

**Agenda Item 2
September 3, 2014**

DATE: August 20, 2014

TO: Children and Families Commission of Orange County 

FROM: Christina Altmayer, Executive Director

SUBJECT: Conduct Biennial Review of the Conflict of Interest Code and Adopt Resolution Approving Updates

SUMMARY:

The Political Reform Act requires every agency to review its conflict of interest code biennially and to notify the code reviewing body if their current code is accurate, or alternatively, that their code must be amended. The Commission last reviewed and amended the Conflict of Interest Code in October 2012. This item is an update on the status of the review of the Commission's Conflict of Interest Code for 2014.

DISCUSSION:

The Orange County Board of Supervisors is the code reviewing body for County boards and commissions, including the Children and Families Commission. Their responsibilities include the review and approval of local agency conflict of interest codes and code amendments. The Commission's biennial review is processed in the eDisclosure System. If amendments to the conflict of interest code are not necessary, the Commission is required to submit the biennial review by October 1. If amendments are necessary, the Commission would need to approve those amendments and submit the code changes to the Board of Supervisors for approval by December 30.

Recommended amendments are required to update the positions on the County of Orange Conflict of Interest Code Exhibit A (Attachment 1). Commission Counsel has reviewed the Commission's current Conflict of Interest Code and does not recommend further amendments at this time. The Clerk of the Commission will submit the biennial notice upon Commission approval.

STRATEGIC PLAN & FISCAL SUMMARY:

The recommended action has been specifically reviewed in relation to the Commission's Strategic Plan and is consistent with applicable outcome goals. There is no funding action proposed for this item.

PRIOR COMMISSION ACTIONS:

- October 2012 – Received report confirming the status of the Conflict of Interest Code
- November 2011 – Adopted Resolution approving amended Conflict of Interest Code to reflect the new name for the Community Advisory Committee
- November 2010 – Adopted Resolution approving amended Conflict of Interest Code

- May 2008 - Approved the amended Conflict of Interest Code for the 2008 Conflict of Interest Code Biennial Review

RECOMMENDED ACTIONS:

1. Adopt Resolution (Attachment 1) approving the amended Conflict of Interest Code.
2. Direct the Clerk of the Commission to forward a copy of the adopted Resolution to the Clerk of the Board of Supervisors.

ATTACHMENT:

1. Resolution Approving Amended Conflict of Interest Code

Contact: Kelly Pijl

CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY

RESOLUTION NO. 14-___ C&FC

September 3, 2014

**A RESOLUTION OF THE CHILDREN AND FAMILIES
COMMISSION OF ORANGE COUNTY AMENDING THE
CONFLICT OF INTEREST CODE AS REQUESTED BY
THE CLERK OF THE BOARD OF SUPERVISORS**

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000, et. seq., (“the Act”), requires a local government agency to adopt a Conflict of Interest Code pursuant to the Act; and

WHEREAS, the Children and Families Commission of Orange County has previously adopted a Conflict of Interest Code and that Code now requires updating; and

WHEREAS, amendments to the Act have in the past and in the foreseeable future will require conforming amendments to be made to the Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains terms for a standard model Conflict of Interest Code, which, together with amendments thereto, may be adopted by public agencies and incorporated by reference to save public agencies time and money by minimizing the actions required of such agencies to keep their codes in conformity with the Political Reform Act.

NOW THEREFORE, BE IT RESOLVED:

Section 1 The terms of Title 2, California Code of Regulations, Section 18730 (Attachment A) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, together with Exhibits A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Children and Families Commission of Orange County.

Section 2 The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Children and Families Commission of Orange County are hereby superseded.

Section 3 The Filing Officer is hereby authorized to forward a copy of this Resolution to the Clerk of the Orange County Board of Supervisors for review and approval by the Orange County Board of Supervisors as required by California Government Code Section 87303. Subject to approval by the Orange County Board of Supervisors, it is intended that this Resolution become operative January 1, 2015.

**CONFLICT OF INTEREST CODE FOR THE
CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY**

The Political Reform Act, Government Code Sections 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 Cal. Code of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. 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. This regulation and the attached Exhibits designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of the Children and Families Commission of Orange County.

DESIGNATED EMPLOYEES

Designated employees shall file Statements of Economic Interests with the Clerk of the Orange County Board of Supervisors who will make the statements available for public inspection and reproduction (Government Code Section 82008).

GOVERNMENT CODE SECTION 87200 FILERS

Public officials enumerated in Government Code Section 87200, including officials who manage public investments as defined by 2 California Code of Regulations Section 18701(b), are NOT subject to the Commission's code, but are subject to the disclosure requirements of the Act (Government Code Section 87200, et seq.). [Regs. §18730(b)(3)] These positions are listed here for informational purposes only.

For purposes of the Commission's Code, the positions listed below are Commission officials enumerated in Government Code Section 87200:

Executive Director

Commission Counsel

These positions shall also file original Statements of Economic Interests with the Clerk of the Orange County Board of Supervisors.

The disclosure categories and requirements for these positions are set forth in Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200, et seq. They generally require the disclosure of interests in real property in the agency's jurisdiction, as well as investments, business positions and sources of income (including gifts, loans and travel payments).

**CONFLICT OF INTEREST CODE FOR THE
CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY
LIST OF DESIGNATED POSITIONS**

<u>Designated Positions</u>	<u>Disclosure Category</u>
Commissioners	OC-48
Alternate Commissioners	OC-48
Members of the Commission Pediatric Health Services Committee	OC-48
Director of External Affairs	OC-48
Director of Program Development & Evaluation	OC-48
Director of Program Operations	OC-48
Finance Manager	OC-48
Contracts Manager	OC-48
Evaluation Manager	OC-48
Consultants (*See Note below)	OC-48

***Consultants shall be included in the list of designated employees and shall disclose pursuant to disclosure category OC-48 in the code subject to the following limitation:**

The Executive Director of the Commission (or the Commission, as requested by the Executive Director) may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties or provide certain services that are limited in scope, term of service, or amount of compensation and that do not involve direct participation in the making of decision(s) which may foreseeably have a material financial effect on a personal financial interest, and thus such consultant is not required to comply with the disclosure requirements set forth herein. Such written determination by the Executive Director (or, as applicable, the Commission) shall explain the basic reason(s) for excluding a particular consultant. The Executive Director’s (or, as applicable, the Commission’s) determination is a public record and shall be retained for public inspection by the Commission filing officer with an information copy provided to the Commissioners.

**CONFLICT OF INTEREST CODE FOR THE
CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY
DISCLOSURE CATEGORIES / DESCRIPTIONS**

<u>Disclosure Category</u>	<u>Disclosure Description</u>
OC-48	All interests in real property in Orange County, as well as all investments in, business positions with, and income (including gifts, loans, and travel payments) from sources engaged in the direct or indirect provision of early development services to or for children. As used herein, "early development services" means the services, which the Commission is authorized by statute to promote, support or improve.