

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-5

Urgent Routine

AGENDA DATE March 5, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Amendment to the Conflict of Interest Code for the Stanislaus Child Development Local Planning Council

STAFF RECOMMENDATIONS:

Adopt amendment to the Conflict of Interest Code for the Stanislaus Child Development Local Planning Council.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2013-91

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval of Amendment to the Conflict of Interest Code for the Stanislaus Child Development Local Planning Council
page 2

DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Stanislaus Child Development Local Planning Council approved amendments to their Conflict of Interest Codes. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendment to a Conflict of Interest Code from an agency the Board of Supervisors places the amendment on their agenda for approval.

POLICY ISSUE:

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

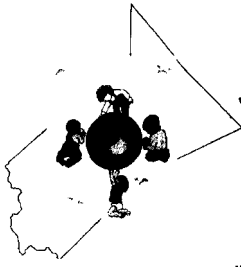
STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Christine Ferraro Tallman Phone Number: 209-525-4494

Stanislaus Child Development Local Planning Council



Connecting the Dots...

● Assess

● Advise

● Communicate

● Facilitate

...to the World of
Quality Child Care

Officers:

Caroline Dias

Chairperson

Vice-Chairperson

Members:

Dr. Marian Fritzemeler

Janette Jameson

Nathan Johnston-Chlszar

Fawn Oliver

Pam Reeder

Jeri Trainor

Neepha Xaynouvong

**Heather Haubrich,
Child Care Planning
Coordinator**

**Lellani Garcia, Liaison
Stanislaus County
Office of Education**

February 14, 2013

Christine Ferraro Tallman
Clerk of the Board of Supervisors
Stanislaus County
1010 10th Street, Suite 6700
Modesto CA 95354

BOARD OF SUPERVISORS
2013 FEB 21 P 2:12

Re: Request for Approval of Stanislaus Child Development Local Planning
Council Amended Conflict of Interest Code

Dear Ms. Ferraro Tallman,

Enclosed please find an Amended Conflict of Interest Code of the Stanislaus Child Development Local Planning Council, dated February 14, 2013. I am submitting the Amended Conflict of Interest Code to the Board of Supervisors for its approval as the code reviewing body under Government Code section 82011. Also enclosed for reference is a copy of the Resolution passed by the Stanislaus Child Development Local Planning Council for the purpose of adopting its Amended Conflict of Interest Code.

Please confirm both your placement of this matter on an upcoming Board of Supervisors' agenda and the action taken by the Board of Supervisors to approve the Amended Conflict of Interest Code.

If you need additional information, please contact me.

Sincerely,

Heather Haubrich
Child Care Planning Coordinator
Child/Family Services



**1100 H Street
Modesto, CA 95354
Phone: (209) 238-1804
FAX: (209) 238-4218
E-Mail: hhaubrich@stancoe.org
Coordinator: Heather Haubrich**



2012 Local Agency Biennial Notice

Name of Agency: Stanislaus Child Development Local Planning Council

Mailing Address: 1100 H Street, Modesto, CA 95354

Contact Person: Heather Haubrich Office Phone No: 209-238-1804

E-mail: hhaubrich@stancoe.org Fax No: 209-238-4217

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined the *(Check one box)*:

An amendment is required. The following amendments are necessary:

(Mark all that apply)

Include new positions.

Revise disclosure categories.

Revise the titles of existing positions.

Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Other *(describe)* Add a filing location

No amendment is required.

The code is currently under review by the code reviewing body.

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 the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

2/14/13

Signature of Chief Executive Officer

Carolene Glas

Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

PLEASE DO NOT RETURN THIS FORM TO THE FPP

**STANISLAUS CHILD DEVELOPMENT LOCAL
PLANNING COUNCIL
RESOLUTION NO. 001-13**

**RESOLUTION OF THE STANISLAUS CHILD DEVELOPMENT LOCAL PLANNING
COUNCIL ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO
THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code section 81000 et seq. (“Act”), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Stanislaus Child Development Local Planning Council (“Council”) and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Council adopted its original Conflict of Interest Code in 2006, (“Conflict of Interest Code”) in compliance with Government Code section 81000 et seq.; and

WHEREAS, the Conflict of Interest Code is required to include the location where disclosure statements must be filed; and

WHEREAS, the Amended Conflict of Interest Code includes the location where disclosure statements must be filed; and

WHEREAS, notice of the time and place of a public meeting at which the Council would consider the proposed amended Conflict of Interest Code was provided to each holder of a designated position and publicly posted for review at the offices of the Board of Education; and

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Council on February 14, 2013, at which all present were given an opportunity to be heard on the proposed amended Conflict of Interest Code; and

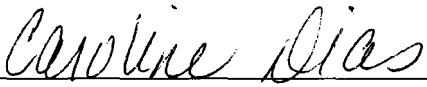
WHEREAS, an amendment to the Stanislaus Child Development Local Planning Council Conflict of Interest Code must be submitted to the Board of Supervisors, Stanislaus County for approval.

NOW, THEREFORE, BE IT RESOLVED by the Stanislaus Child Development Local Planning Council as follows:

A. The proposed amended Conflict of Interest Code of the Stanislaus Child Development Local Planning Council is adopted, a copy of which is attached hereto, and shall be on file with the Stanislaus County Office of Education and available to the public for copying.

B. A copy of the amended Conflict of Interest Code shall be submitted to the Board of Supervisors of Stanislaus County for approval and shall become effective upon the Board of Supervisors approval.

APPROVED AND ADOPTED this 14th day of February, 2013.



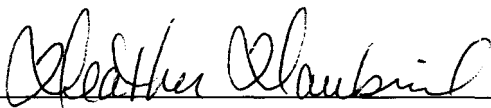
Caroline Dias, Chairperson

I hereby certify that the foregoing resolution of the Stanislaus Child Development Local Planning Council was duly passed and adopted at a regular meeting held on February 14, 2013, by the following vote:

AYES: Caroline Dias, Marian Fritzeimer, Pam Reeder, Jeri Trainor

NOES:

ABSENT: Janette Jameson, Nathan Johnston-Chiszar, Fawn Oliver, Neepha
Xaynouvong



Heather Haubrich, Secretary of the Stanislaus Child
Development Local Planning Council

Council Bylaw # 1

Bylaws of the Stanislaus Child Development Local Planning Council ("SCDLPC")

Conflict of Interest

Incompatible Activities

SCDLPC Council members shall not engage in any employment or activity, which is inconsistent with, incompatible with, in conflict with or inimical to the Council member's duties as an officer of the Council. (Government Code 1126)

Conflict of Interest Code #2

The Council's conflict of interest code shall be comprised of the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a Council attachment specifying designated positions and the specific types of disclosure statements required for each position. The Conflict of Interest Code further includes the requirement that holders of designated positions shall file Statements of Economic Interests/Form 700 with the Stanislaus Child Development Local Planning Council Coordinator at 1100 H Street, Modesto, California 95354.

Upon direction by the code reviewing body, the Council shall review the Council's conflict of interest code in even-numbered years. If no change in the code is required, the Council shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the Council shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the Council's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the Council shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a Council member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the Council by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

Council members and designated employees shall not be financially interested in any contract made by the Council or in any contract they make in their capacity as Council members or designated employees. (Government Code 1090)

A Council member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or Council of which he/she is a member, on the same terms and conditions as if he or she were not a member of the Council
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public entity of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the Council if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Council at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit Council or to which the school Council has legal obligation to give particular consideration, and provided further that such interest is noted in its official records.
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Council at the time of consideration of the contract, and provided further that such interest is noted in its official records

8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if those individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, a Council member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Council member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Council meeting and noted in the official Council minutes. The affected Council member shall not vote or debate on the matter or attempt to influence any other Council member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A Council member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is not prohibited or remote interest, a Council member shall abstain from voting on personnel matters that uniquely affect a relative of the Council member. A Council member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great grandparents children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

Gifts

Council members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the Council for Council members and designated employees. (Government Code 89506)

Honoraria

Council members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole and predominant activity of the business trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the Council for donation into the general fund without being claimed as a deduction from income for tax purposes.

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

1. Persons occupying the following positions are designated employees in Category 1:

Stanislaus Child Development Local Planning Council Members

Designated persons in this category must report:

- a Interest in real property located entirely or partly within Council boundaries, or within two miles of Council boundaries or of any land owned or used by the Council. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b Investments or business positions in or income from sources which:
 - (1) Are engaged in the acquisition or disposal of real property within the Council
 - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the Council or
 - (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the Council

2. Persons occupying the following positions are designated employees in Category 2:

None

Designated persons in this category must report investments or business positions in or income from sources which:

- a Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- b Manufacture or sell supplies, books, machinery or equipment of the type used by the department, which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Council Chairperson and Coordinator. The Chairperson's and Coordinator's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code,

A consultant is an individual who, pursuant to a contract with the Council, makes a governmental decision whether *to*: (2 CCR 18701)

- a. Approve a rate, rule, or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the Council to enter into, modify or renew a contract that requires Council approval
- e. Grant Council approval to a contract or contract specifications which require Council approval and in which the Council is a party
- f. Grant Council approval to a plan, design, report, study or similar item
- g. Adopt or grant Council approval to Council policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the Council, serves in a staff capacity with the Council and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the Council that would otherwise be performed by an individual holding a position specified in the Council's Conflict of Interest Code. (2 CCR 18701)

Revised 02/14/13