



## TAMALPAIS COMMUNITY SERVICES DISTRICT

305 Bell Lane, Mill Valley, CA 94941 ♦ 415.388.6393 ♦ Fax: 415.388.4168  
info@tamcsd.org ♦ www.tamcsd.org

### RESOLUTION NO. 2022-04

#### RESOLUTION OF THE GOVERNING BODY OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT

---

#### UPDATING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

**WHEREAS**, the Political Reform Act of 1974, Government Code Sections 81000, *et seq.*, requires every state and local government agency to adopt a Conflict of Interest Code applicable to employees or consultants holding designated positions and public officials within the jurisdiction of the local agency; and

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation; Title 2, Division 6 of the California Code of Regulations, Section 18730; which contains the terms of a standard model Conflict of Interest Code, which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to the amendments to the Political Reform Act, which can be incorporated by reference by local agencies as their own Conflict of Interest Code; and

**WHEREAS**, in 2012, the Tamalpais Community Services District ("District") enacted Resolution No. 2012-05, as amended from time to time, which adopted and incorporated by reference the standard Conflict of Interest Code provided within Title 2, Division 6 of the California Code of Regulations, Section 18730, so that amendments and revisions made to the Political Reform Act will automatically be applicable to the District, as required by state law; and

**WHEREAS**, the Act requires most state and local public officials and employees to disclose certain personal financial holdings so as to prevent public decision makers from participating in government decisions in which they have a personal, financial stake; and

**WHEREAS**, the Act requires that each state and local government agency designate the employee positions within that agency "which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest" of the employee. (California Government Code, Section 87302(a).); and

**WHEREAS**, Appendix A of Resolution No. 2012-05, as amended from time to time, listed the designated employees subject to the model conflict of interest code (listed as "designated filers"); and Appendix B of Resolution No. No. 2012-05, as amended from time to time, identified the specific financial interests that would be reportable; and

**WHEREAS**, the Act requires agencies to amend their Conflict-of-Interest Codes when a revision is necessary to address changed circumstances, such as the creation of new positions and changes in the duties assigned to existing positions; and

**WHEREAS**, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body (County of Marin) or the notification to said body that no changes are necessary pursuant to Government Code Section 87306.5; and

**WHEREAS**, it is currently necessary to amend the current list of designated positions of the District's Code to add the position of the Sewer and Maintenance Superintendent.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

- 1) The Conflict of Interest Code adopted by the District pursuant to Resolution No. 2012-05, as amended from time to time, is hereby amended.
- 2) The District hereby adopts by resolution:
  - A. The provisions of Section 18730 of Title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A designating positions and Appendix B establishing disclosure categories, shall constitute the Conflict of Interest Code of the District; and
  - B. Designated elected and appointed officials of the District shall file statements of economic interests (Form 700) with the Marin County Elections Department, who will make the statements available for public inspection and reproduction. Designated employees of the District shall file statements of economic interests (Form 700) with the TCSD District Clerk, who will make the statements available for public inspection and reproduction. Any District board member or other designated employee already required to submit a disclosure statement (Form 700) pursuant to Government Code Section 87203 may submit a copy of that statement in lieu of any filing required by this code.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of February, 2022 by the following vote, to wit:

AYES: S. Bartschart, J. Brown, J. Jacobs, S. Levine, M. McMahon

NOES: 0

ABSENT: 0

ABSTAIN: 0

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary

## APPENDIX A

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Board	1
General Manager	1
Assistant General Manager	1
Programs and Finance Manager	1
Parks & Recreation Coordinator	1
Consultant*	1
Sewer and Maintenance Superintendent	1

\*Consultants for the purposes of the Conflict of Interest Code are defined as individuals that provide, under contract, information or advice to the District that may entail participation in the making of decisions, recommendations or counsel to District, and which may foreseeably have a material effect on any financial interest of the consultant. Consultants, as defined above, shall be included on the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following:

The Chairman may determine in writing that a particular consultant, although in a "designated position" is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements described in this code. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of the disclosure requirements. The Chairman'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.

