



# **PAJARO REGIONAL**

---

## **FLOOD MANAGEMENT AGENCY**

---

### **Agenda Item Submittal**

**From:** PRFMA Executive Director

**Subject:** Approve Actions Regarding Adoption of Conflict-of-Interest Code

**Meeting Date:** September 13, 2023

### **Recommended Actions**

- 1) Approve the public notice process required by 2 California Code of Regulations Section 18750 prior to adopting the Pajaro Regional Flood Management Agency Conflict-of-Interest Code update;
- 2) Authorize the Executive Director to sign the Declaration of Chief Executive Officer for Multi-County Agency Conflict-of-Interest Code for the Pajaro Regional Flood Management Agency;
- 3) Adopt the updated Conflict-of-Interest Code for the Pajaro Regional Flood Management Agency, should no interested persons request a public hearing on or before the October 13, 2023 deadline.

### **Executive Summary**

The Political Reform Act of 1974 requires the PRFMA to adopt and promulgate a Conflict-of-Interest code that identifies all officials, employees, and consultants within the agency who make governmental decisions based on the positions they hold. This item satisfies the 2-step process that complies with this requirement, namely, that it asks approval to conduct the public notice process required of the Agency, and requests adoption of the proposed update to the Agency's Conflict-of-Interest Code should no interested party request a public hearing following the public comment period.

### **Background**

The Political Reform Act (Government Code Section 81000. et seq.) requires state and local government agencies to adopt and promulgate a Conflict-of-Interest Code. The proposed Code establishes designated employees and disclosure categories for filing Statements of Economic Interest, sets forth conflict of interest rules governing disqualification standards, campaign contribution rules, and conflicts disclosure requirements, and includes other Authority requirements and prohibitions. The Fair Political Practices Commission (FPPC) adopted 2 California Code of Regulations Section 18730 that contains the terms of a standard conflict of interest code which is incorporated by reference into the proposed Conflict of Interest Code (Code) for the Pajaro Regional Flood Management Agency ("Agency") ensuring that amendments later adopted by the FPPC are included in the Agency's adopted Code. The Board is required under state law to review its conflict-of-interest code every two years to determine if any updates are needed.

### **Analysis**

The Political Reform Act requires state and local government agencies to adopt a

Conflict-of-Interest Code. In addition, the California Code of Regulations Section 18750 requires that the Agency, as a multi-county agency, prepare a notice of the proposed code and establish a 45-day public comment period.

The FPPC also requires that the notice:

- (1) be made publicly available prior to the comment period such as by posting the notice on the agency's website;
- (2) describe the proposed code or amendment in general terms and, if amending an existing code, include a summary of effects on the provisions of the existing code, if any;
- (3) state that copies of the proposed code or amendment are available to interested persons and indicate where the copies may be obtained;
- (4) specify the location where written comments concerning the proposed code or amendment may be submitted and the date by which written comments must be received to be considered by the agency before it adopts or amends the code;
- (5) state the time and place of any public hearing that is scheduled on the proposed code or amendment, or if a public hearing is not scheduled, include a statement that any interested person may request, no later than 15 days prior to the close of the written comment period, a public hearing; and
- (6) state the name and telephone number of an agency officer to whom inquiries concerning the proposed code or amendment may be directed.

The Agency's notice, attached as Exhibit A, satisfies all six requirements.

The Fair Political Practices Commission (FPPC) contacted the PRFMA requesting an updated Conflict-of-Interest Code be filed that complies with updated requirements from the FPPC. Namely, Form 700 disclosures are now filed electronically with the FPPC and not with the PRFMA, and the FPPC has reduced the number of disclosure categories from 5 to 3, collapsing the disclosures into fewer categories. Additionally, because the staffing model for the PRFMA has added a Deputy Executive Director, that position has been added to the roster in the Code.

### **Financial Impact**

No financial impact is expected from adopting the Conflict-of-Interest code.

### **Attachments:**

- Attachment 1 – Public Notice of Adoption of Conflict-of-Interest Code
- Attachment 2 – CEO Declaration for Multi-County Agency
- Attachment 3 – Conflict of Interest Code of the Pajaro Regional Flood Management Agency

## Attachment 1

### NOTICE OF INTENTION TO ADOPT THE CONFLICT OF INTEREST CODE OF THE PAJARO REGIONAL FLOOD MANAGEMENT AGENCY JOINT POWERS AUTHORITY

NOTICE IS HEREBY GIVEN that the PAJARO REGIONAL FLOOD MANAGEMENT AGENCY, pursuant to the authority vested in it by section 87306 of the Government Code proposes to adopt a conflict-of-interest code. A comment period has been established commencing on September 13, 2023 and closing on October 28, 2023. All inquiries should be directed to the contact listed below.

The PAJARO REGIONAL FLOOD MANAGEMENT AGENCY proposed conflict-of-interest code includes employee positions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The code adoption carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Information on the code adoption is available on the agency's website at [www.prfma.org](http://www.prfma.org).

Any interested person may submit written comments relating to the proposed code by submitting them no later than **October 28, 2023**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **October 13, 2023**.

The PAJARO REGIONAL FLOOD MANAGEMENT AGENCY has determined that the proposed code adoption:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed code adoption and any communication required by this notice should be directed to: Dr. Mark Strudley, Executive Director, at (831) 535-3788 or via email at [mark.strudley@prfma.org](mailto:mark.strudley@prfma.org).

Attachment 2

**DECLARATION OF CHIEF EXECUTIVE OFFICER**  
**Multi-County Agency Conflict of Interest Code for**

**PAJARO REGIONAL FLOOD MANAGEMENT AGENCY**

The proposed conflict of interest code specifically includes each agency position that involves the making or participation in the making of decisions which may foreseeably have a material financial effect on an economic interest. Positions that do not make or participate in decisions are not included.

The disclosure categories are written to address the agency's current programs and require disclosure of only foreseeable interests that may create a conflict of interest.

The agency has satisfied all of the requirements of Title 2, Division 6 of the California Code of Regulations Section 18750 preliminary to approval of the proposed code, including providing a comment period for both employees and the public.

\_\_\_\_\_  
Signature

September 13, 2023  
Date

Dr. Mark Strudley  
Printed Name

Executive Director  
Title

### **Attachment 3**

## **CONFLICT OF INTEREST CODE FOR PAJARO REGIONAL FLOOD MANAGEMENT AGENCY**

The Political Reform Act (Government Code Section 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. Section 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 Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and attached Appendices designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the Pajaro Regional Flood Management Agency ("Agency").

Officials and employees holding positions listed in this code must file their statements of economic interests electronically with the Fair Political Practices Commission. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

**PAJARO REGIONAL FLOOD MANAGEMENT AGENCY  
APPENDIX A DESIGNATED POSITIONS**

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Deputy Executive Director	1, 2, 3
Treasurer	1, 2
Board Clerk	1, 2
Fiscal and Administrative Manager	1, 2
Resource/Environmental Planner	1, 2, 3
Engineering Manager	1, 2, 3
Consultants/New Positions	*

Note: The position of Fiscal and Administrative Manager is filled by outside consultants, but act in a staff capacity.

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

The 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 fully with the disclosure requirements described in this Section. Such determination shall include a description of the consultant’s/new position’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.

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200.

- Board Members
- Alternate Board Members
- Executive Director
- General Counsel
- Consultants

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

## **APPENDIX B Disclosure Categories**

Designated positions must disclose pursuant to the categories below:

1. Category 1: Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the Agency.
2. Category 2: Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source has, during the reporting period, filed a claim or has a claim pending before the Agency.
3. Category 3: Real property located within the jurisdiction as well as real property within two miles of the real property used or the potential site.