

**RESOLUTION NO. 2022-38**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MIGUEL COMMUNITY SERVICES DISTRICT  
REGARDING THE BIENNIAL REVIEW OF ITS  
CONFLICT OF INTEREST CODE  
AND REVISING EXHIBIT “A” AS  
THE LIST OF DESIGNATED POSITIONS SUBJECT TO  
THE CONFLICT OF INTEREST CODE**

**WHEREAS**, on April 10, 2000, the San Miguel Community Services District (“District”) approved Resolution 2000-08, adopting the Fair Political Practices Commission’s (FPPC) model Conflict of Interest Code; and

**WHEREAS**, pursuant to Government Code section 87306.5 the District is required to review its Conflict of Interest Code and, if a change is needed, submit an amended Conflict of Interest Code to the Board of Supervisors of the County of San Luis Obispo, which is the designated code reviewing body; and

**WHEREAS**, on August 28, 2014, pursuant to Government Code section 87306.5, the District Board of Directors adopted Resolution 2014-27 amending the “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories” (the “Designated Positions List”);

**WHEREAS**, the Board of Directors does, hereby, reaffirm its prior decision to incorporate FPPC Regulation section 18730 and the FPPC model Conflict of Interest Code by reference as the District’s Conflict of Interest Code, and

**WHEREAS**, the Board of Directors of the District has determined that Designated Positions List (pursuant to Government Code §87302, subd. (a)) should be amended to reflect organizational changes subject to District Conflict of Interest Code regulation, and should be sent to the County Clerk office.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Miguel Community Services District as follows:

1. The terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the FPPC, along with the “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories” as set forth in Exhibit “A” attached hereto shall constitute the Conflict of Interest Code for the District.
2. Other than the amendment to the List of Positions Designated contained herein, the Board of Directors has determined that no other changes to the District’s Conflict of Interest Code are required.

3. In accordance with Government Code sections 87303 and 87306.5, this Resolution shall be submitted to the Board of Supervisors of the County of San Luis Obispo, as the designated code reviewing body, along with the executed "2022 Local Agency Biennial Notice".

On the motion of Director Palafox, seconded by Director Roney, and on the following roll call vote, to wit:

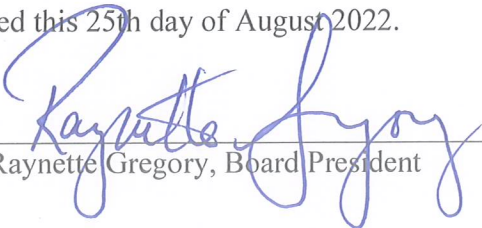
**AYES:** Kalvans, Palafox, Roney, Gregory

**NOES:**

**ABSENT:** Lara

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this 25th day of August 2022.

  
Raynette Gregory, Board President

**ATTEST:**

  
Robert Roberson, General Manager

  
Tamara Parent, Board Clerk

**APPROVED AS TO FORM:**

  
Douglas L. White, District Counsel

**Exhibit A to Resolution 2022-38**

**SAN MIGUEL COMMUNITY SERVICES DISTRICT  
CONFLICT OF INTEREST CODE  
LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

Designated Positions. The employees and officers listed below are designated as persons who are deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest. Persons holding designated positions listed below shall disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<b>Designated Position</b>	<b>Disclosure Categories</b>
District Board Member*	1,2,3
General Manager*	1,2,3
Board Clerk/Accounts Clerk Manager	1,2,3
Director of Utilities	1,2,3
District Fire Chief	1,2,3
Assistant Fire Chief	1,2,3
District Counsel*	1,2,3
District Engineer	1,2,3
Consultant	1,2,3
Finance Officer	1,2,3

**Disclosure Categories.** The disclosure categories are defined as follows:

**Category 1:**

All persons in this disclosure category shall disclose all interests in real property located in the District or within two miles of the District's boundaries. This disclosure category is not applicable to the person's principle residence or real property interests with a fair market value of less than \$2,000.

**Category 2:**

All persons in this disclosure category shall disclose all investments in business entities and business positions in business entities that have an interest in real property in the District, or that have done business with the District during the year prior to the date of the person's disclosure statement, or that are likely to do business with the District during the year subsequent to the date of the person's disclosure statement. This disclosure category is not applicable to investments with a fair market value of less than \$2,000.

**Category 3:**

All persons in this disclosure category shall disclose all sources of personal income and business entity income from entities that provide services, materials, machinery, equipment, or supplies of the type utilized by the District or that are located within the District, including gifts, loans and travel payments. This disclosure category is not applicable to income received from the District.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.

**Consultants.** “Consultant” means an individual who, pursuant to a contract with the District, either:

(A) Makes a governmental decision whether to (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District’s Conflict of Interest Code. (California Code of Regulations, Title 2, §18701, subd. (a)(2).)

“Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District’s Conflict of Interest Code, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “consultant” and “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to fully comply with the disclosure requirements described in this section.

The General Manager’s written determination shall include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as the District’s Conflict of Interest Code.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.

## 2022 Local Agency Biennial Notice

Name of Agency: San Miguel Community Services District  
Mailing Address: 1150 Mission Street ; P.O. Box 180 San Miguel CA. 93451  
Contact Person: Tamara Parent Phone No. 805-467-3388 x104  
Email: tamara.parent@sanmiguelcsd.org Alternate Email: kelly.dodds@sanmiguelcsd.org

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

**An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) \_\_\_\_\_

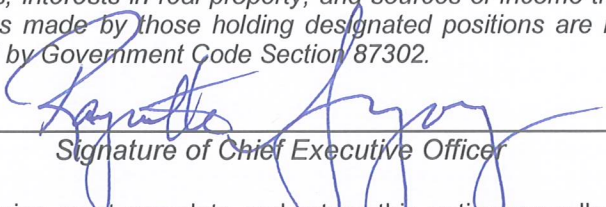
**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is over five years old, amendments may be necessary.)

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### Verification (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

  
\_\_\_\_\_  
Signature of Chief Executive Officer

8/25/22  
\_\_\_\_\_  
Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

Administrative Office, ATTN: Clerk of the Board, 1055 Monterey St. Ste. D430, San Luis Obispo, CA 93408  
Via e-mail: [AD\\_Form700@co.slo.ca.us](mailto:AD_Form700@co.slo.ca.us)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

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On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this \_\_\_\_ day of \_\_\_\_\_ 2022

\_\_\_\_\_  
SMCSD Board of Directors

**ATTEST:**

\_\_\_\_\_  
Robert Roberson, General Manager

\_\_\_\_\_  
Tamara Parent, Board Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Douglas L. White, District Counsel

**Exhibit A**

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