



100272

DATE: February 11, 2020

TO: Board of Supervisors

FROM: James R. Williams, County Counsel

SUBJECT: Approval of Conflict of Interest Codes for Local Agencies

RECOMMENDED ACTION

Consider recommendations relating to Conflict of Interest Codes.

Possible action:

- a. Approve the Conflict of Interest Code for Santa Clara County Housing Authority.
- b. Approve the Conflict of Interest Code for Santa Clara County Vector Control District.

REASONS FOR RECOMMENDATION

The Political Reform Act (Government Code Sections 87200 et seq.) requires all local agencies to adopt a conflict of interest code, which is not effective until it has been approved by the code-reviewing body. The County Board of Supervisors is the code-reviewing body for Santa Clara County local agencies. The code must include a list of positions for which economic interest disclosures must be filed. Government Code section 87306 provides that changed circumstances, including the creation of new positions, require amendment to the conflict of interest code which then must be approved by the code-reviewing body.

Santa Clara County Housing Authority amended its conflict of interest code at its August 1, 2019 meeting, and provided the amended code to the County in January 2020. A summary of the changes is attached.

Santa Clara County Vector Control District amended its conflict of interest code at its January 28, 2020 meeting. A summary of the changes is attached.

Santa Clara County Housing Authority and Santa Clara County Vector Control District are requesting the Board of Supervisors to approve their conflict of interest codes. The Office of the County Counsel has reviewed the information provided by these agencies and has concluded that the codes meet the standard of approval by the Board of Supervisors.

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

Santa Clara County Housing Authority and Santa Clara County Vector Control District are requesting the Board of Supervisors to approve their conflict of interest codes. The requests to approve the codes were reviewed in light of the procedure approved by the Board of Supervisors on December 14, 1999. That procedure requires any agency requesting Board approval of its conflict of interest code to provide the following information, based upon the requirements of Government Code section 87309:

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 procedure further requires that this information be reviewed by the Office of the County Counsel, which shall then make an independent recommendation to the Board as to the adequacy of the code. This Office has conducted the required review and has concluded that the information presented by Santa Clara County Housing Authority and Santa Clara County Vector Control District is responsive to the Board's direction, adequately satisfying the legal standard described above.

CONSEQUENCES OF NEGATIVE ACTION

If the Board does not approve the submitted conflict of interest codes for Santa Clara County Housing Authority and Santa Clara County Vector Control District, the codes will not be in effect pursuant to the requirements of the Political Reform Act.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will provide a copy of the conflict of interest code, marked as approved, for Santa Clara County Housing Authority to Amanda Ochoa, Senior Management Analyst, Santa Clara County Housing Authority.

The Clerk of the Board will provide a copy of the conflict of interest code, marked as approved, for Santa Clara County Vector Control District to Kristina McCaffrey, Administrative Services Manager.

ATTACHMENTS:

- Summary of Amendments to Santa Clara County Housing Authority's Conflict of Interest Code (PDF)
- Santa Clara County Housing Authority Conflict of Interest Code (PDF)
- Summary of Amendments to Santa Clara County Vector Control District's Conflict of Interest Code (PDF)
- Santa Clara County Vector Control District Conflict of Interest Code (PDF)