



STAFF REPORT

DATE: October 23, 2024
TO: Board of Directors
FROM: Shayna Rians, Executive Assistant/Board Clerk
SUBJECT: Resolution 24-47 – Amendment to the District’s Conflict of Interest Code

BACKGROUND

California Government Code Section 87300 requires all local government agencies to review their Conflict-of-Interest Code biennially to determine if it is accurate or if the Code must be amended. Once that determination has been made, a notice must be submitted to the Code reviewing body. The County Board of Supervisors is the District’s Code reviewing body.

DISCUSSION

The District had one unsubstantial change to the Conflict-of-Interest Code:

Reclassification: Deputy Fire Marshal to Fire Marshal

The County Board of Supervisors requires a signed resolution approving these unsubstantial changes.

FISCAL IMPACT

None

ATTACHMENTS

- A. Resolution 24-47
- B. Conflict of Interest Code (Redline)

RECOMMENDATION

Approve Resolution 24-47.

Resolution 24-47

A Resolution of the Board of Directors of The San Miguel Consolidated Fire Protection District Adopting a Nonsubstantive Conflict of Interest Code Amendment Pursuant to the Political Reform Act of 1974 and Rescinding All Previous Codes of the District

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. ("Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees, and consultants of the San Miguel Consolidated Fire Protection District ("District") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a nonsubstantive Conflict of Interest Code amendment ("Code") which was amended October 12, 2022; and

WHEREAS, nonsubstantive revisions changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed nonsubstantive Conflict of Interest Code amendment was provided to each designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed nonsubstantive Conflict of Interest Code amendment at a regular meeting of the Board of Directors on October 9, 2024, at which all present were given an opportunity to be heard on the proposed nonsubstantive Conflict of Interest Code amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the San Miguel Consolidated Fire Protection District that the Board of Directors does hereby adopt the proposed nonsubstantive Conflict of Interest Code amendment, a copy of which is attached hereto and shall be on file with the Executive Assistant/Board Clerk, and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said nonsubstantive Conflict of Interest Code amendment shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective immediately upon said approval of the proposed nonsubstantive Conflict of Interest Code amendment as submitted.

BE IT FURTHER RESOLVED that any and all previous Conflict of Interest Code of the San Miguel Consolidated Fire Protection District shall be rescinded upon the effective date of the adopted Code as approved by the Board of Supervisors of the County of San Diego.

PASSED AND ADOPTED by the Board of Directors of the San Miguel Consolidated Fire Protection District this 23rd day of October 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Shayna Rians, Board Clerk

Jesse A. Robles, Board President

CONFLICT OF INTEREST CODE

OF THE

**SAN MIGUEL CONSOLIDATED
FIRE PROTECTION DISTRICT**

CONFLICT OF INTEREST CODE OF THE SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT

(Adopted November 13, 2019)

The Political Reform Act (Gov. Code § 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 Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Regulation 18730 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 incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT (the "District")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Administrative Assistant** as the District's Filing Officer. The **Administrative Assistant** shall make and retain a copy of all statements filed by the Board of Directors and Fire Chief and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **Administrative Assistant** shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT

(Adopted November 13, 2019)

PART "A"

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3, are NOT subject to the District's Code but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are District Officials who manage public investments¹. These positions are listed here for informational purposes only.

Board of Directors
Fire Chief
Administrative Officer/ Finance Officer
Financial Consultant

¹ Individuals 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 § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Battalion Chief	5
Deputy Fire Marshal	5, 6
Division Chief	4
Fire Services Officer	5
General Counsel	1, 2

Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Regs 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Fire Chief may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code §§ 82019; FPPC Regs 18219 and 18734.). The Fire Chief'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 § 81008.)

BBK- October 2019

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated employee's department, unit or division.

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through the District or its subdivisions.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Regs 18730.1)