

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-5f

AGENDA DATE: April 18, 2017

SUBJECT:

Approval to Adopt the Amended Conflict of Interest Code for the Salida Fire Protection District

BOARD ACTION AS FOLLOWS:

No. 2017-178

On motion of Supervisor Withrow, Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

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: 
PAM VILLARREAL, Assistant Clerk

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors

BOARD AGENDA #: *A-5f

Urgent Routine



AGENDA DATE: April 18, 2017

CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval to Adopt the Amended Conflict of Interest Code for the Salida Fire Protection District

STAFF RECOMMENDATIONS:

1. Adopt the Amended Conflict of Interest Code for the Salida Fire Protection District.

DISCUSSION:

The Political Reform Act requires every local government agency to review its conflict of interest code on a biennial basis to determine if it is accurate or if amendments are needed. It is essential and legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Statement of Economic Interest (Form 700), and what financial interests they must disclose.

The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts). An agency's amended code is not effective until it has been approved by the code reviewing body.

The Salida Fire Protection District has reviewed its conflict of interest code, and has submitted amendments to the Board of Supervisors for approval. County Counsel has reviewed the subject conflict of interest code in compliance with Government Code Section 87309 and has determined it meets the legal requirements.

POLICY ISSUE:

Stanislaus County Board of Supervisors is the code reviewing body for public agencies whose jurisdictions fall within Stanislaus County. An agency's amended conflict of interest code is not effective until it has been approved by the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended action supports the Board's priority of Efficient Delivery of Public Services.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Elizabeth King, Clerk of the Board of Supervisors	(209) 525-4494
Thomas Boze, Assistant County Counsel	(209) 525-6376

ATTACHMENT(S):

1. Amended Conflict of Interest Code for the Salida Fire Protection District



**SALIDA FIRE PROTECTION
DISTRICT**

P.O. Box 1335, Salida, CA 95368
Fire Station: 209.545-0365 Fax: 209 545-3840
Admin: 209 552-3862 Fax: 209 552-2512

BOARD OF SUPERVISORS

2016 AUG -9 A 10:53

August 4, 2016

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

Dear Ms. King,

At its July 19th meeting, the Salida Fire Protection District Board of Directors adopted an amendment to its conflict of interest code. The amendment which is attached contains corrections to referenced attachments in the code along with some minor language changes.

It is my understanding that the Stanislaus County Board of Supervisors must approve the amendment before it can become effective. On behalf of the Board of Directors, I would request that this matter be placed on the Board of Supervisor's agenda at your earliest convenience.

Please contact me should you have any questions or require any additional information.

Sincerely,

Dale Skiles

2016 Local Agency Biennial Notice

Name of Agency: Salida Fire Protection District SUPERVISORS
Mailing Address: P.O. Box 1335, Salida, CA 95368
Contact Person: Danielle Denczek Phone No: (209) 552-3862
E-Mail: ddenczek@salidafire.com

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 includes disclosure by those 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 positions that have been abolished and/or no longer make or participate in making governmental decisions
 - Other (describe) References to Attachments have been corrected along with minor language changes.
- The code is currently under review by the code reviewing body.**
- No amendment is required.** (If your code is more than five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's conflict of interest 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 designated positions. The code includes all other provisions required by Government Code Section 87302.

Signature of Authorizing Official and Title _____
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than October 3, 2016 to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354
PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

**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 Attachment~~ "A" "B" are designated positions. Individuals holding these 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 Attachment~~ "8" "C". 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 Attachment~~ "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 a conflict of interest code~~7~~. 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~~. It can be incorporated by reference in an agencies code. After a 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 are hereby incorporated by reference. This regulation, ~~and the~~ attachments, and designated member 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 on file, 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
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 shall be 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.~~

All “Statement of Financial Interests” forms filed with the Clerk of the Board will be maintained onsite in the District Office.