

Agenda Date: September 20, 2010
Agenda Placement: Admin.
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terry Dressler, Air Pollution Control Officer

CONTACT: Sharyl K. Preskitt, 961-8828

SUBJECT: Conflict of Interest Code

RECOMMENDATIONS:

1. Adopt amendments to the Santa Barbara County Air Pollution Control District Conflict of Interest Code that reflect new job classifications created by the District.
2. Reinstate a prior amendment which was inadvertently omitted when the District's Conflict of Interest Code was last updated.

DISCUSSION:

The Political Reform Act, Government Code Section 81000 *et seq.* ("Act"), requires state and local agencies to adopt conflict of interest codes. (See Gov. Code Sections 87300 – 87301.) The Fair Political Practices Commission has adopted Title 2 of the California Code of Regulations, Section 18730, which contains the terms of standard conflict of interest and which may be incorporated by reference by local governmental agencies. Section 18730 is amended from time to time by the commission. The District last updated its Conflict of Interest Code in 2008.

Pursuant to the Act, the District is required to designate employees and consultants who are required to file annual statements of economic interest. The proposed amendments to the attached Conflict of Interest Code incorporate changes made to job classifications created by the District since the code was last amended in 2008.

When the District's Conflict of Interest Code was last amended in March of 2008, a previously adopted amendment to our Code was inadvertently omitted. In September of 2000, the District's Conflict of Interest Code was amended to authorize the Control Officer to exercise discretion regarding the applicability of disclosure requirements for consultants when consultants perform

duties for the District that are limited in scope and do not constitute “participation” in official governmental decision making that would require full financial disclosure under the Act. This provision allows the Control Officer to determine the scope of a consultants reporting requirements based on the scope of a consultants duties.

The omitted amendment required a public comment period which was held prior to its adoption in September of 2000. Therefore, because the amendment was inadvertently omitted in the last code revision in 2008 and removal of the amendment would also require a public comment period, the prior amendment has been added back into the District’s Code.

Pursuant to Government Code section 87303, the proposed Code amendments are not effective until adopted by the District and reviewed and approved by the “code-reviewing-body”. Pursuant to Government Code section 82011, the code-reviewing-body for any special district that exercises its jurisdiction entirely within the boundaries of a single county is the county board of supervisors. Therefore the proposed amendments must be forwarded to and approved by the Santa Barbara County Board of Supervisors.

Attachments (2)

1. Conflict of Interest Code
2. Resolution to adopt the updated Conflict of Interest Code