

**EL DORADO COUNTY
FIRE PROTECTION DISTRICT**

RESOLUTION No. 2020 – 07

The Board of Directors
El Dorado County Fire Protection District

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the El Dorado County Fire Protection District as follows:

1. The Notice of Public Hearing for the adoption of a conflict of Interest Code as amended and updated as of the date of this Resolution for the El Dorado County Fire Protection District was given by publication in the Mountain Democrat at the times set forth in the affidavit of publication on file with the Clerk attached to this Resolution.
2. All officers and designated employees of the El Dorado County Fire Protection District affected by the Code and the Appendix have been notified and received copies of the Conflict of Interest Code and Appendix. After the Public Hearing as so noticed, and there being no oral or written comments received, the Board of Directors takes the action by this Resolution hereafter set forth.
3. The present form of the Conflict of Interest Code for State and Local agencies, as set forth in 2 Cal. Code of Regs. § 18730 by the Fair Political Practices Commission (FPPC), is hereby adopted as the Conflict of Interest Code for the El Dorado County Fire Protection District. Should Section 18730 be amended thereafter, such amendments shall be incorporated into the Conflict of Interest Code for the El Dorado County Fire Protection District without additional action by the Board of Directors. A courtesy copy of the current FPPC model conflict code is attached to this Resolution for reference and the District’s Fire Chief is authorized to replace this copy with the most up to date copy from the FPPC if the FPPC updates its model conflict code in the future.
4. The Appendix for the El Dorado County Fire Protection District to said Conflict of Interest Code, adopted by this Resolution, setting forth the disclosure categories and designated employee positions, is attached to said Code and made a part of the Code.
5. The Board of Directors authorizes a certified copy of this Resolution of the Code, including the Appendix, be submitted to the El Dorado County Clerk, Elections Department, for review and County approval in accordance with the applicable Government Code and Fair Political Practices Commission Regulations.

///

///

///

(Votes of the Directors and attestations on following page)

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the El Dorado County Fire Protection District on this 17th day of September, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson, Board of Directors
El Dorado County Fire Protection District

ATTEST:

Clerk of the Board, El Dorado County
Fire Protection District

EL DORADO COUNTY FIRE PROTECTION DISTRICT
NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the El Dorado County Fire Protection District intends to amend a conflict-of-interest code pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on July 25, 2020, and terminating on September 9, 2020. Any interested person may present written comments concerning the proposed code no later than September 9, 2020, to the District at P.O. Box 807, Camino, California, 95709. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period. If requested, a public hearing will be held on September 17, 2020, at the time and place of the District's regularly scheduled Board Meeting.

The District has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based:

The current Conflict of Interest Code has not been updated since 1994. It is based on a model drafted by the California Fair Political Practices Commission ("FPPC") from that time period. Since then, the model code has been updated by the FPPC multiple times. This update is intended to modernize the District's Conflict of Interest Code based on best practices developed by the FPPC since the Code was last updated by the District.

Copies of the proposed code and all of the information upon which it is based may be obtained at no cost by download from the District's website, <https://www.eldoradocountyfire.com/>, or obtained from the District at 4040 Carson Road, Camino, California, 95709. Any inquiries concerning the proposed code should be directed to Kathleen Freeman, Board Clerk, at FreemanK@eldofire.com, or P.O. Box 807, Camino, California, 95709.

EL DORADO COUNTY FIRE PROTECTION DISTRICT
AFFIDAVIT OF PUBLICATION OF
NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE

I, Kathleen Freeman, declare as follows:

1. I serve as the Administrative Assistant and Board Clerk for the El Dorado County Fire Protection District.
2. On or about July 21, 2020, I caused a copy of the draft Resolution and Notice of Intent to Amend Conflict-of-Interest Code to be published on the District's website, available at eldoradocountyfire.com.
3. On or about July 21, 2020, I caused the notice below to be published in the Mountain Democrat on July 24, 2020:

El Dorado County Fire Protection District NOTICE OF INTENTION TO AMEND CONFLICT-OF-INTEREST CODE. NOTICE IS HEREBY GIVEN that the El Dorado County Fire Protection District intends to amend a conflict-of-interest code pursuant to Government Code Section 87300 and 87306. A written comment period has been established commencing on July 25, 2020, and terminating on September 9, 2020. Any interested person may present written comments concerning the proposed code no later than September 9, 2020, to the District at P.O. Box 807, Camino, California, 95709. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period. Copies of the proposed code and all of the information upon which it is based may be may be obtained at no cost by download from the District's website, <https://www.eldoradocountyfire.com/>, or obtained from the District at 4040 Carson Road, Camino, California, 95709. Any inquiries concerning the proposed code should be directed to Kathleen Freeman, Board Clerk, at FreemanK@eldofire.com, or P.O. Box 807, Camino, California, 95709.

4. I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing affidavit is true and correct.

Executed this 10th day of September, 2020, at Camino, California.

Kathleen Freeman

CONFLICT OF INTEREST CODE FOR THE EL DORADO COUNTY FIRE PROTECTION DISTRICT

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 of the El Dorado County Fire Protection District. This conflict of interest code supersedes all prior codes, which are hereby rescinded.

Designated employees shall file their original signed statement of economic interests with the El Dorado County Fire Protection District. Statements are public records and will be made available for public inspection and reproduction during normal business hours, 8am to 5pm, Monday-Friday.

Pursuant to Section 4 (A) of the Standard Code, Board Members, the Fire Chief and designated employees shall file statements of economic interests with the El Dorado County Fire Protection District. Upon receipt of the statements of the El Dorado County Fire Protection District Board Members and the Chief, the Clerk of the El Dorado County Fire Protection District shall make and retain a copy and forward the original of these statements to the El Dorado County Elections Department. Statements for all other designated employees will be retained by the El Dorado County Fire Protection District.

APPENDIX A
DESIGNATED EMPLOYEE POSITIONS

The designated employees whose duties are broad and undefinable may involve contracting or purchasing, regulatory powers, and investments.

Board Members
Chief

The aforesaid Designated Employee Positions shall comply with Disclosure Categories 1 through 8.

Specialized Consultant: The Special Consultants employed by the El Dorado County Fire Protection District in a decision-making capacity shall make such disclosure as the Chief shall determine, if any, is required by any particular consultant on any particular task order of employment. Consultants are those persons defined in Title 2, California Code of Regulations, § 18701(a)(2) who contract with the district to provide services, which provides:

"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;
 - (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 contract that requires agency approval and to which the the agency is a party, or to the specification for such a contract;
 - (vi) 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.

APPENDIX B
DISCLOSURE CATEGORIES

- Category 1. Investments, business positions in business entities, and sources of income, of the type which contract with the El Dorado County Fire Protection District to supply materials, commodities, supplies, books, machinery, vehicles, or equipment utilized by the El Dorado County Fire Protection District.
- Category 2. Investments, business positions in business entities, and sources of income, which are contractors or subcontractors, engaged in the performance of work or services of the type utilized by the District, including, but not limited to, insurance companies, carriers, holding companies, underwriters, agents, or accounting firms.
- Category 3. Investments, business positions in business entities, and sources of income, which have filed claims against the District.
- Category 4. Investments, business positions in business entities, and sources of income from banks and savings and loans.
- Category 5. Investments, business positions in business entities, and sources of income which are of the type in which the authority is empowered to invest its funds.
- Category 6. All interests in real property located within the jurisdiction of the District or within two miles of its boundaries.
- Category 7. All investments in, and sources of income from, business entities doing business within the jurisdiction of El Dorado County Fire Protection District. All investments and sources of income from business entities having done business within the jurisdiction of said District during the past two years, all investments and sources of income from business entities planning to do business within the jurisdiction of said District, and all other sources of income within the jurisdiction of said District.
- Category 8. Specialized Consultant investments, interests within the District or within two miles of its boundaries, investments and sources of income from business entities within the District during the past two years and investments and sources of income of business entities within the District.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations as of September 17, 2020.)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and
- (C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of

management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$500.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$500 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly

states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.

Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that

any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their

statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.