



Agenda Item 19

DATE: October 14, 2014
 TO: Board of Supervisors
 FROM: Bernice E. Seidel, Clerk to the Board
 SUBJECT: Amendments to the Conflict of Interest Codes for Two Agencies

Bernice E. Seidel

RECOMMENDED ACTION:

Approve amendments to Conflict of Interest Codes for Orange Center Elementary School District and Selma Kingsburg Fowler County Sanitation District

ALTERNATIVE ACTION(s):

If the recommended action is not approved, the Orange Center Elementary School District and Selma Kingsburg Fowler County Sanitation District (Districts) will not be able to comply with the Fresno County Biennial Notice requesting local agencies to review or adopt a Conflict of Interest Code (COI Code).

FISCAL IMPACT:

There is no increase in net County cost associated with this action.

DISCUSSION:

Government Code Sections 87303, 87306, and 87306.5 provide that the Board of Supervisors shall be the code-reviewing body for newly adopted and amended COI Codes for boards, commissions, committees, and school and special districts, which operate within County boundaries.

In July 2012, the Districts received the Fresno County Biennial Notice requesting local agencies to review their COI Codes and determine if amendments are necessary. The COI Codes are included as Attachments A and B and identify the regulation (California Code of Regulations §

ADMINISTRATIVE OFFICE REVIEW _____

[Signature]

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Official Action of Board of Supervisors
[Signature]
Deputy

APPROVED AS RECOMMENDED

UNANIMOUS BORGAS _____ CASE MCNAIRY _____ LARSON _____ PEREA _____ POCHIGIAN _____

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18730) that requires adoption of the COI Code, the designated positions the COI Code applies to and the applicable disclosure categories.

The Districts determined that amendments to their COI Codes were necessary and adopted the attached COI Codes, and therefore requests that your Board approve the amended COI Codes.

OTHER REVIEWING AGENCIES:

County Counsel has reviewed the amended Conflict of Interest Codes.

**CONFLICT OF INTEREST CODE FOR
SELMA KINGSBURG FOWLER COUNTY SANITATION DISTRICT**

A. Purpose and Intent.

The Board of Directors hereby intends to implement Government Code Section 87300 through 87313 pertaining to conflict of interest codes for local agencies.

B. Conflict of Interest Code.

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 and may 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 the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the Selma Kingsburg Fowler County Sanitation District.

Individuals holding designated positions shall file their statements with the Selma Kingsburg Fowler County Sanitation District. The original Form 700s for the Board of Directors and General Manager will be forwarded to the Clerk to the Board of Supervisors and a copy will be retained by the District. All other Form 700s filed by the designated positions will remain with the District. The District

will make the original statements and the copies retained available for public inspection and reproduction. (Gov. Code Section 81008.)

The designated positions are set forth in Appendix A. Said Appendix A is incorporated by reference to this Conflict of Interest Code. The Disclosure Categories are set forth in Appendix B which is incorporated by reference to this Conflict of Interest Code.

C. Prior Conflicts of Interest Codes Superseded.

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the District are hereby superseded and have no further force and effect.

D. Effective Date.

This Conflict of Interest Code is deemed effective on September 11, 2014.

E. Appendices.

Appendix A and Appendix B are incorporated herein by reference and deemed a part of this Conflict of Interest Code.

**APPENDIX A
DESIGNATED POSITIONS**

Designated Positions

Disclosure Categories

- | | |
|-------------------------------------------|--------------|
| • Members of Board of Directors | 1,2,3,4,5,6, |
| • Alternate Members of Board of Directors | 1,2,3,4,5,6, |
| • General Manager | 1,2,3,4,5,6, |
| • General Counsel | 1,2,3,4,5,6, |
| • District Engineer | 1,2,3,4,5,6, |
| • Administrative Services/HR Manager | 1,2,3,4,5,6 |
| • Consultants | * |

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The General Manager 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 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 General Manager'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 Sec. 81008.)

APPENDIX B DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit.