



Contra
Costa
County

To: Board of Supervisors
From: Mary Ann Mason, County Counsel
Date: September 13, 2022

Subject: Conflict of Interest Code for the Moraga-Orinda Fire Protection District

RECOMMENDATION(S):

APPROVE amended Conflict of Interest Code for the Moraga-Orinda Fire Protection District ("District"), including the list of designated positions.

FISCAL IMPACT:

None.

BACKGROUND:

The District has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code sections 87306 and 87306.5.

The recommended changes include the addition of a position designated to file conflict of interest statements. This change will ensure that the Conflict of Interest Code accurately reflects the current positions and organizational structure in use by the District.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **09/13/2022** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 13, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Kurtis C. Keller, Deputy County Counsel, (925) 655-2200

By: June McHuen, Deputy

BACKGROUND: (CONT'D)

A redline version of the Conflict of Interest Code is attached as Exhibit B.

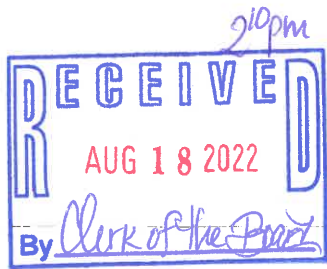
CONSEQUENCE OF NEGATIVE ACTION:

None.

ATTACHMENTS

Exhibit A - Conflict of Interest Code of the Moraga-Orinda Fire Protection District

Exhibit B - Conflict of Interest Code of the Moraga-Orinda Fire Protection District - REDLINE



MORAGA-ORINDA FIRE DISTRICT
OF CONTRA COSTA COUNTY
CONFLICT OF INTEREST CODE
July 2022

SECTION 1. Purpose

Pursuant to the provisions of Government Code sections 87300 et seq. and 2 California Code of Regulations sections 18730 et seq. ("Regulations), the Moraga-Orinda Fire Protection District of Contra Costa County hereby adopts the following *Conflict of Interest Code*. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code § 81000) or the Regulations. The provisions of this Code are additional to Government Code section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the provisions of said Act and the Regulations are incorporated herein and this code shall be interpreted in a manner consistent therewith.

SECTION 2. Designated Positions

The positions listed below are designated positions. Officers and employees holding these positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

<u>Designated Positions</u>	<u>Disclosure Category</u>
Member of the Board of Directors	1 & 2
Chief Administrator, Fire Chief	1 & 2
Battalion Chiefs	1 & 2
Fire Marshal, Chief of Fire Prevention	1 & 2
Administrative Services Director	1 & 2
Finance Manager	1 & 2
Fire Inspector/Plans Examiner	3 (H) (I) (J) (K) (M) (N) (O) (Q)
Fuels Mitigation Manager	1 & 2
Human Resources Manager	1 & 2
Fire District Legal Counsel	1 & 2
Emergency Preparedness Coordinator	1 & 2
Fuels Mitigation Specialist	3 (H) (Q)
Consultant/New Positions	4

SECTION 3. Disclosure CategoriesGeneral Rule.

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of the employee's positions.

Designated Employees in Category "1" must report:

All investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee or holds any position of management. Financial interests are reportable only if located within Moraga-Orinda Fire Protection District or if the business entity is doing business or planning to do business in the District (and such plans are known by the designated employee) or has done business within the District at any time during the two years prior to the filing of the statement.

Designated Employees in Category "2" must report:

Investments in any business entity, and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted or foreseeably may contract, with Moraga-Orinda Fire Protection District to provide services, supplies, materials, machinery, or equipment to such district.

Designated Employees In Category "3" must report:

Investments in any business entity and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity which has been within the last two years contracted, or foreseeably may contract, with Moraga-Orinda Fire Protection District to provide services supplies, materials, machinery or equipment which are related to the following areas:

- (A) Motor Vehicle Equipment Service & Supplies
- (B) Communications Equipment Service & Supplies
- (C) Building & Grounds Material Equipment Service & Supplies
- (D) Material, Equipment Service & Supplies for Stations
- (E) Canvas Service & Supplies
- (F) Air systems Equipment Service & Supplies
- (G) Aircraft Equipment Service & Supplies
- (H) Material & Service for Weed Abatement Program
- (I) Material & Service for Building Construction
- (J) Material & Service for Water Supply for Fire Protection
- (K) Fire Protection Equipment, Services & Supplies
- (L) Hose Service Supplies
- (M) Mapping Service & Supplies
- (N) Photograph Equipment Service & Supplies
- (O) Public Education Material Service & Supplies
- (P) Office Equipment Service & Supplies
- (Q) Real Property within the District

Designated Employees In Category "4" must report:

Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Categories 1 and 2, subject to the following limitation: The Chief Administrator may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. 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. The Chief Administrator'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.

SECTION 4. Statement

Designated positions shall be assigned to one or more of the disclosure categories set forth above. Each designated employee shall file an annual statement disclosing that employees' interest in investments, real property and income, designated as reportable under the category to which the employee's position is assigned.

SECTION 5. Place and Time of Filing

- (a) All designated employees required to submit a statement of financial interest shall cause the same to be filed with the Clerk or Secretary of the District.
- (b) The Clerk or Secretary of the District which receives the statement of financial interest shall make and retain a copy and forward the original to the Clerk of Contra Costa County.
- (c) A designated employee required to submit a statement of financial interest shall submit an initial statement within thirty (30) days after the effective date of this Code.
- (d) All employees appointed, promoted or transferred to designated positions shall file initial statements not less than ten (10) days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within thirty (30) days thereafter.
- (e) Annual statements shall be filed during the month of February by all designated employees. Such statement shall cover the period of the preceding calendar year.
- (f) A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

SECTION 6. Scope and Manner of Reporting

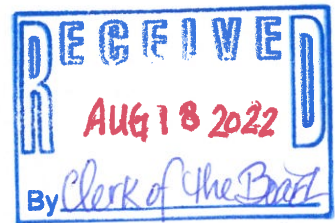
All persons required by this Conflict of Interest Code to file statements of economic interests shall comply with the provisions of the Regulations (and as those Regulations may be amended), which contains detailed instructions regarding the scope of interests to be reported as well as the manner of reporting them. The Regulations can be found online at: <http://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>.

SECTION 7. Disqualification

Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

SECTION 8. Effective Date

This code, unless otherwise provided by the Political Reform Act of 1974, shall become effective upon the date of approval and ratification by the code reviewing body of the County of Contra Costa.



2022 Local Agency Biennial Notice

Name of Agency: Moraga-Orinda Fire Protection District

Mailing Address: 1280 Moraga Way, Moraga, CA 94556

Contact Person: Marcia Holbrook Phone No. 925-258-4501

Email: mholbrook@mofd.org Alternate Email: gsasser@mofd.org

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 includes disclosure by those agency officials who make or participate in making governmental decisions.

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:**
 (Check all that apply.)
- Include new positions
 - Revise disclosure categories
 - Revise the titles of existing positions
 - Delete titles of positions that have been abolished and/or 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 over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that 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 designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

Contra Costa County
 Clerk of the Board
 1025 Escobar St., 1st Floor
 Martinez, CA 94553

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.