



To: Board of Directors
From: Michael Schwartz, Fire Chief
Date: June 23, 2020
Subject: Biennial Conflict of Interest Code Review

Attached are the following documents:

- Request from the County Recorder Clerk-Registrar of Voters to review our Conflict-of-Interest Code;
- Biennial Conflict-of-Interest Review;
- “2020 Local Agency Biennial Notice” to be returned to the county by August 21, 2020;
- The District’s current code with just the date changed; and
- Regulation of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations

If you choose to adopt the changes, the amended code must be sent to the county within 90 days.

Recommendation:

- Adopt the Conflict of Interest Code and authorize President Miller to sign;
- Authorize Office Manager/Clerk of the Board Shawn Crawford to sign the Biennial Conflict-of-Interest Review statement; and
- Authorize Fire Chief Michael Schwartz to sign the 2020 Local Agency Biennial Notice.

COUNTY OF EL DORADO

REGISTRAR OF VOTERS

Bill O'Neill



2850 Fairlane Court
PO Box 678001
Placerville CA 95667
www.edc.gov.us/elections/
Phone: 530.621.7480 Fax: 530.626.5514
Linda Webster - Assistant Registrar of Voters

June 2020

TO: All Districts in El Dorado County

FROM: Bill O'Neill
Registrar of Voters

RE: Conflict-of-Interest Code Review for the Year 2020

Read this entire document before board adopts the districts 2020 Conflict of Interest

IMPORTANT NOTE: "ALL" Statement of Economic Interests are required to be provided for public access Monday-Friday, 8:00 am to 5:00 pm.

The Political Reform Act requires every local special district to review its conflict-of-interest code every even-numbered year. Enclosed is a 2020 Local Agency Biennial Notice that must be completed and returned to the Elections Department **no later than Friday, August 21, 2020**. Please indicate on the Notice whether or not a revision to your district's code is necessary. If a revision is required, the amended conflict-of-interest code should follow within 90 days.

If you answer yes, to any of the questions below, your agency's code needs to be amended.

- *Is the current code more than five years old?*
- *Have there been any substantial changes to the district's organizational structure since the last code was approved?*
- *Have any positions been eliminated or re-named since the last code was approved?*
- *Have any new positions been added since the last code was approved?*
- *Have there been any substantial changes in duties or responsibilities for any positions since the last code as approved?*

Upon receipt of an amended conflict-of-interest code, the Elections Department will submit the amended code to County Counsel for review and subsequent presentation to the Board of Supervisors for approval. Please remember your agency's amended code is not effective until it is approved by the Board of Supervisors.

Enclosed is a sample Notice of Intention to Adopt or Amend a Conflict-of-Interest Code and a sample of a district's Conflict-of-Interest Code.

Attend a Workshop or Webinar: Schedules and information about seminars and webinars are available at www.fppc.ca.gov.

As always, if we can provide further information, please contact Kim Smith at (530) 621-7490.

Very truly yours,

Bill O'Neill

Biennial Report Form

BIENNIAL CONFLICT-OF-INTEREST REVIEW

Meeks Bay Fire Protection District

District's Name

Please select all that apply (*attach additional pages, if needed*):

_____ The code reviewing body of the above named agency has reviewed the agency's Conflict-of-Interest Code and finds it to satisfy our needs.

_____ The code reviewing body of the above named agency has reviewed the agency's Conflict-of-Interest Code and finds it necessary to amend the code. The amendments are attached.

_____ The code reviewing body has reviewed the list of reporting positions and request to ADD the following:

1. _____
2. _____
3. _____
4. _____

_____ The code reviewing body has reviewed the list of reporting positions and request to DELETE the following:

1. _____
2. _____
3. _____
4. _____

**** If the district is not amending the Conflict-of-Interest Code, forward a CURRENT Conflict-of-Interest Code to the Elections Department.**

Please contact Kim Smith at the Elections Department at Ext. 7490 if you require any further information or assistance. This form must be returned to the Elections Department no later than **October 1, 2020**.

Secretary of the District

This 15th day of July, 2020

2020 Local Agency Biennial Notice

Name of Agency: Meeks Bay Fire Protection District

Mailing Address: PO Box 189, Tahoma, CA 96142

Contact Person: Shawn Crawford

Office Phone No.: 530-525-7548

E-mail: Shawn@MeeksBayFire.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 requires disclosure by 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 titles of positions that have been abolished and/or positions that no longer make or participate in making government decisions.

" Other (*describe*): Amend a paragraph for minor, grammatical revisions.

No amendment is required.

The code is currently under review by the code reviewing body.

Verification

The agency's 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 the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Fire Chief

Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **October 1, 2020**, to:

El Dorado County Registrar of Voters – Attn: Kim Smith – PO Box 678001, Placerville, CA 95667

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



**Conflict of Interest Code for
Meeks Bay Fire Protection 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, 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 Appendix of Designated Positions and Disclosure Categories set forth below, constitute the conflict of interest code of Meeks Bay Fire Protection District. This conflict of interest code supersedes all prior codes, which are hereby rescinded.

Designated employees shall file statements of economic interests with Meeks Bay Fire Protection District. Statements are public records and will be made available for public inspection and reproduction.

Appendix of Designated Positions and Disclosure Categories

The designated employees, who have been determined to make or participate in making decisions that may foreseeably have a material effect on an economic interest, are:

- ▶ Members of the Board of Directors
- ▶ Fire Chief
- ▶ Office Manager/Clerk of the Board of Directors

The disclosure category for the designated positions is: all interests in real property in the district (excluding a residence, such as a home or vacation cabin, used exclusively as a personal residence), and all investments, business positions and income (including gifts, loans and travel payments) from sources that provide goods, equipment, vehicles, machinery or services of the type utilized by Meeks Bay Fire Protection District.

The above local conflict of interest code was adopted by the Board of Directors of Meeks Bay Fire Protection District at a regular meeting of the Board held on the 15th day of July, 2020.

Aye votes:

No votes:

Absent:

Edward I. Miller
President, Board of Directors

(Regulation of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations)

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act. Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) **Section 1. Definitions**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) **Section 2. Designated Employees**

Any person holding a position listed in the Appendix is a designated employee. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) **Section 3. Disclosure Categories**

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) **Section 4. Statements of Economic Interests:**

Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

¹ Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

² See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and person in agencies who make and retain copies of statements and forward the originals to the filing officer.

(5) **Section 5. Statements of Economic Interests:**

Time of Filing

(A) **Initial Statements**. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) **Assuming Office Statements**. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) **Annual Statements**. All designated employees shall file statements no later than April 1.

(D) **Leaving Office Statements**. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) **Section 5.5. Statements for Persons Who Resign 30 Days After Appointment**

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their appointment. Such persons shall not file either an assuming or leaving office statement.

(6) **Section 6. Contents of and Period Covered by Statements of Economic Interests**

(A) **Contents of Initial Statements**

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the twelve (12) months prior to the effective date of the code.

(B) **Contents of Assuming Office Statements**

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the twelve (12) months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) **Contents of Annual Statements**

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming officer whichever is later.

(D) **Contents of Leaving Office Statement**

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) **Section 7. Manner of Reporting**

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) **Investments and Real Property Disclosure**

When an investment or an interest in real property³ is required to be reported⁴, the statement shall contain the following:

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 one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure

When personal income is required to be reported⁵, the statement shall contain:

1. The name and address of each source of income aggregating two hundred 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;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received;
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; 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) Business Entity Income Disclosure

When income of a business entity, including income of a sole proprietorship, is required to be reported⁶, 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 pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interest in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of ten percent (10%) or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a ten percent (10%) or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(E) **Acquisition or Disposal During Reporting Period**

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or, disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) **Section 8. Disqualification**

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to; received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.

(8.3) **Section 8.3. Legally Required**

No designated employee 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 employee who is on a voting body is needed to break to tie does not make his or her participation legally required for purposes of this section.

(8.5) **Section 8.5. Disqualification of State Officers and Employees**

In addition to the general disqualification provisions of Section 8, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within twelve (12) months prior to the time when the official action is to be taken.

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(9) **Section 9. Manner of Disqualification**

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying 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 employee 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 employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(10) Section 10. Assistance of the Commission and Counsel

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(11) Section 11. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: Authority cited: Section 83112, Government Code.

Reference: Sections 87300-87302, Government Code

History:

- (1) New Section filed 4/2/80 as an emergency; effective upon filing.
- (2) Editorial Correction.