

**RESOLUTION NO. 183**

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION  
APPROVING AMENDMENTS TO LAFCO'S POLICIES, STANDARDS AND PROCEDURES  
SECTION 525 "CONFLICT OF INTEREST CODE"**

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**WHEREAS**, the Commission adopted its Policies, Standards, and Procedures on April 3, 1986; and

**WHEREAS**, Government Code Section 87306.5 was added to the Political Reform Act in 1990, requiring each local government agency to review its "Conflict of Interest Code" biennially and to either amend the Code if necessary, or report to its Code Reviewing Body that the Code is not in need of amendment; and

**WHEREAS**, the Commission on occasion reviews its Policies, Standards, and Procedures, considering and periodically approving amendments, revisions, additions, or deletions, when necessary; and

**WHEREAS**, on September 5, 2018, the Commission held a public hearing to consider proposed amendments to LAFCo's Policies, Standards and Procedures to amend Section 525, "Conflict of Interest Code;" and

**WHEREAS**, the Executive Officer gave notice of the proposed amendments as prescribed by state law; and

**WHEREAS**, at said hearing the Commission considered the recommended amendments and there was no public testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the Fresno Local Agency Formation Commission does hereby determine and order as follows:

The Commission approves the non-substantive amendments to the LAFCo Conflict of Interest Code as shown in Attachments "A" and "B."

**ADOPTED THIS 5<sup>TH</sup> DAY OF SEPTEMBER 2018, BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS SILVA, SANTOYO, MENDES, QUINTERO**

**NOES: NONE**

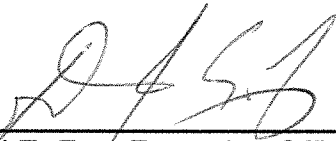
**ABSENT: COMMISSIONER PARRA**

**ABSTAIN: NONE**

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )

**CERTIFICATION**

I, David Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 5<sup>th</sup> day of September 2018.

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David E. Fey, Executive Officer  
Fresno Local Agency Formation Commission

# ATTACHMENT A

## CONFLICT OF INTEREST CODE FOR THE FRESNO LOCAL AGENCY FORMATION COMMISSION

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 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 Fresno Local Agency Formation Commission ("LAFCo").

~~Individuals holding designated positions shall file their statements with the LAFCo, 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 Commissioners, Alternate Commissioners, and Executive Officer, the LAFCo shall make and retain a copy and forward the original of these statements to the Clerk to the County Board of Supervisors. LAFCo shall retain originals of all other statements at its office. The Form 700s for designated positions, other than LAFCo Commissioners along with any alternates ("Commissioners") and Executive Officer, shall be filed with LAFCo. The Commissioners and Executive Officer are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with LAFCo and, upon receipt of these paper Form 700s with waivers, LAFCo shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.~~

LAFCo shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions not required to file electronically. LAFCo shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

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

Revised:     August 26, 1998  
               August 23, 2000  
               September 13, 2006  
               August 8, 2012

## APPENDIX A

### 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:

- LAFCo Commissioners
- Alternate LAFCo Commissioners
- Executive Officer
- Chief Financial Office
- 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.

## DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Commissioners	1+
• <del>Alternate Commissioners</del>	1+
• <del>Executive Officer</del>	4
<u>Chief Financial Officer</u>	1
• LAFCo Staff Analyst	2
LAFCo Counsel	1+
• <u>Consultants Who Manage Public Investments</u>	1
◦ <u>Consultants*</u>	

\* 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 Officer 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 Officer'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.)

Revised: August 23, 2000  
September 13, 2006  
August 13, 2008  
August 11, 2010  
August 8, 2012  
September 5, 2018

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## **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.

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 Officer
- 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.

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The Form 700s for designated positions, other than LAFCo Commissioners along with any alternates ("Commissioners") and Executive Officer, shall be filed with LAFCo. The Commissioners and Executive Officer are to file their original Form 700s directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the Form 700s are not filed electronically, the paper Form 700 and waiver shall be filed with LAFCo and, upon receipt of these paper Form 700s with waivers, LAFCo shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

LAFCo shall retain a copy of all electronically filed Form 700s, a copy of all paper Form 700s with waivers and the original Form 700s of designated positions not required to file electronically. LAFCo shall make the Form 700s available for public review, inspection, and reproduction. (Gov. Code section 81008.)

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### DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• LAFCo Clerk	2
• LAFCo Staff Analyst	2
• LAFCo Counsel	1

### Investment 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 Officer 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 Officer'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.)

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#### **Disclosure Category 2**

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#### **Disclosure Category 3**

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