

Resolution No. 12-04-12

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT
ADOPTING A CONFLICT OF INTEREST CODE
WHICH SUPERSEDES ALL PRIOR CONFLICT OF
INTEREST CODES AND AMENDMENTS
PREVIOUSLY ADOPTED

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et. seq. (“the Act”), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

WHEREAS, the Capistrano Bay Community Services District has previously adopted a Conflict of Interest Code and that Code now requires updating; and

WHEREAS, amendments to the Act have in the past and foreseeably will in the future require conforming amendments to be made to the Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The terms of Title 2, California Code of Regulations, Section 18730 (Attachment A) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together with Exhibits A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Capistrano Bay Community Services District.

Section 2. The provisions of all Conflict of Interest Codes and Amendments thereto previously adopted by the Capistrano Bay Community Services District are hereby superseded.

Section 3. The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303.

The foregoing Resolution was duly adopted at the Regular Meeting of the Board held at 6:30 PM on December 4th, 2012, by the following vote:

Directors' Votes (in alphabetical order):

Breeding:	_____yes	_____no	_____absent
Haack:	_____yes	_____no	_____absent
Martinez:	_____yes	_____no	_____absent
Masto:	_____yes	_____no	_____absent
Zerboni:	_____yes	_____no	_____absent

Ambrose S. Masto, President

CERTIFICATION

I do hereby certify that I am the Secretary/Manager of the Board of Directors of the Capistrano Bay District and that the foregoing Resolution No. 12-04-12 was duly adopted at the Regular Meeting of the Board of Directors held at 6:30 PM on December 4, 2012.

Donal S. Russell, Manager
Capistrano Bay Community Services District

Date

ATTACHMENT A

CONFLICT OF INTEREST CODE FOR THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT

The Political Reform Act, Government Code Sections 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. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Capistrano Bay Community Services District.

Statements for Board Members and the District Manager shall file original statements of economic interests with the Clerk of the Orange County Board of Supervisors as the Filing Officer for these positions who will make the statements available for public inspection and reproduction (Government Code Section 82008).

All other designated positions shall file statements of economic interests with the Capistrano Bay District's Political Reform Act Filing Officer, the District Manager, who will make the statements available for public inspection and reproduction (Government Code Section 82008) and will be retained by the Agency's Filing Officer.

**Conflict of Interest Code
EXHIBIT A**

Agency: CAPISTRANO BAY COMMUNITY SERVICES DISTRICT

Position	Disclosure Category	Files With
BOARD MEMBER	OC-01	COB
DISTRICT MANAGER	OC-01	COB
CONSULTANT	OC-30	AGENCY

Disclosure Descriptions

EXHIBIT B

Agency: CAPISTRANO BAY COMMUNITY SERVICES DISTRICT

Disclosure Category	Disclosure Description
OC-01	All interests in real property in Orange County or the District, as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitations: The Department Head/Director/General Manager/Superintendent/etc. may determine that a particular consultant, although a 'designated position,' is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the Filing Officer for public inspection.