



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Rich Constantine
Susan Ellenberg
Sequoia Hall
Sergio Jimenez
Linda J. LeZotte
Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners

Cindy Chavez
Maya Esparza
Yoriko Kishimoto
Russ Melton
Terry Trumbull

Executive Officer
Neelima Palacherla

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE
Local Agency Formation Commission of Santa Clara County (LAFCO)

NOTICE IS HEREBY GIVEN that the Commission of the Local Agency Formation Commission of Santa Clara County (LAFCO) intends to amend LAFCO's Conflict of Interest Code pursuant to Government Code section 87300.

A conflict of interest code designates those employees, members, officers, and consultants who make or participate in the making of decisions which may affect financial interests and who must disclose those interests in financial disclosure statements. The amendment is being done pursuant to the biennial review of the Code required under Government Code section 87306.5 and to include a new position that is required to be designated.

The proposed amended Conflict of Interest Code will be considered by the Commission on August 5, 2020 at 1:15 p.m. at 70 West Hedding Street, 1st Floor, San Jose, California. The meeting will be conducted pursuant to the provisions of the Governor's Executive Order N-29-20 dated March 17, 2020 and will be held virtually only. Any interested person may be present telephonically and comment at the public meeting or may submit written comments concerning the proposed amended Code. Any comments or inquiries should be directed to the attention of Neelima Palacherla, Executive Officer, 777 North First Street, Suite 410, San Jose, CA 95112. Written comments must be submitted no later than August 5, 2020, at 1:15 p.m.

The proposed Code may also be reviewed at, and copies obtained from, the Executive Officer.

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

**CONFLICT OF INTEREST CODE OF THE
LOCAL AGENCY FORMATION COMMISSION
OF SANTA CLARA COUNTY**

The Political Reform Act, California Government Code sections 81000, et seq. (the “Act”), requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730), that contains the terms of a standard conflict of interest code, which can be incorporated by reference into an agency’s code. After public notice and hearing **Section Regulation** 18730 may be amended by the Fair Political Practices Commission to conform to amendments to 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 collectively constitute the Conflict of Interest Code (the “Code”) of the **Local Agency Formation Commission of Santa Clara County (“LAFCO”)**.

All officials and designated positions shall file their statements of economic interests with the **LAFCO Clerk**, as LAFCO’s Filing Official. If a statement is received in signed paper format, the **LAFCO Clerk** shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara’s Form 700 e-filing system, both the **LAFCO Clerk** and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The **LAFCO Clerk** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code section 81008).

Amended per County Counsel Notice dated ~~June 27, 2014~~ _____, 2020.

Approved by the County of Santa Clara Board of Supervisors Date: _____

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

LOCAL AGENCY FORMATION COMMISSION

OF SANTA CLARA COUNTY

EXHIBIT 'A'

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

LAFCO Officials who manage public investments, as defined by 2 California Code of Regulations section ~~18701(b)~~ 18700.3, are NOT subject to LAFCO's Code, but must file disclosure statements under Government Code section 87200, et seq. (2 California Code Regulations. §18730(b)(3).) These positions are listed here for informational purposes only.

It has been determined that LAFCO currently has no officials who manage public investments.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORY</u> <u>ASSIGNED</u>
Commissioner	1
Alternate Commissioner	1
Executive Officer	1
Assistant Executive Officer/ Analyst	1
General Counsel	1
<u>LAFCO Analyst</u>	<u>1</u>
Consultant	2
Newly Created Position	*

***Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in an agency's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Officer may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of

duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position'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. (Gov. Code Section 81008.)

As soon as the Commission has a newly created position that must file statements of economic interests, the Commission shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Commission shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Commission shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

EXHIBIT 'B'

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Disclosure Category 1: (a) All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of LAFCO; and (b) All interests in real property which is located in whole or in part within, or not more than two miles outside, the jurisdiction of LAFCO, or of any land owned or used by LAFCO.

Disclosure Category 2: Individuals serving as a consultant as defined in FPPC Reg ~~18701~~ 18700.3 must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate 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. 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.

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