



Lou Ann Texeira
Executive Officer

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December 12, 2012 (Agenda)

December 12, 2012
Agenda Item 9

Contra Costa Local Agency Formation Commission
651 Pine Street, Sixth Floor
Martinez, CA 94553

Review and Update of Conflict of Interest Code

Dear Members of the Commission:

Government Code Section 87300 et seq. requires public agencies to adopt a Conflict of Interest Code. The Commission adopted its current Conflict of Interest Code, which has incorporated the terms of 2 California Code of Regulations §18730, in 2007.

The Political Reform Act (PRA) requires every public agency to review its conflict of interest code biennially in even numbered years and determine whether amendments are necessary. Legal counsel has reviewed LAFCO’s Conflict of Interest Code and recommends amendments to “Designated Positions” and “Disclosure Categories” provisions (see attached).

The LAFCO Policies & Procedures Committee has also reviewed the proposed amendments.

RECOMMENDATION

It is recommended that the Commission approve the proposed amendments to the Conflict of Interest Code, and direct staff to forward the revised Code to the Clerk of the Board of Supervisors for placement on a future Board of Supervisors agenda.

Please contact the LAFCO office if you have any questions.

Sincerely,

Lou Ann Texeira
Executive Officer

Attachment 1 - Contra Costa LAFCO Conflict of Interest Code with Proposed Changes, Red-lined Version
Attachment 2 - Contra Costa LAFCO Conflict of Interest Code with Proposed Changes, Accepted

1.10 CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

A. Conflict of Interest

The Political Reform Act, Government Code §81000 ~~et~~se, seq. requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations §18730, which contains the terms of a standard Conflict of Interest Code. This standard Code can be incorporated by reference and may be amended by the FPPC after public notice and hearings to confirm to amendments in the Political Reform Act.

The terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the FPPC, are hereby incorporated by reference.

Pursuant to section 4 of the standard code, ~~persons serving in Designated Positions~~persons shall file statements of economic interest (Form 700) with the Executive Officer of the Commission.

The following ~~Designated Positions~~ shall must file statements of economic interest:

Commissioners and Alternate Commissioners
 Executive Officer
Legal Counsel
Executive Assistant
 Consultants*

* The disclosure by consultants is subject to the following limitation: The LAFCO Executive Officer may determine in writing that a particular consultant, including a consultant although filling 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 consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive 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.

Subject to the definitions set forth in the Political Reform Act and applicable regulations, disclosures shall be made in the following Disclosure Categories~~categories~~:

- 1) All sources of income, including gifts;
- 2) Interests in real property located in whole or in part within, or not more than two (2) miles outside, the boundaries of Contra Costa County; and
- 3) Investments and business positions in business entities located in or doing business in Contra Costa County.

B. Financial Disclosure

Pursuant to Government Code §56700.1, expenditures for political purposes related to an application must be disclosed. All applicants, including individual property owners and other representatives who are a party to a proceeding, are required to submit a financial disclosure statement as part of any application package [§84308]. Disclosures must be made in the same manner as disclosures for local initiative measures presented to the electorate.

Any applicant or an agent of an applicant who has made business or campaign contributions totaling \$250 or more to any Commissioner (regular or alternate) in the past twelve months, must disclose that fact —for the official record of the Commission §84308(d). The disclosure of any such contribution (including amount of contribution and name of recipient Commissioner/s) must be made: (1) in writing and delivered to the Executive Officer prior to the hearing on the matter; or (2) by oral declaration made at the time the hearing on the matter is opened.

LAFCO members are disqualified and are not able to participate in any proceeding involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant or any financially interested person who actively supports or opposes the LAFCO decision on the matter.

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