

MARIPOSA COUNTY RESOLUTION NO. 85- 53

A RESOLUTION AMENDING RESOLUTION NO. 81-59 ADOPTING
THE UNIFORM CONFLICT OF INTEREST CODE

WHEREAS, the Mariposa County Board of Supervisors on March 14, 1981,
passed and adopted the UNIFORM CONFLICT OF INTEREST CODE; and

WHEREAS, certain amendments have been made updating the Uniform Code;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Sup-
erisors, a political subdivision of the State of California, that Mariposa
County Resolution no. 81-59 is amended as follows:

1. All previously adopted conflict of interest codes of the
County of Mariposa and its various departments, districts,
and committees are hereby rescinded.
2. Title 2, Division 6 of the California Administrative Code,
Section 18730, together with all future amendments and/or
revisions thereto, is hereby adopted by reference and incor-
porated herein, and the current code is attached hereto, as
the Uniform Conflict of Interest Code for Mariposa County,
and shall govern all of the various departments, districts,
and committees of Mariposa County which are under its
control.
3. Exhibit A, attached hereto and incorporated herein by refer-
ence, shall constitute the appendix required by Section 18730
as referenced above, and may be amended annually or more often
to reflect changes in County staff or organization.

PASSED AND ADOPTED, to become effective immediately upon adoption, by
the Board of Supervisors of the County of Mariposa, this 5th day of March,
1985, by the following vote:

AYES:	BARRICK, DALTON, ERICKSON, RADANOVICH, TABER
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE

ATTEST:

Gerald McCarthy
GERALD McCARTHY, County Clerk &
ex officio Clerk of the Board

Eugene P. Dalton, Jr.
EUGENE P. DALTON, JR., Chairman
Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, County Counsel

18730. Provisions Conflict of Interest Code

(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 Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87307 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, Government Code 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 Government Code 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 (2 Cal. Adm. Code Sections 18100, 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 financial interests.

(3) Section 3. Disclosure Categories.

This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code 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 financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.^{1/} Such persons are covered by this Code for disqualification purposes only. With respect to all

^{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 Government Code Section 81004.

other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial 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 financial interests set forth in a designated employee's disclosure categories are the kinds of financial 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 required to file statements of economic interests pursuant to this Conflict of Interest Code to file in accordance with one of the following procedures:^{2/}

(A) All designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of economic interests of the head of the agency and members of boards or commissions not under a department of

^{2/} See Government Code Section 81010 and 2 Cal. Adm. Code Section 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.

state or local government, the agency shall make and retain a copy of each and forward the originals of these statements to the code reviewing body, which shall be the filing officer with respect to these statements. Such statements shall be forwarded to the code reviewing body within five days after the filing deadline or five days after receipt in the case of statements filed late.

(B) All designated employees shall file statements of economic interests with the agency, which shall make and retain a copy and forward the originals to the code reviewing body, which shall be the filing officer.

(C) All designated employees shall file statements of economic interests with the code reviewing body.

(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 thirty 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 thirty 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 thirty days after assuming the designated positions, or if subject to State Senate confirmation, thirty days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

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

(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.

(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.

(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.

(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) Investments and Real Property Disclosure. When an investment or an interest in

real property^{3/} 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 exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

^{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 \$1,000 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.

(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 two hundred fifty dollars (\$250) or more in value or fifty dollars (\$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 one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

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/} 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.

5. In the case of a loan, the annual interest rate and the security, if any, given for 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 ten thousand dollars (\$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,

^{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.

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. Disqualification.

No designated employee shall make, participate in making, or use his or her official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(B) Any real property in which the designated employee has a direct or indirect interest worth more than one thousand dollars (\$1,000);

(C) Any source of income, 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 two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

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) Section 9. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in

writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(10) Section 10. 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 Government Code Section 83114 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.

(11) Section 11. 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, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 has occurred may be set

aside as v. d pursuant to Government Code Section
91003.

(Gov. Code Sections 87300-87302)

- History:
- (1) New section filed as emergency 4/2/80; effective upon filing.
 - (2) Amendment (b) filed 1/9/81; effective 2/8/81.
 - (3) Amendment to (b) (7) (B)1.; filed 12/27/82; effective 1/26/83.
 - (4) Amendment to fn.4 filed 11/10/83; effective 12/12/83.

EXHIBIT "A"

The letters (A, B, C, and D) represent the disclosure categories in the Code which are referred to in Form 730.

DISCLOSURE CATEGORIES

- (A) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars, \$1,000.
- (B) Any real property in which the designated employee has a direct or indirect interest worth more than one thousand dollars, \$1,000.
- (C) Any source of income, 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 two hundred fifty dollars, \$250, or more in value provided to, received by or promised to the designated employee with in twelve 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.

DISCLOSURE CATEGORIES

	A	B	C	D	None
A. AGRICULTURAL COMMISSION					
Agricultural Commissioner	X	X	X	X	
1 Agricultural Inspector III	X	X	X	X	
B. ASSESSOR					
Assessor	X	X	X	X	
1 Chief Appriaser	X	X	X	X	
3 Appraiser II	X	X	X	X	
1 Property Mapper	X	X	X	X	
1 Senior Assessment Clerk	X	X	X	X	
3 Assessment Clerk	X	X	X	X	
C. AUDITOR/RECORDER					
Auditor/Recorder	X	X	X	X	
1 Chief Deputy Auditor/Recorder	X	X	X	X	
4 Deputy Auditor/Recorder					X
1 Deputy Auditor/Tax Collector					X
D. BUILDING DEPARTMENT					
Building Inspector	X	X	X	X	
1 Building Inspector Assistant	X	X	X	X	
1 Secretary					X
1 Clerk III					X

DISCLOSURE CATEGORIES

	A	B	C	D	None
E. BOARD OF SUPERVISORS					
1 Executive Aid	X	X	X	X	
F. COUNTY CLERK/REGISTRAR OF VOTERS					
1 County Clerk	X	X	X	X	
1 Assistant County Clerk	X	X	X	X	
1 Deputy Clerk/ Clerk of the Board	X	X	X	X	
1 Deputy Clerk/ Court					X
1 Deputy Clerk/Elections					X
1 Clerk IV					X
1 Clerk III, Option 1					X
G. COUNTY COUNSEL					
1 County Counsel	X	X	X	X	
1 Legal Secretary					X
H. DISTRICT ATTORNEY/PUBLIC ADMINISTRATOR					
1 District Attorney/Public Administrator (files 721)	X	X	X	X	
1 Assistant District Attorney (50%)					X
1 District Attorney Investigator					X
1 Legal Secretary/Legal Assistance Coordinator					X
2 Clerk III/Option 1					X
I. ENGINEER, SURVEYOR					
1 Engineer, Surveyor (see Road Commissioner, etc)	X	X	X	X	
1 Engineer Technician III	X	X	X	X	
J. FARM ADVISOR					
1 Farm Advisor	X	X	X	X	
1 Clerk III, Option 2					X
K. JUSTICE COURT					
1 Justice Court Judge (effective 7/1/85 will file 721)	X	X	X	X	
1 Justice Court Clerk				X	
1 Deputy Court Clerk					X
L. PARKS & FACILITIES DEPARTMENT					
1 Parks & Facilities Director	X	X	X	X	
1 Parks Supervisor					X
1 Buildings Supervisor					X
1 Buildings/Grounds Maintenance Worker					X
1 Recreation Program Coordinator					X
2 Custodians					X
M. PLANNING DEPARTMENT					
1 Planner/Grantsman		X			

DISCLOSURE CATEGORIES

	A	B	C	D	None
1 Associate Planner		X			
1 Administrative Aide					X
1 Planning Commission Secretary					X
1 Drafting Technician					X
N. PROBATION DEPARTMENT					
1 Probation Officer	X	X	X	X	
1 Deputy Probation Officer	X	X	X	X	
1 Clerk III, Option II					X
O. PUBLIC HEALTH DEPARTMENT					
1 Public Health Officer	X	X	X	X	
1 Sanitarian Aide					X
1 Clerk III					X
P. ROAD DEPARTMENT					
1 Road Commissioner, Engineer, Surveyor	X	X	X	X	
1 Assistant Road Commissioner/Engineering Operations	X	X	X	X	
1 Assistant Road Commissioner/Field Operations	X	X	X	X	
1 Associate Civil Engineer	X	X	X	X	
1 Assistant Civil Engineer	X	X	X	X	
1 Engineer Technician IV					X
1 Road Maintenance Construction Supervisor					X
2 Engineer Technician III					X
1 Equipment Maintenance Supervisor					X
2 General Construction Supervisor					X
2 Road Maintenance Construction Supervisor					X
2 Engineer Technician II					X
2 Heavy Equipment Mechanic					X
2 Equipment Operator					X
4 Road Maintenance Worker III					X
1 Administrative Assistant					X
10 Road Maintenance Worker II					X
1 Engineer Technician I					X
2 Road Maintenance Worker I					X
1 Equipment Mechanic Helper					X
2 Account Clerk III					X
Q. SHERIFF					
1 Sheriff/Coroner	X	X	X	X	
1 Undersheriff	X	X	X	X	
1 Lieutenant	X	X	X	X	
1 Lieutenant/Administrative Assistant	X	X	X	X	
3 Sergeant	X	X	X	X	
12 Deputy Sheriff					X
3 Deputy Sheriff - Boating Safety					X
1 Jail Sergeant	X	X	X	X	
1 Work Furlough/Education Program Administrator					X
9 Jail Officer					X
1 Service Worker					X

DISCLOSURE CATEGORIES

	A	B	C	D	None
1 Small Animal Control Officer					X
1 Account Clerk III	X	X	X	X	
1 Dispatcher					X
R. SOCIAL WELFARE DEPARTMENT					
1 Social Welfare Director	X	X	X	X	
2 Social Worker III (1-50%)					X
1 Eligibility Worker Supervisors	X	X	X	X	
1 Staff Services Analyst	X	X	X	X	
1 Clerk III General/Option 2					X
5 Eligibility Worker II (1-50%)					X
1 OEO/DOE Coordinator (80%)					X
2 Clerk II General					X
1 Eligibility Worker II (unfilled)					X
1 Vocational Assistant (60%)					X
1 Vocational Trainee (entry level unfilled)					X
S. SOLID WASTE DEPARTMENT					
1 Solid Waste Director/Special Districts Manager	X	X	X	X	
1 Heavy Equipment Mechanic					X
1 Equipment Operator					X
1 Maintenance Worker I					X
T. SPECIAL DISTRICTS					
1 Special Districts Manager/Solid Waste Director	X	X	X	X	
1 Maintenance Worker II					X
1 Account Clerk III (60%)					X
U. TREASURER/TAX COLLECTOR					
1 Treasurer/Tax Collector	X	X	X	X	
1 Chief Deputy Treasurer/Tax Collector	X	X	X	X	
3 Deputy Treasurer/Tax Collector					X
1 Deputy Auditor/Tax Collector					X
V. VETERANS SERVICE/SENIOR ASSISTANCE OFFICE					
1 Veterans Service/Senior Assistance Officer	X	X	X	X	
1 Assistant Veterans Service(80%)/Senior Assistance Officer (20%)					X
1 Transit System Bus Driver					X
W. MENTAL HEALTH					
1 Mental Health Director	X	X	X	X	