

**SILICON VALLEY
ANIMAL CONTROL AUTHORITY**

AGENDA ITEM

Conflict of Interest Code

RECOMMENDED MOTION

That the Board of Directors adopt Resolution No. 2022-10 approving the 2022 biennial review of its Conflict of Interest Code.

DISCUSSION:

The Political Reform Act requires every local governmental agency to review its conflict of interest code every even-numbered year to determine if it is accurate or if it needs to be amended. The review includes reviewing the text of the Code, determining if any designated positions have been added or deleted, and ensuring disclosure categories remain accurate. Any changes to the Code, if necessary, are then forwarded to the County Board of Supervisors for approval.

Counsel of the Authority have reviewed the current version of the Code and determined that no amendments need to be made.

Staff recommends that the Board authorize the Executive Director to complete any and all required notifications to the Board of Supervisors regarding the Code.

DOCUMENTS ATTACHED

SVACA Conflict of Interest Code
SVACA Conflict of Interest Code-Resolution 2022-10

CONFLICT OF INTEREST CODE
SILICON VALLEY ANIMAL CONTROL AUTHORITY

Adopted on the ____ day of _____, 2016
by Resolution No. _____

Approved by the
Santa Clara County Board of Supervisors
on the ____ day of _____, 2016

SILICON VALLEY ANIMAL CONTROL AUTHORITY CONFLICT OF INTEREST CODE

The Political Reform Act of 1974 (Government Code Sections 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 of Regs. Section 18730) which contains the terms of a standard Conflict of Interest Code and can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix A, designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Silicon Valley Animal Control Authority, and replaces any previous Conflict of Interest Code adopted by the Authority.

Designated officials and employees shall file statements of economic interests with the Authority who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008) -If a statement is received in signed paper format, the Authority's filing official 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 Authority's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously.

***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 the Authority'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 Director 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 Director’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 Authority has a newly created position that must file statements of economic interests, the Authority 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 Authority 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 Authority 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.)

Appendix: Attached

APPENDIX

<u>DESIGNATED OFFICERS AND EMPLOYEES:</u>	<u>CATEGORY</u>
Executive Director	1
Consultant	2
Newly Created Position	*

GOVERNMENT CODE SECTION 87200 FILERS:

It has been determined that the following positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code section 87200:

Authority Member

Controller/Treasurer

DISCLOSURE CATEGORIES

Category 1. Persons in this category shall disclose:

- (1) all investments, business positions, and income (including gifts, loans and travel payments) from:
 - (a) any source that provides, plans to provide, or has provided in the last two years, leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Authority;
 - (b) any source that receives, is planning to apply to receive, or has received in the last two years, grants or other monies from or through the Authority; and
- (2) all interests in real property located entirely or partly within the Authority's boundaries, or within two miles of Authority boundaries, or of any land owned or used by the Authority.

Category 2. Consultants, as defined for purposes of the Political Reform Act, shall be

included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements described 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 Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Code. Attorneys for the Authority, as non-employees of the Authority, will be considered consultants for purposes of disclosure under this Code.

RESOLUTION NO. 2022-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY ANIMAL CONTROL AUTHORITY REVIEWING AND APPROVING ITS CONFLICT OF INTEREST CODE

BE IT RESOLVED BY THE SILICON VALLEY ANIMAL CONTROL AUTHORITY AS FOLLOWS:

WHEREAS, state law requires all public entities to adopt a Conflict of Interest Code and review it every even-numbered year; and

WHEREAS, the Silicon Valley Animal Control Authority (“Authority”) now desires to review and approve the current Conflict of Interest Code to conform to state law requirements for the biennial review.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SILICON VALLEY ANIMAL CONTROL AUTHORITY AS FOLLOWS:

1. That the Authority Board of Directors has reviewed the Conflict of Interest Code and finds it needs no amendment.
2. That the Authority Board of Directors approves the Conflict of Interest Code, in the form attached herein. The Authority Board of Directors further directs the Executive Director to complete and submit any and all necessary notifications, if any, to the Fair Political Practices Commission or other appropriate code reviewing body reflecting the review and approval of this Conflict of Interest Code.
3. Effective Date. This resolution shall become effective immediately.

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I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SILICON VALLEY ANIMAL CONTROL AUTHORITY AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2022, BY THE FOLLOWING

VOTE:

AYES:

NOES:

ABSENT:

Paul Resnikoff, Chairperson, Board of Directors
Silicon Valley Animal Control Authority

ATTEST:

Dan Soszynski
Executive Director/Board Secretary

Attachments incorporated by reference: None