



Agenda Item 31

DATE: February 24, 2015
TO: Board of Supervisors
FROM: Bernice E. Seidel, Clerk to the Board
SUBJECT: Amendments to the Conflict of Interest Codes for Three Agencies

Bernice E. Seidel

RECOMMENDED ACTION:

Approve amendments to Conflict of Interest Code for California Virtual Academy @ Fresno, James Resource Conservation District and Sierra Kings Health Care District

ALTERNATIVE ACTION(s):

If the recommended action is not approved, the California Virtual Academy @ Fresno, James Resource Conservation District and Sierra Kings Health Care District (Agencies) will not be able to comply with the Fresno County Biennial Notice requesting local agencies to review or adopt a Conflict of Interest Code (COI Code).

FISCAL IMPACT:

There is no increase in net County cost associated with this action.

DISCUSSION:

Government Code Sections 87303, 87306, and 87306.5 provide that the Board of Supervisors shall be the code-reviewing body for newly adopted and amended COI Codes for boards, commissions, committees, and school and special districts, which operate wholly within County boundaries.

In July 2014, the Agencies received the Fresno County Biennial Notice requesting local agencies to review their COI Codes and determine if amendments are necessary. The COI Codes are included as Attachments A, B and C and identify the regulation (California Code of

ADMINISTRATIVE OFFICE REVIEW

[Signature]

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APPROVED AS RECOMMENDED

Susan Bishop
Deputy
Cristina Aron of
Board of Supervisors

UNANIMOUS X BORGEAS _____ MENDES _____ PACHECO _____ PEREA _____ POOCHIGIAN _____

Regulations §18730) that requires adoption of the COI Code, the designated positions the COI Code applies to and the applicable disclosure categories.

The Agencies determined that amendments to their COI Codes were necessary and adopted the attached COI Codes, and therefore requests that your Board approve the COI Codes.

Please note there is not a red line version of California Virtual Academy @ Fresno's COI Code due to this being the agency's first COI Code to be adopted.

OTHER REVIEWING AGENCIES:

County Counsel has reviewed the amended Conflict of Interest Codes.

CONFLICT-OF-INTEREST CODE FOR
California Virtual Academy @ Fresno

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political 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. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the **California Virtual Academy @ Fresno, a Charter School**.

Individuals holding designated positions shall file their statements with the **Charter School**, which will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the **Virtual Academy @ Fresno**, the **Charter School** shall make and retain a copy and forward the originals received from board members to the Clerk to the County Board of Supervisors. All other copies will be retained by the charter school.

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

APPENDIX A
DESIGNATED POSITIONS

Designated Positions

- Governing Board Members

Disclosure Categories

3, 4, 5

APPENDIX B DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit.

JAMES RESOURCE CONSERVATION DISTRICT

CONFLICT-OF-INTEREST CODE

The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict-of-interest codes. 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. 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 Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference** and, along with the **attached Appendix A and B**, in which members and employees are designated and disclosure categories are set forth, constitute the conflict-of-interest code of the JAMES RESOURCE CONSERVATION DISTRICT.

Designated employees shall file their statements with the JAMES RESOURCE CONSERVATION DISTRICT, which will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Copies of statements for all designated employees will be retained by the District and the District will forward originals to the Clerk to the County Board of Supervisors **to the extent required by the Political Reform Act.**

APPENDIX A

DESIGNATED EMPLOYEES

<u>Designated Position</u>	<u>Disclosure Categories</u>
General Counsel	1
Executive Secretary	1
Engineer	1
Consultants*	1

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Manager’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.

**The following positions are NOT covered by the code because they must file under Section 87200 and, therefore, are listed for informational purposes only:

Manager
Assistant Manager
Directors

An individual 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 Section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

Category 1: Full Disclosure

A designated employee in this category is treated as a mandatory/statutory filer and thus must report all reportable interests in real property within two (2) miles of the District's jurisdiction or property owned by the District, as well as reportable investments, business positions and sources of income, including gifts, loans and travel payments, from all sources.

Category 2: Full Disclosure (Excluding Interests in Real Property)

A designated employee in this category must report all reportable investments, business positions and sources of income, including gifts, loans and travel payments, from all sources.

Category 3: Interests in Real Property

A designated employee in this category must report all reportable interests in real property within two (2) miles of the District's jurisdiction or property owned by the District.

Category 4: General Contracting for Entire District

A designated employee in this category must report all reportable investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.

Category 5: General Contracting for Specific Department

All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services including training or consulting services, of the type utilized by the employee's department or area of authority.

JAMES RESOURCE CONSERVATION DISTRICT

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Designated employees shall file their statements with the JAMES RESOURCE CONSERVATION DISTRICT, which will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Copies of statements for all designated employees will be retained by the District and the District will forward originals to the Clerk to the County Board of Supervisors to the extent required by the Political Reform Act.

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A designated employee in this category must report all reportable investments, business positions and sources of income, including gifts, loans and travel payments, from all sources.

Category 3: Interests in Real Property

A designated employee in this category must report all reportable interests in real property within two (2) miles of the District's jurisdiction or property owned by the District.

Category 4: General Contracting for Entire District

A designated employee in this category must report all reportable investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.

Category 5: General Contracting for Specific Department

All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services including training or consulting services, of the type utilized by the employee's department or area of authority.

CONFLICT-OF-INTEREST CODE FOR

Sierra Kings Health Care District

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political 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. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the Sierra Kings Health Care District (Health Care District).

_____ Individuals holding designated positions shall file their statements with the Health Care District, which will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the list of designated positions (Appendix A), the Health Care District shall make and retain a copy and forward the original of these statements for the Chief Executive Officer and the Board of Directors of the Health Care District to the Clerk to the County Board of Supervisors.

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

APPENDIX A
DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Board of Directors	Disclosure Category <u>24</u>
• Chief Executive Officer	Disclosure Category <u>24</u>
• <u>Chief Financial Officer</u>	<u>Disclosure Category 2</u>
• Consultants	*

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* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements 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. The Executive Director'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.)

APPENDIX B DISCLOSURE CATEGORIES

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Disclosure Category 1

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Disclosure Category 2

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Disclosure Category 5

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Disclosure Category 6

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- a license
- utility permit
- station vendor permit

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

- Board Members
- Alternate Board Members
- Executive Director
- Chief Financial Officer
- Consultants involved in the investment of public funds

An individual 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 Government Code Section 87200.

CONFLICT-OF-INTEREST CODE FOR

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DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Board of Directors	Disclosure Category 2
• Chief Executive Officer	Disclosure Category 2
• Chief Financial Officer	Disclosure Category 2
• Consultants	*

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements 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. The Executive Director'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.)

APPENDIX B

DISCLOSURE CATEGORIES

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