

DAN MACSAY
1st District

MICHAEL DUNN
2nd District

PATRICIA CANTRALL
3rd District

LOREN "SHORTY" CRABTREE
4th District

DAVE BRADSHAW
5th District



MAXINE MADISON
Clerk of the
BOARD OF SUPERVISORS

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ALTURAS, CALIFORNIA 96101

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Date: July 10, 2007

TO: Local Agencies

SUBJECT: UPDATE OF CONFLICT OF INTEREST CODES

The Board of Supervisors is required by state law to notify all special districts that they must review their conflict of interest codes biennially. Enclosed is a copy of Resolution No. 07-11 exempting certain local agencies from Government Code Section 87300-conflict of interest code. A sample Resolution for Conflict of Interest Code for districts that are not exempted from filing a code or wish to file a Conflict of Interest Code is also enclosed. Codes that have been adopted must be submitted to the Board of Supervisors as the reviewing body for any agency that lies wholly within the jurisdictional boundaries of the county (other than the city).

If you have questions or request technical assistance (either in preparing a conflict of interest code for your district or in determining whether an existing code should be revised) the FPPC is required under Government Code Section 87312 to help you. The toll-free advice line is 866-275-3772. You may also call Modoc County Counsel, John Kenny, in Redding at 530-225-8900.

A handwritten signature in cursive script that reads "Maxine Madison".

Maxine Madison
Clerk of the Board of Supervisors

**RESOLUTION ADOPTING
CONFLICT OF INTEREST CODE**

(Name of Agency)

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code, and

WHEREAS, Fair Political Practices Commission has adopted a regulation (2 California Administrative Code Section 18730) containing the terms of a standard conflict of interest code, which may incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to any future amendments in the Political Reform Act,

NOW, THEREFORE, BE IT RESOLVED that the terms of the attached 2 California Administrative Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and that said regulation along with the attached Appendices A and B (in which are set forth) shall constitute the Conflict of Interest Code for the above-named agency.

BE IT FURTHER RESOLVED that persons designated in Appendix A shall file statements of economic interests with the Clerk of the Modoc County Board of Supervisors pursuant to Section (b) (4) of the standard code and the County Clerk shall retain the statements.

PASSED/AND ADOPTED at a regular meeting of the above-named agency held on AUG 14 / 07 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman

ATTEST:

Agency Secretary

APPENDIX A

DESIGNATED POSITIONS

The following positions involve the making or participation in the making of decisions, which may foreseeably have a material effect on a financial interest:

APPENDIX B

DISCLOSURE FOR DESIGNATED POSITIONS

GOVERNMENT CODE SECTION 82019

“ DESIGNATED EMPLOYEE ”

“Designated employee” does not include an elected state officer, any unsalaried member of any board or commission, which serves a solely advisory function, any public official specified in Section 87200, and also does not include any unsalaried member of a nonregulatory committee, section, commission, or other such entity of the State Bar of California.

“Designated employee” does not include a federal officer or employee serving in an official federal capacity on a state or local government agency. The state or local government agency shall annually obtain, and maintain in its files for public inspection, a copy of any public financial disclosure report filed by the federal officer or employee pursuant to federal law.

HOW TO DETERMINE WHO SHOULD BE DESIGNATED IN YOUR CODE

A designated employee is anyone within your agency who is an officer, employee, member or consultant who is designated in the code because the position entails the making or participation in the making of decisions, which may foreseeably have a material effect on any financial interest (GC Section 82019) (Emphasis added).

The term “designated employee” does not include any public official specified in Government Code Section 97200 (i.e., planning commissioner, city council members, board of supervisors, city attorneys, district attorneys, judges, county counsel, mayors, city managers, chief administrative officers, etc.), nor does it include a position which is solely clerical, ministerial or manual, or any unsalaried member of a board of commission which is solely advisory.

To determine who within your agency should be designated in the code, you need to know who within your agency makes or participates in the making of governmental decisions.

RESOLUTION NO. 07 - 11
COUNTY OF MODOC

BOARD OF SUPERVISORS RESOLUTION EXEMPTING
CERTAIN LOCAL AGENCIES FROM GOVERNMENT CODE
SECTION 87300-CONFLICT OF INTEREST CODE

WHEREAS, the regulations of the Fair Political Practices Commission allows an exemption to be granted to certain local agencies from the requirement of adopting a conflict of interest code; and

WHEREAS, the criteria for such exemption are:

- (1) That if the agency were to adopt a Conflict of Interest Code, there would be no "designated employees," within the meaning of Government Code Sections 82019 and 87302(a), subject to its provisions; or
- (2) That the agency is, or within one year will be, inoperative and nonfunctioning; or
- (3) That the agency is a committee, board, or commission that does not possess decision-making authority as defined in 2 Cal. Code Regs. section 18701(a)(1), and both of the following apply:
 - (A) The agency will not acquire real property in the foreseeable future; and
 - (B) The annual operating budget exclusive of salaries for the agency is less than \$150,000; or
- (4) That good cause exists for granting an exemption due to extraordinary circumstances that indicate the burden on the agency of adopting a conflict of interest code is not warranted by the degree of likelihood that a conflict of interest may occur; and

WHEREAS, the Modoc County Grand Jury has determined that unnecessary conflict of interest guidelines and filing requirements discourage volunteers from accepting positions with agencies within the county, and

WHEREAS, the list of local agencies attached hereto and by this reference made a part hereof are hereby found by the Board of Supervisors of the County of Modoc to meet the criteria for the exemption as stated in

paragraph 3 and or 4 above and the Board hereby deems a request for such exemption to have been made by each and every listed agency, provided, however, that any such agency may elect to waive exemption granted by the Board of Supervisors by adopting a Conflict of Interest Code and submitting it to the Board of Supervisors for approval.

NOW, THEREFORE, BE IT RESOLVED, that each and every agency named on the list attached hereto and incorporated herein by this reference which has not elected or does not in the future elect to adopt a Conflict of Interest Code is granted an exemption from the requirements of Government Code Section 87300.

BE IT FURTHER RESOLVED that from time to time the attached list may be amended by adding or deleting agencies as it appears appropriate from information made available to this Board.

PASSED AND ADOPTED by the Board of Supervisors of the County of Modoc, State of California, at a regular meeting of said Board, held on the 20th day of March, 2007, by the following vote:

AYES: Supervisors Bradshaw, Dunn, Macsay, Cantrall

NOES: None

Supervisor Crabtree



MODOC COUNTY BOARD OF SUPERVISORS

By: Mike Dunn

MIKE DUNN, Chairman

ATTEST:

Maxine Madison
MAXINE MADISON, Clerk to the
Board of Supervisors

**LOCAL AGENCIES EXEMPTED FROM GOVERNMENT
CODE 87300**

FIRE DISTRICTS

Adin Fire District	Alturas Rural Fire District
Canby Fire District	Davis Creek Fire District
Cedarville Fire District	Fort Bidwell Fire District
Eagleville Fire District	Likely Fire District
Lake City Fire District	Tulelake Multi-County Fire
Lookout Fire District	Willow Ranch Fire District

CEMETERY DISTRICTS

Adin Cemetery District	Alturas Cemetery District
Cedarville Cemetery District	Davis Creek Cemetery District
Eagleville Cemetery District	Fort Bidwell Cemetery District
Lake City Cemetery District	Likely Cemetery District
Lookout Cemetery District	Willow Ranch Cemetery District