

COUNTY CLERK-RECORDER-ASSESSOR'S
AMENDMENT
TO THE SANTA BARBARA COUNTY
SINGLE COMPREHENSIVE CONFLICT OF INTEREST CODE
FOR COUNTY DEPARTMENTS, COMMISSIONS/BOARDS/COMMITTEES
AND DEPENDENT SPECIAL DISTRICTS (SINGLE CODE),
ADDING THE COMMUNITY CORRECTIONS PARTNERSHIP
AS A MEMBER

(1) The Political Reform Act, Government Code § 81000 et seq., requires “decision making” 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. Agencies must amend their conflict of interest codes when necessary to add or delete positions and disclosure categories; 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-Recorder¹ 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). Accordingly, on December 5, 1995 the Clerk-Recorder-Assessor adopted a comprehensive conflict of interest code for multiple agencies, which became known as the “Santa Barbara County Single Comprehensive Conflict of Interest Code for County Departments, Commissions/Boards/Committees and Dependent Special Districts” (“Single Code”). The designated positions and disclosure categories for each participating agency are set forth in Exhibit C of 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. 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. Amendments are first adopted by the Clerk-Recorder-Assessor and then approved by the Board of Supervisors as Code Reviewing Body.

(4) The Community Corrections Partnership (“CCP”) has requested that it be added to the Single Code.

(5) The Community Corrections Partnership (“CCP”) was established in 2011, as an advisory body to the Board of Supervisors, pursuant to the Public Safety Realignment Act of 2011

¹ Subsequently, the Clerk-Recorder was consolidated with the Assessor and is currently the Clerk-Recorder-Assessor.

("Act"). The Act transferred responsibility for specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. The CCP is responsible for developing a plan to implement the Act.

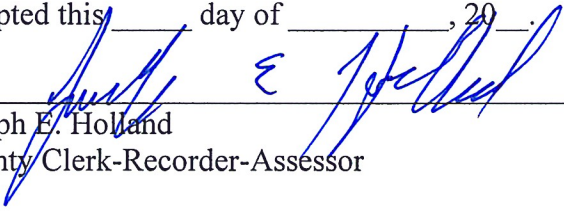
(6) Typically, an advisory body, such as the CCP would not be required to adopt a conflict of interest code. However, an advisory body may evolve into a "decision making" body and be required to adopt a conflict of interest code, if over an extended period of time, it makes substantive recommendations that have been regularly approved without significant amendment or modification by the agency it is advisory to. 2 CCR 18700(c)(2).

(7) Over time some of CCP's substantive recommendations have been regularly approved without significant amendment or modification by the Board of Supervisors. On October 2, 2015, in compliance with the Political Reform Act, the CCP took action to create a conflict of interest code by designating covered positions and corresponding disclosure categories and requesting that it be included in the Single Code. (See attached CCP Resolution No. 2015-1).

(8) The Clerk-Recorder-Assessor approves the CCP's request, and amends the Single Code to add the CCP as a member. The CCP's designated positions are incorporated in the attached Exhibit C-39.

(9) The other provisions of the Single Code not addressed by this amendment remain in effect.

Adopted this _____ day of _____, 20____.



Joseph E. Holland
County Clerk-Recorder-Assessor

Exhibit C-39

DESIGNATED POSITIONS

SANTA BARBARA COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP

<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 Appendix B.</p> <p>Positions:</p> <p>Members of the Santa Barbara County Community Corrections Partnership</p>	<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.

RESOLUTION NO: 2015-1

RESOLUTION OF THE SANTA BARBARA COUNTY COMMUNITY CORRECTIONS PARTNERSHIP ADOPTING A CONFLICT OF INTEREST CODE

Recitals

- a. The Political Reform Act, Government Code Sections 81000 et seq. (“Political Reform Act”) requires state and local government agencies, with final decision making authority, to adopt and promulgate conflict of interest codes;
- b. The Political Reform Act implementing regulations are adopted by the Fair Political Practices Commission (“FPPC”) and are located at Title 2 Sections 18109-18997, of the California Code of Regulations (“CCR”);
- c. 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);
- d. The public officials designated in a conflict of interest code, must periodically disclose certain investments, interests in real property, sources of income, gifts, loans and business positions, based on the disclosure categories adopted by the agency. The disclosures are compiled on FPPC Form 700, and conflict of interest code must be reviewed at least every two years;
- e. The Board of Supervisors is the Code Reviewing Body for conflict of interest codes adopted by dependent local agencies in Santa Barbara County;
- f. In 2011, the Santa Barbara County Community Corrections Partnership (“CCP”) was established by the Santa Barbara County Board of Supervisors (“Board of Supervisors”) pursuant to the Public Safety Realignment Act of 2011 (Assembly Bill 109), as an advisory body;
- g. Although, the CCP is an advisory body, some CCP recommendations have been regularly approved by the Board of Supervisors without significant amendment or modification. Based on this history, the CCP could be considered to be an agency with final decision making authority, and thus required to adopt a conflict of interest code;
- h. The Board of Supervisors has established a Single Comprehensive Conflict of Interest Code (“Single Code”), which is a compilation of the conflict of interest codes of all County Departments and dependent commissions, boards, agencies and special districts;
- i. The Single Code is reviewed by the Board of Supervisors at least every two years, to add or delete positions and disclosure categories, as needed. The Single Code is intended to help ensure timely amendments and revisions of the conflict of interest codes of each member agency;

Resolution Adopting Conflict of Interest Code

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- j. Members of the Single Code are required to file their Form 700 disclosure statements with the Elections Division of the Santa Barbara County Clerk, Recorder and Assessor;
- k. The CCP desires to adopt a Conflict of Interest Code by being added to the County's Single Code; and
- l. The CCP desires to adopt a list of designated positions and disclosure categories that shall be applicable, once it is added to the Single Code.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The CCP desires to adopt a conflict of interest code by being added to the County's Single Code;
2. The CCP adopts Appendix A - Designated Positions (attached), as the list of CCP positions and disclosure requirements to be covered by the Single Code;
3. The CCP adopts the disclosure categories included in Appendix B – Disclosure Categories (attached);
4. The CCP requests the Board of Supervisors to add the CCP to the County's Single Code, along with Appendix A – Designated Positions and Appendix B – Disclosure Categories; and
5. Those holding designated positions shall file online their Form 700 disclosures, using eDisclosure, with the Elections Division of the Santa Barbara County Clerk, Recorder and Assessor. Alternatively, a paper copy of a Form 700 may be filed with the Clerk of the CCP, who shall retain a copy and forward the original to the Elections Division of the Santa Barbara County Clerk, Recorder and Assessor.

Passed and adopted this 2nd day of October 2015 by the following vote:

Yes: Eight (8)

No: None

Abstain: None



Lupe Rabago
Chief Probation Officer
CCP Chair

APPENDIX A
DESIGNATED POSITIONS
SANTA BARBARA COUNTY
COMMUNITY CORRECTIONS PARTNERSHIP

<u>Designated Employee Positions:</u>	<u>Disclosure Categories for Positions:</u>
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*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.

APPENDIX 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.