

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-4

Urgent Routine

AGENDA DATE August 16, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Conflict of Interest Code for the Modesto Regional Fire Authority

STAFF RECOMMENDATIONS:

Adopt the Conflict of Interest Code for the Modesto Regional Fire Authority.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2011-470

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No. J-06-03

SUBJECT: Approval to Adopt the Conflict of Interest Code for the Modesto Regional Fire Authority
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DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve an agency's Conflict of Interest Code. The Modesto Regional Fire Authority held a public meeting where they adopted their Conflict of Interest Code. After an agency adopts their Code they must submit it to the Board of Supervisors. Upon receiving the Conflict of Interest Code from the agencies the Board of Supervisors places the code on their agenda for approval.

POLICY ISSUE:

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT INFORMATION:

Christine Ferraro Tallman, Clerk of the Board of Supervisors
209 525-4494

**MODESTO REGIONAL FIRE AUTHORITY
CONFLICT OF INTEREST CODE**

The Political Reform Act (Government Code section 81000 et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs., tit. 2, § 18730), which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. The State standard conflict of interest code may be amended by the Fair Political Practices 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 and, along with Attachments A, B, C, and D designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of the Modesto Regional Fire Authority.

Designated employees shall file statement of economic interests with the Modesto Regional Fire Authority, that shall, upon receipt of the statements of the various designated members and employees, make and retain a copy and forward the original of these statements to the Clerk of the Board of Supervisors at 1010 Tenth Street, Suite 6500, Modesto, California 95354.

**MODESTO REGIONAL FIRE AUTHORITY
CONFLICT OF INTEREST CODE**

DESIGNATED POSITIONS

Listed below are the designated positions for the Modesto Regional Fire Authority and the appropriate disclosure category for reporting financial interests for each position.

| <u>Designated Positions</u> | <u>Disclosure Category</u> |
|--|----------------------------|
| Member Agency Representative | 1, 2, 3 |
| Member Agency Alternate Representative | 1, 2, 3 |
| County Counsel, City Attorney, Fire District Counsel | 1, 2, 3 |
| Fire Chief | 1, 2, 3 |
| Division Chief | 1, 2, 3 |
| Battalion Chief | 1, 2, 3 |
| Captain | 1, 2, 3 |
| Manager | 1, 2, 3 |
| Purchasing Agent | 1, 2, 3 |
| Consultant | 4 |

**MODESTO REGIONAL FIRE AUTHORITY
CONFLICT OF INTEREST CODE**

DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES

CATEGORY 1

All sources of income, interests in real property and investments and business positions in business entities located in or doing business in Stanislaus County

CATEGORY 2

All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, which provide supplies, materials, machinery, equipment, leased facilities or services, including training or consulting services, of the type utilized by the Modesto Regional Fire Authority or the Stanislaus County Fire Warden, City of Modesto and Salida Fire Protection District.

CATEGORY 3

All investments and business positions in business entities and sources of income which provide fire fighting services, supplies, materials, machinery or equipment of the type utilized by the Stanislaus County Fire Warden, City of Modesto and Salida Fire Protection District.

CATEGORY 4

Consultants shall disclose pursuant to Disclosure Category 1, subject to the following limitation:

The Fire Chief may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are 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. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**MODESTO REGIONAL FIRE AUTHORITY
CONFLICT OF INTEREST CODE**

PLACE OF FILING

PART I – DESIGNATED EMPLOYEES

Where: Clerk of the Modesto Regional Fire Authority
Attention: Melba Hibbard
3705 Oakdale Road
Modesto, CA 95357

The Modesto Regional Fire Authority shall furnish to each designated employee, upon their appointment and termination, a Form 700 – Annual Statement of Economic Interests. The employee will submit the completed Statement to his or her supervisor and the supervisor will forward the original to the Authority Clerk of the Board. Elected officials and the Fire Chief shall forward the original of their completed Statement to the Authority Clerk of the Board and the Authority Clerk of the Board shall forward the original to the Clerk of the Board of Supervisors.

PART II – BOARDS, COMMITTEES AND COMMISSIONS

Where: Clerk of the Board of Supervisors
Attention: Christine Ferraro Tallman
1010 Tenth Street, Suite 6700
Modesto, CA 95354

The Clerk of the Stanislaus County Board of Supervisors shall furnish to each designated member, upon their appointment and termination, a Form 700 – Annual Statement of Economic Interests. Boards, committees and commissions shall retain a copy of each member's completed Statement and shall forward the originals to the Clerk of the Board of Supervisors who shall retain the originals in the Clerk of the Board Office.

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT
TO CONSIDER ADOPTION OF A CONFLICT OF INTEREST CODE
FOR THE MODESTO REGIONAL FIRE AUTHORITY

NOTICE IS HEREBY GIVEN that on July 13, 2011 at 1:30 p.m., or as soon thereafter as the matter may be heard, the Modesto Regional Fire Authority will conduct a public hearing at the Regional Fire Training Center, 1220 Fire Science Lane, Modesto, California, to consider adopting a Conflict of Interest Code pursuant to Government Code section 87300 – 87302. The proposed Code designates officials and employees of the agency that are required to file a Statement of Economic Interests, the interests that must be reported, and where the statements must be filed. The proposed Code incorporates by reference the State model conflict of interest code as provided in FPPC Regulation 18730 (Cal. Code Regs., tit. 2, sec. 18730).

ADDITIONAL NOTICE IS GIVEN that at the said time and place, any interested party may appear and give testimony or comment concerning the proposed Conflict of Interest Code. Written comments may be submitted to the Modesto Regional Fire Authority at the Office of Emergency Services, 3705 Oakdale Road, Modesto, California 95357 no later than 5:00 p.m. on July 6, 2011. The proposed Conflict of Interest Code is available for review at that location. For further information, contact Melba Hibbard, Clerk of the Modesto Regional Fire Authority at the Office of Emergency Services (209) 552-3600.

BY ORDER OF THE MODESTO REGIONAL FIRE AUTHORITY

DATED: May 10, 2011

ATTEST: Melba Hibbard, Clerk of the Modesto Regional Fire Authority Board