

June 9, 1976

76-252

Mr. Bruce Orvis
Secretary-Treasurer
Rock Creek Water District
Star Route, Box 49
Farmington, California 95230

Dear Mr. Orvis:

You indicate in your letter of May 20, 1976, that the Rock Creek Water District is "only in Saanislous County". You also indicate that the District owns property in Calaveras County. Government Code §82011 provides:

"'Code reviewing body' means:

(a) The Commission, with respect to the Conflict of Interest Code of ... any local government agency with jurisdiction in more than one county:...."

Government Code §82035 provides:

"Real property shall be deemed to be 'within the jurisdiction' with respect to a local government agency if the property or any part of it is located ... within two miles of any land owned or used by the local government agency."

Based upon the fact that the District owns property in Calaveras County, the District has jurisdiction in more than one county within the meaning of Government Code §82035; and accordingly, the Commission is the code reviewing body with respect to the District. This determination is buttressed by the apparent view of the Office of the Controller that the Rock Creek Water District has jurisdiction in more than one county. Accordingly, please submit the Conflict of Interest Code of the Rock Creek Water District to this office on the appropriate deadline date. Thank you.

Sincerely,

Delbert L. Spurlock, Jr.
Chief, Conflicts of Interest
Division

/glb



C O U N T Y C O U N S E L

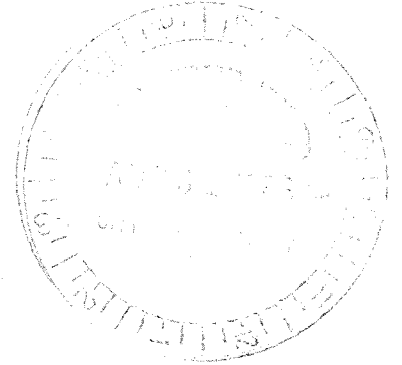
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RICHARD J. MOORE
COUNTY COUNSEL

August 30, 1976

Mr. Don Driggs
City Manager
City of Fremont
City Government Building
Fremont, California 94538



RE: Conflict of Interest Code

Dear Mr. Driggs:

Thank you for your letter of August 24, 1976, regarding the code reviewing body for Fremont Unified School District.

We call your attention to the pertinent part of Section 82011 of the Government Code which reads as follows:

"Code reviewing body" means:

(a) The commission, with respect to the Conflict of Interest Code of a state agency, a county board of supervisors, a city council or any local government agency with jurisdiction in more than one county;

(b) The board of supervisors, with respect to the Conflict of Interest Code of any county agency other than the board of supervisors, and of any local government agency, other than a city agency, with jurisdiction wholly within the county;

and to Section 82041 which reads as follows:

"Local government agency" means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of these, but does not include any court or any agency in the judicial branch of government.

Our advice to the Fremont Unified School District that the code reviewing body for it was the Board of Supervisors of Alameda

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County was based upon these two sections as a

"Local government agency" means a . . . district
of any kind including school district.

Since the jurisdiction of the Fremont Unified School District is
wholly within the County of Alameda it falls within the provisions
of Section 82011, subdivision (b).

If you have received advice to the contrary from the F.P.P.C.
it would be appreciated if you would contact it for clarification.

Very truly yours,

RICHARD J. MOORE
County Counsel

By *Thomas E. Firby*
THOMAS E. FIRBY
Assistant County Counsel

TEF: gk