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DATE: June 20, 2019

TO: SJVUAPCD Governing Board 

FROM: Samir Sheikh, Executive Director/APCO
Project Coordinator: Annette Ballatore, District Counsel

RE: **ITEM NUMBER 25: AMEND CONFLICT OF INTEREST CODE**

RECOMMENDATION:

Approve amendments to the District's Conflict of Interest Code.

BACKGROUND:

Under the State Political Reform Act, local agencies must adopt a Conflict of Interest code. The Code designates those officials or employees who make or participate in decisions which may foreseeably have a material effect on their economic interests and requires them to file Statements of Economic Interests (Form 700). Regulations of the California Fair Political Practices Commission (FPPC) specify the procedure a multi-county agency, such as the District, must follow when adopting a Conflict of Interest Code.

Regulations allow incorporation by reference of "Regulation 18730" which contains the terms of a standard Conflict of Interest code. These standardized provisions, which are applicable to all agencies, become the body of the Code, and any changes to the regulation automatically are part of the Code. The existing Conflict of Interest Code for the District incorporates Regulation 18730 as your Board's Conflict of Interest Code.

DISCUSSION:

The Political Reform Act requires local agencies to review their respective Conflict of Interest Code biennially to determine if amendments are needed. Since the District has added new job categories and removed job categories since the Conflict of Interest Code was last amended, a change to the list of designated positions contained in Appendix A of the Code is required. The job duties of the positions added to the list fall within the definition of “participation in decision making” contained in the Act.

The proposed amended Code has been prepared in consultation with FPPC. FPPC regulations require that the amended Code be put out for public notice for 45 days, and in accordance with this requirement the District posted the amended Code for public notice on March 6, 2019. Once your Board approves the amended Code, it will be provided to the FPPC for final approval.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

San Joaquin Valley Unified Air Pollution Control District
Governing Board Meeting
January 20, 2019

AMEND CONFLICT OF INTEREST CODE

Attachment:

AMENDED CONFLICT OF INTEREST CODE

(5 PAGES)

1 **APPENDIX A-DESIGNATED POSITIONS**

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3 **List of Designated Positions**

Assigned Disclosure Categories

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6	Air Quality Analysis & Research Supervisor	2, 4
7	Air Quality Assistant	2, 4
8	Air Quality Compliance Manager	1, 2, 3, 4
9	Air Quality Education Representative (all levels)	1, 2, 3, 4
10	Senior Air Quality Education Representative	1, 2, 3, 4
11	Air Quality Instrument Specialist (all levels)	2
12	Air Quality Instrument Technician (all levels)	2
13	Air Quality Engineer (all levels)	2, 4
14	Air Quality Field Assistant	2, 4
15	Air Quality Inspector (all levels)	2, 4
16	Air Quality Planner (all levels)	2, 4
17	Air Quality Specialist (all levels)	2, 4
18	Chief Communications Officer	5
19	Controller	1, 2, 3, 4
20	Deputy Air Pollution Control Officer	1, 2, 3, 4
21	Director of Administrative Services	1, 2, 3, 4
22	Director of Compliance	1, 2, 3, 4
23	Director of Information Systems	5
24	Director of Permit Services	1, 2, 3, 4
25	Director of Personnel	1, 2, 3, 4
26	Director of Strategies and Incentives	1, 2, 3, 4, 6
27	District Counsel	1, 2, 3, 4
28	Assistant District Counsel	1, 2, 3, 4

1	Executive Director/Air Pollution Control Officer	1, 2, 3, 4, 6
2	General Services Foreman	1
3	Members of the Governing Board	1, 2, 3, 4
4	Members of the Hearing Boards and Alternates	2, 4
5	Network Systems Analyst (all levels)	1
6	Office Services Manager I/II	1
7	Operations Support Supervisor	5
8	Permit Services Manager	2, 4
9	Program Manager	1, 2, 3, 4, 6
10	Programmer/Analyst (all levels)	5
11	Public Education Administrator	5
12	Senior Policy Advisor	1, 2, 3, 4
13	Senior Project Manager	2, 5
14	Supervising Air Quality Education Representative	5
15	Supervising Air Quality Inspector	2, 4
16	Supervising Air Quality Instrumentation Specialist	2, 4
17	Supervising Air Quality Instrument Technician	2, 4
18	Supervising Air Quality Engineer	2, 4
19	Supervising Air Quality Specialist	2, 4
20	Supervising Atmospheric Modeler	2, 4
21	Supervising Programmer/Analyst	5
22	Consultants/New Positions	*

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24 *Consultants/New Positions shall be included in the list of designated positions and shall
 25 disclose pursuant to the broadest disclosure category in the code; subject to the following
 26 limitations:

27 The Air Pollution Control Officer (“APCO”) may determine in writing that a particular
 28 consultant or new position, although a “designated position,” is hired to perform a range of duties

1 that is limited in scope and thus, is not required to fully comply with the disclosure requirements
2 described in this section. Such determination shall include a description of the consultant's or
3 new position's duties and, based upon that description, a statement of the extent of disclosure
4 requirements. The APCO's determination is a public record and shall be retained for public
5 inspection in the same manner and location as this conflict-of-interest code (Gov. Code Section
6 81008).

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APPENDIX B-DISCLOSURE CATEGORIES

Category 1 Investments and business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) that provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

Category 2 Investments and business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments, from sources of the type that are subject to permits, rules or regulations promulgated and enforced by the District.

Category 3 Investments and business positions in business entities, and all sources of income (including loans, gifts, and travel payments) from, entities that filed a claim against the District during the previous two years, or have a claim pending against the District.

Category 4 Interests in real property located within the jurisdiction of the District, or within two miles of the boundaries of the jurisdiction of the District, or within two miles of any land owned or used by the District.

Category 5 All investments and business positions in, and all sources of income (including gifts, loans, and travel payments) from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of the type purchased or leased by the designated position’s Department.

Category 6 Investments and business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) of the type that receive financial or technical assistance from the District.