

IDYLLWILD FIRE PROTECTION DISTRICT

POLICY TITLE: Conflict of Interest

POLICY NUMBER: 1020

1020.1 The Political Reform Act, Government 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) which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

1020.2 Designated employees shall file statements of economic interests with the Clerk of the Board of Commissioners annually and as prescribed in the Regulations. The Clerk of the Board is authorized to forward a copy of this adopted policy to the Riverside Board of Supervisors for approval by the Supervisor as required by Government Code Section 87303.

1020.3 The Fire Chief and all members of the Board of Commissioners' and District Legal Counsel are designated employees and shall file Statements of economic interest. A copy of the required form 700 is maintained in the District records.

1020.4 Attachment A. Duties of the Filing Officer and Attachment B. Financial Interest are the guidelines for this policy.

Original Approval Date:	08/22/2013
Board Revised Date:	02/27/2018
Board Revised Date:	06/28/2020

6/28/2020
Revised Date


Clerk of the Board

IDYLLWILD FIRE PROTECTION DISTRICT

ATTACHMENT A: Duties of the Filing Officer

The Idyllwild Fire Protection District's conflict of Interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with an attachment (Exhibit A) specifying designated positions and the specific types of disclosure statements required for each position.

Idyllwild Fire Protection District shall review its conflict of interest code in even-numbered years. If no change is required, the Idyllwild Fire Protection District shall submit by October 1st a written statement to that effect to the code reviewing body. If changing circumstances necessitate a change in the code, the Idyllwild fire Protection District shall submit an amended code to the reviewing body. (Government Code 87306.5)

When a change in the Idyllwild Fire Protection District's conflict of interest code is necessitated by changing circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

If the Idyllwild Fire Protection District or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting on the decision unless his/her participation is legally required. (2CCR 18700)

- A. All designated employees required to submit a statement of financial interest shall file the original with the Clerk of the Board.
- B. The Clerk of the Board shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors of the County of Riverside.
- C. A designated employee required to submit a statement of financial interest shall submit an initial statement.
- D. All employees appointed, promoted or transferred to designated positions shall file initial statements not less than 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 30 days thereafter.
- E. Annual statements shall be filed by all designated employees during the month of February disclosing reportable investments in business entities, interest in real property and income held or received in the period between the closing date of employee's previously filed statement and January 31.
- F. Each person who leaves a designated position for a position not specified in Exhibit "A" shall file a leaving office statement within 30 days after separation.
- G. A designated employee required to file a statement of financial interest with any other agency, which has 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.

IDYLLWILD FIRE PROTECTION DISTRICT

ATTACHMENT B: Financial Interest

Idyllwild Fire Protection District Commissioners and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 10890)

An Idyllwild Fire Protection District Commissioner shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty;
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board;
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any public corporation or special judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remoter interest within the meaning of, and subject to, the provisions of Government Code 1091);
4. That of a spouse of an officer or employee of the Idyllwild Fire Protection District if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment;
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records;
6. That of a non-compensated officer of a nonprofit tax-exempt corporation which, as one of its primary purposes supports the functions of the nonprofit board or to which the Idyllwild Fire Protection District has a legal obligation to file particular consideration and provided further that such interest is noted in its official records;
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Idyllwild Fire Protection District at the time of consideration of the contract, and provided further that such interest is noted in its official records;
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, an Idyllwild Fire Protection District Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law is in his/her sole interest or that of an officer, director or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

The Idyllwild Fire Protection District Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Idyllwild Fire Protection District Board member shall not vote or debate on the matter or attempt to influence any other Idyllwild Fire Protection District Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

An Idyllwild Fire Protection District Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

A designated employee must disqualify him or herself from making or participating in the making of any decision which will foreseeably have a material financial effect, distinguishable from its effect of the public generally, or any reportable economic interest or upon any business entity in which the designated employee holds a position of management or is a director, officer, partner, trustee, or employee. No designated employee shall be prevented from making or participating in the making of a decision to the extent his or her participation is legally required for the decision to be made.