

AMENDED AND RESTATED
CONFLICT OF INTEREST CODE OF THE
TULARE MEMORIAL DISTRICT

(Adopted December 20, 2022)

The Political Reform Act (California Government Code §81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted 2 Cal. Code of Regulations section 18730, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, Section 18730 may be amended by the FPPC 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 FPPC are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendices designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Tulare Memorial District of Tulare County, California (the "Memorial District")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Memorial District's District Manager** (or his or her designee) as the Memorial District's Filing Officer. The Memorial District's Filing Officer shall retain the originals of the statements of all officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code§ 81008.)

APPENDIX "A"

DESIGNATED POSITIONS GOVERNED BY THE CONFLICT-OF-INTEREST CODE

Designated Positions' Title or Function	Disclosure Categories Assigned
Members, Board of Directors	All
District Manager	All
New Positions ¹	TBD
Consultants ²	TBD

¹ Individuals serving in a new position created since this Code was last approved that make or participate in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Memorial District's District Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code §82019; Reg. 18734.) The Memorial District's District Manager'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. (Gov. Code §81008.)

² Consultants under contract to the Memorial District generally are not included in this code as designated officials, as they perform a range of duties that is limited in scope. However, the Memorial District's Board of Directors may determine in writing that a particular consultant is hired to perform a broader range of duties under which the consultant may:

- (A) make a governmental decision whether to (i) approve a rate, rule, or regulation; (ii) adopt or enforce a law; (iii) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (iv) authorize the Memorial District to enter into, modify, or renew a contract provided it is the type of contract that requires Memorial District approval; (v) grant Memorial District approval to a contract that requires Memorial District approval and to which the Memorial District is a party, or to the specifications for such a contract; (vi) grant Memorial District approval to a plan, design, report, study, or similar item; (vii) adopt, or grant Memorial District approval of, policies, standards, or guidelines for the Memorial District, or for any subdivision thereof; or
- (B) serve in a staff capacity with the Memorial District and in that capacity participate in making a governmental decision as defined in FPPC regulation 18702.2* or perform the same or substantially all the same duties for the Memorial District that would otherwise be performed by an individual holding a position specified in this conflict-of-interest code.

If this determination is made, then that consultant shall be required to disclose under this code pursuant to the broadest appropriate Disclosure Category. 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 written determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code.

* FPPC Regulation 18702.2 provides:

"A public official 'participates in making a governmental decision ...' ... when, acting within the authority of his or her position, the official:

(a) Negotiates, without significant substantive review, with a governmental entity or private person regarding a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A); or

(b) Advises or makes recommendations to the decisionmaker either directly or without significant intervening substantive review, by:

(1) Conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision referenced in Title 2, California Code of Regulations, section 18701(a)(2)(A); or

(2) Preparing or presenting any report, analysis, or opinion, orally, or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision"

APPENDIX "B"

DISCLOSURE CATEGORIES GOVERNED BY THE CONFLICT-OF-INTEREST CODE

The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the Memorial District.

Category 1: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the Memorial District.

Category 2: All interests in real property that is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Memorial District.

Category 3: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Memorial District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Memorial District.

Category 5: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing Memorial District of the designated position's department, unit or division.

³ This Conflict-of-Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730)