

## County of Santa Clara Conflict of Interest Code

### SECTION 1. ADOPTION OF CODE

The Political Reform Act (Government Code section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. Regulation 18730 along with the information listed in this document and the attached Appendices (Exhibits) designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the County of Santa Clara.

The full text of Regulation 18730, together with any amendments thereto, may be found at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

### SECTION 2. LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES (EXHIBITS A AND B)

Each County department, board and commission subject to this Code (hereafter "Code Agency" or "Code Agencies") shall have an Exhibit A to this Code setting forth its designated positions required to file Statements of Economic Interests, and an Exhibit B to this Code setting forth the disclosure categories specifying the required disclosure interests (e.g., income, investments, business positions, real property) and the reportable sources of those interests

### SECTION 3. COUNTY DEPARTMENTS SUBJECT TO THIS CODE

All County departments are subject to this Code. Below is the list of each County department with its own Exhibit A and B to this Code to specify its designated positions and disclosure categories:

Behavioral Health Services Department  
Board of Supervisors District Offices  
Clerk of the Board of Supervisors  
Community Health Services  
County Communications  
County Library  
Custody Health Services  
Department of Agriculture and Environmental Management  
Department of Child Support Services  
Department of Correction

Department of Environmental Health  
Department of Parks and Recreation  
Department of Planning and Development  
Emergency Medical Services  
Employee Services Agency  
Facilities and Fleet Department  
Finance Agency  
Information Services Department  
Medical Examiner-Coroner  
Office of Pretrial Services  
Office of Supportive Housing  
Office of the Assessor  
Office of the County Counsel  
Office of the County Executive  
Office of the District Attorney  
Office of the Public Defender  
Office of the Sheriff  
Probation Department  
Procurement Department  
Public Health Department  
Registrar of Voters  
Risk Management  
Roads and Airports Department  
Santa Clara Valley Health and Hospital System  
Santa Clara Valley Health and Hospital System – Facilities  
Santa Clara Valley Health and Hospital System – Information Services  
Social Services Agency  
Valley Health Plan

#### SECTION 4. COUNTY BOARDS AND COMMISSIONS SUBJECT TO THIS CODE

Upon a determination by the Office of the County Counsel that a County board or commission is required to have a conflict of interest code with designated positions subject to Statement of Economic Interests disclosure, such board or commission shall be subject to this Code. Below is the list of each County board and commission with its own Exhibit A and B to this Code to specify its designated positions and disclosure categories.

Airport Land Use Commission  
Anti-Terrorism Approval Authority  
Assessment Appeals Officials  
Asset Forfeiture Fund Oversight Committee  
Behavioral Health Board  
Board of Plumbing Examiners  
Certification Appeals Board  
Child Abuse Council  
Code Enforcement Appeals Board

Commission on the Status of Women  
Comprehensive County Expressway Planning Study Policy Advisory Board  
County of Santa Clara Community Corrections Partnership & Santa Clara County Re-Entry Network  
County of Santa Clara Defined Contribution Plans Committee  
County Treasury Oversight Committee  
Domestic Violence Council  
Emergency Medical Care Committee  
Fish and Game Commission  
Historical Heritage Commission  
Homeless Healthcare Advisory Board  
Housing and Community Development Advisory Committee  
Human Immunodeficiency Virus Commission  
Integrated Pest Management Technical Advisory Group  
Jail Diversion and Behavioral Health Subcommittee of the Re-Entry Network  
Joint Foster Youth Task Force  
Juvenile Justice Coordinating Council  
Juvenile Justice Systems Collaborative  
Parks and Recreation Commission  
Personnel Board  
Planning Commission  
Recycling and Waste Reduction Commission of Santa Clara County  
Santa Clara County Cal-ID/Remote Access Network Policy Board  
Santa Clara County Emergency Operational Area Council  
Santa Clara County Inmate Welfare Fund Committee  
Vehicle Accident Review Board

#### SECTION 5. AMENDMENTS TO CODE AGENCIES' EXHIBITS A AND B

(a) Every Code Agency shall amend its Exhibits A and B when change is necessitated by changed circumstances, including the creation of new positions which must be designated and relevant changes in the duties assigned to existing positions. Amendments or revisions shall be submitted to the Board of Supervisors by the Office of the County Counsel.

(b) Notwithstanding subdivision (a), upon direction by the Board of Supervisors, each Code Agency shall review its Exhibits A and B in even-numbered years, upon notification by the Clerk of the Board and Office of the County Counsel. If no change in the Code Agency's Exhibit A or B is required, the head of the Code Agency, or the Office of the County Counsel for County boards and commissions, shall submit a written statement to that effect to the Board of Supervisors no later than October 1 of the same year. If a change in the Code Agency's Exhibit A or B is necessitated by changed circumstances, the Code Agency shall submit an amended Exhibit A and B through the Office of the County Counsel to the Board of Supervisors.

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## SECTION 6. FILING OFFICIALS

Each Code Agency shall have at least one designated Filing Official. The Filing Official is responsible for, among other things: (1) forwarding the Statements of Economic Interests from the Code Agency's filers to the Clerk of the Board or ensuring the filers' Statements are e-filed in the County's electronic system; (2) supplying the necessary forms and manuals prescribed by the Fair Political Practices Commission to the Code Agency's filers; (3) notifying the Clerk of the Board regarding new individuals in designated positions, individuals leaving designated positions, and other events affecting filing obligations; and (4) notifying the Clerk of the Board no later than February 1 of each year of the names and positions of every person whose Statements of Economic Interests must be forwarded to the Clerk of the Board.

## SECTION 7. FILING REQUIREMENTS

Each individual holding a position designated in this Code, other than those officials who file pursuant to Government Code section 87200 (identified in Exhibit C to this Code), shall file Statements of Economic Interests disclosing the information required by the position's assigned disclosure category as set forth in this Code, on such forms as may be specified by the Fair Political Practices Commission (Form 700 unless otherwise provided by the Commission), and at such times required by Regulation 18730. Every individual holding a position designated in this Code shall retain his or her filing obligations, notwithstanding any reclassification or title change that may occur in the future as to the same job duties.

Statements of Economic Interests may be filed via paper submission or electronically using the County's electronic Form 700 system known as eDisclosure. Filers shall submit paper-submitted Statements of Economic Interests to the Filing Official of their Code Agency. If Statements of Economic Interests are e-filed in eDisclosure, both the Code Agency Filing Official and the County Clerk of the Board's Office receive notice and access to the e-filed Statements simultaneously.

## SECTION 8. FAILURE TO FILE

Failure to file Statements of Economic Interests on time may result in penalties imposed by state law, including, but not limited to, monetary fines.

Members of County boards and commissions who fail to file Statements of Economic Interests may be subject to removal by the Board of Supervisors.

## SECTION 9. FILING OFFICER

With the exception of those officials who file pursuant to Government Code section 87200 (identified in Exhibit C to this Code), the Clerk of the Board shall be the Filing Officer. Statements of Economic Interests submitted to the Clerk of the Board by

designated employees in accordance with this Code shall be available for public inspection and reproduction pursuant to Government Code section 81008.

## SECTION 10. DISCLOSURE CATEGORIES

For each Code Agency, disclosure categories shall include Category 1 as specified in Section 11, Category 2 as specified in Section 12, and such additional categories as determined by each Code Agency and included in each Code Agency's Exhibit B attached to and incorporated into this Code.

## SECTION 11. DISCLOSURE CATEGORY 1

For each Code Agency, Disclosure Category 1 shall read:

Disclosure Category 1: Persons in this category shall disclose:

(1) all investments in, business positions in, 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, facilities, goods, software, hardware, or related technology, equipment, vehicles, machinery or services, including training or consulting services, to the County;

(b) all sources that are subject to the regulatory, monitoring, investigatory, enforcement, valuation, certification, permit or licensing authority of, or have an application for a license, permit or certificate 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 sources that receive referrals to provide assessments and/or treatments that are required or recommended by 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.

## SECTION 12. DISCLOSURE CATEGORY 2 - CONSULTANTS

(a) Code Agencies' Consultants, as defined by 2 CCR § 18700.3(a), are designated employees for the purposes of this Code and shall disclose economic interests as listed in Disclosure Category 2.

For each Code Agency, Disclosure Category 2 shall read:

Disclosure Category 2: Each Consultant shall disclose: (1) all investments in, business positions in, 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, facilities, goods, software, hardware, or related technology, equipment, vehicles, machinery or services, including training or consulting services, to the County; (b) all sources that are subject to the regulatory, monitoring, investigatory, enforcement, valuation, certification, permit or licensing authority of, or have an application for a license, permit or certificate 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 sources that receive referrals to provide assessments and/or treatments that are required or recommended by 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.

(b) A Code Agency's written determination shall be approved by the Agency Head or designee and the Office of the County Counsel. The written determination shall be a public record and shall be retained for public inspection in the Clerk of the Board's Office.

### SECTION 13. INTERIM DISCLOSURE REQUIRED FOR NEWLY CREATED POSITIONS PENDING CODE AMENDMENT

(a) Persons in newly created positions that make or participate in the making of decisions that may foreseeably have a material effect on any financial interest and are not yet listed in this Code, shall file interim disclosure.

(b) As soon as any Code Agency determines that it has a newly created position that must file Statements of Economic Interests, the Code Agency Filing Official shall contact the Office of the County Counsel for review of the appropriate disclosure requirements. The Office of the County Counsel shall work with the Code Agency to determine the appropriate interim disclosure and update the Code Agency's Exhibit.

(c) Persons in positions specified in subdivision (a) of this Section shall file under Category 1, the broadest disclosure category, in this Code until the Code Agency amends its Exhibit to reflect the position and its specified disclosure category. However, prior to the Exhibit amendment, the Code Agency for which the position works may determine in writing, following approval by County Counsel, that the position performs a range of

duties that are limited in scope and, thus, is not required to comply with the disclosure requirements of Category 1, but must comply with more tailored disclosure requirements specific to that position. Such a determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements.

(d) A written determination under this Section shall be a public record and shall be retained for public inspection in the Clerk of the Board's Office.