employee less efficient.

5. Improper use or disclosure of information such as the following:

a) Providing confidential information to persons to whom the issuance of such information is likely to be detrimental to the Council;

b) Providing information or estimating services to contractors or other persons that will give them a competitive advantage over others in dealing with the Council.

The activities, employments or enterprises stated above do not attempt to specify every possible limitation on officers or employees that might be determined and prescribed under the authority of Section 19990 of the Government Code or that might otherwise be prohibited by statute or administrative rule or regulation governing the conduct of state officers or employees.

It is not the desire of the Council to inquire into the private affairs of its employees or to interfere with the exercise of First Amendment rights. We do ask the cooperation of each employee in avoiding any activity, employment or enterprise that conceivably might be inconsistent or incompatible or interfere in any way with his or her duties as a state officer or employee. Anyone planning such activities, employment or enterprise is asked to consult with the Council's Secretary or Executive Policy Officer.

Any officer or employee of the Council may appeal to the Council's Executive Policy Officer or the Council Secretary the application to them in any specific circumstance of any provision of this Statement.