

COUNTY OF SACRAMENTO

BOARD OF SUPERVISORS OFFICE
COUNTY ADMINISTRATION BUILDING
700 H STREET, SUITE 2450, SACRAMENTO, CALIFORNIA 95814

BOARD OF SUPERVISORS
(916) 874-5411

PLANNING COMMISSIONS
(916) 874-7891

FAX
(916) 874-7593



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CLERK OF THE BOARD
CYNDI LEE

October 17, 2014

RECEIVED
OCT 21 2014

Rancho Murieta Community Services District
Attn: Joseph Blake
P. O. Box 1050
Rancho Murieta, CA 95683

RE: APPROVED CONFLICT OF INTEREST CODE

Dear Mr. Blake:

Enclosed please find your recently-approved Conflict of Interest code amendment for your records.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in purple ink that reads "Lorraine Silva".

Lorraine Silva, Deputy Clerk
Board of Supervisors

Enclosure

/lds

APPROVED

BOARD OF SUPERVISORS

By Res # 2014-0700

OCT 07 2014

**COUNTY OF SACRAMENTO
CALIFORNIA**

By Cyndi Lee
Clerk of the Board

For the Agenda of:
October 7, 2014

To: Board of Supervisors

From: Personnel Services

Subject: Proposed Conflict-Of-Interest Code For The Rancho Murieta Community Services District

Supervisory District(s): All

Contact: David Devine, Director of Personnel Services, (916) 874-6388

Overview

The Board of Supervisors has received a proposed Conflict-of-Interest Code for the Rancho Murieta Community Services District. As the code-reviewing body for this district, the Board of Supervisors is required to take action to approve, revise, or return for revision the proposed Conflict-of-Interest Code. The Department of Personnel Services has reviewed the proposed code, has determined that it complies with the legal requirements of the Political Reform Act, and recommends approval.

Recommendation

Adopt the attached Resolution approving the proposed Conflict of Interest Code for the Rancho Murieta Community Services District as adopted by said district and attached hereto.

Measures/Evaluation

N/A

Fiscal Impact

None

BACKGROUND

Pursuant to Government Code section 82011, the Board of Supervisors of the County of Sacramento is the Code-reviewing body for the Rancho Murieta Community Services District. Also pursuant to Government Code section 87303, the Board of Supervisors shall, within ninety (90) days after receiving the proposed code, approve the proposed code as submitted, revise the proposed code and approve it as revised, or return the proposed code to the district for revision.

DISCUSSION

On August 22, 2014, the County received a letter from the Rancho Murieta Community Services District requesting the Board of Supervisors to ratify its revised Conflict of Interest Code. The Department of Personnel Services has reviewed the proposed code, has determined that it complies with the legal requirements of the Political Reform Act, and recommends approval. The Conflict-of-Interest Code, as adopted by the Rancho Murieta Community Services District, identifies and lists designated positions, and specifies disclosure categories and Statement of Economic Interest Filing requirements for the covered employees.

FINANCIAL ANALYSIS

None.

Respectfully submitted,

APPROVED:
BRADLEY J. HUDSON
County Executive

DAVID DEVINE, Director
Department of Personnel Services

By: _____
DAVID VILLANUEVA
Chief Deputy County Executive

Attachments:
Resolution
Proposed Conflict of Interest Code

RESOLUTION NO. 2014-0700

RESOLUTION APPROVING CONFLICT-OF-INTEREST CODE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT

WHEREAS, a proposed Conflict of Interest Code of the Rancho Murieta Community Services District (hereinafter referred to as "District") has been submitted by said District; and

WHEREAS, pursuant to Government Code section 82011, the Board of Supervisors of the County of Sacramento is the Code-reviewing body for said District; and

WHEREAS, pursuant to Government Code section 87303, the Board of Supervisors shall, within ninety (90) days after receiving the proposed Code, approve the proposed Code as submitted, revise the proposed Code and approve it as revised, or return the proposed Code to the District for revision.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Sacramento, State of California, hereby approves the proposed Conflict of Interest Code of the Rancho Murieta Community Services District as adopted by said District and attached hereto. Said Conflict of Interest Code shall become effective upon the date of adoption of this Resolution.

On a motion by Supervisor Serna, seconded by Supervisor Nottoli, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento this 7th day of October, 2014, by the following vote, to wit:

- AYES: Supervisors, MacGlashan, Nottoli, Serna, Peters, Yee
- NOES: Supervisors, None
- ABSENT: Supervisors, None
- ABSTAIN: Supervisors, None



Glenn R. Yee

Chairperson of the Board of Supervisors of Sacramento County, California

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on 10/7/14

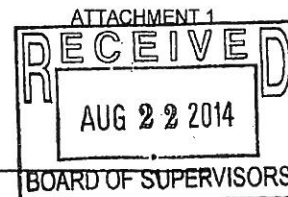
By: *[Signature]*
Deputy Clerk, Board of Supervisors

ATTEST: *[Signature]*
Clerk, Board of Supervisors

FILED
BOARD OF SUPERVISORS

OCT 07 2014
[Signature]
CLERK OF THE BOARD

2014 LOCAL AGENCY BIENNIAL NOTICE



Name of Agency: REVENUE DEVELOPMENT FUND
Mailing Address: P.O. BOX 1050 FINANCIAL SERVICES CA 95603
Contact Person: Suzanne Landersfield Office Phone No: 916 354 3103
E-mail: Suzanne.Landersfield@fppc.ca.gov Fax No: 916 354 3535

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions. **In addition to returning this completed form, please attach a copy of your agency's most current Conflict of Interest Code regardless of when it was approved or amended.**

This agency has reviewed its conflict-of-interest code and has determined that (check one box):

- An amendment is required. The following amendments are necessary: (Mark all that apply.)
 - Include new positions (including consultants) that must be designated
 - Revise disclosure categories
 - Revise the titles of existing positions
 - Delete positions that no longer make or participate in making governmental decisions
 - Other (describe) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions. The code includes all other provisions required by Government Code Section 87302.

Joyce Blah
Signature of Chief Executive Officer

08/22/2014
Date

Complete and return this notice and attach a copy of your agency's most current Conflict of Interest Code regardless of when it was approved or amended by no later than October 1, 2014 or by the date specified by your agency, if earlier to:

County of Sacramento
Board of Supervisors
Attention: Lorraine
700 H Street, Suite 2450
Sacramento, CA 95814-1298

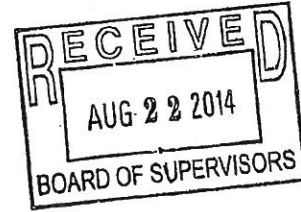
PLEASE DO NOT RETURN THIS FORM TO THE FPPC



Rancho Murieta Community Services District

15160 Jackson Road • P.O. Box 1050 Rancho Murieta, CA 95683 • 916-354-3700 • Fax 916-354-2082

Visit our website www.rmcsd.com



August 20, 2014

County of Sacramento
Board of Supervisors
Attention: Lorraine
700 H Street, Suite 2450
Sacramento, CA 95814-1298

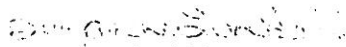
RE: Conflict of Interest Code

Dear Lorraine:

Enclosed are the 2014 Local Agency Biennial Notice and the Conflict of Interest Code. I am also enclosing a copy of Resolution 2014-18, adopting the new Conflict of Interest Code, for the Board of Supervisors to adopt.

Please call if you have any questions or need anything else.

Sincerely,

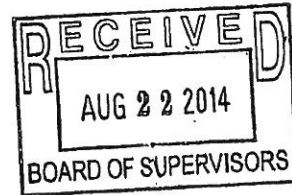

Suzanne Lindenfeld
District Secretary

/sl

Enclosure

Serving the Community for over 30 years

Board of Directors: Gerald Pasek, President • Roberta Belton, Vice-President • Betty Ferraro • Paul Gumbinger • Michael Martel
General Manager • Joseph Blake



RESOLUTION 2003-08

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT
AMENDING APPENDIX A OF CHAPTER 3,
THE CONFLICT OF INTEREST CODE**

WHEREAS, A Conflict of Interest Code was adopted by the Rancho Murieta Community Services District on November 10, 1982 (Resolution 82-3), which contained an appendix designating the positions required to file financial disclosure statements:

WHEREAS, all designated officials and employees are no longer required to file Forms 730 and 721;

NOW, THEREFORE, the Board of Directors of Rancho Murieta Community Services District resolves that Appendix A be modified that the following positions be required to file Form 700;

<u>POSITION</u>	<u>DISCLOSURE CATEGORIES</u>
Directors	1, 2
District Engineer	1, 2
Consultants	1, 2
Manager	1, 2
Finance Officer	1, 2

Category 1

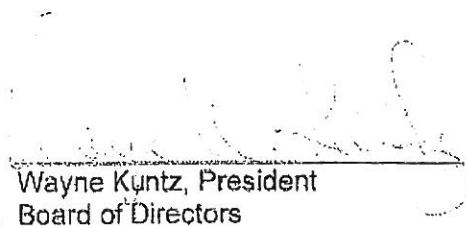
All investments, interests in real property and business entities located within the District.

Category 2

Interests in business entities and sources of income of the type which, within the past two years, have contracted with the District to provide services, supplies, materials, machinery or equipment.

PASSED AND ADOPTED on July 16, 2003, by the following roll call vote:

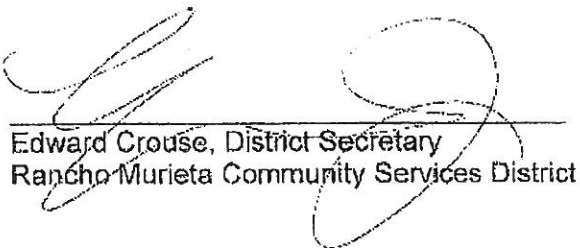
Ayes: *Kuntz, Brennan, Merchant, Taylor, White*
Noes: *None*
Absent: *None*
Abstain: *None*



Wayne Kuntz, President
Board of Directors

[SEAL]

Attest:



Edward Crouse, District Secretary
Rancho Murieta Community Services District

RESOLUTION NO. 2014-18**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE RANCHO MURIETA 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 designated officials disclose economic interests that might be foreseeably affected by the making or participation in the making of agency decisions;

WHEREAS, Government Code section 87307 authorizes a local public agency to amend its conflict of interest code at any time that a change may be warranted; and

WHEREAS, the District's existing conflict of interest code, which was last amended by the Board in 2003 (see Resolution 2003-08), should be amended to reflect changes in designated positions and disclosure categories, and to make other minor changes and additions related to code implementation.

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


1. The Board adopts the amended conflict of interest code attached as Appendices A and B, which supersedes the conflict of interest code adopted by District Resolution 82-3, as amended by District Resolution 2003-08, and all other prior inconsistent actions or resolutions.
2. The provisions of Title 2, section 18730 of the California Code of Regulations ("Section 18730") as set forth on the attached Appendix A, and any amendments to Section 18730 duly adopted from time to time by the California Fair Political Practices Commission, are adopted and incorporated by reference as the main body of the District's conflict of interest code.
3. The list of designated District positions and applicable disclosure categories attached as Appendix B is adopted as the appendix of designated positions and disclosure categories to accompany Section 18730.
4. Designated employees and consultants shall file statements of economic interests (FPPC Form 700) with the District Secretary, who will make the statements available for public inspection and copying and, if required, file such statements with Sacramento County.

5. This conflict of interest code shall not take effect until the Sacramento County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. The General Manager is hereby authorized and directed to submit a certified copy of this resolution with appendices to the Board of Supervisors and request approval of the amended District conflict of interest code.

6. After approval by the Sacramento County Board of Supervisors, the following documents shall constitute the Conflict of Interest Code of the Rancho Murieta Community Services District (being Chapter 3 of the District Code): (1) the terms of Section 18730, as set forth in Appendix A; and (2) the list of designated District positions and applicable disclosure categories, as set forth in Appendix B.

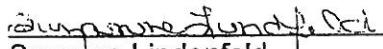
PASSED AND ADOPTED this 20th day of August, 2014 by the following vote:

Ayes: Pasek, Belton, Ferraro, Gumbinger, Martel
Noes: None
Abstain: None
Absent: None



Gerald Pasek, President of the Board
Rancho Murieta Community Services District

Attest:



Suzanne Lindenfeld
District Secretary

**RANCHO MURIETA COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE**

APPENDIX A

**Regulations of the Fair Political Practices Commission
Title 2, Division 6, California Code of Regulations**

§ 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the 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 economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section

87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

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 equals or exceeds \$ 2,000, exceeds \$ 10,000, exceeds \$ 100,000, or exceeds \$ 1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$ 500 or more in value, or \$ 50 or more in value if the income was a gift, and a general description of the business

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$ 2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$ 1,000 or less, greater than \$ 1,000, greater than \$ 10,000, or greater than \$ 100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$ 10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 440.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$ 440 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over

which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$ 500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$ 100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$ 250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect

investment worth \$ 2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$ 2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$ 500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 440 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$ 1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request

assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

**RANCHO MURIETA COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE**

APPENDIX B

DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Designated Positions.¹ The officers and employees listed below are designated as persons 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 disclosure categories as defined below.

<u>Designated Position</u>	<u>Disclosure Categories</u>
District Engineer	1
District Legal Counsel	1
Consultants	1 ²

Disclosure Categories. The District's disclosure categories are defined as follows:

Category 1- Full Disclosure: All persons in this disclosure category will disclose all interests in real property within two miles of the District's boundaries, as well as investments, business positions and sources of income, including gifts, loans and travel payments, from all sources.

Category 2 – Disclosure of all Interests Except Interests in Real Property: All persons in this disclosure category will disclose all investments, business positions and sources of income, including gifts, loans and travel payments, from all sources.

Category 3 – Employees with Contracting Authority or Who Participate in Making Contracts: All investments, business positions and income, including gifts, loans and travel payments, in or from sources that provide goods, equipment or

¹ 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 conflict of interest code. The District's statutory filers are: Members of the Board of Directors, the District Manager, and the District Treasurer. As a result, such persons are not designated in this code and are listed here for information only.

² Unless the District Manager determines in writing that narrower disclosure is permitted in accordance with the standards provided on page 2 of this appendix under the heading "Consultants."

services, including training or consulting services, of the type utilized by the District.

Consultants. "Consultant" means an individual who, pursuant to a contract with the 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).)³

"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 District Manager may determine in writing that a particular consultant, although a "consultant" and "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 any or some of the disclosure requirements described in this section. The District 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.

New Position Added Without Code Revision. If the District creates a new position that requires disclosure under this code without simultaneously amending the code, the employee appointed to fill such a position will file a Form 700 assuming office statement and thereafter file annual Form 700 disclosure of

³ A consultant serves in a staff 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.)

economic interest statements each year using the broadest disclosure category until the District amends the code to designate the position and, if warranted, to authorize more narrow disclosure for the position.