

RESOLUTION 56-2022
August 18, 2022

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAMBRIA COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT CONFLICT OF INTEREST CODE

WHEREAS, Government Code section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that agency officials subject to the statute disclose economic interests that might be involved in the making or in the participation of making decisions that may foreseeably have a material effect on each official's financial interests; and

WHEREAS, Government Code Section 87307 authorizes a local public agency to amend its conflict of interest code at any time; and

WHEREAS, the District's existing Conflict of Interest Code (Code), as last amended by the Board through Resolution 41-2020 adopted on August 20, 2020, requires updating to designate new staff positions subject to the Code's reporting requirements and amend the titles of existing designated positions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

1. The Conflict of Interest Code and Appendices attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted.
2. Designated employees and consultants shall file statements of economic interest on FPPC Form 700 with the Board Secretary, who shall make the statements available for public inspection and copying upon request and, if required, file such statements with the designated official of San Luis Obispo County.
3. This Conflict of Interest Code shall not take effect until the San Luis Obispo County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. The Board Secretary is hereby authorized and directed to submit a certified copy of this Resolution to the Board of Supervisors and request approval of the Conflict of Interest Code.
4. After approval by the San Luis Obispo County Board of Supervisors, Exhibit A to the Resolution shall constitute the Conflict of Interest Code of the Cambria Community Services District in accordance with 2 CCR Section 18730(a).

- 5. This Resolution supersedes Resolution No. 41-2020 and other prior inconsistent resolutions.

PASSED AND ADOPTED by the Board of Directors of the Cambria Community Services District on August 18, 2022. by the following vote:

AYES: 5
NAYS: 0
ABSTAIN: 0
ABSENT: 0

DocuSigned by:



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Donn Howell, President
Board of Directors

ATTEST:
DocuSigned by:



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Leah Reedall, Board Secretary

APPROVED AS TO FORM:
DocuSigned by:



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Timothy J. Carmel, District Counsel

EXHIBIT A

CAMBRIA COMMUNITY SERVICES DISTRICT CONFLICT OF INTEREST CODE

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, Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in any agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of Section 18730 of Title 2 of the California Code of Regulations and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference and will be applied in accordance with the provisions existing on the date that any issue arising under this code must be addressed. This cover page, the referenced and incorporated regulation, and the attached appendixes designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Cambria Community Services District.

Individuals holding designated positions shall file their statements of economic interests with the Cambria Community Services District, which will make the statements available for public inspection and reproduction in accordance with Government Code Section 81008. Statements for all designated employees will be retained by the District Clerk.

APPENDIX A DESIGNATED POSITIONS

Designated Positions. The officers and employees listed below are designated as persons within the Cambria Community Services District who are deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosures categories as defined below.

| <u>Designated Position</u> | <u>Assigned Disclosure Categories</u> |
|---|---------------------------------------|
| District Counsel | 1,2 |
| Assistant District Counsel | 1,2 |
| Utilities Department Manager/District Engineer | 1,3 |
| Fire Chief | 1,3 |
| Administration Department Manager | 1,3 |
| | |
| Facilities & Resources Manager | 1,3 |
| Water Systems Superintendent | 1,3 |
| Wastewater Systems Superintendent | 1,3 |
| Parks, Recreation & Open Space Commissioners | 1,2 |
| Members of Finance Committee | 1,2 |
| Members of Policy Committee | 1,2 |
| Members of Resources & Infrastructure Committee | 1,2 |
| Consultants** | |

Consultants. “Consultant” means an individual who, pursuant to a contract with Cambria Community Services District, either: (A) Makes a governmental decision whether to: (1) approve a rate, rule or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement; (4) authorize the District to enter into, modify or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study or similar item; or (7) adopt or grant District approval of policies, standards or guidelines for the District, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District’s conflict of interest code under Government Code section 87302. (California Code of Regulations, Title 2, section 18701 (a)(2).)¹

¹ A consultant serves in a capacity only if he or she has an on-going relationship with the District A consultant who works on one project or a limited range of projects for the district is not deemed a consultant subject to the reporting requirements of this code unless the project or projects extend over a substantial period of time, generally more than one year (See *Smith* Advice Letter, FPPC No. I-99-316; *Travis* Advice Letter, FPPC No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

** “Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District’s conflict of interest code, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “consultant” in a “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with all or some of the disclosure requirements described herein. The General Manager’s written determination will include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and will be retained for public inspection in the same manner and location as the District’s conflict of interest code as required by Government Code section 81008.

Officials Who Manage Public Investments. Officials who manage public investments are deemed to be “statutory filers” within the meaning of Government Code section 87200 and California Code of Regulations, Title 2, section 18720 because they must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act instead of the District’s conflict of interest code. As a result, such persons are not designated in this code and are listed here for information only. The District’s statutory filers are:

- Board Members
- General Manager
- Finance Manager

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.

New Position Added Without Code Revision. If the District creates a new position that requires disclosure without simultaneously amending this code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file an annual Form 700 disclosure of economic interest statement using the broadest disclosure category until the District amends the code to designate the position. Alternatively, the General Manager may designate for any such position or consultant narrower disclosure obligations using a FPPC Form 804 or Form 805 as appropriate. (See 2 C.C.R. section 18734.)

APPENDIX B DISCLOSURE CATEGORIES

Category 1: All investments and business positions in business entities and income, including receipt of gifts, loans, and travel payments, from sources that are engaged in the performance of work or services of the type utilized by the District, or that manufacture, sell or provide supplies, machinery, services or equipment of the type utilized by the District.

Category 2: Interests in real property located in whole or in part within the District's jurisdiction or within two miles of any property owned or used by the District.

Category 3: Investments, business positions in business entities, and sources of income, including receipt of gifts, loans and travel payments, from entities that provide services and supplies of the type utilized by the designated position's department.