



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: County Counsel
Department No.: 0710
For Agenda Of: February 1, 2011
Placement: Administrative
Estimated Tme: n/a
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

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

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

County Counsel Concurrence

As to form: Yes

Other Concurrence: n/a

Auditor-Controller Concurrence

As to form: n/a

Recommended Actions:

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

Summary Text:

The District's Conflicts of Interest Code amendments were adopted September 20, 2010. The amendments include a revision of titles of existing designated positions, deletes titles of positions that have been abolished and incorporates previously adopted amendment that was inadvertently deleted in prior Biennial review that authorized Control Officer to exercise discretion over disclosure requirements for consultants. (See attached "2010 Local Agency Biennial Notice")

Background:

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

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

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

Special Instructions:

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

Attachments:

October 21, 2010 – 2010 Local Agency Biennial Notice (with attachments) from Santa Barbara County Air Pollution Control District.

Authored by:

Senior Deputy County Counsel Jerry F. Czuleger

cc:

Santa Barbara County Air Pollution Control District

2010 LOCAL AGENCY BIENNIAL NOTICE

own code
RECEIVED
SEP 23 2010
SANTA BARBARA COUNTY
ELECTIONS

Name of Agency: Santa Barbara County Air Pollution Control District

Mailing Address: 260 N. San Antonio Road, Suite A, Santa Barbara, CA 93110

Contact Person: Sharyl Preskitt Telephone No: (805) 961-8828

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

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined the (Check on box):

☒ **An amendment is required. The following amendments are necessary:**

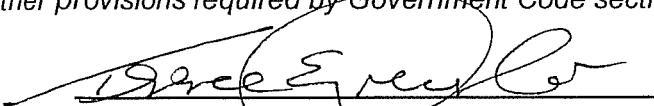
(Mark all that apply.)

- ☐ Include new positions (including consultants) that must be designated.
- ☐ Delete positions that manage public investments from the list of designated positions.
- ☐ Revise disclosure categories.
- ☒ Revise the titles of existing positions.
- ☒ Delete titles of positions that have been abolished.
- ☒ Other (describe) Incorporate previously adopted amendment that was inadvertently deleted in prior Biennial review that authorized Control Officer to exercise discretion over disclosure requirements for consultants.

☐ **No amendment is required.**

Verification

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


Signature of Chief Executive Officer

9/21/2010
Date

Complete this notice regardless of how recently your code was approved or amended and return **no later than October 1, 2010 to:**

SANTA BARBARA COUNTY ELECTIONS
PO BOX 61510
SANTA BARBARA, CA 93160-1510
Attn: Sheila Hess

SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT

BOARD OF DIRECTORS

STATE OF CALIFORNIA

MINUTE ORDER

September 20, 2010 in the p.m.

Present: Directors Salud Carbajal, Janet Wolf, Joni Gray, Joe Centeno, Victoria Pointer, Lupe Alvarez,
Edward Easton, Helene Schneider, Larry Lavagnino, Ed Skytt,
and Sara Brumit, Clerk
Director in the Chair Doreen Farr

A-7) Adopt amendments to the Santa Barbara County Air Pollution Control District (SBCAPCD)
Conflict of Interest Code as follows:

- a) Adopt amendments to the SBCAPCD Conflict of Interest Code that reflect new job
classifications created by the District; and
- b) Reinstate a prior amendment which was inadvertently omitted when the District's Conflict of
Interest Code was last updated.

Centeno/Lavagnino

a) Adopted APCD Resolution No. 10-19;
Conflict of Interest code updated.

b) Reinstated prior amendment.

Absent: Martner, Clark

ATTEST:

TERRY DRESSLER
Clerk of the Board

By 

Deputy

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

In The Matter Of Amendments to the)
Santa Barbara County Air Pollution)
Control District's Conflict of Interest Code)

APCD Resolution No. 10- 19

Recitals

1. The District is a public "agency" which is required to adopt a Conflict of Interest Code pursuant to Political Reform Act, Government Code section 81000 *et seq.*
2. The District Adopted a Conflict of Interest Code in 1989 and further amended that code in 2008.
3. The District's Conflict of Interest Code is in need of amendment to reflect the job classification changes that have been approved the Board since the last code amendment.

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

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

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Passed and Adopted by the Air Pollution Control District Board of the County of Santa Barbara, State of California, this 20th day of September, 2010, by the following vote:

Ayes: Carbajal, Wolf, Farr, Gray, Centeno, Pointer,
Alvarez, Easton, Schneider, Lavagnino, Skytt

Noes: None

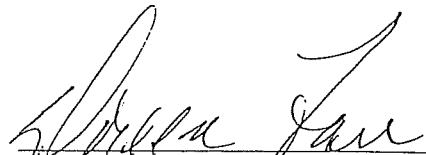
Abstain: None

Absent: Martner, Clark

Attest:

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

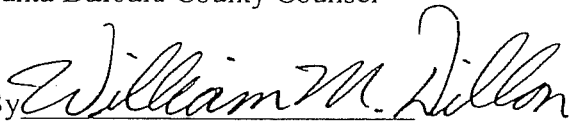
By  _____



Chair, Santa Barbara County
Air Pollution Control District

Approved As To Form:

DENNIS MARSHALL
Santa Barbara County Counsel

By  _____
Deputy County Counsel

Robert W. Geis
Auditor-Controller

By  _____
Deputy

Agenda Date: September 20, 2010
Agenda Placement: Admin.
Estimated Time: N/A
Continued Item: No

A-7

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terry Dressler, Air Pollution Control Officer

CONTACT: Sharyl K. Preskitt, 961-8828

SUBJECT: Conflict of Interest Code

RECOMMENDATIONS:

1. Adopt amendments to the Santa Barbara County Air Pollution Control District Conflict of Interest Code that reflect new job classifications created by the District.
2. Reinstate a prior amendment which was inadvertently omitted when the District's Conflict of Interest Code was last updated.

DISCUSSION:

The Political Reform Act, Government Code Section 81000 *et seq.* ("Act"), requires state and local agencies to adopt conflict of interest codes. (See Gov. Code Sections 87300 – 87301.) The Fair Political Practices Commission has adopted Title 2 of the California Code of Regulations, Section 18730, which contains the terms of standard conflict of interest and which may be incorporated by reference by local governmental agencies. Section 18730 is amended from time to time by the commission. The District last updated its Conflict of Interest Code in 2008.

Pursuant to the Act, the District is required to designate employees and consultants who are required to file annual statements of economic interest. The proposed amendments to the attached Conflict of Interest Code incorporate changes made to job classifications created by the District since the code was last amended in 2008.

When the District's Conflict of Interest Code was last amended in March of 2008, a previously adopted amendment to our Code was inadvertently omitted. In September of 2000, the District's Conflict of Interest Code was amended to authorize the Control Officer to exercise discretion regarding the applicability of disclosure requirements for consultants when consultants perform

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

The Political Reform Act, Government Code Section 81000 *et seq.*, requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a Regulation, 2 California.

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

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

15:14. Emissions Inventory and Planning Specialist I,II,III.....	1,2,3,4,5
16:15. Air Quality Information <u>and Education</u> Specialist.....	1,2,3,4,5
17:16. Principal Monitoring Specialist.....	1,2,3,4,5
18:17. Monitoring Specialist I,II,III.....	1,2,3,4,5
19:18. EDP Systems and Programming Analyst I,II,III.....	1,2,3,4,5
20:19. District Counsel.....	1,2,3,4,5
21:20. Contractor on Payroll <u>Consultant</u> ²	1,2,3,4,5
22:21. Members of the Governing Board ³	1,2,3,4,5
23:22. Members of the Hearing Board.....	1,2,3,4,5

² Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Control Officer may determine in writing that a particular consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultants duties and, based upon that description, a statement of the extent of disclosure requirements. The Control Officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

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

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

CATEGORY 4

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

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

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

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

In The Matter Of Amendments to the)	APCD Resolution No. 10-_____
Santa Barbara County Air Pollution)	
Control District's Conflict of Interest Code)	

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