

COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF YOLO COUNTY

From: Eric May, General Counsel

To: County-Wide Successor Agency Oversight Board of Yolo County

Date: August 21, 2018

Agenda Item: 9

Recommendations

1. Adopt a resolution adopting a Conflict of Interest Code.

Analysis and Discussion

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. Pursuant to Health & Safety Code § 34179, this board is an agency subject to the Political Reform Act's conflict of interest code requirements.

The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730), which contains the terms of a standard conflict of interest code, which may be incorporated by reference in an agency's code. The standard terms contained in Section 18730 may be amended by the Fair Political Practices Commission, after public notice and hearing, to conform to amendments in the Political Reform Act.

The Conflict of Interest Code must list the positions within the agency that are considered "designated positions" and must identify the "disclosure categories" applicable to each designated position. The enclosed draft Conflict of Interest Code includes an Appendix which lists the oversight board's designated positions (Part A) and identifies the applicable disclosure categories for each designated position (Part B).

Persons holding designated positions listed in Part A of the Appendix to the Conflict of Interest Code need to file Statements of Economic Interest (Form 700s). In addition to the designated positions, officials who manage public investments, as defined by 2 California Code of Regulations Section 18700 are technically not subject to the Conflict of Interest Code, but must file Form 700 disclosure statements under Government Code Section 87200. (Regulations Sec. 18730(b)(3).) At this time, there are no known officials who manage public investments, and are subject to the filing requirements under Government Code Section 87200. All persons required to file a Statement of Economic Interest must file an initial Form 700 no later than 30 days after the Board's adoption of the Conflict of Interest Code.

Government Code Section 82101(b) requires the Yolo County Board of Supervisors to be the code reviewing body for the Conflict of Interest Code. If the Oversight Board adopts the Conflict of Interest Code, staff will forward the resolution and the Conflict of Interest Code to Yolo County for review and approval. The Board of Supervisors is required to act upon the Conflict of Interest Code within ninety (90) days after receiving the Code for review. The Board of Supervisors may approve the Code as submitted, make revisions, or return the proposed Code to the Oversight Board for review and resubmission back to the Board of Supervisors for approval.

Attachments

1. Resolution
2. Conflict of Interest Code

COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF YOLO COUNTY

RESOLUTION NO. 2018 - ____

(A RESOLUTION 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

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730), which contains the terms of a standard conflict of interest code, which may be incorporated by reference in an agency's code and, after public notice and hearing, may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

WHEREAS, the County-Wide Successor Agency Oversight Board of Yolo County ("Board") is an agency subject to the Political Reform Act's code-filing requirement; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of the proposed Conflict of Interest Code was provided each affected designated employee and publicly posted for review at the offices of the County of Yolo; and

NOW, THEREFORE, BE IT RESOLVED, by the County-Wide Successor Agency Oversight Board of Yolo County, as follows:

Section 1. The Board hereby adopts the proposed Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Yolo County Chief Financial Officer, and available to the public for inspection and copying during regular business hours.

Section 2. The Conflict of Interest Code shall be submitted to the Board of Supervisors of Yolo County for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed Conflict of Interest Code as submitted.

Section 3. Persons holding designated positions listed in the Conflict of Interest Code shall file with the Yolo County Chief Financial Officer Statements of Economic Interests on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State law.

Section 4. The Yolo County Chief Financial Officer is directed to provide, upon request, copies of this Resolution and the Conflict of Interest Code to any officer, employee, and consultant designated in the Code, and to make copies of the Code available to any interested party who requests a copy.

Section 5. Any violation of any provision of the Conflict of Interest Code is subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code Section 81000 *et seq.*

The _____ foregoing Resolution was passed and adopted this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chairperson

EXHIBIT A

CONFLICT OF INTEREST CODE OF THE COUNTY-WIDE SUCCESSOR AGENCY OVERSIGHT BOARD OF YOLO COUNTY (August 2018)

The Political Reform Act (Gov. Code § 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 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Redevelopment Successor Agency Oversight Board (the "Board").

All Officials and Designated Positions required to submit a statement of economic interests shall file their statements with the Yolo County Chief Financial Officer, as the Board's Filing Officer. The Board's Filing Officer shall retain the originals of the statements of all Officials and Designated Positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code §81008.)

APPENDIX

PART “ A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 California Code of Regulations Section 18700.3(b)(1) are NOT subject to the Board’s Code, but must file disclosure statements under Government Code Section 87200. (Regs. § 18730(b)(3).)

**DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE**

Designated Positions	Disclosure Category
Yolo County Chief Financial Officers’ Liaison to the Board	1, 2, 3
General Counsel	1, 2, 3
Consultants and New Positions ¹	1, 2, 3 ²

¹ Individuals providing services as a Consultant defined in Regulation 18700.3(a)(2), or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

² The Yolo County Chief Financial Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The Chief Financial 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. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The Disclosure Categories listed below identify the types of economic interests that the Designated Position must disclose for each category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the Board.

1. All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Board, or within two (2) miles of any land owned or used by the Board.
2. All reportable investments and business positions in, and sources of income, including gifts, loans and travel payments, from business entities that contract with or have contracted with the Board to provide services, products, supplies, materials, machinery, vehicles or equipment to the Board.
3. All reportable investments and business positions in, and sources of income, including gifts, loans and travel payments, from business entities that are contractors or subcontractors engaged in the performance of work or services of the type utilized or foreseeably utilized by the Board, or manufacture, sell or provide services, products, supplies, materials, machinery, vehicles or equipment of the type purchased or leased by or used or foreseeably utilized by the Board.

³ This Conflict of Interest Code does not require the reporting of gifts from outside the County if the source does not have some connection with or bearing upon the functions or duties of the position (Reg. 18730.1)