



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

A-8

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

Department Name: County Counsel  
Department No.: 013  
For Agenda Of: March 9, 2010  
Placement: Administrative  
Estimated Tme: -0-  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Dennis A. Marshall, County Counsel 568-2950  
Director(s) Joseph E. Holland, Clerk-Recorder-Assessor 568-2558  
Contact Info: Jerry F. Czuleger, Sr. Deputy County Counsel 568-2950

**SUBJECT:** Amendments to the 'Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts' (Single Code)

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**County Counsel Concurrence**

Yes

**Auditor-Controller Concurrence**

As to from: N/A

**Other Concurrence:**

N/A

**Recommended Actions:**

That the Board of Supervisors approve by resolution the attached Amendments to the 'Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts' (Single Code), which add to the Single Code the:

1. County of Santa Barbara Fish and Game Commission;
2. Historic Landmarks Advisory Commission; and
3. Board of Directors of the Santa Barbara County Finance Corporation, Inc.,

**Summary Text:**

Every state and local government agency is required to adopt a "conflict of interest code". Government Code Section 87300. 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" of the public official. Government Code Section 87302(a). The designated public officials must periodically disclose certain investments, interests in real property,

sources of income, gifts, loans and business positions. The financial disclosures are compiled on Form 700 as required by the Fair Political Practices Act. Government Code Sections 81000 et.seq. Agencies must amend their conflict of interest codes when necessary to add or delete positions and disclosure categories. Conflict of interest codes must be reviewed at least every two years.

On October 3, 1995, the Board of Supervisors directed the Clerk-Recorder-Assessor to adopt a conflict of interest code for county departments, commissions/boards/committees and dependent special districts – the ‘Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts’ (Single Code). (Resolution No. 95-450). The Single Code was adopted by the Clerk-Recorder-Assessor on December 5, 1995, and subsequently approved by the Board of Supervisors. The Single Code is intended to help ensure timely amendments and revisions. Additionally, all financial disclosure statements (Form 700’s) are filed in the Office of the Clerk-Recorder-Assessor, which provides a central repository for public access. The Board of Supervisors is the “code reviewing body” for the Single Code, and thus must approve any amendments before they are effective. Government Code Section 87303.

The Board of Supervisors has approved several amendments to the Single Code, which have added and deleted agencies, and revised the list of designated positions and disclosure categories.

The attached Amendments to the Single Code have been adopted by the Clerk-Recorder-Assessor and are now presented to the Board of Supervisors for approval. These amendments provide that:

- a) The County of Santa Barbara Fish and Game Commission is added to the Single Code as Exhibit No. C-41.
- b) The Historic Landmarks Advisory Commission is added to the Single Code as Exhibit No. C-42.
- c) The Board of Directors of the Santa Barbara County Finance Corporation, Inc. is added to the Single Code as Exhibit No. C-43.

All other provisions of the Single Code that are not addressed in these amendments remain in effect.

**Performance Measure: N/A**

**Fiscal and Facilities Impacts: N/A**

**Special Instructions:**

Clerk to send copies of fully executed resolution and minutes approving the County Clerk-Recorder-Assessor’s amendment of the Single Code to

- Jerry F. Czuleger, Sr. Deputy County Counsel;
- Sheila Hess, Elections Supervisor, Office of the County Clerk-Recorder-Assessor.

**Attachments:**

Resolution of the Board of Supervisors Approving Amendments to the Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts.

**Authored by:**

Jerry F. Czuleger, Sr. Deputy County Counsel

RESOLUTION OF THE  
COUNTY CLERK-RECORDER-ASSESSOR  
ADOPTING AMENDMENTS  
TO THE SANTA BARBARA COUNTY  
SINGLE COMPREHENSIVE CONFLICT OF INTEREST CODE  
FOR COUNTY DEPARTMENTS, COMMISSIONS/BOARDS/COMMITTEES  
AND DEPENDENT SPECIAL DISTRICTS (SINGLE CODE)

(1) The Political Reform Act, Government Code § 81000 et seq., requires state and local agencies to adopt and amend, as circumstances require, 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” of the public official. Government Code Section 87302(a). The designated public officials must periodically disclose certain investments, interests in real property, sources of income, gifts, loans and business positions. The financial disclosures are compiled on Form 700 as mandated by the Fair Political Practices Act. Agencies must amend their conflict of interest codes when necessary to add or delete positions and disclosure categories, and at a minimum a conflict of interest code must be reviewed every two years.

(2) On October 3, 1995, the Board of Supervisors directed the County Clerk-Recorder<sup>1</sup> to adopt a comprehensive conflict of interest code for county departments, certain county related commissions/boards/committees and dependent special districts. (Resolution No. 95-450). On December 5, 1995 the Clerk-Recorder-Assessor adopted a comprehensive conflict of interest code for multiple agencies, and was subsequently approved by the Board of Supervisors. This conflict of interest code became known as the “Single Code”. The Single Code is intended to help ensure timely amendments and revisions. Additionally, all financial disclosure statements (Form 700’s) are filed in the Office of the Clerk-Recorder-Assessor, which provides a central repository for public access. The Board of Supervisors is the “code reviewing body” for the Single Code, and thus all amendments must be approved by the Board before they are effective. Government Code Section 87303.

(3) There have been several amendments to the Single Code, which have added and/or deleted agencies, and revised the list of designated positions and disclosure categories. These amendments were first adopted by the Clerk-Recorder-Assessor and then approved by the Board of Supervisors as amendments to Resolution No. 95-450.

(4) The following agencies are added as members of the Single Code:

- a) Santa Barbara County Fish and Game Commission is added in Exhibit C-41. (Exhibit C-41 is attached).

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<sup>1</sup> Subsequently, the Clerk-Recorder was consolidated with the Assessor and is currently the Clerk-Recorder-Assessor.

- b) Historic Landmarks Advisory Commission is added in Exhibit C-42 (Exhibit C-42 is attached).
- c) Board of Directors of the Santa Barbara County Finance Corporation Inc. is added in Exhibit C-43 (Exhibit C-43 is attached).

(5) The other provisions of the Single Code remain in effect.

(6) Designated employees who are identified in the series C Exhibits attached to the Single Code, shall file original statements of economic interest with the Elections Division of the Office of the Clerk-Recorder-Assessor at 130 E. Victoria Street, Santa Barbara, California, or at such other location as is hereinafter designated by the Clerk-Recorder-Assessor.

(7) A copy of the Single Code maybe obtained at the Elections Division of the Office of the Clerk-Recorder-Assessor at 130 E. Victoria Street, Santa Barbara, California.

Adopted this 22<sup>nd</sup> day of February, 2010.

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Joseph E. Holland  
County Clerk-Recorder-Assessor

**NOTICE OF HEARING FOR AN ADOPTION OF  
CONFLICT OF INTEREST CODE**

**FISH AND GAME COMMISSION**

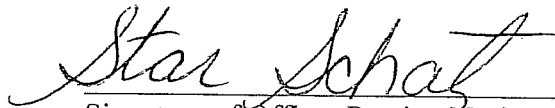
NOTICE IS HEREBY GIVEN that the Fish and Game Commission will conduct a hearing in the Santa Barbara County Planning & Development Department Commission Hearing Room 17, 123 East Anapamu Street, Santa Barbara, California, at 7:00 p.m. on **April 23, 2009** for the purpose of considering the adoption of 1) the *Standard Conflict of Interest Code* for the Fish and Game Commission, and 2) the Exhibits Nos. A and B (designated positions and disclosure categories) for the above-named local agency to be added to and to be made a part of the above-mentioned *Standard Conflict of Interest Code*. A copy of the proposed code and of Exhibits Nos. A and B for this local agency are available for inspection in the office of Santa Barbara Planning and Development Department, 123 E. Anapamu Street, Santa Barbara, California.

**DECLARATION OF POSTING**

The undersigned hereby declares that a notice of hearing regarding the adoption of 1) the Fish and Game Commission Conflict of Interest Code, and 2) the Exhibits Nos. A and B (designated positions and disclosure categories) for the above-named local agency to be added to and to be made a part of the above-mentioned single comprehensive code was posted at the Santa Barbara County Administration Building, 105 E. Anapamu Street, Santa Barbara, California.

Star Schatz

Printed Name of Officer Posting Notice

  
Star Schatz

Signature of Officer Posting Notice

April 23, 2009

Date of Hearing

CONFLICT OF INTEREST CODE FOR THE  
FISH AND GAME COMMISSION

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 section 18730 of the California Code of Regulations which contains the terms and provisions for 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. Therefore, the terms and provisions of section 18730 of the California Code of Regulations, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with attached Exhibit A in which officials and employees are designated and attached Exhibit B which sets forth disclosure categories, constitute the *Standard Conflict of Interest Code* for the Fish and Game Commission, attached hereto as Exhibit C.

Pursuant to Section 4 of the *Standard Conflict of Interest Code*, designated employees shall file original statements of economic interest with their agency. Upon receipt of the statements, the Filing Official of the Fish and Game Commission shall make and retain a copy and forward the original of the statements to the Elections Division of the Office of the Santa Barbara County Clerk-Recorder at the Basement, 1100 Anacapa Street, Santa Barbara, California, or at such other location as is hereinafter designated by the Clerk-Recorder.

Adopted by the Fish and Game Commission, Santa Barbara County, at a regular meeting held on April 23, 2009

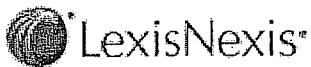
ATTEST:



Signature of Chair

Bill Warnekros

Printed Name of Chair



LEXSTAT 2 CCR 18730

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\* THIS DOCUMENT IS CURRENT THROUGH REGISTER 2009, NO. 38; SEPTEMBER 18, 2009 \*

TITLE 2. ADMINISTRATION  
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION  
CHAPTER 7. CONFLICTS OF INTEREST  
ARTICLE 2. DISCLOSURE

2 CCR 18730 (2009)

§ 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of *Government Code section 87300* or the amendment of a conflict of interest code within the meaning of *Government Code section 87306* if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, *Government Code sections 81000*, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in *Government Code section 87100*, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (*2 Cal. Code of Regs. sections 18110*, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in *Government Code section 87200* if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, *Government Code sections 87200*, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;



(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, *Government Code section 87200*; and

(C) The filing officer is the same for both agencies.<1>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<2>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomi-

nation, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to *Government Code section 87302.6*, the day after the closing date of the most recent statement filed by the member pursuant to *2 Cal. Code Regs. section 18754*.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup><3></sup> is required to be reported,<sup><4></sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$ 2,000), exceeds ten thousand dollars (\$ 10,000), exceeds one hundred thousand dollars (\$ 100,000), or exceeds one million dollars (\$ 1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup><5></sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$ 500) or more in value, or fifty dollars (\$ 50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$ 1,000) or less, greater than one thousand dollars (\$ 1,000), greater than ten thousand dollars (\$ 10,000), or greater than one hundred thousand dollars (\$ 100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup><6></sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$ 10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or

in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of *Government Code Section 89501* shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by *Government Code section 89506*.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$ 420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of *Government Code section 89503* shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$ 500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$ 100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$ 250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## (9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or, a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$ 2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$ 2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$ 500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

## (9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

## (9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$ 1,000) or more.

## (10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

## (11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to *Government Code section 83114* and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

## (12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, *Government Code sections 81000-91014*. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Gov-

*ernment Code section 87100 or 87450* has occurred may be set aside as void pursuant to *Government Code section 91003*.

<1>Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See *Government Code section 81004*.

<2>See *Government Code section 81010* and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<3>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<4>Investments and interests in real property which have a fair market value of less than \$ 2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<5>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<6>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

#### AUTHORITY:

Note: Authority cited: *Section 83112, Government Code*. Reference: *Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code*.

#### HISTORY:

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter, (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).

10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to *Government Code section 11343.4(d)* (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to *Government Code section 11343.4(d)* (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to *Government Code section 11343.4(d)* (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to *Government Code section 11343.4(d)* (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to *Government Code section 11343.4(d)* (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of *Government Code section 11380.2* and Title 2, *California Code of Regulations, section 18312(d)* and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to *Government Code section 11343.4* (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).



**EXHIBIT "B"**

**STANDARD DISCLOSURE CATEGORIES**

**CATEGORY 1**

Interests in real property which is located in whole or in part within the jurisdiction of the \_\_\_\_\_ (local agency, county department, commission, board, special district, etc.) \_\_\_\_\_, 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 \_\_\_\_\_ (local agency) \_\_\_\_\_.

**CATEGORY 3**

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 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 \_\_\_\_\_ (local agency) \_\_\_\_\_; and
- 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 provided or contracted to be provided to the \_\_\_\_\_ (local agency) \_\_\_\_\_ or if the duties of the designated

employee's position make is reasonably foreseeable that he or she might engage in such activity.

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, or in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contract with the \_\_\_\_\_ (local agency) \_\_\_\_\_ to provide services, supplies, materials, machinery or equipment to or for the use of the \_\_\_\_\_ (local agency) \_\_\_\_\_; and
- 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 \_\_\_\_\_ (local agency) \_\_\_\_\_ or if the duties of the designated employee's position make it reasonably foreseeable that he or she might engage in such activity.

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 \_\_\_\_\_ (local agency) \_\_\_\_\_, and;

b) The designated employee's duties involve the supervision or regulation (including, but not limited to, the issuance or granting 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.

EXHIBIT C-41 (Designated Positions)

COUNTY OF SANTA BARBARA  
FISH & GAME COMMISSION

<u>Designated Employee Positions:</u>	<u>Disclosure Categories for Positions:</u>
<p>Persons occupying the following positions are “designated employees”* and must disclose financial interest in those categories described in Exhibit “B: Standard Disclosure Categories” of Santa Barbara County Resolution No. 95-450, as amended. The term “local agency” as used in said Exhibit B shall mean for purposes of this Exhibit C-40, the Santa Barbara County Finance Corporation, Inc.</p> <p>Positions:</p> <ol style="list-style-type: none"><li>1. Members of the Santa Barbara County Fish &amp; Game Commission</li></ol>	<p>1, 2, 3, 4, 5</p>

\*A “designated employee” is anyone within the above-mentioned agency who is an officer, employee, member or consultant who is designated in the code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. (Government Code § 82019.)

The term “designated employee” does not include any officer identified in Government Code § 87200, i.e., members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, chief administrative officers and other public officials who manage public investments.

**NOTICE OF HEARING FOR AN ADOPTION OF  
CONFLICT OF INTEREST CODE**

**HISTORIC LANDMARKS ADVISORY COMMISSION**


NOTICE IS HEREBY GIVEN that the Historic Landmarks Advisory Commission will conduct a hearing in the Santa Barbara County Administration Conference Room, 105 East Anapamu Street, Santa Barbara, California, at 10:00 a.m. on **April 13, 2009** for the purpose of considering the adoption of 1) the *Standard Conflict of Interest Code* for the Historic Landmarks Advisory Commission, and 2) the Exhibits Nos. A and B (designated positions and disclosure categories) for the above-named local agency to be added to and to be made a part of the above-mentioned *Standard Conflict of Interest Code*. A copy of the proposed code and of Exhibits Nos. A and B for this local agency are available for inspection in the office of Santa Barbara Planning and Development Department, 123 E. Anapamu Street, Santa Barbara, California.

**DECLARATION OF POSTING**

The undersigned hereby declares that a notice of hearing regarding the adoption of 1) the Historic Landmarks Advisory Commission Conflict of Interest Code, and 2) the Exhibits Nos. A and B (designated positions and disclosure categories) for the above-named local agency to be added to and to be made a part of the above-mentioned single comprehensive code was posted at the Santa Barbara County Administration Building, 105 E. Anapamu Street, Santa Barbara, California.

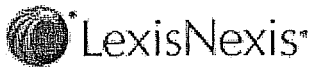
Star Schatz

Printed Name of Officer Posting Notice

  
\_\_\_\_\_  
Signature of Officer Posting Notice

April 13, 2009

Date of Hearing



LEXSTAT 2 CCR 18730

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\* THIS DOCUMENT IS CURRENT THROUGH REGISTER 2009, NO. 38; SEPTEMBER 18, 2009 \*

TITLE 2. ADMINISTRATION  
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION  
CHAPTER 7. CONFLICTS OF INTEREST  
ARTICLE 2. DISCLOSURE

2 CCR 18730 (2009)

§ 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of *Government Code section 87300* or the amendment of a conflict of interest code within the meaning of *Government Code section 87306* if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, *Government Code sections 81000*, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in *Government Code section 87100*, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (*2 Cal. Code of Regs. sections 18110*, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in *Government Code section 87200* if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, *Government Code sections 87200*, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, *Government Code section 87200*; and

(C) The filing officer is the same for both agencies.<1>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<2>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomi-

nation, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to *Government Code section 87302.6*, the day after the closing date of the most recent statement filed by the member pursuant to *2 Cal. Code Regs. section 18754*.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup><3></sup> is required to be reported,<sup><4></sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$ 2,000), exceeds ten thousand dollars (\$ 10,000), exceeds one hundred thousand dollars (\$ 100,000), or exceeds one million dollars (\$ 1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup><5></sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$ 500) or more in value, or fifty dollars (\$ 50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$ 1,000) or less, greater than one thousand dollars (\$ 1,000), greater than ten thousand dollars (\$ 10,000), or greater than one hundred thousand dollars (\$ 100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup><6></sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$ 10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or



in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of *Government Code Section 89501* shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by *Government Code section 89506*.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$ 420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of *Government Code section 89503* shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$ 500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of one hundred dollars (\$ 100) or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$ 250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## (9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or, a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$ 2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$ 2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$ 500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

## (9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

## (9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$ 1,000) or more.

## (10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

## (11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to *Government Code section 83114* and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

## (12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, *Government Code sections 81000-91014*. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Gov-

*ernment Code section 87100 or 87450* has occurred may be set aside as void pursuant to *Government Code section 91003*.

<1>Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See *Government Code section 81004*.

<2>See *Government Code section 81010* and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<3>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<4>Investments and interests in real property which have a fair market value of less than \$ 2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<5>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<6>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

#### AUTHORITY:

Note: Authority cited: *Section 83112, Government Code*. Reference: *Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code*.

#### HISTORY:

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter, (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).

10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to *Government Code section 11343.4(d)* (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to *Government Code section 11343.4(d)* (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to *Government Code section 11343.4(d)* (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to *Government Code section 11343.4(d)* (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to *Government Code section 11343.4(d)* (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of *Government Code section 11380.2* and Title 2, *California Code of Regulations, section 18312(d)* and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to *Government Code section 11343.4* (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

EXHIBIT "B"

STANDARD DISCLOSURE CATEGORIES

CATEGORY 1

Interests in real property which is located in whole or in part within the jurisdiction of the \_\_\_\_\_ (local agency, county department, commission, board, special district, etc.) \_\_\_\_\_, 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 \_\_\_\_\_ (local agency) \_\_\_\_\_.

CATEGORY 3

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 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 \_\_\_\_\_ (local agency) \_\_\_\_\_; and
- 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 provided or contracted to be provided to the \_\_\_\_\_ (local agency) \_\_\_\_\_ or if the duties of the designated

employee's position make is reasonably foreseeable that he or she might engage in such activity.

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, or in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contract with the \_\_\_\_\_ (*local agency*) \_\_\_\_\_ to provide services, supplies, materials, machinery or equipment to or for the use of the \_\_\_\_\_ (*local agency*) \_\_\_\_\_; and
- 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 \_\_\_\_\_ (*local agency*) \_\_\_\_\_ or if the duties of the designated employee's position make it reasonably foreseeable that he or she might engage in such activity.

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 \_\_\_\_\_ (*local agency*) \_\_\_\_\_, and;



b) The designated employee's duties involve the supervision or regulation (including, but not limited to, the issuance or granting 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.

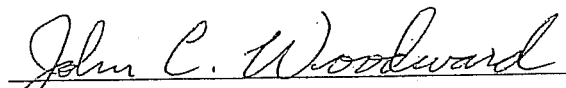
CONFLICT OF INTEREST CODE FOR THE  
HISTORIC LANDMARKS ADVISORY COMMISSION

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 section 18730 of the California Code of Regulations which contains the terms and provisions for 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. Therefore, the terms and provisions of section 18730 of the California Code of Regulations, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with attached Exhibit A in which officials and employees are designated and attached Exhibit B which sets forth disclosure categories, constitute the *Standard Conflict of Interest Code* for the Historic Landmarks Advisory Commission, attached hereto as Exhibit C.

Pursuant to Section 4 of the *Standard Conflict of Interest Code*, designated employees shall file original statements of economic interest with their agency. Upon receipt of the statements, the Filing Official of the Historic Landmarks Advisory Commission shall make and retain a copy and forward the signed original statements to the Elections Division of the Office of the Santa Barbara County Clerk-Recorder at the Basement, 1100 Anacapa Street, Santa Barbara, California, or at such other location as is hereinafter designated by the Clerk-Recorder.

Adopted by the Historic Landmarks Advisory Commission, Santa Barbara County, at a regular meeting held on April 13, 2009.

ATTEST:

  
\_\_\_\_\_  
Signature of Chair

John Woodward  
\_\_\_\_\_  
Printed Name of Chair

EXHIBIT C-42 (Designated Positions)

SANTA BARBARA HISTORIC LANDMARKS ADVISORY COMMISSION

<u>Designated Employee Positions:</u>	<u>Disclosure Categories for Positions:</u>
<p>Persons occupying the following positions are “designated employees”* and must disclose financial interest in those categories described in Exhibit “B: Standard Disclosure Categories” of Santa Barbara County Resolution No. 95-450, as amended. The term “local agency” as used in said Exhibit B shall mean for purposes of this Exhibit C-42, the Historic Landmarks Advisory Commission.</p> <p>Positions:</p> <ol style="list-style-type: none"><li>1. Members of the County of Santa Barbara Historic Landmarks Advisory Commission.</li></ol>	<p>1, 2, 3, 4, 5</p>

\*A “designated employee” is anyone within the above-mentioned agency who is an officer, employee, member or consultant who is designated in the code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. (Government Code § 82019.)

The term “designated employee” does not include any officer identified in Government Code § 87200, i.e., members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, chief administrative officers and other public officials who manage public investments.

Posting Date: October 7, 2009

**NOTICE OF HEARING FOR AN ADOPTION OF  
CONFLICT OF INTEREST CODE**

**SANTA BARBARA COUNTY FINANCE CORPORATION, INC.**

NOTICE IS HEREBY GIVEN that the Santa Barbara County Finance Corporation, Inc. will conduct a hearing in the Board of Supervisors' Conference Room, 105 East Anapamu Street, Santa Barbara, CA 93101, 4<sup>th</sup> Floor, at 9:00 a.m. on October 14, 2009 for the purpose of considering the adoption of 1) the *Standard Conflict of Interest Code* for the Santa Barbara County Finance Corp., Inc., and 2) Exhibits Nos. B and C (disclosure categories and designated positions) for the above-named local agency to be added to and to be made a part of the above-mentioned *Standard Conflict of Interest Code*. A copy of the proposed code and of Exhibits Nos. B and C for this local agency are available for inspection in the Office of County Counsel, 123 E. Anapamu Street, Santa Barbara, California.

**DECLARATION OF POSTING**

The undersigned hereby declares that a notice of hearing regarding the adoption of 1) the Santa Barbara County Finance Corporation, Inc. Conflict of Interest Code, and 2) the Exhibits Nos. B and C (disclosure categories and designated positions) for the above-named local agency to be added to and to be made a part of the above-mentioned single comprehensive code was posted at the Santa Barbara County Administration Building, 105 E. Anapamu Street, Santa Barbara, California.

*Anne Rierson*

Printed Name of Person Posting Notice

*Anne Rierson*

Signature of Person Posting Notice

*10/14/09*

Date of Hearing

Posting Date: December 10, 2009

**NOTICE OF HEARING FOR AN ADOPTION OF  
CONFLICT OF INTEREST CODE**

**SANTA BARBARA COUNTY FINANCE CORPORATION, INC.**

NOTICE IS HEREBY GIVEN that the Santa Barbara County Finance Corporation, Inc. will conduct a hearing in the Board of Supervisors' Conference Room, 105 East Anapamu Street, Santa Barbara, CA 93101, 4<sup>th</sup> Floor; at 3:00 p.m. on December 17, 2009 for the purpose of considering the adoption of 1) the *Standard Conflict of Interest Code* for the Santa Barbara County Finance Corp., Inc., and 2) Exhibits Nos. B and C (disclosure categories and designated positions) for the above-named local agency to be added to and to be made a part of the above-mentioned *Standard Conflict of Interest Code*. A copy of the proposed code and of Exhibits Nos. B and C for this local agency are available for inspection in the Office of County Counsel, 123 E. Anapamu Street, Santa Barbara, California.

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*Anne Rierson*

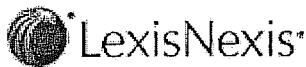
Printed Name of Person Posting Notice

*Anne Rierson*

Signature of Person Posting Notice

*12/17/09*

Date of Hearing



LEXSTAT 2 CCR 18730

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
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\* THIS DOCUMENT IS CURRENT THROUGH REGISTER 2009, NO. 38; SEPTEMBER 18, 2009 \*

TITLE 2. ADMINISTRATION  
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION  
CHAPTER 7. CONFLICTS OF INTEREST  
ARTICLE 2. DISCLOSURE

2 CCR 18730 (2009)

§ 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of *Government Code section 87300* or the amendment of a conflict of interest code within the meaning of *Government Code section 87306* if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, *Government Code sections 81000*, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in *Government Code section 87100*, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in *Government Code section 87200* if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, *Government Code sections 87200*, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, *Government Code section 87200*; and

(C) The filing officer is the same for both agencies.<1>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<2>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomi-

nation, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to *Government Code section 87302.6*, the day after the closing date of the most recent statement filed by the member pursuant to *2 Cal. Code Regs. section 18754*.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup><3></sup> is required to be reported,<sup><4></sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$ 2,000), exceeds ten thousand dollars (\$ 10,000), exceeds one hundred thousand dollars (\$ 100,000), or exceeds one million dollars (\$ 1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup><5></sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$ 500) or more in value, or fifty dollars (\$ 50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$ 1,000) or less, greater than one thousand dollars (\$ 1,000), greater than ten thousand dollars (\$ 10,000), or greater than one hundred thousand dollars (\$ 100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup><6></sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$ 10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or



in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of *Government Code Section 89501* shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by *Government Code section 89506*.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$ 420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of *Government Code section 89503* shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$ 500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$ 100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$ 250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## (9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or, a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$ 2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$ 2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$ 500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

## (9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

## (9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$ 1,000) or more.

## (10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

## (11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to *Government Code section 83114* and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

## (12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, *Government Code sections 81000-91014*. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of *Gov-*

ernment Code section 87100 or 87450 has occurred may be set aside as void pursuant to *Government Code section 91003*.

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<1>Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See *Government Code section 81004*.

<2>See *Government Code section 81010* and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<3>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<4>Investments and interests in real property which have a fair market value of less than \$ 2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<5>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<6>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

#### AUTHORITY:

Note: Authority cited: *Section 83112, Government Code*. Reference: *Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code*.

#### HISTORY:

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter, (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).

10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to *Government Code section 11343.4(d)* (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to *Government Code section 11343.4(d)* (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to *Government Code section 11343.4(d)* (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to *Government Code section 11343.4(d)* (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to *Government Code section 11343.4(d)* (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of *Government Code section 11380.2* and Title 2, *California Code of Regulations, section 18312(d)* and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to *Government Code section 11343.4* (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

EXHIBIT "B"

STANDARD DISCLOSURE CATEGORIES

CATEGORY 1

Interests in real property which is located in whole or in part within the jurisdiction of the \_\_\_\_\_ (local agency, county department, commission, board, special district, etc.) \_\_\_\_\_, 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 \_\_\_\_\_ (local agency) \_\_\_\_\_.

CATEGORY 3

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 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 \_\_\_\_\_ (local agency) \_\_\_\_\_; and
- 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 provided or contracted to be provided to the \_\_\_\_\_ (local agency) \_\_\_\_\_ or if the duties of the designated

employee's position make is reasonably foreseeable that he or she might engage in such activity.

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, or in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contract with the \_\_\_\_\_ (local agency) \_\_\_\_\_ to provide services, supplies, materials, machinery or equipment to or for the use of the \_\_\_\_\_ (local agency) \_\_\_\_\_; and
- 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 \_\_\_\_\_ (local agency) \_\_\_\_\_ or if the duties of the designated employee's position make it reasonably foreseeable that he or she might engage in such activity.

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 \_\_\_\_\_ (local agency) \_\_\_\_\_, and;



b) The designated employee's duties involve the supervision or regulation (including, but not limited to, the issuance or granting 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 FINANCE CORPORATION, INC.

RESOLUTION NO. 09-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA BARBARA COUNTY FINANCE CORPORATION, INC. ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes, and the Fair Political Practices Commission has adopted Section 18730 of the California Code of Regulations which contains the terms and provisions for 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.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The terms and provisions of Section 18730 of the California Code of Regulations attached hereto as Exhibit A, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and, along with attached Exhibit B which sets forth disclosure categories, and attached Exhibit C in which officials and employees are designated, constitute the *Standard Conflict of Interest Code* for the Santa Barbara County Finance Corporation, Inc.
2. Pursuant to Section 4 of the *Standard Conflict of Interest Code*, designated employees shall file original statements of economic interest with their agency. Upon receipt of the statements, the Filing Official of the Santa Barbara County Finance Corporation, Inc. shall make and retain a copy and forward the original of the statements to the Elections Division of the Office of the Santa Barbara County Clerk-Recorder at the Basement, 1100 Anacapa Street, Santa Barbara, California, or at such other location as is hereinafter designated by the Clerk-Recorder.

PASSED and ADOPTED by the Santa Barbara County Finance Corp., Inc. at a regular meeting held on December 17, 2009 by the following vote:

AYES: Benedetti, Redding, Funari

NOES:

ABSENT: Ehmer

Tom Benedetti

President of the Board of Directors  
of the Santa Barbara County Finance Corp., Inc.

[SEAL]

Attest:

**ASS'T** William F Redding  
Secretary of the Board of Directors  
of the Santa Barbara County Finance Corp., Inc.

Approved as to Form:

COUNTY COUNSEL  
DENNIS A. MARSHALL  
as Counsel for the Corporation

By: Anna Green  
Deputy County Counsel

EXHIBIT C-43 (Designated Positions)

SANTA BARBARA COUNTY FINANCE CORPORATION, INC.

<u>Designated Employee Positions:</u>	<u>Disclosure Categories for Positions:</u>
<p>Persons occupying the following positions are “designated employees”* and must disclose financial interest in those categories described in Exhibit “B: Standard Disclosure Categories” of Santa Barbara County Resolution No. 95-450, as amended. The term “local agency” as used in said Exhibit B shall mean for purposes of this Exhibit C-40, the Santa Barbara County Finance Corporation, Inc.</p> <p>Positions:</p> <ol style="list-style-type: none"><li>1. Directors of the Santa Barbara County Finance Corporation, Inc. (5)</li></ol>	<p>1, 2, 3, 4</p>

\*A “designated employee” is anyone within the above-mentioned agency who is an officer, employee, member or consultant who is designated in the code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. (Government Code § 82019.)

The term “designated employee” does not include any officer identified in Government Code § 87200, i.e., members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, chief administrative officers and other public officials who manage public investments.