

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-4

Urgent Routine

AGENDA DATE September 14, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

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

STAFF RECOMMENDATIONS:

Adopt an amendment to the Conflict of Interest Code for the Salida Fire Protection District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-557

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval to Adopt an Amendment to the Conflict of Interest Code for the Salida Fire Protection District
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DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Salida Fire Protection District approved an amendment 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



Memorandum

To: Christine Ferraro Tallman, Clerk of the Board

From: Laurie Wester, Administrative Manager

Date: August 30, 2010

CC:

Re: Conflict of interest

Enclosed please find the conflict of interest amendment notice. You will also find the amendment that was approved by our Board of Directors in a regular board meeting held on July 26, 2010. Could you please put this on your agenda for the County Board of Supervisors approval.

The amendment was made to include two designated positions with category I, II. The two positions are:

Communications Coordinator

Training Coordinator

BOARD OF SUPERVISORS

2010 SEP 2 P 12:13

CONFLICT OF INTEREST

SALIDA
FIRE PROTECTION DISTRICT



STANISLAUS
COUNTY

JULY, 2010

**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) 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.

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 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

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.

CA TEGORY 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.

CA TEGORY 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 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.