

2024 Local Agency Biennial Notice AUG 05 2024

HUMBOLDT COUNTY
ELECTIONSName of Agency: Humboldt Bay Harbor, Recreation & Conservation DistrictMailing Address: Po Box 1030, Eureka, Ca 95502-1030Contact Person: Mindy Hiley Phone No. (707) 443-0801Email: mhiley@humboldtbay.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
 Revise disclosure categories
 Revise the titles of existing positions
 Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
 Other (describe) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Chris Mikkel

Signature of Chief Executive Officer

8/05/2024

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **August 5, 2024** to:

Humboldt County Office of Elections
 Attn: Wojciech Czyz
 2426 6th Street, Eureka, CA 95501

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

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

AMENDMENT NO. 4 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. 3 to Ordinance No. 8, passed and adopted on October 8, 2020, 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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AND CONSERVATION DISTRICT

PASSED AND ADOPTED THIS 8th DAY OF AUGUST 2024, BY THE BOARD OF
COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND
CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: Dale, Higgins, Kullmann, Newman

NOES: 0

ABSENT: Benson

ATTEST:



GREG DALE, PRESIDENT
Board of Commissioners



AARON NEWMAN, SECRETARY
Board of Commissioners

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

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 4. Disclosure Categories.

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

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A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and

C) The filing officer is the same for both agencies. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix B specify which kinds of financial interest are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foresee ably can affect materially through the conduct of his or her office.

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. 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.

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

Section 7. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code and income received during the 12 months prior to the effective date of the Code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions 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, income and business positions held or received during the period between the dosing date of the last statement filed and the date of leaving office.

Section 8. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Humboldt Bay Harbor, Recreation, and Conservation District, and shall contain the following information:

(A) Investments and Real Property Disclosure.

When an investment or an 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 entity 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 two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

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(B) Personal Income Disclosure.

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

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value or fifty dollars (\$50) 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, or in the case of a loan, the highest amount owed to 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), or greater than \$100,000.
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and, the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. 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. 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) Business Position Disclosure. When business 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 an 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. Prohibition on Receipt of Honoraria.

(A) No member of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, or designated employee shall accept any honorarium. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

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Section 9.1. Prohibition. on Receipt of Gifts of \$520 or More.

No member of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, or designated employee shall accept any gifts with a total value of more than five hundred twenty dollars (\$520) in a calendar year from any single source. Subdivision (d) of Government Code Section 89503 shall apply to this section.

Section 10. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

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

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating five hundred dollars (\$500) or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 10.1 Legally Required Participation.

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 the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 11. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, this determination and disclosure shall be made part of the agency's official record; in the case of a

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designated employee who is the President of the Board of Commissioners, Humboldt Bay Harbor, Recreation, and Conservation District, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

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 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

| <u>Designated Positions</u> | <u>Disclosure Category</u> |
|--------------------------------------------------------------------------------------------------------|----------------------------|
| 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 |
| Director of Development | 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* | 1,2,3,4 |

* 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.

Appendix B

General Provisions

HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

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.