

**CONFLICT OF INTEREST CODE
OF THE
SOUTHERN MONO HEALTHCARE DISTRICT**

REVISED AND ADOPTED,
AND EFFECTIVE,
April 20, 2017

CONFLICT OF INTEREST CODE
OF THE SOUTHERN MONO HEALTHCARE DISTRICT

Section 1. Conflict of Interest Code – Adopted and Revised.

The Political Reform Act (Government Code §§ 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted regulations (2 CCR § 18730) which contain the terms of a standard or model conflict of interest code. It can be incorporated by reference in an agency code, and 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 CCR § 18730 (“The Model Code”) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

Incorporation by reference of the terms of The Model Code, along with the designation of employees and the formulation of disclosure categories in the Appendices referred to below, constitute the adoption and promulgation of a conflict of interest code by the Southern Mono Healthcare District (“District”) within the meaning of Government Code § 87300 or the amendment of a conflict of code within the meaning of Government Code § 87306. The Model Code and the attached Appendices designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code (“Code”) of the District and are revised and adopted hereby. This Code amends and replaces all previous versions of conflict of interest codes of the District previously in effect.

Section 2. Statements of Economic Interest – Filing Officer.

Designated employees and Board members shall file their statements with the District, which will make the statements available for public inspection and reproduction as provided by law. Upon receipt of the statements of the Board and Chief Executive Officer, the District shall make and retain a copy and forward the originals of these statements to the Mono County Clerk for filing. Statements for all other designated officials and employees will be retained by the District.

Section 3. Purposes and Goals.

The general purpose and goal of this Code is to afford the public an honest and impartial government. More specifically, the Board wishes to achieve the following objectives via this Code:

- (1) To assure the independence, impartiality and honesty of public officials in District actions and decisions;
- (2) To inform citizens of the existence of personal economic interests which may present a conflict of interest between an official’s public trust and private gain;
- (3) To prevent public office from being used for personal gain, other than the remuneration provided by law;
- (4) To assure that District decisions and policy be made in the proper course according to the proper procedures and considerations;
- (5) To prevent special interests from unduly influencing District decisions and policy;
- (6) To assure to the extent possible that District decisions and policy reflect the public interest; and
- (7) To assure that no official will have economic interests which are in substantial conflict with the proper exercise of his official duties and powers.

Section 4. Further Definitions.

In addition to the generality of definitions contained in The Model Code, the following definitions shall apply:

“Board” shall mean the Board of Directors of the District.

“Bylaws” shall mean the Bylaws of the District as they now exist and may be amended or modified from time to time.

“Chief Executive Officer” shall include the administrator of Mammoth Hospital and the District.

“District” shall mean the Southern Mono Healthcare District, formerly known as the Southern Mono Hospital District.

“District Law” shall mean the Local Healthcare District Law as set forth in Division 23 of the Health & Safety Code, §§ 32000, *et seq.*, as it now exists and may be amended or modified from time to time.

“DNV” shall mean Det Norske Veritas, the accreditation body of the District.

“Facilities” shall mean a District healthcare facility, hospital, clinic, or other establishment operated by the District.

“Governing Board” shall mean the Board of Directors of the District. “Healthcare District” shall mean the Southern Mono Healthcare District, formerly known as the Southern Mono Hospital District.

“Hospital” shall mean Mammoth Hospital.

Section 5. General Provisions.

(1) The Board, except as otherwise provided in the Code, may authorize any officer, or officers, or agent, or agents, to enter into any contract or execute any contract or execute any instrument in the name of and on behalf of the District, and such authority to bind the District by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount. Such authority shall be pursuant to the District Law and the Bylaws, and as so authorized, may additionally be by resolution or noted in the minutes of the Board.

(2) The fiscal year of the District shall commence on the first day of July of each year and shall end on the last day of June of each year.

(3) The affairs and financial condition of the District shall be audited annually at the end of each fiscal year by a certified public accountant selected by the Board and a written report of such audit and appropriate financial statements submitted to the Board prior to completion of the first quarterly report of the year. Additional audits may be authorized as considered necessary or desirable by the Board. The annual audit report shall be reviewed and discussed by the Chief Executive Officer and the Board, and a summary of the results thereof shall be published in a newspaper of general circulation as provided for by law.

(4) The Code should be reviewed at least every two (2) years (*i.e.*, biannually) and revised as necessary.

(5) Any and all remedies provided by the Code, law, operation of law, or otherwise, shall be deemed to be cumulative, and the choice of implementation of any particular remedy shall not be deemed to be an election of remedies to the mutual exclusion of any other remedy provided.

(6) In the event any term or provision of the Code is deemed to be in violation of law, null and void, or otherwise of no force or effect, the remaining terms and provisions of the Code shall remain in full force and effect.

(7) The Code shall be interpreted under and shall be consistent with the laws of the State of California, the District Law, and the Rules and Regulations of DNV, if applicable to the governance and accreditation of the District.

(8) No waiver of any breach or violation of any term, provision, article, or section of the Code shall be construed as a waiver of any succeeding breach or violation of the same. The consent or approval of the District to or of any action or matter requiring consent or approval shall not be deemed to waive or render unnecessary any consent or approval of any subsequent or similar act or matter.

(9) Enforcement of any term, provision, article, or section of the Code shall be by proceedings at law or in equity against any persons or entities violating or attempting to violate the Code, either to restrain violation, compel compliance or action, or to recover damages.

(10) The District shall cause updated filings to be made upon the change in the roster of officers or directors of the Board as the same may occur from time to time with the California Secretary of State, County of Mono, and any other agency as may be applicable or required by law.

(11) Unless otherwise stated in the Code, or unless context otherwise requires, the definitions contained in the District Law shall govern the construction of the Code. Without limiting the generality of the foregoing, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural number includes the singular, and the word “person” includes a corporation or other legal entity as well as a natural person.

Adopted as revised at the Regular Meeting of the Board of Directors of the Southern Mono Healthcare District, September 25, 2014.

APPENDIX A
LIST OF DESIGNATED POSITIONS

<u>Job Title</u>	<u>Disclosure Category (ies)</u>
Member, Board of Directors	3, 4, 5, 6
Chief Executive Officer (“CEO”)	3, 4, 5, 6
Chief Financial Officer	3, 4, 5, 6
Chief Operations Officer	5, 7
Chief Information Officer	5, 7
Chief Nursing Officer	5, 7
Facilities Services Manager	5, 7
Purchasing Manager	5, 7
Human Resources Manager	5, 8
CEO, as Trustee of Mammoth Hospital Employees’ Retirement Plan (403B)	5, 8
CEO, as Trustee of Mammoth Hospital Employees’ Deferred Compensation Plan (457b)	5, 8
CEO, as Trustee of Mammoth Hospital Employees’ 529 College Advantage Savings Plan	5, 8

Exempt Positions

Employees holding secretarial, clerical, or manual positions, and other officials whose financial interests could not be affected materially by any action, failure to act, or decision taken by them within the scope of their official duties shall not be required to file statements of financial interest.

APPENDIX B
LIST OF DISCLOSURE CATEGORIES

<u>Disclosure Category</u>	<u>Required Disclosure</u>
1	All interests in real property located in Mono and Inyo Counties, as well as investments, business positions and sources of income, including gifts, loans, and travel payments.
2	All investments, business positions and sources of income, including gifts, loans, and travel payments.
3	All interests in real property located in the District’s jurisdiction.
4	Any source of gross income of \$500 or more.
5	Any reportable gift received from sources in the District’s jurisdiction with a fair market value of \$50 or greater.
6	Any investments and business positions with sources* in the District’s jurisdiction totaling \$2,000 or more at any time during the reporting period.
7	Any reportable investments, business positions and income from sources* in the District’s jurisdiction that provide leased facilities, goods, equipment, vehicles, machinery, or services of the type utilized by the District.
8	Any reportable investments, business positions and income from sources* in the District’s jurisdiction that provide leased facilities, goods, equipment, vehicles, machinery, or services of the type used by the designated position’s area of authority.

* As used in Categories 5, 6, 7, and 8, “sources” refers to any entity located in, doing business in, planning to do business in, or which has done business during the prior two years in the District’s jurisdiction.