



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: Clerk, Recorder, and Assessor  
Department No.: 062  
For Agenda Of: June 15, 2021  
Placement: Administrative  
Estimated Time:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Joseph E. Holland, County Clerk, Recorder, and Assessor  
Director 805-696-8957  
Contact Info: Sheila Hess, Elections Supervisor  
805-696-8975  
**SUBJECT:** Approve adding the Citizens Independent Redistricting Commission, the Commission for Women, and the Psychiatric Health Facility Governing Board to the Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts

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**County Counsel Concurrence**

As to form: Select\_Concurrence

Other Concurrence: Select\_Other

As to form: Select\_Concurrence

**Auditor-Controller Concurrence**

As to form: Select\_Concurrence n/a

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and adopt the attached resolution adding the Citizens Independent Redistricting Commission, the Commission for Women, and the Psychiatric Health Facility Governing Board to the Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special District ("Single Code") (Attachment A—Board Resolution); 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:**

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

## Amendment to the Single Code

Citizens Independent Redistricting Commission, Commission for Women, Psychiatric Health Facility  
Governing Board

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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.

The Board of Supervisors is the “code reviewing body” for County Departments, Commissions/Boards/Committees, Dependent Special Districts and any other local government agency whose jurisdiction is solely within the county. (Gov. Code, § 82011, subd. (b).) A Conflict of Interest Code is not effective until it is approved by the code reviewing body. (Gov. Code, § 87303.)

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” (“Single Code”). 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, and Assessor.

### **Background:**

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.

**County of Santa Barbara Citizens Independent Redistricting Commission (“CIRC”).** The CIRC was created by Santa Barbara County Code section 2-10.9A. The CIRC shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts. Santa Barbara County Code section 2-10.9A requires that each commission member shall be a designated employee for purposes of the Conflict of Interest Code adopted by the County pursuant to Article 3 (commencing with section 87300) of chapter 7 of title 9 of the Government Code.

**Santa Barbara County Commission for Women (“Commission for Women”).** On June 18, 1973, the Commission for Women was established by the Board of Supervisors to serve as a fact-finding body on the status of women in the County in the critical areas of employment, housing, education, credit and law, medical, and child care. The Commission for Women is advisory to the Board of Supervisors.

Typically, an advisory body, such as the Commission for Women, 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 Cal. Code Regs 18700(c)(2).)

Over time some of the Commission for Women’s substantive recommendations have been regularly approved without significant amendment or modification by the Board of Supervisors.

**Santa Barbara County Psychiatric Health Facility Governing Board (“PHF Governing Board”).** On August 30, 2016, the PHF Governing Board was established by the Board of Supervisors to serve as the governing body of the County's Psychiatric Health Facility (“PHF”) in accordance with state and federal law. The PHF Governing Board, in exercising its authority and responsibility for the conduct of the facility, makes final decisions about credentials and privileges of PHF management and medical staff and has final approval over medical staff bylaws and PHF policies and procedures.

In compliance with the Political Reform Act, the CIRC, the Commission for Women, and the PHF Governing Board took action to create Conflict of Interest Codes by designating covered positions identifying corresponding disclosure categories and requesting that they be included in the Single Code. The CIRC, the Commission for Women, and the PHF Governing Board took such actions on January 19, 2021; November 6, 2020; and September 27, 2017, respectively.

The Clerk, Recorder, and Assessor received the requests of the CIRC, the Commission for Women, and the PHF Governing Board and has amended the Single Code by adding these agencies as members. The Clerk, Recorder, and Assessor requests that the Board of Supervisors approve this amendment as the code reviewing body. (Attachment B—Resolution of the Clerk, Recorder, and Assessor.)

All other provisions of the Single Code that are not addressed in this amendment remain in effect.

**Special Instructions:**

Please forward a copy of the minute order reflecting the Board of Supervisors’ action to the Elections Division, Attn: Sheila Hess.

**Attachments:**

Attachment A—Board Resolution approving the addition of the CIRC, the Commission for Women, and the PHF Governing Board to the Single Code

Attachment B—Resolution of the Clerk, Recorder, and Assessor adding the CIRC, the Commission for Women, and the PHF Governing Board to the Single Code

**Authored by:** Sheila Hess

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cc: Joseph E. Holland, Renee Bischof, Elaina Cano