



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

Submitted on:
(COB Stamp)

Department Name: Clerk, Recorder, Assessor,
and Elections

Department No.: 062

Agenda Date: December 17, 2024

Placement: Administrative

Estimated Time:

Continued Item: No

If Yes, date from:

Vote Required: Majority

TO: Board of Supervisors
FROM: Joseph E. Holland, County Clerk, Recorder, Assessor, and Registrar of Voters,
(805) 568-2500, #3
Contact Info: Melinda Greene, Chief Deputy Clerk-Recorder Assessor,
(805) 568-2500, #3
SUBJECT: **2023–2024 Biennial Amendments and Removal and Addition of Agencies 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

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Adopt a Resolution approving proposed amendments to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts, superseding Resolution No. 22-233 (Attachment A); and
- b) 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:

The Clerk, Recorder, and Assessor has adopted the following proposed amendments to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts (“Single Code”) by resolution:

- Removing the Indian Gaming Local Community Benefit Committee as a member;
- Adding the Citizens’ Independent Redistricting Commission, Psychiatric Health Facility Governing Board, Board of Supervisors Department, Information Technology Department, and Arts Commission as members; and
- Incorporating the 2023–2024 Biennial Amendments including minor changes (e.g., formatting, copy editing, mechanical), (Attachment C).

The Clerk, Recorder, and Assessor requests that the Board of Supervisors approve these proposed amendments to the Single Code as the “code reviewing body.” When approved by the Board of Supervisors, the proposed amendments to the Single Code are deemed adopted. (Gov. Code, §§ 82011, subd. (b); 87303.)

Background:

Every state and local government agency is required to adopt a “Conflict of Interest Code.” (Gov. Code, § 87300.) A Conflict of Interest Code designates the positions within an agency that “involve the making or participation in the making of the decisions which may foreseeably have a material effect on any financial interest....” (Gov. Code, § 87302, subd. (a).) Persons holding designated positions must periodically disclose certain investments, interests in real property, sources of income, gifts, loans, and business positions. The financial disclosures are compiled on a Statement of Economic Interests Form 700 (“Form 700”) as required by the Political Reform Act of 1974 (the “Political Reform Act”). (Gov. Code, § 81000 et seq.) The Fair Political Practices Commission (“FPPC”) is the state agency charged with the enforcement of the Political Reform Act.

Agencies must amend their Conflict of Interest Code when necessary to add or delete designated positions or to revise the disclosure categories correlated with the designated positions. At a minimum, the Political Reform Act requires every local government agency to review its Conflict of Interest Code every two years.

On October 3, 1995, the Board of Supervisors directed the Clerk, Recorder, and Assessor to adopt a Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts. (Resolution No. 95-450.) The Clerk, Recorder, and Assessor adopted a Conflict of Interest Code on December 5, 1995, entitled “Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts.” The Single Code was adopted to help ensure and coordinate timely amendments and to coordinate the filing of Form 700s. Form 700s are filed electronically or by mail with the Clerk, Recorder, Assessor, and Elections.

Since the Single Code was initially adopted, there have been a number of amendments that added and/or deleted agencies and revised the list of designated positions and the required disclosure categories. The last amendment to the Single Code was approved by the Board of Supervisors on November 29, 2022, through Resolution No. 22-233.

A) Addition and Removal of Local Agencies or County Departments to/from the Single Code

1) Removal

Santa Barbara County Indian Gaming Local Community Benefit Committee (“IG Committee”) (Exhibit C-23). The IG Committee was created by former Government Code section 12715. The IG Committee was added to the Single Code by the Board of Supervisors on 9/7/2010 by Resolution No. 10-233. The IG Committee is being removed from the Single Code because the statutory authority that created and set forth the responsibilities of the committee was repealed by Senate Bill 357 during the State legislative session year 2009–2010, operative January 1, 2021.

2) Additions

County of Santa Barbara Citizens’ Independent Redistricting Commission (“CIRC”) (Exhibit C-26) and County of Santa Barbara Psychiatric Health Facility Governing Board (“PHF Governing Board”) (Exhibit C-35). The CIRC and PHF Governing Board were added to the Single Code by the Board of Supervisors on 6/15/2021 by Resolution No. 21-106. The CIRC and PHF Governing Board were inadvertently omitted from the Single Code during the last amendment to the Single Code on November 29, 2022.

County of Santa Barbara Board of Supervisors Department (Exhibit C-42). On July 11, 2023, the Board of Supervisors considered the inclusion of all Board of Supervisors staff positions in the Board of Supervisors Department as designated employee positions with a disclosure category of “Category 1” to the Single Code and directed the Clerk, Recorder, and Assessor to bring forward a resolution amending the Single Code accordingly.

County of Santa Barbara Information Technology Department (“IT Department”) (Exhibit C-43). On January 10, 2023, the Board of Supervisors authorized the formation of a stand-alone information technology department, and the IT Department officially became its own department on July 1, 2023.

County of Santa Barbara Arts Commission (Exhibit C-44). On March 7, 1977, the Santa Barbara County Arts Commission was established by the Board of Supervisors to act as coordinator and catalyst, bringing government, artists, and public together for the cultural benefit of all.

The Arts Commission is advisory to the Board of Supervisors. Typically, an advisory body would not be required to adopt a Conflict of Interest Code. However, an advisory body may evolve into a “decision-making” body and be required to adopt a Conflict of Interest Code if, over an extended period of time, it makes substantive recommendations that have been regularly approved without significant amendment or modification by the agency to which it is advisory. (2 C.C.R. § 18700, subd. (c)(2).) Over time, some of the Arts Commission’s substantive recommendations have been regularly approved without significant amendment or modification by the Board of Supervisors.

On March 13, 2024, the Arts Commission took-action to create a Conflict of Interest Code by designating covered positions and identifying corresponding disclosure categories and requesting that it be included in the Single Code (Attachment F).

B) 2023–2024 Biennial Amendments

As part of the 2023–2024 biennial review of the Single Code, each participating department and local agency reviewed its designated positions and corresponding disclosure categories and, where necessary, made the following revisions (one or more): include new positions, revise the disclosure categories for positions, revise the titles of existing positions, delete titles of positions that have been abolished and/or positions that no longer make or participate in the making of governmental decisions or as otherwise reflected in the Legislative Version of the Single Code (Attachment D) and the Summary of 2023–2024 Biennial Amendments to the Single Code (Attachment E). Finally, the Single Code has been reflected to correct the legal name of County of Santa Barbara from Santa Barbara County.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

There is no fiscal impact from the recommended actions.

Special Instructions:

Please forward a copy of the Board Resolution and minute order reflecting the Board of Supervisors' action to the Clerk-Recorder Hall of Records, Attn: Melinda Greene.

Attachments:

Attachment A – BOS Resolution 2023–2024 Biennial Amendments

Resolution of the Board of Supervisors Approving the 2023–2024 Biennial Amendments and Removal and Addition of Agencies to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts

Board Resolution Attachment 1– Final Version 2023–2024 Biennial Amendments

Final Version 2023–2024 Biennial Amendments and Removal and Addition of Agencies to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts

Attachment B – CARE Resolution 2023–2024 Biennial Amendments

Resolution of the County of Santa Barbara Clerk-Recorder Assessor Adopting the 2023–2024 Biennial amendments to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts

Attachment C – Final Version 2023–2024 Biennial Amendments

Final Version 2023–2024 Biennial Amendments and Removal and Addition of Agencies to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts

Attachment D – Biennial Redline from Agencies

Legislative Version 2023–2024 Biennial Amendments and Removal and Addition of Agencies to the County of Santa Barbara Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts

Attachment E – Summary Table of 2023–2024 Biennial Amendments
Summary of 2024 2023–2024 Biennial Amendments to the Single Code

Attachment F – Minute Order Arts Commission
Minute Order Arts Commission adopted on 03/13/24

Authored by:

Melinda Greene

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