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Thursday, AUG 18, 2016 11:53:36

Ttl Pd \$24.00

Rcpt # 0001789465

MMP/C1/1-3

GOLDEN WEST COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 16-09 A Resolution Repealing Resolution No. 15-01 and Adopting Conflict of Interest Code

WHEREAS, The Political Reform Act, Government Code §81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

WHEREAS, The existing District conflict of interest code was adopted in 2015 and no longer represents district needs; and

WHEREAS, Section 61045 subsections (f) and (g) of the Government Code (Gov. Code) require the District Board of Directors to adopt a rules and procedures; and

WHEREAS, The District adopted Board Rules and Procedure Policy through Resolution No. 14-003; and

NOW, THEREFORE, BE IT RESOLVED that District Resolution 15-01 is repealed.

IT IS FURTHER RESOLVED, that Attachment 1 Board Rules and Procedures Amendment 2 is hereby added to the District's Board Rules and Procedures Policy as Section 3 – Conflict of Interest Code.

PASSED AND ADOPTED by the Golden West Community Services District on this 13th day of August 2016.

AYES: 4 Board Member(s) *Kaigun, Keeney, Lindberg, MacConnell, Shana J. Kaigun*

NOES: 0 Board Member(s) *Counaugh, A. Lindberg, Jerry B. Ruben, John W. MacConnell*

ABSTAIN: 0 Board Member(s)

John W. MacConnell

John W. MacConnell, President of the Board of Directors

ATTEST:

Marc E. Regelbrugge

Marc E. Regelbrugge, Secretary of the Board of Directors

Attachment 1 GWCSC Board Rules and Procedures Policy Amendment 2

Chapter 3 - CONFLICT OF INTEREST CODE

Section 1 - Introduction

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 into a local conflict of interest code, and may be amended by the FPPC after public notice and hearing to conform to amendments to the Political Reform Act. Therefore the terms of 2 Cal. Code of Regs. §18730 and any amendment to it duly adopted by the FPPC are hereby incorporated herein by this reference and, along with the Appendix of Designated Positions and Disclosure Categories set forth below, constitute the conflict of interest code of the Golden West Community Service District. This conflict of interest code supersedes all prior codes, which are hereby rescinded.

Designated employees and contractors shall file their original signed statement of economic interests with the Golden West Community Service District. Statements are public records and will be made available for public inspection and reproduction.

Section 2 - Appendix of Designated Positions and Disclosure Categories

The designated employees and contractors, who have been determined to make or participate in making decisions that may foreseeably have a material effect on an economic interest, are:

1. Members of the Board of Directors
2. General Manager
3. Consultants*

The disclosure category for the designated positions is: all interests in real property in the district, and all investments, business positions and income (including gifts, loans and travel payments) from sources that directly contract with the CSD.

*Consultants are those persons defined in Title 2, California code of Regulation, §18701(a)(2) who contract with the district to provide services. The General Manager may determine in writing that a particular consultant, although occupying a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirement described in this code. Such determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The General Manager'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. The definition of consultant in 2 CCR §18701(a)(2) is:

"Consultant" means any individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

(i) Approve a rate, rule or regulation;

(ii) Adopt or enforce a law;

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- (iii) *Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;*
- (iv) *Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;*
- (v) *Grant agency approval to a plan, design, report, study, or similar item;*
- (vii) *Adopt, or grant agency approval of, policies standards or guidelines for the agency, or for any subdivision thereof; or*
- (B) *Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code section 87302."*

The above local conflict of interest code was adopted by the Board of Directors of the Golden West Community Service District at a regular meeting of the board held on the 13th day of August 2016.