

Tracy Rural County Fire Protection District

Board of Directors

John Muniz
John Vieira
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Bob Pombo
Jeff Ramsey

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www.tracyruralfire.org

TRACY RURAL COUNTY FIRE PROTECTION DISTRICT CONFLICT OF INTEREST POLICY

SUBJECT: Conflict of Interest Policy

DATE UPDATED: March 13, 2020

SECTION 1: PURPOSE

The Board of Directors (“Directors”) and staff of the Tracy Rural County Fire Protection District (“District”), hold their positions to serve and benefit the public and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Directors recognize the need for clear and reasonable standards. This Conflict of Interest Policy (“Policy”) establishes those standards.

SECTION 2: POLICY

Applicability

This Policy applies to the Directors and staff of the District. The provisions of this Policy shall apply in addition to all laws, all regulations of the Directors and the Chief of the District.

Appearance of Impropriety

No Director or staff person of the District shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family, private business or social relationships or any consideration other than the welfare of the District.

Use of Position for Personal or Private Gain

- a. No Director or staff person of the District may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to all Directors or staff of the District.

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- b. No Director or staff person of the District may use or permit the use of District resources for personal or private purposes. District resources include, but are not limited to, use of District personnel, use of District money, vehicles, equipment, materials, supplies or other property of the District.
- c. No Director or staff person of the District shall cause the District to spend more than is reasonably necessary for transportation, meals or lodging in connection with District business.
- d. This section does not prohibit an Director or staff person of the District from:
 - i. Voting to approve the District's annual budget
 - ii. Authorizing or receiving lawful compensation for services as a staff person of the District
 - iii. Authorizing or receiving lawful payment or reimbursement for actual and reasonably necessary expenses incurred by a Director or staff person of the District in the performance of his or her official duty
 - iv. Authorizing or receiving lawful benefits as a Director or staff person including, but not limited to, service awards, group life insurance and benefits under the Volunteer Firefighters Benefit Law
 - v. Authorizing or receiving payments under a lawful District contract
 - vi. Using District personnel, vehicles, equipment, materials, supplies or property for any purpose pursuant to law
 - vii. Performing a mandatory function that does not require the exercise of discretion

Disclosure of Interest Legislation

- a. Every Director or staff person of the District must disclose the nature of any interest, in any matter coming before the Directors for action, which involve any of the following people:
 - i. The Director or staff person of the District
 - ii. A family member of the Director or staff person of the District
 - iii. A family member of the spouse of the Director or staff person of the District

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- b. For purposes of this section, a “matter coming before the Directors for action” means a motion, resolution or any other issue or question requiring a vote of the board.
 - c. The disclosure required by this section must be in writing and must be made publicly to the Directors. The Directors must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made.
 - d. Disclosure is not required with respect to interests in the following actions by the Directors:
 - i. Adoption of the District’s annual budget
 - ii. Authorization of lawful compensation for services as a staff person of the District
 - iii. Authorization of lawful payment or reimbursement for actual and necessary expenses incurred by a Director or staff person of the District in the performance of his or her official duty
 - iv. Authorization of lawful benefits to the staff of the District including, but not limited to, service awards, group life insurance and benefits under the Benefit Law

Recusal and Abstention

- a. Except as otherwise required by law, no member of the Directors, or staff person of the District, may participate in the discussion or vote on any matter, exercise or perform any other official powers or duties in connection with any matter when any of the following people have an interest in the matter:
 - i. The Director or staff person
 - ii. A family member of the Director or staff person
 - iii. A family member of the spouse or the Director of staff person
- b. In the event that subdivision (a) of this section prohibits a Director or staff person of the District from exercising or performing his or her official powers or duties:
 - i. If the Director or staff person has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty

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- ii. In all other cases, the Director or staff person must refer the matter to the Directors
- c. When a matter is referred to the Directors pursuant to subdivision (b) of this section, the Directors may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.
- d. This section does not prohibit a Director or staff person from performing a mandatory function that does not require the exercise of discretion.

Holding of Investments in Conflict with Official Duties

- a. No Director or staff person of the District may hold the following investments:
 - i. Personal investments that will be directly affected by the exercise or perform of the person's official powers and duties
 - ii. Personal investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties
- b. This section does not prohibit a Director or staff person from owning any of the following assets:
 - i. Real property located within the District or any other area served by the District and used as his or her personal residence
 - ii. Less than five percent of the stock of a publicly traded corporation
 - iii. Bonds or notes issued by the District and acquired more than one year after the date on which the bonds or notes were originally issued

Private Employment in Conflict with Official Duties

- a. No Director or staff person of the District may accept employment or engage in any business or professional activity which:
 - i. Impairs the person's independence of judgment in the exercise or performance of his or her official powers and duties

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- ii. Is likely to require disclosure of confidential information gained by reason of serving as a Director or staff person
 - iii. Requires representation of a person or organization other than the District in connection with litigation, negotiations or any other matter to which the District is a party
- b. No Director or staff person of the District may:
- i. Represent another person or organization before the Directors or any other body of the District without public disclosure
 - ii. Render services to another person or organization in relation to any matter which must come before the Directors or any other body of the District without public disclosure
 - iii. Render services to another person or organization in relation to any matter which is pending before the Directors or any body of the District without public disclosure
- c. This section does not prohibit a Director or staff person of the District from:
- i. Representing himself or herself, or his or her spouse or minor children before the Directors or anybody of the District
 - ii. Asserting a claim against the District on his or her own behalf, or on behalf of his or her spouse or minor children
 - iii. Performing services pursuant to a lawful and duly authorized contract with the District, provided, that if the consideration payable under the contract exceeds \$1,000.00, the contract was awarded through competitive bidding or other competitive or lawful process after public disclosure

Future Employment

- a. No Director or staff person of the District, for the two year period after serving as such officer, employee or district member, may:
- i. Represent another person or organization before the Directors or any other body of the District

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- ii. Render services to another person or organization in connection with any matter which must come before the Directors or any body of the District except by public disclosure
 - iii. Render services to another person or organization in connection with a matter which is pending before the Directors or any other body of the District except by public disclosure
- b. No Director or staff person of the District at any time after serving as such Director or staff person, may appear, practice or render services to another person or organization in connection with any particular matter in which he or she personally participate while serving as Director or staff person of the District.
- c. This section does not prohibit a Director or staff person of the District from:
- i. Representing him or herself, or his or her spouse or minor children before the Directors or any body of the District
 - ii. Asserting a claim against the District on his or her own behalf, or on behalf of his or her spouse or minor children; or
 - iii. Performing services pursuant to a lawful and duly authorized contract with the District, provided, that if the consideration payable under the contract exceeds \$1,000.00, the contract was awarded through competitive bidding or other competitive or lawful process after public disclosure

Confidential Information

No Director or staff person of the District who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose such information unless the disclosure is required in the course of exercising or performing his or her official powers and duties.

Gifts

- a. No Director or staff person of the District may directly or indirectly solicit any gift
- b. No Director or staff person of the District may accept or receive any gift or multiple gifts from the same donor having an aggregate value of seventy-five dollars or more when:

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- i. It appears that the gift is intended to influence the Director or staff person in the exercise or performance of his or her official duties
 - ii. The gift could reasonably be expected to influence the Director or staff person in the exercise or performance of his or her official powers or duties
 - iii. The gift is intended as a reward for any official action on the part of the Director or staff person
- c. For purposes of this section, a “gift” includes anything of value, weather in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of weather multiple gifts from a single donor exceeded seventy-five dollars must be made by adding together the value of all gifts received from the donor by a Director or staff person during the twelve month period preceding the receipt of the most recent gift.
- d. A gift from a person or organization that seeks to contract with the District is presumed to be a gift that is intended to influence a Director or staff person in the exercise or performance of his or her official powers or duties. A gift from a person or organization that has a contract with the District or has had a contract with the District during the preceding twelve months is presumed to be a gift intended as a reward for official action.
- e. This section does not prohibit:
 - i. Gifts made to the District entity
 - ii. Fund raising activities authorized by and pursuant to section 204-a of the General Municipal Law
 - iii. Gifts from a person with a family or personal relationship with the Director or staff person when the circumstances make it clear that it is that personal relationship, rather than the recipient’s status as a Director or staff person of the District, that is the primary motivation factor for the gift
 - iv. Gifts that are modest, reasonable and customary, given on special occasions, such as marriage, illness or retirement

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- v. Unsolicited advertising or promotional material of little intrinsic value, such as candies, pens, pencils, note pads and calendars
 - vi. Awards and plaques which are publicly presented in recognition of service as a Director or staff person, or other service to the community
 - vii. Payments of rewards authorized by law

Posting and Distribution

- a. The Directors must promptly cause a copy of this Policy and a copy of the amendment to this Policy, to be published on the District's website.
- b. The chairperson of the Directors must promptly cause a copy of this Policy, including any amendments to the Policy, to be distributed to every person who is or becomes a Director or staff person of the District.
- c. Every Director or staff person of the District who receives a copy of this Policy or an amendment to the Policy must acknowledge such receipt in writing. Such receipts must be filed with the Clerk of the Board who must maintain such receipts as a public record.

Effective date

Any Director or staff person of the District who violates this Policy may be fined, suspended, removed from office, employment or membership in the District in the manner provided by law. A violation of this code is deemed "misconduct".

Approved as to form:

Policy/Procedure approved by:
