



***Supplemental Transmittal  
Agenda Item No. 3  
November 3, 2010 Meeting***

**DATE:** October 29, 2010

**TO:** Children and Families Commission of Orange County

**FROM:** Michael M. Ruane, Executive Director

A handwritten signature in black ink, appearing to read 'Michael M. Ruane'.

**SUBJECT:** Revised Resolution and Exhibit for Conflict of Interest Code

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The Clerk of the Board of Supervisors has requested that we make changes to the proposed Conflict of Interest Code revisions that would allow her to permit County Supervisor Members of the Commission to file annual disclosure forms electronically *as Commissioners*. They would still file hard-copy forms when filing as County Supervisor.

Please replace the current proposed resolution (Attachment 1) and exhibit (Attachment A) with the enclosure.

Enclosure

cc: Clerk of the Commission  
Commission Counsel

**CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY**

**RESOLUTION NO. 10-\_\_\_ C&FC**

**November 3, 2010**

**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 foreseeably will in the future 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, 2011.

The foregoing resolution was passed and adopted by the following vote of the Children and Families Commission of Orange County on \_\_\_\_\_, 2010, to wit:

AYES           Commissioners:

NOES:           Commissioner(s):

EXCUSED:   Commissioner(s):

ABSTAINED:Commissioner(s):

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CHAIRMAN

STATE OF CALIFORNIA        )  
  )  
COUNTY OF ORANGE        )

I, DARLENE J. BLOOM, clerk of the Children and Families Commission of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Commission and that the above and foregoing Resolution was duly and regularly adopted by the Children and Families Commission of Orange County.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

\_\_\_\_\_  
DARLENE J. BLOOM  
Clerk of the Commission, Children and Families  
Commission of Orange County, County of Orange,  
State of California

Resolution NO.:        \_\_\_\_\_ C&FC

Agenda Date:        \_\_\_\_\_, 20\_\_\_\_\_

Item No.:        \_\_\_\_\_

I certify that the foregoing is a true and correct copy  
of the Resolution adopted by the

DARLENE J. BLOOM, Clerk of the Commission,

By:\_\_\_\_\_

\_\_\_\_\_  
Deputy

**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:

Investment Oversight Committee Members

Executive Director

Chief Operating Officer (Treasurer)

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**

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Commissioners	OC-48
Alternate Commissioners	OC-48
Members of the Commission Technical Advisory Committee	OC-48
Members of the Commission Pediatric Health Services Committee	OC-48
Director of External Affairs	OC-48
Director of Finance	OC-48
Financial Manager	OC-48
Director of Program Development & Evaluation	OC-48
Director of Contract Administration	OC-48
Director of Program Operations	OC-48
Program Officer	OC-48
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<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Administrative Manager / Program Management & Evaluation	OC-48
Administrative Manager – Contracts	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**

<b><u>Disclosure Category</u></b>	<b><u>Disclosure Description</u></b>
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.



**Agenda Item No. 3  
November 3, 2010 Meeting**

**DATE:** November 3, 2010

**TO:** Children and Families Commission of Orange County

**FROM:** Michael M. Ruane, Executive Director

A handwritten signature in black ink, appearing to read 'Michael M. Ruane', is positioned to the right of the 'FROM:' field.

**SUBJECT:** Conflict of Interest Code Biennial Review

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**SUMMARY:**

Pursuant to the California Government Code, every local agency must adopt a Conflict of Interest Code, and must update it as specified. The Board of Supervisors is the Code-Reviewing Body for County boards and commissions, and for approximately 90 independent boards and commissions, including the Children and Families Commission of Orange County.

The responsibilities of the Code-Reviewing Body include the review and approval of local agency conflict of interest codes, and code amendments. Local agencies are required to review and, if appropriate, revise their codes every two years.

**Electronic Filing and Standardized Disclosure Categories**

The Fair Political Practices Commission (FPPC) 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 a local agency's code.

Orange County is one of four counties authorized by statute to adopt a pilot program allowing the filing of financial disclosure statements on-line with the Clerk of the Board of Supervisors. Specifically, new Government Code Section 87500.1 states that "... the Counties of Los Angeles, Merced, Orange, and Stanislaus may permit the electronic filing of a Statement of Economic Interests required by Article 3 ... in accordance with regulations adopted by the (FPPC) Commission .... A public official subject to Article 2 ... shall not participate in the pilot program." For ease of administration, the Clerk of the Board of Supervisors has requested that all public agencies adopt the standard code and standardized disclosure categories approved by that office.

**Paper Form Filing**

As quoted above, the statutes authorizing the pilot program allowing electronic filing, certain public officials are not eligible to file on-line and must continue to file original disclosure statements (FPPC Form 700) in paper form. They are those public officials who are required to file pursuant to Government Code section 87200. For our Commission purposes, Section 87200 filers are County Supervisors and "public officials who manage investments."

### **Public Officials Who Manage Investments**

The Commission's Executive Director, Chief Operations Officer (Treasurer) and Members of the Investment Oversight Committee participate in managing the Commission's investments, as that term is defined in State regulations. Thus, they are not eligible to file electronic disclosure statements. Instead, they will file their original Form 700s with the Clerk of the Board of Supervisors in paper format. Other Commission employees and officials, including Commissioners other than County Supervisors, will be able to file electronically. Their disclosure requirements have not changed.

### **Disclosure Category**

Disclosure Category 1 from the Commission's previous conflict of interest code has been slightly and non-substantively revised, and renumbered OC-48, as requested by the Clerk of the Board as part of the new standardized Conflict of Interest Code. The updated Disclosure Category and Resolution adopting the amended Conflict of Interest Code (Attachment 1) has been reviewed and approved by General Counsel, and will be submitted to the Board of Supervisors after adoption by your Commission.

### **Gift Ban Policy**

The Commission's Gift Ban Policy generally prohibits the solicitation or receipt of gifts from sources "doing business" with the Commission. Persons "doing business" with the Commission include those having or seeking Commission contracts or grants and their lobbyists. The proposed Code amendments do not change that. However, as a reminder, the same law that requires periodic amendments to local agency conflict of interest codes also requires that designated employees (including Commissioners other than County Supervisors) report gifts of \$50 or more and not accept gifts of more than \$420 from sources engaged in the provision of early development services to or for children. It has the same requirements for Section 87200 filers except that they may not receive gifts of more than \$420 from any source, regardless of whether there is a nexus to the Commission.

### **Effective Date**

The attached Resolution adopting the Commission's updated and revised Conflict of Interest Code includes an effective date of January 1, 2011, subject to approval by the Board of Supervisors in their capacity as the Code-Reviewing Body.

Amending the Commission's Conflict of Interest Code as proposed will not require designated filers to resubmit Statements of Economic Interest (FPPC Form 700) already filed on April 1, 2010 for calendar year 2009. Under the pilot program, those positions and employees eligible to file financial disclosure statements on-line, will do so in 2011 for calendar year 2010. Other filers will submit paper forms as they do now.

### **STRATEGIC PLAN & FISCAL SUMMARY:**

The recommended actions have been specifically reviewed in relation to the Commission's Strategic Plan and are consistent with applicable outcome goals. There is no funding request associated with this item.

**PRIOR COMMISSION ACTION:**

On May 7, 2008, the Commission 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:** Steve Kozak

**CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY**

**RESOLUTION NO. 10-\_\_\_ C&FC**

**November 3, 2010**

**A RESOLUTION OF THE CHILDREN AND FAMILIES  
COMMISSION OF ORANGE COUNTY AMENDING THE  
CONFLICT OF INTEREST CODE EXHIBIT A 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 foreseeably will in the future 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, 2011.

The foregoing resolution was passed and adopted by the following vote of the Children and Families Commission of Orange County on \_\_\_\_\_, 2010, to wit:

AYES           Commissioners:

NOES:           Commissioner(s):

EXCUSED:   Commissioner(s):

ABSTAINED:Commissioner(s):

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CHAIRMAN

STATE OF CALIFORNIA )  
 )  
COUNTY OF ORANGE )

I, DARLENE J. BLOOM, clerk of the Children and Families Commission of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Commission and that the above and foregoing Resolution was duly and regularly adopted by the Children and Families Commission of Orange County.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

\_\_\_\_\_  
DARLENE J. BLOOM  
Clerk of the Commission, Children and Families  
Commission of Orange County, County of Orange,  
State of California

Resolution NO.: \_\_\_\_\_ C&FC

Agenda Date: \_\_\_\_\_, 20\_\_\_\_\_

Item No.: \_\_\_\_\_

I certify that the foregoing is a true and correct copy  
of the Resolution adopted by the

DARLENE J. BLOOM, Clerk of the Commission,

By:\_\_\_\_\_

\_\_\_\_\_  
Deputy

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

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**DESIGNATED EMPLOYEES**

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Alternate County Supervisor	Chief Operating Officer (Treasurer)
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CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY  
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Alternate Commissioners (except County Supervisors)	OC-48
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Members of the Commission Pediatric Health Services Committee	OC-48
Director of External Affairs	OC-48
Director of Finance	OC-48
Financial Manager	OC-48
Director of Program Development & Evaluation	OC-48
Director of Contract Administration	OC-48
Director of Program Operations	OC-48
Program Officer	OC-48
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<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Administrative Manager / Program Management & Evaluation	OC-48
Administrative Manager – Contracts	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  
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DISCLOSURE CATEGORIES / DESCRIPTIONS**

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