



LOCAL AGENCY FORMATION COMMISSION

Dave Braun, Executive Officer

200 W. 4th Street, Suite 3100, Madera, CA 93637
www.maderacounty.com/government/madera-lafco
(559) 675-7821

DATE: December 15, 2021 NEW MATTERS #4C

TO: LAFCO Commissioners

FROM: Dave Braun, Executive Officer DB

SUBJECT: UPDATE OF CONFLICT OF INTEREST CODE

BACKGROUND

The Political Reform Act, pursuant to California 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 Title 2, Section 18730 of the California Code of Regulations, which contains the terms of a standard conflict of interest code. Section 18730(a) provides that the terms together with the designation of employees and formulation of disclosure categories constitute a local agency's conflict of interest code ("Code").

Madera County LAFCO adopted a Conflict of Interest Code in 2002 to meet the requirements of state law and incorporated the Code into LAFCO's *Policies, Guidelines, and Procedures Manual*.

On October 27, 2021, the Commission conducted the biennial review of LAFCO's Conflict of Interest Code. Based on that discussion, LAFCO legal counsel recommended staff update the Code to reflect administrative changes necessary to be consistent with State law. This update will ensure the Code is current and accurately reflects any modifications within Madera County LAFCO.

After approval by the Commission, the updated LAFCO Conflict of Interest Code will be sent to the Madera County Board of Supervisors, which is the code reviewing body for local agencies in Madera County, for approval.

RECOMMENDATION

Staff recommends the Commission adopt a Resolution amending the Conflict of Interest Code of Madera County LAFCO.

Attachments:

- Exhibit A - Updated Conflict of Interest Code
- Exhibit B - Statement of Economic Interests
- Exhibit C - Current Conflict of Interest Code
- Exhibit D - Resolution



MADERA LAFCO LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE 2021-2022

The Political Reform Act, pursuant to California Government Code Section 81000 et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted Title 2, Section 18730 of the California Code of Regulations (“Section 18730”), which contains the terms of a standard conflict of interest code. The full text of Section 18730, together with any amendment thereto, can be found at

<https://www.fppc.ca.gov/legal/regs/current/18730.pdf>.

After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. This incorporation page, Section 18730, and the attached Appendices, designating positions and establishing disclosure categories, shall collectively constitute the Conflict of Interest Code (the “Code”) of the Local Agency Formation Commission of Madera County (“LAFCO”).

All LAFCO officials and designated employees (see Appendix B) must file their statements of economic interests (see Appendix A) using the conflict of interest form 700 (“Form 700”). The filing shall be filed with the Madera County Board of Supervisors utilizing the Netfile filing system (<https://www.netfile.com/filer>) and will be received by the Clerk to the County Board of Supervisors. Pursuant to California Government Code Section 81008, statements of economic interest are public records and will be available for public inspection and reproduction during regular business hours.

The Code shall be amended biennially during odd-number years to ensure that it remains current and that it accurately reflects any modifications within LAFCO.



MADERA LAFCO LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE 2021-2022

APPENDIX "A"

When filing a Form 700, all designated LAFCO officials and designated employees shall provide disclosure under Category 1.

LAFCO officials and designated employees in Category 1 must report all investments, interests in real property, sources of income, including receipt of gifts, loans and travel payments; and every business entity in which the designated member is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within Madera County (the "County") or subject to jurisdiction of the employee's department or if the business entity is doing business or planning to do business within the County.

Form 700 must be filed with the Madera County Board of Supervisors by April 1 of each year. In 2022 the Clerk to the Board of Supervisors will start imposing fines on filers who miss the deadline. Form 700 must be filed prior to assuming a designated position and upon departure from office.



MADERA LAFCO
LOCAL AGENCY FORMATION COMMISSION

CONFLICT OF INTEREST CODE
2021-2022

APPENDIX "B"

The following LAFCO officials and designated employees must file Form 700:

Positions	Category
Commissioners	1
Alternative Commissioners	1
Executive Officer	1
Legal Counsel	1

The following list is comprised of the designated LAFCO names and positions for filing the annual conflict of interest Form 700. Madera County LAFCO Executive Officer certifies that the information provided is true and correct. All designated LAFCO officials and designated employees must file their statements of economic interest using the conflict of interest Form 700 and shall provide disclosure under Category 1.

STATEMENTS OF ECONOMIC INTERESTS 2021-2022 ANNUAL LIST OF DESIGNEES

Disclosure Category Name of Designee	Position	Email address
1 - TOM WHEELER	LAFCO Commissioner Chair County of Madera	Tom.Wheeler@maderacounty.com
1 - WASEEM AHMED	LAFCO Commissioner Chair Pro Tem City of Chowchilla	wahmed@cityofchowchilla.org
1 - ROBERT POYTHRESS	LAFCO Commissioner County of Madera	Robert.Poythress@maderacounty.com
1 - JOSE RODRIGUEZ	LAFCO Commissioner City of Madera	JRodriguez@madera.gov
1 - LAURA YOUNG	LAFCO Commissioner Public Member At-Large	laurayoungrealtor@gmail.com
1 - BRETT FRAZIER	LAFCO Alternate Commissioner County of Madera	Brett.Frazier@maderacounty.com
1 - RAY BARRAGAN	LAFCO Alternate Commissioner City of Chowchilla	rbarragan@cityofchowchilla.org
1 - MARK STAMAS	LAFCO Alternate Commissioner Public Member At-Large	markstamas@seothatgrows.com
1 – DAVE BRAUN	LAFCO Executive Officer Madera County	david.braun@maderacounty.com
1 - LAURA AVERDISIAN FAVINI	Attorney at Law (Outside Counsel) Lozano Smith, Attorneys At Law	lfavini@lozanosmith.com

APPENDIX 7.7**Conflict of Interest Code****Disclosure Categories**

An investment, business position, interest in real property , or source of income is reportable if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Disclosure Category No. 1

Designated employees in Disclosure Category No. 1 must report all investments, interest in real property, sources of income, and every business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interest are reportable only if located within Madera County or subject to jurisdiction of the employee's department or if the business entity is doing business or planning to do business in Madera County.

Disclosure Category No. 2

Designated employees in Disclosure Category No. 2 must report all investments in and income from every business entity located in Madera County in which the person is a director, officer, partner, trustee, employee or hold any position of management, and which is subject to the laws and regulations enforced by the employee's department.

**BEFORE THE
MADERA LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA**

In the Matter of)	Resolution No. 2021-
)	
MADERA LAFCO CONFLICT OF)	
INTEREST CODE UPDATE)	

WHEREAS, the Political Reform Act, California Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted Title 2, California Code of Regulation Section 18730, which contains the terms of a standard conflict of interest code, which may be incorporated by reference by a state or local government agency, and which may be amended by the Fair Political Practices Commission from time to time to conform to amendments to the Political Reform Act. And, further, a state or local agency may resolve that such amendments shall automatically be amendments to the State or local conflict of interest code; and,

WHEREAS, the Commission has adopted a Conflict of Interest Code to meet the requirements of State law; and,

WHEREAS, there is need to update LAFCO's Conflict of Interest Code to reflect LAFCO administrative changes and make technical corrections to the Code to be consistent with State law and regulations; and,

WHEREAS, the Commission considered and approved the Updated LAFCO Conflict of Interest Code on December 15, 2021.

NOW, THEREFORE, THE MADERA LOCAL AGENCY FORMATION COMMISSION

DOES HEREBY ORDER AND RESOLVE that:

1. The Conflict of Interest Code, as set forth in Exhibit A, as amended, is hereby adopted as the Conflict of Interest Code of Madera County LAFCO.
2. The Conflict of Interest Code shall include any future amendments duly adopted by the Fair Political Practices Commission, Section 18730 of Title 2 of the California Code of Regulations.

The foregoing Resolution was adopted on the 15th day of December 2021, in Madera County, California, and is effective when signed by the Chair, by the following vote:

Chair Tom Wheeler Voted: _____

Chair Pro Tem Waseem Ahmed Voted: _____

Commissioner Robert Poythress Voted: _____

Commissioner Jose Rodriguez Voted: _____

Commissioner Laura Young Voted: _____

Tom Wheeler, Chair
Madera Local Agency Formation Commission

ATTEST:

Executive Officer, LAFCO

Approved as to Legal Form:

LAFCO Counsel