

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

DEPT: Board of Supervisors *GJK*

BOARD AGENDA # *A-5

Urgent Routine

AGENDA DATE December 4, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Amendments to the Conflict of Interest Codes for the Salida Fire Protection District; Modesto Regional Fire Authority; Patterson Cemetery District; and, the Keyes Union School District

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Codes for the Salida Fire Protection District; Modesto Regional Fire Authority; Patterson Cemetery District; and, the Keyes Union School District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-577

On motion of Supervisor Withdraw, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval to Adopt the Amendments to the Conflict of Interest Codes for the Salida Fire Protection District; Modesto Regional Fire Authority; Patterson Cemetery District; and, the Keyes Union School District

page 2

DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding public meetings the Salida Fire Protection District; Modesto Regional Fire Authority; Patterson Cemetery District; and, the Keyes Union School District adopted amendments to their Conflict of Interest Code. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendment to a Conflict of Interest Code from an agency the Board of Supervisors places the amendment 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 PERSON:

Christine Ferraro Tallman Phone Number: 209-525-4494

2012 Local Agency Biennial Notice BOARD OF SUPERVISORS

Name of Agency: Salida Fire Protection District OCT 11 9
Mailing Address: 3905 Oakdale Rd Modesto 95357
Contact Person: Melba Hibbard Office Phone No: 552-3600
E-mail: mhilbard@stanec.com Fax No: 552-2512

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:
(Mark all that apply.)

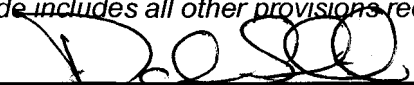
- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Other (describe) Change filing officer to agency clerk

- No amendment is required.
- The code is currently under review by the code reviewing body.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

10/9/12
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



P.O. Box 1335 Salida, CA 95368 • ph: 209.545.0365 • fax: 209.545.3840 • www.salidafire.com

November 15, 2012

TO: Christine Ferraro Tallman, Clerk of the Board
Stanislaus County Board of Supervisors

FROM: Melba Hibbard, Clerk of the Board
Salida Fire Protection District

RE: **Conflict of Interest Change of Filing Officer**

The Salida Fire Protection District Board of Directors met on October 17, 2012 and voted to amend our Conflict of Interest Code to change the filing officer from the Clerk of the Board of Supervisors to Salida Fire Protection District Clerk of the Board beginning with the 2012 filing of Form 700s. Please find attached the resolution and changes to the Code.

Attachment

BOARD OF SUPERVISORS
2012 NOV 15 P 4:08

MINUTES SALIDA FIRE PROTECTION DISTRICT

Board of Directors Meeting
October 17, 2012 7:00 p.m.

Salida Fire Protection District
4820 Salida Blvd
Salida, CA. 95368

I. CALL MEETING TO ORDER:

Director Buns called the meeting to order at 7:03 p.m.

1.1 Welcome and Instructions:

Director Burns welcomed all in attendance and gave instructions for anyone who may wish to make a comment.

1.2 Roll Call of Board Members:

Roll call indicated the following Board members present:

Director Tom Burns
Director Dave Boyd
Director Mark Brubaker
Director Emil Rusca

The following Board members were absent:

Director Jerry DeBoer

Quorum present? Yes

Others present:

Stanislaus County Supervisor Terry Withrow, members of the fire department and the community.

II. APPROVAL OF THE CONSENT CALENDAR:

The following items were presented to the Board of Directors for approval:

2.1 Approval of the agenda dated October 17, 2012

- 2.2** *Approval of minutes for the meeting held on August 15, 2012 (September 19, 2012 meeting was cancelled)*

The following items were moved to the consent calendar:

- 4.1** *Recognize October 2012 as Fire Prevention Month. (Moved to consent)*
- 4.4** *Consideration and adoption of an updated Conflict of Interest Code, dated October 2012, in accordance with California Government Code; Section 87300. (Moved to consent)*
- 4.5** *Consideration and action to declare the District's 2001 Crestliner Rescue Boat and Trailer as surplus property and direct staff to dispose in accordance with District Policy. (Moved to consent)*

The Consent Calendar was approved as presented. The motion to approve was made by Director Burns and the second was by Director Brubaker. The result of the vote was: Ayes 4, No 0

III. PUBLIC COMMENT:

- 3.1** Director Burns opened the meeting to receive any public comments. There were none received. Director Burns closed this segment of the meeting.

IV. AGENDA ITEMS:

- 4.1** *Recognize October 2012 as Fire Prevention Month. (Moved to consent)*
- 4.2** *Discussion and possible action regarding the potential impacts to the Fire District if the community of Salida were to be annexed into the City of Modesto.*

Chief Skiles and Stanislaus County Supervisor Terry Withrow spoke to this topic. The city-county annexation study by Goodman Consultants will not be available until December. Discussion by the Board followed with no action taken.

- 4.3** *Discussion and possible action directing staff to explore EMS delivery opportunities in the future.*

Chief Hinshaw addressed the Board highlighting future opportunities in how the fire service provides EMS. No action taken.

- 4.4** *Consideration and adoption of an updated Conflict of Interest Code, dated October 2012, in accordance with California Government Code; Section 87300. (Moved to consent)*

- 4.5 ***Consideration and action to declare the District's 2001 Crestliner Rescue Boat and Trailer as surplus property and direct staff to dispose in accordance with District Policy. (Moved to consent)***

V. STAFF/COMMITTEE REPORTS:

5.1 ***Chairperson's Report***

Director Burns is not available to attend the November 7 Modesto Regional Fire Authority meeting. Alternate Brubaker also cannot attend. Staff will research if Director Burns can appoint another alternate.

5.2 ***Legislative, Fiscal, and Management Report***

Chief Skiles reported the OPEB report to the State Controller was submitted today. Work continues on the fiscal year audit with Johnson & Associates. He reported numerous road projects scheduled to start in the area beginning in Spring 2013 and continuing for the next three years. The projects include the 219 widening, Kiernan interchange, Pelandale interchange, Claribel widening, McHenry bridge replacement and the north county corridor. Chief Skiles discussed the possibilities of moving full-time personnel from Station 12 to Station 14, remodeling of Station 12 and staffing with reserves and other staffing options. Staff will continue to consider the best solution to serve the community of Salida.

5.3 ***SAPFFA Report: None***

5.4 ***Regional Fire Services***

Chief Hinshaw announced the Modesto Regional Fire Authority Board of Directors will have a Budget Workshop on November 29. The discussion will include service levels and addressing the request for a 2-year budget plan. Chief also announced an upcoming celebration for Modesto Regional Fire personnel on December 5. Graduation was held for six new firefighters on October 8. The process for hiring a new Fire Chief is starting this month. Succession planning is also underway to prepare the organization for July 2013 when Chief Hinshaw retires. The Christian Public Servants breakfast is October 18. Chief John Barton is the recipient of the award this year.

VI. ANNOUNCEMENTS:

- 6.1 ***Next regular board meeting- December 19, 2012
(November meeting was cancelled)***

VII. CORRESPONDENCE:

7.1 *Nothing noted.*

VIII. CLOSED SESSION:

8.1 *Nothing noted.*

IX. ADJOURNMENT:

9.1 There being no further business to come before the Board, Director Burns adjourned the meeting at 8:15 p.m.

Submitted by:

Approved by:

Melba Hibbard, Board Clerk

Tom Burns, Director

Date: _____

Date: _____

**CONFLICT OF INTEREST CODE
OF THE
SALIDA FIRE PROTECTION DISTRICT**

Section 100. Purpose

Pursuant to the provisions of Government Code Section 87300, et seq., the Salida Fire Protection District hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

Section 200. Designated Positions

The positions listed on Exhibit "A" are designated positions. Individuals holding those positions are designated members or employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

Section 300. Disclosure Statements

Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "8". Each designated individual shall file an annual statement disclosing that individual's interest in investments, real property, and income, designated as reportable under the category to which the individual's position is assigned on Exhibit "B".

Section 400. Place and Time of Filing

- (a) All designated individuals required to submit a statement of financial interests shall file the original with the Clerk of the Salida Fire Protection District.
- (b) A designated individual required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.
- (c) Individuals appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of appointment to the position.
- (d) Annual statements shall be filed during the month of March by all designated Individuals. Such statements shall cover the period of the preceding calendar year.
- (e) Any person whose appointment in a designated position is terminated shall, within 30 days after termination, file a statement covering the period between the closing date of the last prior statement and the date of termination.
- (f) A designated individual required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

Section 500. Contents of Disclosure Statements

Disclosure statement shall be made on forms prescribed by the Fair Political Practices Commission, and shall contain the following information:

- (a) Contents of Investment and Real Property Reports.

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

Section 500. Contents of Disclosure Statements (Continued)

(b) Contents of Personal Income Reports.

When personal income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any of each source. Income, other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two

years prior to the time any statement or other action is required under this title. Income from the Federal government, alimony and child support, loans from relatives, and loans from a commercial lending institution used for the purchase of the principal residence of the buyer need not be disclosed.

- (2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000).
- (3) A description of the consideration, if any, for which the income was received.

Section 500. Contents of Disclosure Statements (Continued)

- (4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift; and the amount or value of the gift; and the date on which the gift was received;
- (5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) Contents of Business Entity Income Reports

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- (1) The name, address, and a general description of the business activity of the business entity.

(2) The name of every person from whom the business entity received payments if the filer's prorated share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) Contents of Business Positions Reported

When business positions are required to be reported, a designated individual shall list the name of each business entity not specified above in which he or she is a director, officer, sole owner, partner, trustee, employee, or in which he or she holds any position of management, A description of the business activity which the business entity is engaged, and the designated individual's position with the business entity.

Section 500. Contents of Disclosure Statements (Continued)

(e) Initial Statement

The initial statement filed by an individual appointed to a designated position shall disclose any reportable investments and interests in real property.

(f) Acquisition or Disposal during Reporting Period.

In the case of a statement filed under Section 400(f), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

Section 600. Disqualification

No designated individual shall make, participate in making, or use his or her official position to influence the making of any governmental decision which will foreseeably have a material financial effect,

distinguishable from its effect on the public generally, on the individual or a member of his or her immediate family or on any other financial interest as defined in Government Code Section 87103.

No designated individual shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated individual who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 700. Manner of Disqualification

When a designated individual determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated individual who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated individuals, this determination and disclosure shall be made in writing to the designated employee's supervisor.

ATTACHMENT A

CONFLICT OF INTEREST CODE

OF THE SALIDA FIRE PROTECTION DISTRICT

The Political Reform Act, Government Code Section 81000, require state and local government agencies to adopt and promulgate conflict of interest code\ The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agencies code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in 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 is hereby incorporated by reference. This regulation and the attachments, designated members and employees established in disclosure categories, shall constitute the Conflict of Interest Code of the Salida Fire Protection District.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall retain the original of these statements.

ATTACHMENT B

CONFLICT OF INTEREST CODE

OF THE SALIDA FIRE PROTECTION DISTRICT

DESIGNATED EMPLOYEES/POSITIONS

Under provisions of the Standard Code, designated employees/positions shall file statements of economic interests. Listed below are the designated employees/positions for the Salida Fire Protection District and the appropriate schedules for filing:

<u>Positions</u>	<u>Disclosure Category</u>
Board of Directors	I, II
Chief Officers (Chief, Deputy, Division, Battalion)	I, II
Finance Officer	I, II
Consultant(s)	III

ATTACHMENT C
CONFLICT OF INTEREST CODE
OF THE SALIDA FIRE PROTECTION DISTRICT
DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS

CATEGORY I

All investments and business positions in business entities, sources of income and interest in real property located in or doing business in the district.

CATEGORY II

Investments and business positions in business entities, and sources of income from any source of the type which has contracted to provide, or has provided, the district with services, supplies, materials, machinery or equipment.

CATEGORY III

Consultants shall disclose, pursuant to Category I and II, 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 the consultant's disclosure requirements. Such determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

ATTACHMENT D
CONFLICT OF INTEREST CODE
OF THE SALIDA FIRE PROTECTION DISTRICT

PLACE OF FILING

Designated Employees / Positions:

Where: Salida Fire Protection District

The District shall maintain each “Statement of Financial Interests” form at the District:

**CONFLICT OF INTEREST CODE
OF THE
SALIDA FIRE PROTECTION DISTRICT**

Section 100. Purpose

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Section 200. Designated Positions

The positions listed on Exhibit "A" are designated positions. Individuals holding those positions are designated members or employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

Section 300. Disclosure Statements

Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "8". Each designated individual shall file an annual statement disclosing that individual's interest in investments, real property, and income, designated as reportable under the category to which the individual's position is assigned on Exhibit "B".

Section 400. Place and Time of Filing

- (a) All designated individuals required to submit a statement of financial interests shall file the original with the Clerk of the Salida Fire Protection District.
- (b) ~~The Clerk who receives the statement of financial interest for members of the District's governing body shall file a copy and forward the original to the Office of the Board of Supervisors.~~
- (c) A designated individual required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.
- (d) Individuals appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of appointment to the position.
- (e) Annual statements shall be filed during the month of March by all designated Individuals. Such statements shall cover the period of the preceding calendar year.
- (f) Any person whose appointment in a designated position is terminated shall, within 30 days after termination, file a statement covering the period between the closing date of the last prior statement and the date of termination.
- (g) A designated individual required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

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- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

Section 500. Contents of Disclosure Statements (Continued)

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- (2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000).
- (3) A description of the consideration, if any, for which the income was received.

Section 500.

Contents of Disclosure Statements (Continued)

- (4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift; and the amount or value of the gift; and the date on which the gift was received;
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Section 500. Contents of Disclosure Statements (Continued)

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The initial statement filed by an individual appointed to a designated position shall disclose any reportable investments and interests in real property.

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No designated individual shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated individual who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

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ATTACHMENT A

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Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall ~~make and retain a copy and forward~~ the original of these statements ~~to the place of filing, as indicated on Attachment D.~~

ATTACHMENT B

CONFLICT OF INTEREST CODE

OF THE SALIDA FIRE PROTECTION DISTRICT

DESIGNATED EMPLOYEES/POSITIONS

Under provisions of the Standard Code, designated employees/positions shall file statements of economic interests. Listed below are the designated employees/positions for the Salida Fire Protection District and the appropriate schedules for filing:

<u>Positions</u>	<u>Disclosure Category</u>
Board of Directors	I, II
Chief Officers (Chief, Deputy, Division, Battalion)	I, II
Administrative Manager	I, II
Finance Officer	I, II
Communications Coordinator	I, II
Training Coordinator	I, II
Captains (Paid Positions)	I, II
Consultant(s)	III

ATTACHMENT C
CONFLICT OF INTEREST CODE
OF THE SALIDA FIRE PROTECTION DISTRICT
DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS

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PLACE OF FILING

Designated Employees / Positions:

Where: Salida Fire Protection District

The District shall maintain a copy of each "Statement of Financial Interests" form at the District and the original Statements shall be forwarded to the Clerk of the Board of Supervisors at 1010 Tenth Street, Suite 6700 Modesto, CA 95354.

2012 Local Agency Biennial Notice

BOARD OF SUPERVISORS

Name of Agency: Modesto Regional Fire Authority
Mailing Address: 3705 Oakdale Rd Modesto 95357
Contact Person: Meiba Hibbard Office Phone No: 552-3600
E-mail: mhibbard@stanocs.com Fax No: 552-2512

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:
(Mark all that apply.)

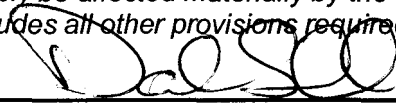
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- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Other (describe) Change filing officer to agency clerk

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- The code is currently under review by the code reviewing body.

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Signature of Chief Executive Officer

10/9/12

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



Modesto Regional Fire Authority

3705 Oakdale Road
Modesto, CA 95357
209.552.3600
Fax 209.552.2512

November 15, 2012

TO: Christine Ferraro Tallman, Clerk of the Board
Stanislaus County Board of Supervisors

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

RE: **Conflict of Interest Change of Filing Officer**

The Modesto Regional Fire Authority Board of Directors met on November 14, 2012 and voted to amend our Conflict of Interest Code to change the filing officer from the Clerk of the Board of Supervisors to Modesto Regional Fire Authority Clerk of the Board beginning with the 2012 filing of Form 700s. Please find attached the resolution and changes to the Code.

Attachment

BOARD OF SUPERVISORS
2012 NOV 15 P 4:13

Modesto Regional Fire Authority Board
Action Agenda Summary

Agenda Date: November 14, 2012

Board Agenda #: *4.3

SUBJECT:

Amend Modesto Regional Fire Authority Conflict of Interest Code to Change the Filing Officer

STAFF RECOMMENDATIONS:

Amend the Conflict of Interest Code to change the filing officer from the Stanislaus County Clerk of the Board to the Modesto Regional Fire Authority Clerk of the Board.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

DISCUSSION:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially. Modesto Regional Fire Authority was notified that in 2012 the Stanislaus County Clerk of the Board will no longer be the designated receiver for Form 700s. Therefore, a change of filing officer from the Stanislaus County Clerk of the Board to the Modesto Regional Fire Authority Clerk of the Board is a required amendment to Regional Fire's Conflict of Interest code.

Attachment

BOARD ACTION AS FOLLOWS:

No. 2012-034

On motion of Director: Lopez
And approved by the following vote:
Ayes: Directors: O'Brien, Burns, Lopez
Excused or Absent Directors: None
 Approved as Recommended
 Denied
 Approved as Amended
 Other

Seconded by Director: Burns
Noes: Directors: None
Abstaining Director: None

ATTEST: _____

Melba Hubbard

**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 Clerk of the Board.

**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.

PART II – BOARDS, COMMITTEES AND COMMISSIONS

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

The Clerk of the Modesto Regional Fire Authority 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 Modesto Regional Fire Authority.

**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 *Clerk of the Board.*, ~~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 4010 Tenth Street, Suite 6500, Modesto, California 95354.~~

**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~~

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

The Clerk of the ~~Stanislaus County Board of Supervisors~~ *Modesto Regional Fire Authority* 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~~ *Modesto Regional Fire Authority*. ~~who shall retain the originals in the Clerk of the Board Office.~~

2012 Local Agency Biennial Notice

Name of Agency: Patterson Cemetery District
Mailing Address: 100 4th Street, Suite 5, Patterson CA 95363
Contact Person: Bonnie Crabtree Office Phone No: (209) 521-2727
E-mail: bonnie@reaassociates.com Fax No: (209) 525-8919
walter@reaassociates.com

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its Conflict of Interest Code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:

(Mark all that apply)

- Include new positions (including consultants) that must be designated
- Delete positions that manage public investments from the list of designated positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Other (*describe*) Amending Location of Filing - Schedule A & D

No amendment is required.

2012 OCT 18 A 9:47
BOARD OF SUPERVISORS

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to 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 holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.


Signature of Authorizing Official and Title

10/17/12
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **October 1, 2012** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354**

RESOLUTION NO. 3-12

BOARD OF SUPERVISORS

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
PATTERSON CEMETERY DISTRICT

2012 NOV 19 A 11:03

AMENDED CONFLICT OF INTEREST CODES

WHEREAS: the district is a California County Special district and:

WHERE AS: the Political Reform Act. Government Code Section 81000, et sec. requires each local government agency to adopt and promulgate a conflict of interest code and:

WHERE AS: the Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations. Section 18730, which contains the terms of a standard conflict of interest code, and;

WHERE AS: the terms of 2California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference in which members and employees are designated and disclosure categories are set forth and the place of filing is specified, shall constitute the Conflict of Interest Code of the Patterson Cemetery District.

NOW, THEREFORE BE IT RESOLVED: By the Board of Trustees of the Patterson Cemetery District that the Amended Conflict of Interest Codes be adopted.

BE IT FURTHER RESOLVED: that designated employees shall file statements of economic interest with the agency

ADOPTED this fourteenth day of November 2012



Board President

ATTEST:



Secretary

2012 Local Agency Biennial Notice **BOARD OF SUPERVISORS**

Name of Agency: Keyes Union School District **12 NOV -5 A 11:41**
Mailing Address: PO Box 310, Keyes CA 95328
Contact Person: Marilyn Palmer Office Phone No: 929-669-2921
E-mail: mpalmer@keyes.k12.ca.us Fax No: 929-669-2923

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its Conflict of Interest Code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:
(Mark all that apply)

- Include new positions (including consultants) that must be designated
- Delete positions that manage public investments from the list of designated positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Other (describe) change filing location

No amendment is required.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to 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 holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Cynthia Schaefer, Superintendent
Signature of Authorizing Official and Title

10/17/12
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2012** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354**

KEYES UNION SCHOOL DISTRICT
RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Keyes Union School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Keyes Union School District has recently reviewed its positions, and the duties of each position, and has determined that a change in the filing location to the current conflict of interest code are necessary; and

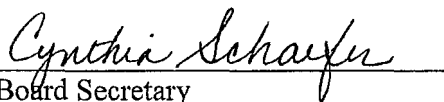
WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Keyes Union School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 14th day of November, 2012 at a regular meeting, by the following vote:

AYES: 5 NOES: 0 ABSENT: 0

Attest:


Board Secretary

2012 NOV 20 A 9:43
BOARD OF SUPERVISORS

Board Bylaw

Conflict Of Interest

BB 9270

Board Bylaws

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. The documents shall be filed and maintained at the Keyes Union School District Office. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which

he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School district employees
- 35230-35240 Corrupt practices, especially:
- 35233 Prohibitions applicable to members of governing boards
- 41000-41003 Moneys received by school districts

FAMILY CODE

- 297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

- 1090-1099 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 81000-91014 Political Reform Act of 1974, especially:
- 82011 Code reviewing body
- 87100-87103.6 General prohibitions
- 87200-87210 Disclosure
- 87300-87313 Conflict of interest code
- 87500 Statements of economic interests
- 89501-89503 Honoraria and gifts
- 91000-91014 Enforcement

PENAL CODE

- 85-88 Bribes

CODE OF REGULATIONS, TITLE 2

- 18110-18997 Regulations of the Fair Political Practices Commission, especially:
- 18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

- Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
- Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
- Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

- 92 Ops.Cal.Atty.Gen. 26 (2009)
- 92 Ops.Cal.Atty.Gen. 19 (2009)
- 89 Ops.Cal.Atty.Gen. 217 (2006)
- 86 Ops.Cal.Atty.Gen. 138(2003)
- 85 Ops.Cal.Atty.Gen. 60 (2002)
- 82 Ops.Cal.Atty.Gen. 83 (1999)
- 81 Ops.Cal.Atty.Gen. 327 (1998)
- 80 Ops.Cal.Atty.Gen. 320 (1997)
- 69 Ops.Cal.Atty.Gen. 255 (1986)
- 68 Ops.Cal.Atty.Gen. 171 (1985)
- 65 Ops.Cal.Atty.Gen. 606 (1982)
- 63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw KEYES UNION SCHOOL DISTRICT

Adopted: November 14, 2007 Keyes, California

Revised: November 14, 2012