



**BOARD OF SUPERVISORS  
AGENDA LETTER**

**Agenda Number:**

**Clerk of the Board of Supervisors**  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** County Executive Office  
**Department No.:** 012  
**For Agenda Of:** July 11, 2023  
**Placement:** Department  
**Estimated Time:** 20 minutes  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

**TO:** Board of Supervisors  
**FROM:** Department Director(s) Contact Info: Nancy Anderson, Chief Assistant CEO  
Mona Miyasato, County Executive Officer

DocuSigned by:  
  
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**SUBJECT:** **Addition of Board of Supervisor Department Chief of Staff Position to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts**

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Consider the addition of the Chief of Staff position in the Board of Supervisors Department as a designated employee position to the to the Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts (“Single Code”) and indicate the related disclosure category;
- b) Provide direction to the Clerk, Recorder, Assessor to bring forward a resolution amending the County’s Single Code at a future board hearing as appropriate; and
- c) Determine that the above action is an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines.

**Summary Text:**

At the request of a Supervisor’s office, this item is on your agenda to provide your Board with information to consider adding the Chief of Staff position (in the Board of Supervisors Department) as a “designated employee” to the County’s Single Code that requires annual reporting for compliance. The purpose of the conflict of interest Single Code is to identify positions within the County that make or influence governmental decisions to periodically disclose certain personal financial interests. Generally, most

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management level positions throughout the County have been previously designated in the Single Code that must be reviewed and considered by your Board every two years.

For comparison purposes, it was found that four out of seven of our comparable counties require this position disclose their financial interests and, for each of these four counties, the position was subject to the broadest disclosure requirement. If the Board decides to add the Board of Supervisor department Chief of Staff position as a designated employee to the Single Code, a disclosure category will need to be indicated, and the Clerk, Recorder, Assessor will need to present an amendment to the Board for approval through a resolution at a future board hearing.

### **Background:**

Government Code § [87200](#) requires certain public officials, such as members of the board of supervisors, and candidates complete a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months. This statement is accomplished by filing a Statement of Economic Interests - Form 700 (Form 700).

In 1974 California voters approved Proposition 9 known as the Political Reform Act to regulate campaign finance, lobbying activity and conflicts of interest. The Political Reform Act, codified in Government Code § 81000 et seq., requires state and local government agencies to adopt and circulate conflict of interest codes. A conflict of interest code designates the positions within an agency that involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. Persons holding the designated positions must periodically disclose certain investments, interests in real property, sources of income, gifts, loans and business positions by completing a Form 700.

The County's conflict of interest code is titled the Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts (Single Code). This Single Code indicates the designated employee positions responsible for filing a Form 700 with the County Clerk, Recorder, Assessor and what level of disclosure they are required to provide. A "designated employee" is anyone who is an officer, employee, member or consultant who makes or participates in the making of decisions which may foreseeably have a material effect on any financial interest (Government Code § 82019). The Clerk, Recorder, Assessor administers the Single Code. At a minimum, the Political Reform Act requires every local government agency to review its Conflict of Interest Code every two years. The Single Code was most recently reviewed and approved by the Board on [November 29, 2022](#).

Certain positions – such as the Board of Supervisors, County Executive Officer, County Counsel, Treasurer and District Attorney - are excluded from the County's Single Comprehensive Conflict of Interest Code because they are already mandated by law as required filers under Government Code Government Code § [87200](#).

The Chief of Staff position is in the Enterprise Leader classification. Currently, some Enterprise Leader and other management positions file a Form 700 under various disclosure categories. Attachment A shows the most recent (2022) positions and categories of disclosure by department. Departments currently identify which positions are designated employees and the appropriate disclosure levels, given the position's job duties.

### **Discussion:**

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The Chief of Staff position is not currently identified as a designated employee in the County's Single Code and, therefore does not complete the Form 700. Generally, filing a Form 700 is intended to provide reasonable assurance of transparency and accountability in the following two ways:

1. It provides necessary information to the public about an individual's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances; and
2. It serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

The following table presents information on which of our comparable counties include Board of Supervisor Chief of Staff positions as "designated employees" and at what disclosure level they are required to file.

Table 1 – Disclosure requirements for comparable counties

County	Required to Disclose?	Disclosure Category
Marin	No	
Monterey	No	
Orange	<b>Yes</b>	1
San Luis Obispo	No	
Santa Cruz	<b>Yes</b>	1
Sonoma	<b>Yes</b>	1
Ventura	<b>Yes</b>	1

Disclosure categories shown in Table 2 below range from the broadest disclosure requirements under Category 1 to more limited items through Category 7.

Table 2 – Disclosure categories summarized from the Single Code

Disclosure Category	Disclosure Description
Category 1	All investments; business positions; interests in real property; sources of income including receipt of loans, gifts and travel payments.
Category 2	Interests in real property.
Category 3	Investments, business positions, interests in real property and sources of income, including receipt of loans, gifts, and travel payments, subject to the regulatory, permit or licensing authority of the designated employee's Code Agency.
Category 4	Investments in business entities and sources of income, including receipt of loans, gifts, and travel payments, from sources of the type that engage in land development, construction or the acquisition of real property.
Category 5	Investments in business entities and sources of income, including receipt of loans, gifts, and travel payments, from sources of the type that contracts with the County of Santa Barbara to provide services, supplies, materials, machinery or equipment to any County department or agency.

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Category 6	Investments in business entities and sources of income, including receipt of loans, gifts, and travel payments, from sources of the type that contracts with the County of Santa Barbara to provide to the designated employee's Code Agency, services, supplies, materials, machinery or equipment.
Category 7	Shall disclose pursuant to Category 1, subject to the limitation that with respect to consultants, interim positions and new positions, the CEO may determine in writing that a position is hired to perform duties that are limited in scope and thus, is not required to fully comply with the disclosure requirements described.

The Clerk, Recorder, Assessor will need to present a resolution to the Board for approval at a future meeting if your Board is interested in adding the Chief of Staff position as a designated employee position with a specified Category determination to the Single Code.

**Fiscal and Facilities Impacts:** There are no fiscal impacts with approval of this item.

**Attachments:**

Attachment A - Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts ("Single Code")

**Authored by:**

Suzann Sturz, Compliance and Accountability Officer

Nancy Anderson, Chief Assistant County Executive Officer