

Appendix A
Bethel Island Municipal Improvement District
Conflict of Interest Code

(a) The Political Reform Act of 1974, Government Code sections 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 model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Bethel Island Municipal Improvement District (BIMID). This Conflict of Interest Code supersedes any prior Conflict of Interest Codes.

(b) Pursuant to Government Code section 81008 and 2 Cal. Code of Regs. section 18730 (b) (4), all designated employees shall file statements of economic interests with the agency. Statements for all other designated employees shall be retained by the Agency, which shall make the statements available for public inspection and reproduction.

California Code of Regulations, Section 18730, "(2) Section 2. Designated Employees. The persons holding positions listed in this Appendix are designated employees. 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."

- Directors to the Bethel Island Municipal Improvement District
- BIMID District Manager (Employee)
- BIMID District Clerk
- BIMID Levee Superintendent
- BIMID Assistant Secretary
- Consultant Attorneys*
- Consultant Engineers*
- Other Consultants*

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

Bethel Island Municipal Improvement District
Conflict of Interest Code
September 2012

The President of 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 comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President of the Board of Directors determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Full disclosure will be required of all persons listed in Designated positions.

Disclosure categories for those Designated positions include: Schedules A-1 (Investments), A-2 (Investments, Income, and Assets of Business Entities/Trusts), B (Investments in Real Property), C (Income and Business Positions), D (Income-Loans), E (Income-Gifts) and F (Income-Gifts, Travel Payments, Advances, and Reimbursements) of California Statement of Economic Interests Form 700.

Fiscal interests are reportable only if they have a physical presence within the District, or if the business entity is doing business or planning to do business in the District (and such plans are known by the Designated employee) or has done business in the District at any time during the two years prior to the filing of the statement.

For the purposes of the foregoing disclosure categories, the District means the area as defined in Article 1. General Provisions, Section 1 of Statutes of California, 1960 First Extraordinary Session, Chapter 22, an Act that created the Bethel Island Municipal Improvement District.

Form 700 – Statement of Economic Interest – will be filed by each designated position:

1. Upon taking or leaving office
2. Upon agreeing to be a consultant or signing or terminating a contract as a consultant
3. Upon being hired as a designated employee
4. On an annual basis

And/Or

5. As required by California Code of Regulations, Section 18730

Additionally, if an official in this Appendix determines not to act because of a disqualifying financial interest, this determination must be accompanied by disclosure of the financial interest, made part of the agency's official record, or made in writing to the official's supervisor or to the appointing power. (2 Cal.Code Regs. § 18702.1(a)(5); Bennett Advice Letter, No. A-98-239.)

We caution public officials not to rely on this form to determine whether they have a conflict of interest, in that the laws related to conflicts of interests are very comprehensive and fact intensive. Rather, this form is to be completed and

filed after an independent determination that a conflict exists has been made. Once completed, these forms should be filed with the District Clerk. When a disqualification is made on the record in a public proceeding such a disqualification should be made in the following form:

Investment. "I disqualify myself from this item because it is reasonably foreseeable that [name of business entity] in which I have an investment interest, will be materially affected by this decision."

Real Property. "I disqualify myself from this item because it is reasonably foreseeable that my real property, which is located in the District and within 500 feet of the project. I will be materially affected by this decision."

Income. "I disqualify myself from this item because it is reasonably foreseeable that [name of entity or individual], which is a source of income to me, will be materially affected by this decision."

Business Position. "I disqualify myself from this item because it is reasonably foreseeable that [name of business or entity], in which I am a [director, officer, partner, trustee, employee, or hold a management position, etc.] will be materially affected by this decision."

Gift. "I disqualify myself from this item because it is reasonably foreseeable that [name of entity or individual], which is the donor of a gift to me, will be materially affected by this decision."