

RESOLUTION NO. G-2014-02

**A RESOLUTION OF THE GOVERNING BOARD OF THE
SANTA CLARA VALLEY HABITAT AGENCY AMENDING ITS
CONFLICT OF INTEREST CODE TO ADD REPORTING
REQUIREMENTS FOR THE PUBLIC ADVISORY COMMITTEE**

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 is required to be submitted to the Board of Supervisors of the County of Santa Clara, as the code-reviewing body, for approval; and

WHEREAS, the conflict of interest code was adopted by the Agency on May 16, 2013 by Resolution No. G-2013-01; and

WHEREAS, the conflict of interest code was amended by the Agency on June 20, 2013 by Resolution No. G-2013-07, and was approved by the County Board of Supervisors on August 13, 2013; and

WHEREAS, the Governing Board has considered the functions of the Agency's Public Advisory Committee ("PAC") and desires to add the PAC to the conflict of interest code for reporting purposes.

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 and Designated Positions.
 - 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.
 - 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. Filing of Form 700
 - a. Paper Format. 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. E-Filing System. If a statement is electronically filed using the County of Santa Clara's Form 700 e-filing system, both the Agency and the County of Santa Clara Clerk of the Board of Supervisors will receive notice and access to the e-filed Statement simultaneously. The Agency Secretary

shall retain a copy for the Agency's records. An Agency filer must ensure that the Agency has received the e-filed Statement.

6. Filing Official. The Secretary of the Agency is hereby designated as the Agency's filing official.
7. 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.
8. 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 January 2014, by the following vote:

AYES: Tucker, Siebert, Herrera, Wasserman, Simitian, Leroe-Munoz, Tate
NOES:
ABSENT: Khamis
DISQUALIFIED:



CAT TUCKER
Chair, Governing Board
Santa Clara Valley Habitat Agency

ATTEST:



MICHELLE WILSON
Secretary
Santa Clara Valley Habitat Agency

❧ CERTIFICATION ❧

I, MICHELLE WILSON, SECRETARY OF THE SANTA CLARA VALLEY HABITAT AGENCY, do hereby certify that the foregoing is a true and correct copy of Resolution No. G-2014-002, adopted by the Santa Clara Valley Habitat Agency at its regular meeting held on the 16th day of January 2014.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 1/17/14


MICHELLE WILSON, Secretary

**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
Member, Public Advisory Committee	1
Consultant	2
Newly Created Position	Interim

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 any source which engages in the business of building construction or design 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. Income (including gifts, loans, and travel payments) from sources which engage in the preparation of environmental review documents or real estate appraisals.
- J. 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.

Disclosure Category Interim: The Executive Officer shall have the authority to designate positions for disclosure required by the resolution on an interim basis pending review within 90 days after the date of hire of the designated position by the Governing Board pursuant to Government Code section 87306, at which time interim designations may be incorporated herein. Such interim designations shall be made if the Executive Officer determines that the position entails the making or participating in the making of

decisions which may foreseeably have a material effect on financial interests. Such interim designated positions shall file disclosure statements under the Category 1 unless the Executive Officer has determined in writing that the interim designated position shall perform a limited range of duties and thus shall not be required to fully comply with the disclosure requirements of Category 1.

Notice of Newly Created Position. As soon as the Agency has a newly created position that must file statements of economic interests, the Secretary of the Agency 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 Agency shall ensure that any individual(s) holding the newly created position is entered under that position title in eDisclosure.