

RESOLUTION NO. G-2013-01

**A RESOLUTION OF THE GOVERNING BOARD OF THE
SANTA CLARA VALLEY HABITAT AGENCY
SETTING FORTH ITS CONFLICT OF INTEREST CODE**

WHEREAS, the Santa Clara Valley Habitat Agency ("Agency") is required to adopt a conflict of interest code pursuant to the California Political Reform Act of 1974 (the "Act"), Government Code section 81000 *et seq.*; and

WHEREAS, pursuant to Government Code sections 87300 and 87302, the Agency desires to adopt and incorporate by reference the terms of the standard model conflict of interest code adopted by the Fair Political Practices Commission ("FPPC") by Title 2, Division 6, California Code of Regulations (the "Regulations"), Section 18730; and

WHEREAS, the conflict of interest code adopted by the Agency by this Resolution will be submitted to the Board of Supervisors of the County of Santa Clara, as the code-reviewing body, for approval;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Santa Clara Valley Habitat Agency as follows:

1. Adoption. In accordance with Government Code sections 87300 and 87302, the Agency's Conflict of Interest Code is adopted by this Resolution and the Appendix attached hereto.
2. Conflict of Interest Code. The terms of Section 18730 of the Regulations, and any amendments to Section 18730 or to the Regulations, together with the Appendix attached to this Resolution and incorporated by reference constitute the Agency's Conflict of Interest Code.
3. Investment Managers. Pursuant to Government Code Section 87200, the members of the Agency's Governing Board and the Treasurer of the Agency are "public officials who manage public investments" and accordingly are subject to the disclosure and disqualification provisions set forth in Government Code Sections 87200 through and including 87210, and are not subject to the Conflict of Interest Code adopted by this Resolution, and shall submit their Statements of Economic Interests to the Secretary of the Agency who shall make and retain copies and forward the originals to the Clerk of the Board of Supervisors for the County of Santa Clara.

4. Consultants.

- a. Each "consultant" as defined by the Act and the Regulations, and any person in any other Designated Position as listed on the attached Appendix, is required to file the Form 700 Statement of Economic Interests with the Secretary of the Agency. If a statement is received in signed paper format, the Agency Secretary shall make and retain a copy and forward the original of this statement to the Clerk of the Board of Supervisors for the County of Santa Clara.
- b. Disqualification from Decision-Making. Nothing in this Resolution shall be construed to allow any consultant retained by the Agency to make or participate in making or in any way attempt to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. All agreements with consultants, whether or not such consultant is required to file a disclosure statement in accordance with this Resolution, shall provide that the consultant is obligated to disqualify himself or herself if a conflict of interest exists at any time during the term of the agreement.

5. E-Filing System. If a statement is electronically filed using the County of Santa Clara's Form 700 e-filing system, the filer is obligated to ensure that the statement is also filed with the Secretary of the Agency. The Agency Secretary shall retain a copy for the Agency's records.

6. Public Records. Copies of all Statements of Economic Interest retained by the Agency will be available for public inspection and reproduction pursuant to Government Code section 81008.

7. Submittal to Board of Supervisors; Effective Date. The Secretary of the Board is hereby directed to submit a certified copy of this Resolution to the Board of Supervisors of the County of Santa Clara, as the code-reviewing body, for approval. The effective date of the Agency Conflict of Interest Code is upon the date of approval of the Code by the County Board of Supervisors.

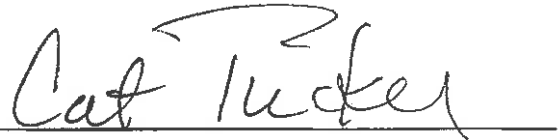
PASSED AND ADOPTED by the Governing Board of the Santa Clara Valley Habitat Agency on this 16th day of May, 2013, by the following vote:

AYES: Leroe-Muonz, Tucker, Tate, Constantine, Herrera, Khamis, Wasserman

NOES: None

ABSENT: Simitian

DISQUALIFIED: None



CAT TUCKER
Chair, Governing Board
Santa Clara Valley Habitat Agency

ATTEST:



MICHELLE WILSON
Secretary
Santa Clara Valley Habitat Agency

RESOLUTION ADOPTING CONFLICT OF INTEREST CODE

APPENDIX

A. Government Code section 87200 Filers:

Pursuant to Government Code section 87200, officials who manage public investments as defined by Title 2 of the California Code of Regulations section 18701(b) are subject to the disclosure requirements of the Political Reform Act and are required to file full Statements of Economic Interests. The Agency has determined that the holders of the positions listed below are officials who manage public investments for the Agency:

Agency Governing Board Member
Agency Treasurer

B. Designated Positions:

<u>Designated Position</u>	<u>Disclosure Category</u>
Member, Implementation Board	1
Executive Officer	1
Legal Counsel	1
Consultant	2

Disclosure Category 1: Persons in this category shall disclose:

- A. Any interest in real property which is located, in whole or in part: (1) within, or within two (2) miles, of the Study Area boundaries of the Santa Clara Valley Habitat Plan; (2) within, or within two (2) miles, of any land owned, used, or managed by the Santa Clara Valley Habitat Agency.
- B. Investments in any business entity of a type which has contracted with the Agency to provide services, supplies, materials, machinery, or equipment.
- C. Investments in any business entity which engages in the business of building construction or design within the County of Santa Clara.
- D. Investments in any business entity which engages in the business of brokerage, acquisition, or disposal of real property within the County of Santa Clara.

- E. Investments in any business entity which engages in the preparation of environmental review documents or real estate appraisals.
- F. Income (including gifts, loans, and travel payments) from any source of a type which has contracted with the Agency to provide services, supplies, materials, machinery, or equipment.
- G. Income (including gifts, loans, and travel payments) from sources which engage in the business of brokerage, acquisition or disposal of real property within the County of Santa Clara
- H. Income (including gifts, loans, and travel payments) from sources which engage in the business of brokerage, acquisition, or disposal, of real property within the County of Santa Clara.
- I. Any business position held in any:
 - a. Business entity of a type which has contracted with the Agency to provide services, supplies, materials, machinery, or equipment.
 - b. Business entity which engages in the business of building construction or design within the County of Santa Clara.
 - c. Business entity which engages in the business of brokerage, acquisition, or disposal of real property within the County of Santa Clara.
 - d. Business entity which engages in the preparation of environmental reviews and/or real estate appraisals.

Disclosure Category 2: Consultants shall file disclosure statements under the Category 1 unless the Agency Executive Officer has determined in writing that the Consultant is hired to perform a limited range of duties and thus shall not be required to fully comply with the disclosure requirements of Category 1. Such a written determination shall include a description of the consultant's duties and, based upon that description, a statement of the disclosure requirements imposed upon the Consultant. The Executive Officer's written determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

