

RESOLUTION NO. 2016-6

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANDERSON FIRE PROTECTION DISTRICT ADOPTING A REVISED CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict of interest code; and

WHEREAS, this standard language may be incorporated by reference in an agency's code and 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; and

WHEREAS, the Political Reform Act (Government Code Section 81000, et. seq) requires state and local government agencies to adopt conflict of interest codes and to review those codes in even-numbered years to ensure that they are current; and

WHEREAS, the Conflict of Interest Code now in effect in the Anderson Fire Protection District has been reviewed and there are revisions needed to reflect current conditions in view of the reestablishment of the Deputy Chief position that had been abolished per Resolution 2010-1, a minor description change to the Battalion Chief position to remove the reference to Fire Marshal which will more accurately describe the job title of the officer position, and which the revisions are nonsubstantive alterations to the Conflict of Interest Code of the Anderson Fire Protection District (2 Cal. Code of Regs. Section 18752 (e) (1);

NOW, THEREFORE, BE IT RESOLVED, that 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 attached appendices in which members and employees are designated and disclosure categories are set forth, shall constitute the Conflict of Interest Code of the Anderson Fire Protection District; and

BE IT FURTHER RESOLVED that designated employees shall file their statements of economic interests with the Secretary of the Anderson Fire Protection District, which will make the statements available for public inspection and reproduction (Gov. Code Section 81008) and upon receipt of the statements for the Board of Directors, the Fire Chief, the Deputy Chief, and the Battalion Chief, will retain a copy and, if required by law, forward the originals of these statements to the Shasta County Clerk of the Board of Supervisors; and

BE IT FURTHER RESOLVED that, should the requirements of State law with regard to the matters set forth above be amended or be found to be in conflict with the foregoing provisions set forth in this resolution, such State laws shall prevail and govern; and

BE IT FURTHER RESOLVED that the list of designated employees required to file statements of economic interest be amended to include all those officers and employees as set forth in "Appendix A," which is attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the Board of Directors of the Anderson Fire Protection District this 11th day of October 2016, by the following vote:

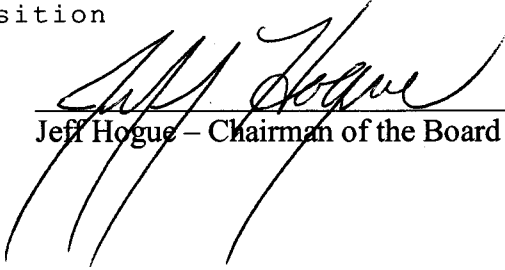
AYES: Chairman Jeff Hogue, Vice Chairwoman Patricia A. "Trish" Clarke, Secretary of Board Marsha Kelley, Member Paul Bosetti

NOES: None

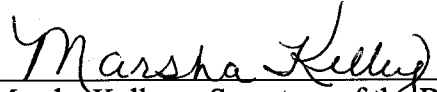
ABSENT: None

ABSTAIN: None

Currently, there is one Vacant position on the Board of Directors.


Jeff Hogue – Chairman of the Board

ATTEST:


Marsha Kelley – Secretary of the Board

APPENDIX A

<u>Position</u>	<u>Disclosure Category</u>
Members of the Board of Directors	1, 2, 3, 4
Fire Chief	1, 2, 3, 4
Deputy Chief	1, 2, 3
Battalion Chief	1, 2, 3
Attorney for District	1, 2, 3, 4
Consultants	Note 1 below

Note 1. Consultants shall be included in the lists of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Board of Directors 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 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. The Board of 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.

APPENDIX B

General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interest in real property, he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

DISCLOSURE CATEGORIES

Category 1: Officials and employees whose duties are broad and indefinable:

Investments, business positions, and income from sources located in or doing business in the District.

Interests in real property located in the jurisdiction, including property located within a two mile radius of any property owned or used by the District.

Category 2: Officials and employees whose duties involve contracting or purchasing:

Investments, business positions, and sources of income of the type which:

Provide services, supplies, materials, machinery or equipment of the type utilized by the District.

Category 3: Agencies with regulatory powers:

Investments, business positions, and sources of income of the type which:

Are subject to the regulatory, permit or licensing authority by the District.

Category 4: Designated employees whose decisions may affect real property interests:

Investments, business positions, and sources of income of the type which:

Engage in land development, construction or the acquisition or sale of real property.

Interests in real property located within the District, including property located within a two mile radius of any property owned or used by the District.

Category 5: Agencies which provide pooled self-insurance benefits:

Interests in real property located within the District, including property located within a two mile radius of any property owned or used by the District.

Investments, business positions, and sources of income the type which:

The District is empowered to invest its funds.

Provide services, supplies, materials, machinery or equipment of the type utilized by the District.

Engaged in the business of insurance including, but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries.

Financial institutions including, but not limited to, banks, savings and loan associations and credit unions.

Have filed a claim, or have a claim pending, against the District.

Category 6: Joint Powers Authorities:

Interests in real property located within the District including property located within a two mile radius of any property owned or used by the District.

Investments, business positions, and sources of income from the type which:

The District is empowered to invest its funds.

Contracted with the District to provide services, supplies, materials or equipment.

Are Insurance companies, carriers, holding companies, underwriters, agents, solicitors or brokers.

Have filed a claim or have a claim pending, against the District.

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WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict of interest code; and

WHEREAS, this standard language may be incorporated by reference in an agency's code and 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; and

WHEREAS, the Political Reform Act (Government Code Section 81000, et. seq) requires state and local government agencies to adopt conflict of interest codes and to review those codes in even-numbered years to ensure that they are current; and

WHEREAS, the Conflict of Interest Code now in effect in the Anderson Fire Protection District has been reviewed and there are revisions needed to reflect current conditions in view of ~~a deletion of a title of position that has been abolished~~, the reestablishment of the Deputy Chief position that had been abolished per Resolution 2010-3, a minor description change to the Battalion Chief position to remove the reference to Fire Marshal which will more accurately describe the job title of the officer position, and which the revisions are nonsubstantive alterations to the Conflict of Interest Code of the Anderson Fire Protection District (2 Cal. Code of Regs. Section 18752 (e) (1);

NOW, THEREFORE, BE IT RESOLVED, that 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 attached appendices in which members and employees are designated and disclosure categories are set forth, shall constitute the Conflict of Interest Code of the Anderson Fire Protection District; and

BE IT FURTHER RESOLVED that designated employees shall file their statements of economic interests with the Secretary of the Anderson Fire Protection District, which will make the statements available for public inspection and reproduction (Gov. Code Section 81008) and upon receipt of the statements for the Board of Directors, the Fire Chief, the Deputy Chief, and ~~the Battalion Chief/Fire Marshal~~, the Battalion Chief, will retain a copy and, if required by law, forward the originals of these statements to the Shasta County Clerk of the Board of Supervisors; and

BE IT FURTHER RESOLVED that, should the requirements of State law with regard to the matters set forth above be amended or be found to be in conflict with the foregoing provisions set forth in this resolution, such State laws shall prevail and govern; and

BE IT FURTHER RESOLVED that the list of designated employees required to file statements of economic interest be amended to include all those officers and employees as set forth in "Appendix A," which is attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the Board of Directors of the Anderson Fire Protection District this 11th day of October 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeff Hogue – Chairman of the Board

ATTEST:

Marsha Kelley – Secretary of the Board

APPENDIX A

<u>Position</u>	<u>Disclosure Category</u>
Members of the Board of Directors	1, 2, 3, 4
Fire Chief	1, 2, 3, 4
Deputy Chief	1, 2, 3
Battalion Chief/Fire Marshal	1, 2, 3
Battalion Chief	1, 2, 3
Attorney for District	1, 2, 3, 4
Consultants	Note 1 below

- The Deputy Chief position was reestablished.
- The Battalion Chief/Fire Marshal position was changed to Battalion Chief which more accurately describes the job title of the officer position.

Note 1. Consultants shall be included in the lists of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Board of Directors 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 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. The Board of 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.