

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-5g

AGENDA DATE: April 18, 2017

SUBJECT:

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

BOARD ACTION AS FOLLOWS:

No. 2017-179

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

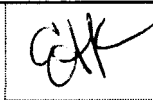
File No.

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

DEPT: Board of Supervisors

Urgent

Routine



BOARD AGENDA #: *A-5g

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 Stanislaus Consolidated Fire Protection District

STAFF RECOMMENDATIONS:

1. Adopt the Amended Conflict of Interest Code for the Stanislaus Consolidated 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 Stanislaus Consolidated 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.

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

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 Stanislaus Consolidated Fire Protection District



BEST BEST & KRIEGER
ATTORNEYS AT LAW

INDIAN WELLS
(760) 568-2611

IRVINE
(949) 263-2600

LOS ANGELES
(213) 617-8100

ONTARIO
(909) 989-8584

3390 UNIVERSITY AVENUE, 5TH FLOOR, P.O. Box 1028, RIVERSIDE, CA 92502
PHONE: (951) 686-1450 | FAX: (951) 686-3083 | WWW.BBKLaw.COM

SACRAMENTO
(916) 325-4000

SAN DIEGO
(619) 525-1300

WALNUT CREEK
(925) 977-3300

WASHINGTON, DC
(202) 785-0600

DIANNA MARIE VALDEZ
(951) 826-8252
DIANNAMARIE.VALDEZ@BBKLAW.COM
FILE No. 19361.00010

February 1, 2017

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

BOARD OF SUPERVISORS
2017 FEB -6 A 10:52

Re: Stanislaus Consolidated Fire Protection District – Amended
Conflict of Interest Code and Request for Notice

Dear Elizabeth:

Enclosed for review and approval by the Board of Supervisors is the amended Conflict of Interest Code of the Stanislaus Consolidated Fire Protection District. The Code was amended by the Board of Directors on December 8, 2016, by Resolution No. 16-10, a copy of which is also enclosed. As you can see by the enclosed legislative version of the Code, this amendment was done to add new positions that must be designated, update an FPPC Regulation number and include clarifying disclosure language, and reorganize the Code is structure to conform with the FPPC's Standard Code.

Please let me know when this matter will be submitted to the Board for approval. I would also appreciate a copy of the Resolution or Minute Order approving the District's amended Code once the matter has gone before the Board.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Elizabeth A. King
Clerk of the Board of Supervisors
County of Stanislaus
February 1, 2017
Page 2

Please feel free to call or e-mail me if you or County Counsel have any questions regarding the enclosed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianna'.

Dianna Marie Valdez
Conflicts of Interests & Ethics Coordinator
for BEST BEST & KRIEGER LLP
General Counsel
Stanislaus Consolidated Fire Protection District

Encls:

Amended Conflict of Interest Code
Resolution No. 16-10
Legislative Version of Amended Code

cc: Carissa Higginbotham, Board Clerk/Administrative Assistant
Stanislaus Consolidated Fire Protection District



Stanislaus Consolidated Fire Protection District

3324 Topeka Street
Riverbank, CA 95367
Phone: (209) 869-7470
Fax: (209) 869-7475

CONFLICT OF INTEREST CODE
OF THE
STANISLAUS CONSOLIDATED FIRE PROTECTION
DISTRICT

(Amended December 8, 2016)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regulations, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories shall constitute the Conflict of Interest Code of the **Stanislaus Consolidated Fire Protection District** (the "**District**").

All officials and designated positions required to submit a statement of economic interests shall file statements with the **District Secretary of the Board** as the District's Filing Officer/Official. The **District Secretary of the Board** shall make and retain a copy of all statements filed by Members of the Board of Directors and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Stanislaus. The **District Secretary of the Board** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

December, 2016

APPENDIX

CONFLICT OF INTEREST CODE FOR THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT

(Amended December 8, 2016)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments:¹

Members of the Board of Directors

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> TITLE OR FUNCTION	<u>DISCLOSURE CATEGORY</u> ASSIGNED
Administrative Assistant III	4
Administrative Battalion Chief	4
Battalion Chief	5
Finance Specialist	4
Fire Chief	1, 2
Fire Marshal	2, 3, 4, 6
Fire Prevention Specialist	5, 6
Deputy Chief	4, 6
Consultant(s) and New Positions ²	

² Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Stanislaus Consolidated First Protection District may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The District'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.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated employee's department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

RESOLUTION NO. 16-10

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
TO AMEND THE CONFLICT OF INTEREST CODE PURSUANT
TO THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Stanislaus Consolidated Fire Protection District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided each affected designated employee and publicly posted for review; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on December 8, 2016, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Stanislaus Consolidated Fire Protection District that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the District Secretary of the Board and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the County of Stanislaus Board of Supervisors for approval and said Code shall become effective immediately upon approval of the proposed amended Code.

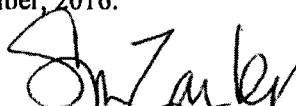
APPROVED AND ADOPTED this 8th day of December, 2016.

AYES: Green, Guzman, Woods, Zanker

NOES: None.

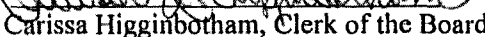
ABSENT: None.

ABSTAIN: None.



Susan Zanker, Board President
STANISLAUS CONSOLIDATED FIRE
PROTECTION DISTRICT

ATTEST:  Betty Hannah for


Carissa Higginbotham, Clerk of the Board
STANISLAUS CONSOLIDATED
FIRE PROTECTION DISTRICT



Stanislaus Consolidated Fire Protection District
3324 Topeka Street
Riverbank, CA 95367
(209) 869-7470
Fax (209) 869-7475

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

ATTACHMENT A

CONFLICT OF INTEREST CODE
OF THE
STANISLAUS CONSOLIDATED FIRE PROTECTION
DISTRICT

(Amended November 10, 2016)

The Political Reform Act, ~~(Government Code §section 81000, et seq.)~~, requires ~~each state and local government agency-agencies~~ to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, ~~(2 Cal. Code of Regs. §, Section 18730)~~, ~~whichthat~~ contains the terms of a standard conflict of interest code, ~~which~~. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. 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 the~~ This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories ~~consisting of this Attachment A and Attachment B through D, 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 **Stanislaus Consolidated Fire Protection District** ~~(the~~ “District”~~)~~.

All officials and Ddesignated employees-positions required to submit a statement of economic interests shall file statements ~~of economic interests~~ with the

October 2016

District Secretary of the Board as the District's Filing Officer/Official agency. The District Secretary of the Board shall make and retain a copy of all statements filed by Members of the Board of Directors and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Stanislaus. The District Secretary of the Board shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)~~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.~~

APPENDIX

ATTACHMENT B

CONFLICT OF INTEREST CODE FOR THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT

(Amended November 10, 2016)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the District’s Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments:¹

Members of the Board of Directors

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED EMPLOYEES/POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

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

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORY</u> <u>ASSIGNED</u>
<u>Administrative Assistant III</u>	<u>4</u>
<u>Administrative Battalion Chief</u>	<u>4</u>
<u>Battalion Chief</u>	<u>5</u>
<u>Finance Specialist</u>	<u>4</u>
<u>Fire Chief</u>	<u>I, II, 2</u>
<u>Fire Marshal</u>	<u>2, 3, 4, 6</u>
<u>Fire Prevention Specialist</u>	<u>5, 6</u>
<u>Deputy Chief</u>	<u>I, II, 6</u>
<u>Consultant(s) and New Positions²</u>	<u>II</u>

~~Officials who manages Public Investments:~~

~~It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interests pursuant to Government Code Section 87200:~~

~~_____ Members of the Board of Directors~~

² Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Stanislaus Consolidated First Protection District may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The District'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.)

ATTACHMENT ~~C~~ PART "B"

CONFLICT OF INTEREST CODE

OF THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT

DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

CATEGORY I

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, which that do business, plan to do business, or have done business in the district within the past two (2) years, or own real property within the jurisdiction of the District.

Category 2: and aAll interests in real property which is located in whole or in part: (1) within, or not more than two (2) miles outside, the boundaries-jurisdiction of the dDistrict, (2) within two (2) miles of the boundaries of the district, or (3) with in (2) miles of any land owned or used by the district, including any leasehold, beneficial or ownership interest, or option to acquire such interest in real property, but not including real property which is used principally as the residence of the filer.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, which have contracted to provide, or that have provided, the district with services, suppliesproducts, materials, machinery, vehicles or equipment, and income from any such entity other than a public

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

agency, of a type purchased or leased by the designated employee's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated employee's department, unit or division.

CATEGORY II

CATEGORY III

~~_____ Consultants shall disclose, pursuant to Category I and II, subject to the following limitation:~~

~~_____ The Stanislaus Consolidated Fire Protection District 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, base 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.~~

ATTACHMENT D

CONFLICT OF INTEREST CODE FOR THE

STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT

PLACE OF FILING

DESIGNATED EMPLOYEES/POSITIONS:

Where: ~~_____ Stanislaus Consolidated Fire Protection District~~

~~_____ The District Secretary of the Board is the designated holder/receiver of District Statement of Economic Interest Forms (Form 700's). The District will retain a copy of filed Form 700's at the District Administrative Headquarters, 3324 Topeka Street, Riverbank, CA 95367.~~