

POLICY TITLE: CONFLICT OF INTEREST
CODE

POLICY NUMBER: 1035

ADOPTED: 01/25/1977

AMENDED: 11/18/2020

SECTION 200.



POLICY TITLE: Conflict of Interest

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The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. The Board approved and adopted the FPPC's standard conflict of interest on November 18, 2020. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and, along with the attached Appendix , in which members of the Board of Directors and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the Rodeo-Hercules Fire Protection District.

Designated employees shall file statements of economic interests with the District, which will make the statements available for public inspection and reproduction. The District will retain a copy of each statement and forward originals to the Contra Costa County Board of Supervisors, which shall be the filing officer.

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~~Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those 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.~~

~~SECTION 300. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B." Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category or categories which the employee position is assigned on "Exhibit "B."~~

~~SECTION 400. Place and Time of Filing.~~

- ~~(a) All designated employees required to submit a statement of financial interests shall file the original with the supervising clerk of the Rodeo Fire District.~~
- ~~(b) The Clerk or Secretary of the agency 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 30 days after the effective date of this Code.~~
- ~~(d) Employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of employment.~~
- ~~(e) All other employees appointed, promoted or transferred to designated positions shall file initial statements not less than 10 days before assuming office (or if subject to confirmation, 10 days before being confirmed), unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 10 days thereafter.~~
- ~~(f) Annual statements shall be filed during the month of February by all designated employees. Such statements shall cover the period of the preceding calendar year.~~
- ~~(g) 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 500. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the supervising clerk of the Rodeo Fire District, and shall contain the following information:~~

~~(a) Contents of Investment and Real Property Reports:~~

~~When an investment, or interest in real property, is required to be reported, the statement shall contain:~~

- ~~(1) A statement of the nature of the investment or interest;~~
- ~~(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;~~
- ~~(3) The address or other precise location of the real property;~~
- ~~(4) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand~~

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dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(b) — Contents of Personal Income Reports:

— When personal income is required to be reported, the statement shall contain:

— (1) — The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any of each source;

— (2) — A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);

— (3) — A description of the consideration, if any, for which the income was received;

— (4) — In case of a gift, the amount and date on which the gift was received.

(c) — Contents of Business Entity Income Reports:

— When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

— (1) — The name, address, and a general description of the business activity;

— (2) — In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's prorate share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

— (3) — In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's prorate share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) — Contents of Management Position Reports:

— When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.

(e) — Initial Statement:

— The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.

(f) — Acquisition or Disposal During Reporting Period:

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In the case of a statement filed under Section 400 (f), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

SECTION 600. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a 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.

EXHIBIT "A"

APPENDIX A: DESIGNATED POSITIONS	DISCLOSURE CATEGORY
Designated Positions Member Board of Directors	1 & 2
Chief Administrator	Disclosure Categories
Fire Chief	1 & 2, 3, 4
Assistant	
Battalion Chief	1 & 2, 3
Captains	1, 2, 3
General Communications Clerk/Counsel	1, 2, 3, 4
Consultants, New Positions*	

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EXHIBIT B

*Consultants/New positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Fire Chief may determine in writing that a particular consultant or new position, 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 in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. 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 Section 81008).

The following positions are NOT covered by the conflict of interest code because they must file a statement of economic interests pursuant to Government Code § 87200 and, therefore, are listed for information purposes only:

Members of the Board of Directors and Oversight Committees

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advise regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by §87200.

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APPENDIX B:
DISCLOSURE CATEGORIES

Designated positions must disclose pursuant to the categories below:

Category 1: Interests in real property within the jurisdiction of the District or within five miles of the District.

Category 2: Investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to a land use proceeding in which the District has authority to provide agency input (e.g., a zoning application).

Category 3: Investments, business positions and income, including gifts, loans, and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.

Category 4: Investments, and business positions in business entities, and income (including receipt of gifts, loans, and travel payments) from sources that have filed a claim against the District within the last two years or have a claim pending against the District.

General 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 any decision made or participated in by the designated employee by virtue of the employee's position.~~

Designated Employees in Category "1" must report:

~~———— All investments, interests in real property an 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 Rodeo fire 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 anytime 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 Rodeo Fire 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 within~~

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~~the last two years contracted, or foreseeably may contract with Rodeo Fire District to provide services, supplies, materials, machinery or equipment which are related to the following areas:~~

- ~~(A) — Motor Vehicle Equipment Services & Supplies~~
- ~~(B) — Communications Equipment Services & Supplies~~
- ~~(C) — Building & Grounds Material Equipment Services & Supplies~~
- ~~(D) — Material, Equipment Services & Supplies for Stations~~
- ~~(E) — Material & Service for Weed Abatement Program~~
- ~~(F) — Material & Service for Building Construction~~
- ~~(G) — Material & Service for Water Supply for Fire Protection~~
- ~~(H) — Fire Protection Equipment, Service & Supplies~~
- ~~(I) — Hose Service & Supplies~~
- ~~(J) — Photography Equipment Service & Supplies~~
- ~~(K) — Public Education Material Service & Supplies~~
- ~~(L) — Office Equipment Service & Supplies~~
- ~~(M) — Real Property within the District~~

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