

# Consent Agenda Item

DATE: July 25, 2022  
TO: Templeton Community Services District Board of Directors  
FROM: Keri Dodson, Executive Assistant/Board Clerk  
SUBJECT: Resolution No. 19-2022, amending the District's Conflict of Interest Code

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**RECOMMENDED ACTION:**

That the Board of Directors, by motion, adopt Resolution No. 19-2022 amending the District's Conflict of Interest Code.

Motion: \_\_\_\_\_/\_\_\_\_\_

**FISCAL IMPACT:**

None.

**BACKGROUND:** The District is required to review its Conflict of Interest Code on a biennial basis and make any necessary amendments. The job title of Assistant to General Manager/Board Secretary has been re-classified as Executive Assistant/Board Clerk, therefore the code would need to be amended to reflect this. District staff will need to submit the following items to the County for review:

- Attachment A - 2022 Local Agency Biennial Notice
- Attachment B - Letter outlining changes
- Attachment C - Redline version showing changes to current code
- Attachment D - Final version of new Conflict of Interest Code (Exhibit A)
- Attachment E - Adopted Resolution accepting the amendments

This Conflict of Interest Code shall not take effect until the San Luis Obispo County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. If the Board approves Resolution No. 19-2022, the District Secretary will be authorized and directed to submit a certified copy of this resolution with the above-mentioned items to the Board of Supervisors and request approval of the Conflict of Interest Code update.

## 2022 Local Agency Biennial Notice

Name of Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No. \_\_\_\_\_

Email: \_\_\_\_\_ Alternate Email: \_\_\_\_\_

**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:

**Administrative Office, ATTN: Clerk of the Board, 1055 Monterey St. Ste. D430, San Luis Obispo, CA 93408**  
Via e-mail: [AD\\_Form700@co.slo.ca.us](mailto:AD_Form700@co.slo.ca.us)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

**BOARD OF DIRECTORS**

**Debra Logan**  
President

**Wayne Petersen**  
Vice-President

**Geoff English**  
Director

**Navid Fardanesh**  
Director

**Pamela Jardini**  
Director

**STAFF**

**Jeff Britz**  
General Manager

**Bettina L. Mayer, P.E.**  
District Engineer

**Keri Dodson**  
Executive Assistant/Board  
Clerk

**Justin Black**  
Utilities Manager

**Natalie Klock**  
Finance Officer

**Tom Peterson**  
Fire Chief

**Melissa Johnson**  
Recreation Supervisor

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**TEMPLETON COMMUNITY SERVICES DISTRICT**

P.O. BOX 780 • 420 CROCKER STREET • TEMPLETON, CA 93465 • (805) 434-4900 • FAX: (805) 434-4820

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August 3, 2022

County of San Luis Obispo  
Administrative Office - Clerk of the Board  
1055 Monterey Street, Suite D430  
San Luis Obispo, CA 93408

RE: Conflict of Interest Code Amendment

Clerk of the Board,

Upon review of the current Conflict of Interest Code for the Templeton Community Services District (TCSD), an amendment is required due to a change in job title. The job title of Assistant to General Manager/Board Secretary has been re-classified as Executive Assistant/Board Clerk. Additionally, this position previously fell under disclosure category 3, but will be amended to disclosure category 1 given that this position addresses interests District wide rather than within a specific department.

This amendment to the Code has been reviewed by TCSD's legal counsel. Included with this letter are the following documents:

- 2022 Local Agency Biennial Notice
- Redline version showing changes to current code
- Final version of new Conflict-of-Interest Code
- Adopted Resolution accepting the amendments

Please let me know if you need anything further.

Sincerely,

Keri Dodson  
Executive Assistant/Board Clerk

**Stay connected – [www.templetoncsd.org](http://www.templetoncsd.org) – Go to “Notify Me”**

**TEMPLETON COMMUNITY SERVICES DISTRICT  
CONFLICT OF INTEREST CODE**

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, Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in any 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 Section 18730 of Title 2 of the California Code of Regulations and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference and will be applied in accordance with the provisions existing on the date that any issue arising under this code must be addressed. This cover page, the referenced and incorporated regulation, and the attached appendixes designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Templeton Community Services District.

Individuals holding designated positions shall file their statements of economic interests with the Templeton Community Services District, which will make the statements available for public inspection and reproduction in accordance with Government Code Section 81008. Statements for all designated employees will be retained by the District designated staff member.

**APPENDIX A  
DESIGNATED POSITIONS**

**Designated Positions.** The officers and employees listed below are designated as persons within the Templeton Community Services District who are deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest. Persons holding designated positions listed below will disclose interests and investments in accordance with the corresponding disclosure categories as defined below.

<u>Designated Position</u>	<u>Assigned Disclosure Categories</u>
Utilities Manager	2, 3
Fire Chief	2, 3
<del>Assistant to the General Manager/Board Secretary</del> <u>Executive Assistant/Board Clerk</u>	
<del>13</del>	
District Counsel	1, 2
District Engineer	2, 3
Consultant	**

**Consultants.** “Consultant” means an individual who, pursuant to a contract with the Templeton Community Services District, either: (A) Makes a governmental decision whether to: (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the District, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District’s conflict of interest code under Government Code section 87302. (California Code of Regulations, Title 2, section 18701(a)(2).)<sup>1</sup>

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<sup>1</sup> A consultant serves in a staff capacity only if he or she has an on-going relationship with the District. A consultant who works on one project or a limited range of projects for the District is not deemed a consultant subject to the reporting requirements of this code unless the project or projects extend over a substantial period of time, generally more than one year. (See *Smith* Advice Letter, FPPC No. I-99-316; *Travis* Advice Letter, FPPC No. A-96-053; *Randolph* Advice Letter, FPPC No. A-95-045.)

\*\*“Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District’s conflict of interest code, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “consultant” in a “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to comply with all or some of the disclosure requirements described herein. The General Manager’s written determination will include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and will be retained for public inspection in the same manner and location as the District’s conflict of interest code as required by Government Code section 81008.

**Officials Who Manage Public Investments.** Officials who manage public investments are deemed to be “statutory filers” within the meaning of Government Code section 87200 and California Code of Regulations, Title 2, section 18720 because they must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act instead of the District’s conflict of interest code. As a result, such persons are not designated in this code and are listed here for information only. The District’s statutory filers are:

Members of the Board of Directors  
General Manager  
Finance Officer

An individual 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 Government Code section 87200.

**New Position Added or New Consultant Hired Without Code Revision.** If the District creates a new position that requires disclosure or hires a new consultant with reporting obligations without simultaneously amending this code, the employee appointed to fill such a position or the new consultant will file a Form 700 assuming office statement and thereafter file an annual Form 700 disclosure of economic interest statement using the broadest disclosure category until the District amends the code to designate the position. Alternatively, the General Manager may designate for any such position or consultant narrower disclosure obligations using a FPPC Form 804 or Form 805 as appropriate. (See 2 C.C.R. section 18734.)

**APPENDIX B**  
**DISCLOSURE CATEGORIES**

**Category 1:** All investments and business positions in business entities and income, including receipt of gifts, loans, and travel payments, from sources that are engaged in the performance of work or services of the type utilized by the District, or that manufacture, sell or provide supplies, machinery, services or equipment of the type utilized by the District.

**Category 2:** Interests in real property located in whole or in part within the District's jurisdiction or within two miles of any property owned or used by the District.

**Category 3:** Investments, business positions in business entities, and sources of income, including receipt of gifts, loans and travel payments, from entities that provide services and supplies of the type utilized by the designated position's department.

## Exhibit A

**TEMPLETON COMMUNITY SERVICES DISTRICT  
CONFLICT OF INTEREST CODE**

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**RESOLUTION NO. 19-2022****A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
TEMPLETON COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT CONFLICT OF INTEREST CODE**

WHEREAS, Government Code section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act for the purpose of ensuring that agency officials subject to the statute disclose economic interests that might be involved in the making or in the participation of making decisions that may foreseeably have a material effect on each official's financial interest;

WHEREAS, Government Code section 87307 authorizes a local public agency to amend its conflict of interest code at any time; and

WHEREAS, the District's existing conflict of interest code, as last amended by the Board in Resolution 18-2014 adopted on September 16, 2014, requires updating to amend the title of an existing designated position, along with amending the assigned disclosure categories of the same;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Templeton Community Services District as follows:

1. This resolution supersedes the conflict of interest code adopted by District Resolution No. 18-2014 and other prior inconsistent resolutions.
2. The Cover Sheet, Appendix A, Designated Positions, and Appendix B, Disclosure Categories, are hereby adopted by the Board as the District's Conflict of Interest Code in the form attached hereto and incorporated herein as Exhibit A.
3. Designated employees and consultants shall file statements of economic interest on FPPC Form 700 with the District Secretary, who shall make the statements available for public inspection and copying upon request and, if required, file such statements with the designated official of San Luis Obispo County.
4. This conflict of interest code shall not take effect until the San Luis Obispo County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act.

The District Secretary is hereby authorized and directed to submit a certified copy of this resolution with Exhibit A to the Board of Supervisors and request approval of the conflict of interest code.

5. After approval by the San Luis Obispo County Board of Supervisors, the Cover Sheet and Appendixes A and B shall constitute the Conflict of Interest Code of the Templeton Community Services District in accordance with subdivision (a) of Section 18730.

PASSED AND ADOPTED by the Board of Directors of the Templeton Community Services District on August 2, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

By: \_\_\_\_\_

Debra Logan  
President, Board of Directors

Attest:

\_\_\_\_\_  
Secretary, Board of Directors