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**MEMORANDUM**

TO: Juvenile Justice Coordinating Council

FROM: Lori E. Pegg, Assistant County Counsel 

RE: Approval of the Juvenile Justice Coordinating Council's Exhibit A and Exhibit B Addendum for the County of Santa Clara's Conflict of Interest Code

DATE: October 27, 2010

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**RECOMMENDED ACTION**

Approve the Exhibit A (List of Designated Positions) and Exhibit B (List of Disclosure Categories) for the Juvenile Justice Coordinating Council (Council).

**REASONS FOR RECOMMENDATION**

The Political Reform Act of 1974 (the "Act") (Government Code Sections 87000 et seq.) sets forth California's economic disclosure law. The Act requires disclosure of specified interests and prohibits participation in decision-making when an official's financial interests could be affected. Under the Political Reform Act, the Council is required to adopt a conflict of interest code.

A conflict of interest code (1) must contain the terms of the code, (2) must specifically enumerate the positions within the Council, 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) must 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 Act requires every agency to review its conflict of interest code biennially to determine if any amendments are needed. As part of the 2010 biennial update of the County of Santa Clara's conflict of interest code, County boards and commissions that are required to have

a conflict of interest code will be added to the County's code. This will provide a centralized code for ease of reference.

The County's code incorporates 2 California Code of Regulations 18730 and any amendments to it, which satisfies the statutory requirements for the text of a conflict of interest code. Each County board and commission subject to the County's conflict of interest code will create its own Exhibit A listing its designated positions and Exhibit B listing its disclosure categories to attach as an addendum to the text of the County's code. Disclosure categories 1 and 2 are predefined by the County. Each board and commission will create any additional disclosure categories necessary to reflect the required disclosures specific to its designated positions.

Upon the Council's approval, the Exhibit A and Exhibit B will be forwarded to the Office of the County Counsel for inclusion in the County's conflict of interest code and approval by the Board of Supervisors in 2010.

### **BACKGROUND**

The Political Reform Act requires local agencies to adopt a conflict of interest code. The conflict of interest code must 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; and
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 and responsibilities.

Unpaid members of advisory boards and commissions may be required to disclose their personal financial interests if they make or participate in making governmental decisions that could affect their private financial interests. The Council's responsibilities include developing strategies for reducing juvenile crime and delinquency, assessing current resources, identifying services areas where resources may not be adequate, and developing the County's expenditure plan for monies allocated through the Juvenile Justice Crime Prevention Act Grant. These responsibilities result in members making or participating in the making of decisions that may foreseeably have a material effect on their financial interests.

Attached is a proposed Exhibit A and Exhibit B for the Council's review and approval.

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The approved Exhibit A and Exhibit B will be forwarded to the Office of the County Counsel for inclusion in the County's conflict of interest code and approval by the Board of Supervisors.

Upon approval by the Board of Supervisors, all designated positions listed in Exhibit A must file a Form 700 with the Clerk of the Board no later than 30 days after the effective date, annually on or before April 1<sup>st</sup>, and within 30 days of either assuming or leaving a designated position.

### **CONSEQUENCES OF NEGATIVE ACTION**

If the Council does not approve the Exhibit A and Exhibit B for inclusion in the County's conflict of interest code, the Council will not be in compliance with the law.

### **STEPS FOLLOWING APPROVAL**

Upon the Council's approval, the Exhibit A and Exhibit B will be forwarded to the Office of the County Counsel for inclusion in the County's conflict of interest code biennial update and approval by the Board of Supervisors.

**APPENDIX**

**CONFLICT OF INTEREST CODE OF THE COUNTY OF SANTA CLARA**

**EXHIBIT "A"**

**LIST OF DESIGNATED POSITIONS FOR**

**JUVENILE JUSTICE COORDINATING COUNCIL**

<b>Designated Position</b>	<b>Disclosure Category</b>
Member	3
Alternate Member	3
Consultant	2

## **APPENDIX**

### **CONFLICT OF INTEREST CODE OF THE COUNTY OF SANTA CLARA**

#### **EXHIBIT "B"** **DISCLOSURE CATEGORIES FOR**

#### **JUVENILE JUSTICE COORDINATING COUNCIL**

Pursuant to the County of Santa Clara's Conflict of Interest Code, Disclosure Categories 1 and 2 shall read as follows for all Code Agencies.

**Disclosure Category 1:** Category 1: Persons in this category shall disclose:

- (1) all investments, business positions, and income (including gifts, loans and travel payments) from:
  - (a) all sources that provide, plan to provide, or have provided in the last two years, leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, to the County;
  - (b) all sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the County;
  - (c) all sources that receive, are planning to apply to receive, or have received in the last two years, grants or other monies from or through the County; and
- (2) all interests in real property in the County of Santa Clara located entirely or partly within the County, or within two miles of County boundaries, or of any land owned or used by the County.

**Disclosure Category 2:** Each Consultant shall disclose: (1) all investments, business positions, and income (including gifts, loans and travel payments) from: (a) all sources that provide, plan to provide, or have provided in the last two years, leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, to the County; (b) all sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the County; (c) all sources that receive, are planning to apply to receive, or have received in the last two years, grants or other monies from or through the County; and (2) all interests in real property in the County of Santa Clara located entirely or partly within the County, or within two miles of County boundaries, or of any land owned or used by the County, subject to the following limitation: the Code Agency for which a consultant works may determine in writing, following approval by County Counsel as to form and legality, that the particular consultant is hired to perform a range of duties that is limited in scope and, thus, is not required to comply with the full disclosure requirements described above, but

instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements.

In addition to the above two categories, the Juvenile Justice Coordinating Council shall have the following category:

**Disclosure Category 3:** Persons in this category shall disclose all investments, business positions and income (including gifts, loans and travel payments) from any source that provides supplies, goods, services, or equipment of the type utilized by the County of Santa Clara as part of its strategies for reducing juvenile crime and delinquency, or which is the type to receive grants, services or monies from or through the County of Santa Clara for addressing juvenile crime and delinquency.