

RESOLUTION NO. 188

A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION APPROVING THE AMENDMENT OF FRESNO LAFCO'S POLICY MANUAL REFLECTING THE CONFLICT OF INTEREST CODE APPROVED BY THE FRESNO COUNTY BOARD OF SUPERVISORS PURSUANT TO GC SECTIONS 87300 AND 87306

WHEREAS, pursuant to Government Code (GC) Section 87306.5 of the Political Reform Act, local governmental agencies are required to review their conflict of interest code biennially and to amend the code if necessary, or to report to its code reviewing body that the code is not in need of amendment; and

WHEREAS, the Fresno County Board of Supervisors is the "code reviewing body" for Fresno County governmental agencies' conflict of interest code; and

WHEREAS, LAFCo staff identified minor changes to the code and brought those recommended changes to the Commission in September of 2018. After approval from the Commission staff provided the final copy to the Clerk to the Board of Supervisors; and

WHEREAS, on December 4, 2018, the Fresno County Board of Supervisors took action approving the changes to the Fresno LAFCo Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does **HEREBY RESOLVE** and **DETERMINE** as follows:

The Commission authorizes the amendment to the Fresno LAFCo's Policy Manual to reflect the Board approved changes.

ADOPTED THIS 9TH DAY OF JANUARY 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS MENDES, PARRA, PACHECO, SILVA, SANTOYO

NOES NONE

ABSENT: NONE

ABSTAIN: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 9th day of January 2019.



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

**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").

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 LAFCo are hereby superseded.

Revised: August 26, 1998
 August 23, 2000
 September 13, 2006
 August 8, 2012
 September 5, 2018

Approved and/or authorized by the Board of Supervisors of the County of Fresno	
Meeting Date: <u>12.4.18</u>	Agenda Item No. <u>37</u>
By: <u>[Signature]</u>	Date: <u>12.4.18</u>
Deputy Clerk	

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 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.

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.)

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

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.

Revised: September 13, 2006
 August 13, 2008.
 August 8, 2012
 September 5, 2018