

STAFF SUMMARY FOR DECEMBER 9-10, 2015

18. CONFLICT OF INTEREST CODE**Today's Item**Information Action

Approve updated conflict of interest code as required by the Political Reform Act.

Summary of Previous/Future Actions

FGC approved its last conflict of interest code in 2005 as a joint code with DFW and the Wildlife Conservation Board.

Background

The Political Reform Act requires decision-making bodies to adopt a conflict of interest code and to update it regularly to keep it current.

Significant Public Comments (N/A)**Recommendation**

Approve the updated conflict of interest code so that it may be approved by the Fair Political Practices Commission in a timely fashion.

Exhibits

1. [Proposed updated conflict of interest code](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission approves the updated conflict of interest code.

CONFLICT OF INTEREST CODE
FOR THE
FISH AND GAME COMMISSION

The Political Reform Act (Government Code Sections 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 to the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Fish and Game Commission (Commission).

Individuals holding designated positions shall file their statements of economic interests with the Commission. Upon receipt of the statements of the members of the Commission, the Commission shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. All other statements of designated employees shall be retained by the Commission.

NOTE: Authority cited: Sections 81008, 87300, 87306, Government Code. Reference: Section 87302, Government Code.

FISHAND GAME COMMISSION
APPENDIX A
DESIGNATED POSITIONS

APPOINTED COMMISSIONERS - CATEGORY 1

EXECUTIVE DIRECTOR AND DEPUTY EXECUTIVE DIRECTOR- CATEGORY 1

STAFF COUNSEL – CATEGORY 1

STAFF SERVICES MANAGER- CATEGORY 2

MARINE FISH AND WILDLIFE SCIENTIFIC ADVISOR TO THE COMMISSION-
CATEGORY 3

TERRESTRIAL FISH AND WILDLIFE SCIENTIFIC ADVISOR TO THE
COMMISSION- CATEGORY 4

PROGRAM ANALYSTS INVOLVED WITH CONTRACTING- CATEGORY 2

FISH AND GAME COMMISSION
APPENDIX B
DISCLOSURE CATEGORIES

Category 1:

A designated position in this category must report:

- (a) All interests in real property.
- (b) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that are engaged in any of the following:
 - (1) A business related to fish and wildlife, including boating or fishing related business such as commercial fishing (including aquaculture), fish processing plants, recreational boating and fishing (including boat and equipment rentals, charter services, and guide services); or the manufacturing or supplying of boating or fishing equipment.
 - (2) A business related to hunting such as game processing, manufacturing and/or supplying of outdoor related equipment, or outdoor recreation (including rental outlets, gear rental, guide services, dog services, charter services, and providers of recreational services such as resorts and fishing and hunting lodges.

- (3) The sale or possession of species that are the subject of a license or permit issued by the Department of Fish and Wildlife.
- (4) A construction, demolition, or maintenance related business that may have an impact on fish, wildlife, or related businesses.
- (5) The utilization of natural resources that may have an impact on fish or wildlife , or related businesses, such as mining, oil-related businesses (e.g. production, exploration, transportation, cleanup, or response), logging, dredging, or land development.
- (6) The removal, storage, or containment of materials hazardous to fish or wildlife.
- (7) The conservation of natural resources, activities related to mitigation banking, the protection of fish or wildlife, or the promotion of boating or outdoor recreation (including fishing, hunting, environmental advocacy, and outdoor activity clubs.).
- (c) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that provide services, facilities, consulting, equipment, office space, materials, or supplies of the type utilized by the Commission.
- (d) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that the official knows, are, or will be before the Commission on appeal from the Department of Fish and Wildlife.
- (e) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that are the type that receive grants or contracts from, through or are managed by the Commission or that make appearances on behalf of an applicant for funding or recipient of a grant from or through the Commission

Category 2:

A designated position in this category must report all investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that provide services, consulting, equipment, office space, materials, supplies or facilities of the type utilized by the Commission.

Category 3

A designated position in this category must report:

- (a) All interests in real property.
- (b) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that are engaged in any of the following:

- (1) A business related to marine fish or wildlife, including boating or fishing related business such as commercial fishing (including aquaculture), fish processing plants, recreational boating and fishing (including boat and equipment rentals, charter services, and guide services), providers of marine recreational services such as resorts and fishing lodges, or the manufacturing or supplying of boating or fishing equipment;.
 - (2) The sale or possession of marine fish or wildlife species that are the subject of a license or permit issued by the Department of Fish and Wildlife.
 - (3) A construction, demolition, or maintenance related marine business that may have an impact on marine fish or wildlife related businesses.
 - (4) The utilization of natural resources that may have an impact on marine fish or wildlife related businesses such as mining, oil-related businesses (e.g. production, exploration, transportation, cleanup, or response), logging, dredging, or land development.
 - (5) The removal, storage, or containment of materials hazardous to fish or wildlife in marine areas.
 - (6) The conservation of marine fish or wildlife resources, activities related to mitigation banking, the protection of marine fish or wildlife, or the promotion of outdoor marine recreation (including fishing, environmental advocacy, and outdoor activity clubs.).
- (c) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that the official knows, are, or will be before the Commission on appeal as to marine fish or wildlife issues from the Department of Fish and Wildlife.
- (e) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that are the type that receive grants or contracts from, through or are managed by the Commission or that make appearances on behalf of an applicant for funding, or recipient of a grant, related to marine fish or wildlife resources from or through the Commission.

Category 4

A designated position in this category must report:

- (a) All interests in real property.
- (b) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that are engaged in any of the following:
 - (1) A business related to hunting such as game processing, manufacturing and/or supplying of outdoor related equipment, or outdoor recreation (including rental outlets,

gear rental, dog services, charter services, guide services, and providers of recreational services such as resorts and hunting lodges.

(2) The sale or possession of terrestrial wildlife or inland fish species that are the subject of a license or permit issued by the Department of Fish and Wildlife.

(3) A construction, demolition, or maintenance related business that may have an impact on terrestrial wildlife or inland fish, or related businesses.

(4) The utilization of natural resources that may have an impact on terrestrial wildlife or inland fish such as mining, oil-related businesses (e.g. production, exploration, transportation, cleanup, or response), logging, dredging, or land development.

(5) The removal, storage, or containment of hazardous materials.

(6) The conservation of terrestrial wildlife or inland fish resources, activities related to mitigation banking, the protection of terrestrial wildlife or inland fish, or the promotion of hunting or outdoor wildlife related recreation (including environmental advocacy, and outdoor activity clubs.).

(c) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that the official knows, are, or will be before the Commission on appeal as to terrestrial wildlife or inland fish issues from the Department of Fish and Wildlife.

(d) All investments, positions in business entities, and income (including gifts, loans, and travel payments) from sources that are the type that receive grants or contracts from, through or are managed by the Commission or that make appearances on behalf of an applicant for funding, or recipient of a grant, related to terrestrial wildlife or inland fish resources from or through the Commission.

* Contractors/Consultants and new positions who make or participate in making governmental decisions as those terms are described in 2 Cal. Code of Regs. Section 18704 shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, Category 1, subject to the following limitation:

The executive director of the Commission may determine in writing that a particular consultant or contractor, although in 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 in this section. Such written determination shall include a description of the consultant or contractor’s duties and a statement of the extent of disclosure requirements (which category of reporting, if any, that contractor/consultant must use or how the category is tailored to address the specific work). The 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 Section 81008.)