

# CERTIFIED COPY

## MONTICELLO PUBLIC CEMETERY DISTRICT RESOLUTION NO. 06-04 (MPCD)

### RESOLUTION TO ADOPT A CONFLICT OF INTEREST CODE FOR THE MONTICELLO CEMETERY DISTRICT

**WHEREAS**, the Monticello Public Cemetery District ("District") is an independent special district of the State of California located wholly within the boundaries of the County of Napa which is organized under the Public Cemetery District Law (Public Cemetery District Law; section 9000, et seq, Health and Safety Code); and

**WHEREAS**, the Political Reform Act of 1974 (Government Code section 81000 and following, hereinafter referred to as "the Act") and implementing regulations adopted by the Fair Political Practices Commissions ("FPPC") require local government agencies having more than minimal annual revenues to adopt and promulgate conflict of interest codes; and

**WHEREAS**, the FPPC has adopted a regulation (Section 18730 of Title 2 of the California Code of Regulations ("CCR") containing a standardized conflict of interest code which, if incorporated by reference and adopted by a local government agency along with a designation of employees and formulation of disclosure categories for the local government agency, will constitute the Conflict of Interest Code required by the Act when subsequently approved by the code reviewing body for the District; and

**WHEREAS**, a Notice of Intention to Adopt a Conflict of Interest Code, establishing a comment period of not less than 30 days and the availability of the proposed Code and supporting documentation for inspection and copying, has been served on the Napa County Board of Supervisors as the code reviewing body for the District and on all affected officers, employees and consultants of the District, and has also been published in a newspaper of general circulation within the District; and

**WHEREAS**, at a regular meeting of the Board of Trustees of the District (hereinafter referred to as "District Board"), held on December 5, 2006, all written comments on the proposed Code submitted within the comment period were received and considered by the District Board;

**THEREFORE, BE IT RESOLVED** by the District Board as follows:

1. Incorporation of Standard Terms. The terms of the standard conflict of interest code set forth in 2 CCR section 18730, as such may be amended by the FPPC from time ("hereinafter referred to as "Model Code"), are adopted and incorporated by reference as if set forth fully herein.

2. List of Designated Employees. For purposes of the requirements of the Act and the provisions of the Model Code, the Designated Employees of the District shall be the persons holding those offices and/or positions set forth in the amended Appendix "A", attached hereto and incorporated by reference herein.

3. List of Disclosure Categories. For purposes of the requirements of the Act and the provisions of the Model Code, the disclosure categories for the Designated Employees of the District shall be those categories set forth in the amended Appendix "B", attached hereto and incorporated by reference herein.

4. Documents Comprising Conflict of Interest Code. For purposes of the Act, the provisions of this Resolution, the Model Code, and Appendices "A" and "B" shall together constitute the Conflict of Interest Code of the District on and after the date of confirmation of the Code by the Napa County Board of Supervisors as the code reviewing body for the District.

5. Effective Date of Code. The effective date of the Conflict of Interest Code for the District shall be the date of confirmation of this Code by the Napa County Board of Supervisors acting as code reviewing body for the District.

6. Documents to be filed with the Board of Supervisors. The District Secretary is hereby directed to file three certified copies of the Code as adopted by this Resolution with the Napa County Board of Supervisors, acting as the code reviewing body for the District, along with a brief description of the duties and terms of all contract consultants working for the District who have been determined by the District's General Manager, as of the effective date of the Code, to be exempt from the Designated Employee "contract consultant" category, and the reasons for such exemption. The District General Manager shall prepare and the District Secretary shall send to the Elections Division of the Assessor-Clerk-Recorder-Registrar of Voters (or its successor in interest) an updated list whenever such exempt positions are added, dropped, or a change in the nature of the contracted duties makes them subject to broad or limited disclosure as Designated Employees.

7. Time of Filing Statements of Economic Interests. Each person required by this Conflict of Interest Code to file a Statement of Economic Interests ("Statement"), also known at the time of approval of this Resolution as "Form 700", shall file his or her initial Statement with the District Secretary for filing with the code reviewing body within thirty (30) days after the original effective date of the listing of his or her position in the Code. When taking office after the time of such listing, such person shall file an assuming office Statement within 30 days after taking office, except if he or she is re-elected or re-appointed without a break in service, such person need not file an assuming office Statement at the time of such re-election or re-appointment. Each such person shall thereafter file an annual Statement by April 1 of each year, covering reportable interests for the twelve-month period ending on the preceding December 31. Each such person who leaves office shall file, within 30 days of leaving office, a Statement disclosing reportable interests held or received at any time during the period between the closing date of the last Statement required to be filed and the date of leaving office.

8. Place of Filing. Designated Employees shall file the Statements with the District Secretary who shall retain copies of the original Statements and forward the original Statements to the Elections Division of the Napa County Assessor-Clerk-Recorder-Registrar of Voters. For purpose of such filing with the District Secretary, the address of the District Secretary shall be 1195 Third Street Suite 201, Napa, CA 94559.

9. Public Inspection of Conflict of Interest Code and Statements. Commencing on the effective date of the Conflict of Interest Code, a copy of the Conflict of Interest Code shall be maintained in the office of the District Secretary who shall make the copy and the copies of all Statements on file with the District Secretary available for public inspection and copying during regular business hours. No conditions whatsoever shall be imposed upon persons desiring to inspect the copy of the Conflict of Interest Code, nor shall any information or identification be required from such persons. Copies shall be provided in accordance with and subject to charges imposed generally by the Public Records Act (Government Code sections 6250 et seq.) and applicable District resolutions imposing fees for copies of public records of the District.

10. Annual Review Statement.

(a) No later than October 1 of each even-numbered year, the District shall submit to the Napa County Board of Supervisors, as code reviewing body for the District, a written statement signed by the District General Manager or his designee, that either:

(1) The District has reviewed the Code, that the Code designates accurately all positions which make or participate in the making of governmental decisions for the District, that the disclosure assigned those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those designated positions, and that the Code contains the provisions required by Government Code section 87302; or

(2) The District has reviewed the Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for the District, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be affected materially by the designated positions, or to include other provisions required by Government Code section 87302. If the statement contains this report, the District shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

(b) Changed circumstances which require amendment of the Conflict of Interest Code shall include, but not be limited to:

(1) The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

(2) The reclassification, renaming, or deletion of previously-designated positions;

(3) The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or

(4) The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been automatically incorporated into this Conflict of Interest Code as the result of inclusion of the changes into the model code by the Fair Political Practices Commission.

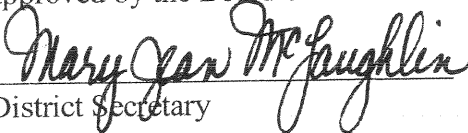
**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the District Board, at a regular meeting of the Monticello Public Cemetery District held on the 5th



## CERTIFICATIONS

### For the District

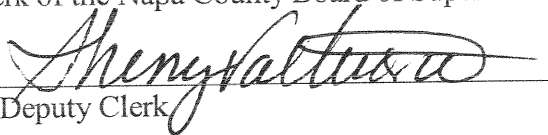
I hereby certify that I am the Secretary of the Monticello Cemetery District and the custodian of the records for the District and that the attached Resolution is a true and correct copy of the original approved by the Board of Trustees of the District and on file in the District office.

  
District Secretary

### For the Board of Supervisors as Code Reviewing Body

I hereby certify that the Conflict of Interest Code for the Monticello Public Cemetery District was approved and confirmed by the Napa County Board of Supervisors, as code reviewing body for the District, by action of the Board of Supervisors on December 5, 2006, recorded in the certified minutes of the Board of Supervisors for that date.

Clerk of the Napa County Board of Supervisors

By   
Deputy Clerk

## **APPENDIX "A"**

### **LIST OF DESIGNATED EMPLOYEES**

Because of the nature of the powers and duties conferred on the District, the policies adopted by the District Board, and the terms of support services and consultant agreements approved by the District Board, the following positions within the District may involve the making or participation in the making of decisions of the District which may foreseeably have a material effect on financial interests of the holders of the positions. In general the positions listed are of long-term duration and their scope of authority or work involves either making final decisions for the District which have financial consequences or developing and/or exercising such a level of expertise and ongoing relationship with those who make such decisions that the decision-makers can reasonably be expected to routinely trust and rely upon their advice.

For purposes of filing Statements of Economic Interests as required by this Code, the "Designated Employees" of the District shall be those persons who actually occupy or carry out the functions of the following positions, whether as elected or appointed officers, compensated employees, or contract consultants:

#### **"DESIGNATED EMPLOYEE" POSITIONS:**

**Members of the Board of Trustees**

**Members of the District Advisory Committee**

**District Legal Counsel**

**District Manager**

**Deputy District Manager**

**Other Contract Consultants for the District\***

\*All contract consultants of the District not named above shall be deemed included in the list of Designated Employees and shall disclose their material financial interests in regard to all of the adopted disclosure categories, except when exempted as follows, on a case-by-case basis:

The District Manager may determine in writing that a particular contract consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to comply or fully comply with all of the disclosure requirements described in Appendix "B". This written determination shall include a description of the contract consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection and be available for inspection and copying in the same location and manner as the District's copy of the Conflict of Interest Code. This determination and the extent, if any, of the required disclosure categories may be made and noted on and as a part of the services agreement between the District and the Contract Consultant as long as the agreement fully describes the duties of the consultant for the District.

## **PUBLIC OFFICIALS OF THE DISTRICT WHO MANAGE PUBLIC INVESTMENTS**

The District Treasurer is not listed as a Designated Employee because the District Board has determined that the District Treasurer (the Napa County Treasurer-Tax Collector serving ex-officio) is a public official who manages public investments and therefore is required by statute to file a Statement of Economic Interests pursuant to Government Code section 87200 rather than pursuant to this Conflict of Interest Code.

## **APPENDIX "B"**

### **DISCLOSURE CATEGORIES**

Rationale. The decisions which the Designated Employees may make or participate in making for the District may involve exercising or directly influencing the exercise of any of the powers conferred on the District under the laws under which the District was formed and/or operates.

Except where otherwise determined for specified contract consultants pursuant to Appendix "A", the decisions by the Designated Employees in the routine course of their work for the District may have the potential to impact at a level commonly recognized as "material" by the Political Reform Act of 1974, as amended, and the regulations adopted by the Fair Political Practices Commission ("FPPC") to implement that Act, any or all of those types of financial interests listed in all of the Disclosure Schedules of the Statement of Economic Interests Form approved by the FPPC.

Disclosure Categories. For the foregoing reasons, all of the Designated Employees under this Conflict of Interest Code, other than specified contract consultants whose disclosure responsibilities or exemption therefrom shall be determined in writing by the District General Manager, on a case-by-case basis as described in Exhibit "A", shall comply with the following Disclosure Categories to the extent applicable under the then-current FPPC Statement Form and Schedules, as they may be amended from time to time:

1. All sources of income from:
  - a) any person resident or owning any property interest within the District,
  - b) any entity owning any property interest within the District, or
  - c) any person or entity doing business within the District;
2. All interests in real property located within the District;
3. All investments and business positions in business entities doing business within the District.
4. All interests in burial rights within the District.