

San Diego Unified Port District

Conflict of Interest Code

Appendix C

Consultant Disclosure

Definition: Fair Political Practices Commission regulation [~~2-Cal. Code of Regs. California Code of Regulations, Section 18700.3~~] defines “consultant” mean as an individual who, pursuant to a contract with a state or local governmental agency:

- (~~a~~) (1) Makes a governmental decision whether to:
- (~~1~~) (A) Approve a rate, rule or regulation;
 - (~~2~~) (B) Adopt or enforce a law;
 - (~~3~~) (C) Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (~~4~~) (D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (~~5~~) (E) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (~~6~~) (F) Grant agency approval to a plan, design, report, study, or similar item;
 - (~~7~~) (G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision of the agency; or
- (~~b~~) (2) Serves in an ongoing staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s local conflict of interest code.
- (3) “Consultant” does not serve in an ongoing staff capacity when:
- (~~1~~) Conducting research and arriving at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and
 - (~~2~~) He or she possesses no authority with respect to any agency decision beyond the rendition of information, advice, recommendation or counsel and only provides services on a sporadic basis.

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Disclosure requirements for Sections (~~a~~)-(1) & (~~b~~)-(2) above:

Section (~~a~~)-(1): Investments and business positions in business entities and sources of income, which provide the type of services utilized by the agency.

Section (~~b~~)-(2): Consultants who serve in a staff capacity shall disclose those financial interests listed in the assigned disclosure category for the corresponding staff position listed in Appendix A.

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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 comply fully with the disclosure requirements described in this section. Such 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.