

**Draft – Legislative Version to
Show Changes Made**

Attachment 2

LEGISLATIVE VERSION
TO SHOW CHANGES MADE
AND FOR RECORDS

LEGISLATIVE VERSION
(showing changes made)

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY

FORMATION COMMISSION

COUNTY OF SAN BERNARDINO

CONFLICT OF INTEREST CODE
OF THE
LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO

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 (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 the standard code 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 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Local Agency Formation Commission – San Bernardino County (“LAFCO”)**.

All Officials and designated positions required to submit a statement of economic interests shall file their statements of economic interests with the **Project Manager** as LAFCO's Filing Officer. The **Project Manager** 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 County Board of Supervisors of the County of San Bernardino. The **Project Manager** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

[All previous provisions deleted]

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY FORMATION COMMISSION

- COUNTY OF SAN BERNARDINO

(Amended September 15, 2004¹)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to LAFCO's Code, but ~~are subject to the disclosure requirements of the Act.~~ (must file disclosure statements under Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments²:

Members of the Commission and their Alternates

Executive Officer

Financial Consultants

¹ ~~Titles updated August 2010.~~ Titles updated and clarifying language added as provided by the Fair Political Practices Commission in July 2012.

² Individuals holding one of the above-listed positions may contact the FPPCFair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPCFair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES' POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Analyst <u>Project Manager</u>	1, 2
Senior Analyst <u>Assistant Executive Officer</u>	1, 2
General Counsel	1, 2
Consultant <u>and New Positions</u> ³	

³ ~~Consultants shall be included in the list of Designated Employees and Individuals providing services as a consultant as defined in Regulation 18701 or in a new position created since this Code was last approved that make or participate in making decisions~~ shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

~~The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements 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 Regs 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.)

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of ~~investments, business entities, sources of income, including gifts, loans and travel payments, or real property which~~ economic interests that the Designated Employee-Position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of the District.

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 jurisdiction 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, supplies 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, supplies products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's-Position's department, unit or division.