

## RESOLUTION 20-13

### A RESOLUTION OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT OF CONTRA COSTA COUNTY, AMENDING THE DISTRICT CONFLICT OF INTEREST CODE

WHEREAS, the Conflict of Interest Code of the Moraga-Orinda Fire Protection District was originally adopted in 2010 by Board Resolution 10-12 and most recently amended by the Board's adoption of Resolution 18-15; and

WHEREAS, District staff has conducted the required biennial review of said Conflict of Interest Code and has determined that two positions should be deleted, and three positions should be added to the list of "Designated Positions" in the Code; and

WHEREAS, District staff has made additional clarifying, non-substantive amendments to said Conflict of Interest Code to ensure conformance with State law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Moraga-Orinda Fire District as follows:

SECTION 1. The District Conflict of Interest Code adopted pursuant to Resolution 18-15 is hereby amended to add "Finance Manager" and "Fuels Mitigation Manager" to the list of Designated Positions and the disclosure category for these positions shall be 1&2; add "Fuels Mitigation Specialist" to the list of Designated Positions with the disclosure category 3 (H) (Q); replace "Consultant" with "Consultant/New Positions" with the disclosure category 4, and remove "Assistant Fire Marshal" and "Fire Inspector/Plans Examiner" from the list of Designated Positions and to make other clarifying non-substantive amendments.

SECTION 2. The appendix attached in Exhibit A to this resolution are incorporated into the District's Conflict of Interest Code of the District.

SECTION 3. All other provisions of the Conflict of Interest Code adopted pursuant to Resolution 18-15 shall remain in full force and effect.

SECTION 4. Effective Date

This Resolution shall become effective upon the date of approval and ratification by the code reviewing body of the County of Contra Costa.

PASSED, APPROVED and ADOPTED this 16<sup>th</sup> day of September, 2020 at the regular meeting of the District Board of Directors held virtually on September 16, 2020, on motion made by Director Jorgens, seconded by Director Donner, and duly carried with the following roll call vote:

**AYES: DIRECTORS BAITX, DONNER, JEX, JORGENS, AND DANZIGER**


**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**Resolution 20-13**

Dated: September 16, 2020

  
Steven Danziger, President  
Board of Directors

I certify that this is a full, true and correct copy of the original document which is on file in my office, and that was passed and adopted by the Moraga-Orinda Fire Protection District on the date shown.

**ATTEST:**

  
Marcia Holbrook, District Clerk

**APPROVED AS TO FORM:**

  
Jon Holtzman, District Counsel

**APPROVED AS TO CONTENT:**

  
Dave Winnacker, Fire Chief

**MORAGA-ORINDA FIRE DISTRICT  
OF CONTRA COSTA COUNTY  
CONFLICT OF INTEREST CODE  
September 2020**

**SECTION 1.           Purpose**

Pursuant to the provisions of Government Code sections 87300 et seq. and 2 California Code of Regulations sections 18730 et seq. (“Regulations), the Moraga-Orinda Fire Protection District of Contra Costa County hereby adopts the following *Conflict of Interest Code*. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code § 81000) or the Regulations. The provisions of this Code are additional to Government Code section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the provisions of said Act and the Regulations are incorporated herein and this code shall be interpreted in a manner consistent therewith.

**SECTION 2.           Designated Positions**

The positions listed below are designated positions. Officers and employees holding these positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Member of the Board of Directors	1 & 2
Chief Administrator, Fire Chief	1 & 2
Battalion Chiefs	1 & 2
Fire Marshal, Chief of Fire Prevention	1 & 2
Administrative Services Director	1 & 2
Finance Manager	1 & 2
Fuels Mitigation Manager	1 & 2
Human Resources Manager	1 & 2
Fire District Legal Counsel	1 & 2
Emergency Preparedness Coordinator	1 & 2
Fuels Mitigation Specialist	3 (H) (Q)
Consultant/New Positions	4

SECTION 3. Disclosure CategoriesGeneral Rule.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of the employee's positions.

Designated Employees in Category "1" must report:

All investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee or holds any position of management. Financial interests are reportable only if located within Moraga-Orinda Fire Protection 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 within the District at any time during the two years prior to the filing of the statement.

Designated Employees in Category "2" must report:

Investments in any business entity, and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract, with Moraga-Orinda Fire Protection District to provide services, supplies, materials, machinery, or equipment to such district.

Designated Employees In Category "3" must report:

Investments in any business entity and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity which has been within the last two years contracted, or foreseeably may contract, with Moraga-Orinda Fire Protection District to provide services supplies, materials, machinery or equipment which are related to the following areas:

- (A) Motor Vehicle Equipment Service & Supplies
- (B) Communications Equipment Service & Supplies
- (C) Building & Grounds Material Equipment Service & Supplies
- (D) Material, Equipment Service & Supplies for Stations
- (E) Canvas Service & Supplies
- (F) Air systems Equipment Service & Supplies
- (G) Aircraft Equipment Service & Supplies
- (H) Material & Service for Weed Abatement Program
- (I) Material & Service for Building Construction
- (J) Material & Service for Water Supply for Fire Protection
- (K) Fire Protection Equipment, Services & Supplies
- (L) Hose Service Supplies
- (M) Mapping Service & Supplies
- (N) Photograph Equipment Service & Supplies
- (O) Public Education Material Service & Supplies
- (P) Office Equipment Service & Supplies
- (Q) Real Property within the District

Designated Employees In Category "4" must report:

Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Categories 1 and 2, subject to the following limitation: The Chief Administrator 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 fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. 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 Chief Administrator'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.

SECTION 4. Statement

Designated positions shall be assigned to one or more of the disclosure categories set forth above. Each designated employee shall file an annual statement disclosing that employees' interest in investments, real property and income, designated as reportable under the category to which the employee's position is assigned.

SECTION 5. Place and Time of Filing

(a) All designated employees required to submit a statement of financial interest shall cause the same to be filed with the Clerk or Secretary of the District.

(b) The Clerk or Secretary of the District which receives the statement of financial interest shall make and retain a copy and forward the original to the Clerk of Contra Costa County.

(c) A designated employee required to submit a statement of financial interest shall submit an initial statement within thirty (30) days after the effective date of this Code.

(d) All employees appointed, promoted or transferred to designated positions shall file initial statements not less than ten (10) days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within thirty (30) days thereafter.

(e) Annual statements shall be filed during the month of February by all designated employees. Such statement shall cover the period of the preceding calendar year.

(f) A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

SECTION 6. Scope and Manner of Reporting

All persons required by this Conflict of Interest Code to file statements of economic interests shall comply with the provisions of the Regulations (and as those Regulations may be amended), which contains detailed instructions regarding the scope of interests to be reported as well

as the manner of reporting them. The Regulations can be found online at:  
<http://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>.

SECTION 7.           Disqualification

Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

SECTION 8.           Effective Date

This code, unless otherwise provided by the Political Reform Act of 1974, shall become effective upon the date of approval and ratification by the code reviewing body of the County of Contra Costa.