

2016-11

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE MEMBERS OF THE COMMISSION OF THE LOCAL AGENCY FORMATION COMMISSION - MARIN COUNTY ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

**WHEREAS**, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Local Agency Formation Commission – Marin County ("LAFCO") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, the Members of the Commission adopted a Conflict of Interest Code (the "Code") in compliance with the Act; and

**WHEREAS**, subsequent changed circumstances within LAFCO have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update LAFCO's Code; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in LAFCO being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by the Members of the Commission of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of LAFCO; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Members of the Commission on October 13, 2016, at which all present were given an opportunity to be heard on the proposed amended Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Members of the Commission of the Local Agency Formation Commission - Marin County, that the Members of the Commission do hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Commission Clerk and available to the public for inspection and copying during regular business hours;

**BE IT FURTHER RESOLVED** that the said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Marin for approval and said Code shall become effective immediately after the Board of Supervisors approves the proposed amended Code as submitted.

**BE IT FURTHER RESOLVED** that all previous conflict of interest codes of the Local Agency Formation Commission – Marin County shall be rescinded upon the effective date of said amended Code as approved by the Board of Supervisors.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on October 13, 2016 by the following vote:

AYES: Gordon, Baker, ✓

NOES: None

ABSTAIN: None

ABSENT: None

~~JEFFRY~~ BLANCHFIELD Chair

ATTEST: ✓

KEENE SIMONDS, Executive Officer

**CONFLICT OF INTEREST CODE**

**OF THE**

**MARIN LOCAL AGENCY  
FORMATION COMMISSION**

# CONFLICT OF INTEREST CODE OF THE MARIN LOCAL AGENCY FORMATION COMMISSION

(Adopted October 13, 2016)

The Political Reform Act (Gov. Code § 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 (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an 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 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the **Marin Local Agency Formation Commission ("LAFCO")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Commission Clerk** as LAFCO's Filing Officer. The **Commission Clerk** shall make and retain a copy of all statements filed by Members of the Commission and the Executive Officer and shall forward the originals of such statements to the Board of Supervisors, County of Marin. The **Commission Clerk** shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

**APPENDIX**  
**CONFLICT OF INTEREST CODE**  
**OF THE**  
**MARIN LOCAL AGENCY FORMATION COMMISSION**

(Adopted October 13, 2016)

**PART "A"**

LAFCO Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3, are NOT subject to LAFCO's Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that the positions listed below are Officials who manage public investments<sup>1</sup>. These positions are listed here for informational purposes only.

Members of the Commission and their Alternates

Investment Consultant

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<sup>1</sup> Individuals 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 § 87200.

## **DESIGNATED POSITIONS**

### **GOVERNED BY THE CONFLICT OF INTEREST CODE**

<b><u>Designated Position' Title or Function</u></b>	<b><u>Disclosure Categories Assigned</u></b>
Administrative Analyst	2, 5
Commission Clerk	4
Commission Counsel	1, 2
Executive Officer	1, 2

#### Consultants and New Positions<sup>2</sup>

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<sup>2</sup> Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The Executive Officer'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 Sec. 81008.)

## **PART "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.<sup>3</sup> "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of LAFCO.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of LAFCO.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of LAFCO.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by LAFCO.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

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<sup>3</sup> This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)