



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

2009 FEB 10 AM 11: 53

COUNTY OF SANTA BARBARA
CLERK OF THE

Department Name: County Council
Department No.: 0710
For Agenda Of: February 24, 2009
Placement: Administrative
Estimated Tme: n/a
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: County Counsel Dennis A. Marshall x2950
Contact Info: Jerry F. Czuleger x2950

SUBJECT: Amendment to the Conflict of Interest Code of the Santa Barbara County Air Pollution Control District

County Counsel Concurrence

As to form: Yes

Other Concurrence: n/a

Auditor-Controller Concurrence

As to form: n/a

Recommended Actions:

That the Board of Supervisors approve the attached proposed amendments to the Conflicts of Interest Code of the Santa Barbara County Air Pollution Control District ("APCD").

Summary Text:

APCD's Conflicts of Interest Code amendments were adopted August 26, 2008. The amendments include new positions that must be designated, revisions to titles of existing positions and deletions of positions that have been abolished.

Background:

All public agencies are required by the Political Reform Act of 1974 to:

1. Adopt local conflicts of interest codes identifying the reporting requirements of covered employees;
2. Review the need for any revisions to their local conflicts of interest codes on a biennial basis.

The revised Conflicts of Interest Code would be effective once approved by your Board.

Special Instructions:

Please forward a copy of the minute order reflecting the Board's action to Chief Executive Officer Terence Dressler at the Santa Barbara County Air Pollution Control District; and to Senior Deputy County Counsel Jerry F. Czuleger.

Attachments:

August 26, 2008 – 2008 Local Agency Biennial Notice (with attachments) from Chief Executive Officer Terence Dressler at the Santa Barbara County Air Pollution Control District.

Authored by:

Senior Deputy County Counsel Jerry F. Czuleger

cc:

Santa Barbara County Air Pollution Control District

2008 LOCAL AGENCY BIENNIAL NOTICE

Name of Agency: Santa Barbara County Air Pollution Control District

Mailing Address: 260 N. San Antonio Rd. Ste A, Santa Barbara, CA 93110

Contact Person: Sharyl K. Preskitt Telephone Number: (805) 961-8828

Email: skp@sbcapcd.org Fax No: (805) 961-8832

This agency has reviewed its conflict-of-interest code and has determined that:

An amendment is required. The following amendments are necessary:

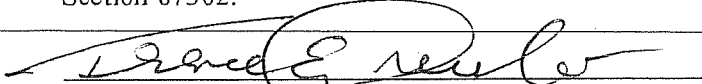
(Check all that apply)

- Include new positions (including consultants) that must be designated
- Delete positions that manage public investments from the list of designated positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Other *(describe)* _____

Code is currently under review by the code-reviewing body.

No amendment is required.

The agency's code accurately designates all positions, which make, or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.



 Signature of Chief Executive Officer

8/26/2008

 Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this report *no later than* October 1, 2008 to:

SANTA BARBARA COUNTY ELECTIONS
 P.O. Box 159
 Santa Barbara, CA 93102-0159
 Attn: Suzanne Jackson

**CONFLICT OF INTEREST CODE
FOR THE
SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

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 Administrative Code section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of 2 California Administrative Code section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and along with the attached Appendices "A" and "B" in which officials, consultants, and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Santa Barbara County Air Pollution Control District.

Pursuant to Section 4 of the Standard Code, designated officers, employees and consultants shall file statements of economic interest with the District. Upon receipt of the statements by the Control Officer, the District shall make and retain a copy and file the original with the Elections Division of the Santa Barbara County Clerk-Recorder's Office, 1100 Anacapa Street, Santa Barbara, California, or at such other location as is hereinafter designated by the Clerk-Recorder.

APPENDIX A

Designated Positions

Disclosure Categories

Persons occupying the following positions are designated employees and must disclose financial interests in those categories described in Appendix B which are listed opposite their respective designated positions:¹

1.	4. Air Pollution Control Officer.....	1,2,3,4,5
2.	Division Manager.....	1,2,3,4,5
3.	Business Manager.....	1,2,3,4,5
4.	Human Resources Officer.....	1,2,3,4,5
5.	Data Process Supervisor.....	1,2,3,4,5
6.	Air Quality Engineering Supervisor.....	1,2,3,4,5
7.	Air Pollution Inspector Supervisor.....	1,2,3,4,5
8.	Supervising Accountant.....	1,2,3,4,5
9.	Planning and Technology Supervisor.....	1,2,3,4,5
10.	Public Information and Community Programs Supervisor.....	1,2,3,4,5
11.	Principal Inspection Specialist.....	1,2,3,4,5
12.	Inspection Specialist I,II,III.....	1,2,3,4,5
13.	Air Quality Engineer I,II, III.....	1,2,3,4,5
14.	Air Quality Specialist I,II,III.....	1,2,3,4,5

¹ In listing the various designated positions the job title shown in the Basic Salary Classification Plan should be used. No employee who performs purely ministerial, clerical, or service functions shall be a designated employee.

15. Emissions Inventory and Planning Specialist I,II,III.....	1,2,3,4,5
16. Air Quality Information Specialist.....	1,2,3,4,5
17. Principal Monitoring Specialist.....	1,2,3,4,5
18. Monitoring Specialist I,II,III.....	1,2,3,4,5
19. EDP Systems and Programming Analyst I,II,III.....	1,2,3,4,5
20. District Counsel.....	1,2,3,4,5

2. Air Pollution Inspector I, II, III.....	1,2,3,4,5
7. Air Quality Scientist.....	1,2,3,4,5
8. Air Quality Engineer I, II, III.....	1,2,3,4,5
11. Air Quality Engineer Supervisor.....	1,2,3,4,5
12. Air Quality Specialist Aide.....	1,2,3,4,5
13. Air Quality Specialist I, II, III.....	1,2,3,4,5
14. Air Quality Specialist Supervisor.....	1,2,3,4,5
17. Administrative Officer.....	1,2,3,4,5
18. Division Manager.....	1,2,3,4,5
20. Inspector Supervisor.....	1,2,3,4,5
21. Data Processing Supervisor.....	1,2,3,4,5
22. Human Resources Manager.....	
23. Extra Help Specialist.....	1,2,3,4,5
21. 24. Contractor-on-Payroll.....	1,2,3,4,5

| 22. ~~25.~~ Members of the Governing Board²1,2,3,4,5

| 23. ~~26.~~ Members of the Hearing Board.....1,2,3,4,5

² Pursuant to Title 2, Section 18730(b)(3), Governing Board members who are County Board of Supervisors do not need to file an expanded Conflict of Interest statement pursuant to this District Code.

APPENDIX B

CATEGORIES OF DISCLOSURES

CATEGORY 1

Interests in real property which is located in whole or in part within the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is \$1,000 or more.

CATEGORY 2

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition, or disposal of, real property within the jurisdiction of the District.

CATEGORY 3

Business positions or investments in and income from any source or sources of income, if:

- a) The business entities or the source or sources of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if
- b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services,

supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

CATEGORY 4

Business positions or investments in business entities and income from any source or sources of income, if:

a) The business entities or the source or sources of income are of the type which, within the previous two years, have furnished or contracted to furnish, in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contact with the District to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if

b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services, supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

CATEGORY 5

Business positions or investments in business entities and income from any source or sources of income, if:

- a) The business entities or the source or sources of income are of the type which are subject to the regulation or supervision of the District; and if
- b) The designated employee's duties involve the supervision or regulation (including the issuance or grant of franchises, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.



Santa Barbara County
Air Pollution Control District

Agenda Date: March 20, 2008
Agenda Placement: Admin.
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terry Dressler, Air Pollution Control Officer

CONTACT: Sharyl K. Preskitt, 961-8828

SUBJECT: Conflict of Interest Code

RECOMMENDATION:

Adopt amendments to the Santa Barbara County Air Pollution Control District Conflict of Interest Code designating certain new job classifications created by the District as subject to requirements of the Code.

DISCUSSION:

The Political Reform Act, Government Code Section 81000 *et seq.* ("Act"), requires state and local agencies to adopt conflict of interest codes. (See Gov. Code Sections 87300 – 87301.) The Fair Political Practices Commission has adopted Title 2 of the California Code of Regulations, Section 18730, which contains the terms of standard conflict of interest and which may be incorporated by reference by local governmental agencies. Section 18730 is amended from time to time by the commission. The District last updated its conflict of Interest Code in 2000.

Pursuant to the Act, the District is required to designate employees and consultants who are required to file annual statements of economic interest. The proposed amendments to the attached Conflict of Interest Code incorporate changes made to job classifications created by the District since the code was last amended.

Pursuant to Government Code section 87303, the proposed Code amendments are not effective until adopted by the District and reviewed and approved by the "code-reviewing-body". Pursuant to Government Code section 82011, the code-reviewing-body for any special district that exercises its jurisdiction entirely within the boundaries of a single county is the county board of supervisors. Therefore the proposed amendments must be forwarded to and approved by the Santa Barbara County Board of Supervisors.

**Resolution of the Air Pollution Control District Board of the
County of Santa Barbara, State of California**

In The Matter Of Amendments to the)
Santa Barbara County Air Pollution)
Control District's Conflict of Interest Code) APCD Resolution No. 08-03

Recitals

1. The District is a public "agency" which is required to adopt a Conflict of Interest Code pursuant to Political Reform Act, Government Code section 81000 *et seq.*
2. The District Adopted a Conflict of Interest Code in 1989 and further amended that code in 2000.
3. The District's Conflict of Interest Code is in need of amendment to reflect the job classification changes that have been approved the Board since the last code amendment.

Now, Therefore, It Is Hereby Resolved, as follows:

1. The Board has held a duly noticed public hearing and accepted public comments regarding the proposed amendments to the District's Conflict of Interest Code.
2. The Board has determined that the proposed amendments are necessary and proper and should be made part of the District's Conflict of Interest Code.
3. The Board hereby adopts the proposed amendments to the Conflict of Interest Code, which is attached to this Resolution.
4. The Board authorizes the Control Officer to transmit the amended Conflict of Interest Code to the code-reviewing-body in compliance with Government Code section 87303.
5. Additionally, the Board authorizes the Control Officer to do any other acts necessary and proper to obtain necessary approvals of the Conflict of Interest Code as amended on this day.

Passed and Adopted by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this 20th day of March, 2008, by the following vote:

Ayes: Carbajal, Wolf, Firestone, Centeno, Hicks,
Blum, Skytt, Schuyler, Onnen, Lavagnino, Alvarez

Noes: None

Abstain: None

Absent: Clark, Gray

Attest:

Clerk of the Air Pollution Control District of the
County of Santa Barbara

By *Aida Seard*

Lupe Alvarado
Chair, Santa Barbara County
Air Pollution Control District

Approved As To Form:

Daniel J. Wallace
Santa Barbara County Counsel

By *William M. Dillon*
Deputy County Counsel

Robert W. Geis
Auditor-Controller

By *R W Geis*

**CONFLICT OF INTEREST CODE
FOR THE
SANTA BARBARA COUNTY
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a) The business entities or the source or sources of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if

b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services,

supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

CATEGORY 4

Business positions or investments in business entities and income from any source or sources of income, if:

a) The business entities or the source or sources of income are of the type which, within the previous two years, have furnished or contracted to furnish, in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contact with the District to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if

b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services, supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

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- b) The designated employee's duties involve the supervision or regulation (including the issuance or grant of franchises, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.