DATE:       May 12, 2020
TO:         Board of Supervisors
FROM:       James R. Williams, County Counsel
SUBJECT:    Approval of Amended Exhibits to the County of Santa Clara's Conflict of Interest Code

RECOMMENDED ACTION
Approve amended Exhibits to the County of Santa Clara Conflict of Interest Code for the following departments/agencies.
   a. Finance Agency.
   b. Office of the County Executive.

FISCAL IMPLICATIONS
There are no fiscal implications from the Conflict of Interest Code Exhibit amendments.

REASONS FOR RECOMMENDATION
County departments, boards and commissions that require a conflict of interest code are integrated into the County’s conflict of interest code. Each County department, board and commission has two exhibits: Exhibit A, which lists designated positions and indicates the number of the disclosure category to which each position is assigned; and Exhibit B, which lists the disclosure categories specifying the required disclosure interests (e.g., income, investments, business positions, real property) and the reportable sources of those interests.

Attached are updated Exhibits for the Finance Agency and the Office of the County Executive. Newly-created position titles that were determined should be designated in the County of Santa Clara’s conflict of interest code have been added and position titles that no longer exist in a department/agency have been removed.

Finance Agency
Removal
The designated position “Tax Collection Manager, DTAC” that no longer exists in the department has been removed from the Department of Tax and Collections section.
Additions
The following positions have been added as designated positions under the Department of Tax and Collections section:
- Management Analyst, DTAC
- Senior Management Analyst, DTAC

Office of the County Executive
Addition
The position “Administrative Services Manager III” has been added as a designated position under the Administration section.

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
Under the Political Reform Act, all public agencies are required to adopt a conflict of interest code designating positions required to file Statements of Economic Interests (Form 700s), and assigning disclosure categories specifying the types of financial interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interest.

A conflict of interest code must (1) contain the terms of the code, (2) specifically enumerate the positions, other than those specified in Government Code section 87200, that involve the making or participating in the making of decisions that may foreseeably have a material effect on any financial interest, and (3) specify disclosure categories listing the required disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making.

The County’s code incorporates 2 California Code of Regulations 18730 and any amendments to it, which satisfies the statutory requirement for the text of a conflict of interest code. In the addendum to the County’s conflict of interest code, each County department, board and commission (Code Agency) has an Exhibit A listing its designated positions and an Exhibit B listing its disclosure categories. Disclosure categories 1 and 2 are predefined by the County for shared use among the Code Agencies. Each Code Agency has created additional disclosure categories to reflect the required disclosures specific to its designated positions. The text and addendum to the County’s conflict of interest code is available on the Clerk of the Board’s website.

Pursuant to the procedure approved by the Board of Supervisors on December 14, 1999, County Counsel has reviewed the County’s code and the attached exhibits to ensure they
meet the requirements of Government Code section 87309, providing:

1. A description of the manner in which the Code will require all foreseeable potential conflict of interest situations to be disclosed or prevented;

2. A description of the manner in which the Code provides each affected person a clear and specific statement of his or her duties under the Code; and

3. A description of the manner in which the Code has differentiated between designated employees with different powers.

The Office of the County Counsel has concluded that the code and exhibits satisfy the legal standards described above.

CONSEQUENCES OF NEGATIVE ACTION

If the Board does not approve the updates to the County’s conflict of interest code and attached Exhibits, the Exhibits as last approved by the Board will remain in effect and will not accurately reflect the reporting requirements.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will update its records to indicate the updated filing requirements for the County departments and agencies.

The Clerk of the Board will update the posted Exhibits on the Clerk of the Board’s website for future, ongoing reference.

ATTACHMENTS:

- Finance Agency Exhibit A and B (PDF)
- Office of the County Executive Exhibit A and B (PDF)