

Conflict of Interest Code

Reviewed and Amended 12/13/2022
Reviewed and Amended 04/19/2022
Reviewed and Amended 12/09/2021
Reviewed and Amended 10/22/2020
Reviewed and Amended 9/12/2019
Reviewed and Amended 10/16/2018
Reviewed and Amended 5/9/2018
Reviewed and Amended 5/26/2016
Reviewed and Amended 11/12/2015
Reviewed and Amended 9/25/2014
Reviewed and Amended 9/11/2014
Reviewed and Amended 8/23/2012
Reviewed and Amended 8/26/2010 and 1/13/2011
Reviewed and Amended 3/13/2008
Reviewed 7/31/06
Reviewed on 8/1/04
Reviewed and Amended 1/23/03
Adopted by Board of Directors 2/23/95

Section 3.00

The Political Reform Act (Government Code section 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. Sec. 18730) containing the terms of a standard conflict of interest code, which can be incorporated by reference into an agency's code. Therefore, the terms of 2 Cal. Code of Regs. Sec. 18730, and any amendment duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and made a part hereof. The attached Appendix designating officials and employees and establishing disclosure categories, as well as 2 Cal. Code of Regs. Sec. 18730, as duly amended from time to time by the California Fair Political Practices Commission, shall constitute the conflict of interest code of the SANTA CLARA VALLEY OPEN SPACE AUTHORITY.

[The most current version of 2 Cal. Code of Regs. Sec. 18730 is available on the website of the Fair Political Practices Commission (<https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730Provisions-of-Conflict-of-Interest-Codes.pdf>)]

Designated employees shall file their statements with the SANTA CLARA VALLEY OPEN SPACE AUTHORITY, which will make the statements available for public inspection and reproduction. Statements of Economic Interests are public records open for public inspection and reproduction pursuant to Government 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 thee-filed statement simultaneously.

Section 3.01 APPENDIX

(a)	<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
	Board Member	1
	General Manager	1
	Assistant General Manager	1
	Field Operations Manager	1
	External Affairs Manager	1
	Fiscal Services Officer	1
	Grants Program Manager	1

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Planning Manager	1
Staff Accountant	3
Real Property Program Manager	1
Expenditure Plan Oversight Committee Member	1
Consultant	2
Clerk of the Board	1
Deputy Clerk of the Board	1
Community Impact and Policy Specialist	1
Human Resources Officer	3
Real Property Coordinator	1
Natural Resources Manager	1
Newly Created Position	*

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 General Manager of the Authority 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 General Manager'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 Sec. 81008.)

As soon as the Authority has a newly created position that must file statements of economic interests, the Authority's Filing Official 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's filing official 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.)

(a) **Disclosure Categories**

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 miles of the boundaries of the Santa Clara Valley Open Space Authority; (2) within or within two miles of any other geographical area in which the Santa Clara Valley Open Space Authority has jurisdiction; or (3) within or within two miles of any land owned by or used by the Santa Clara Valley Open Space Authority.
- B. Investments in any business entity of a type which has contracted with the Authority to provide services, supplies, materials, machinery, equipment, or leased facilities.
- C. Investments in any business entity which engages in the business of building construction or design within the jurisdiction of the Authority.
- D. Investments in any business entity which engages in the business of brokerage, acquisition, or disposal of real property within the jurisdiction of the Authority.

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- E. Investments in any business entity which engages in the preparation of environmental review and/or land appraisals.
- F. Investments in any business entity which receives, is planning to receive, or has received grants through the Authority.
- G. Income (including gifts, loans, and travel payments) from any source of a type which has contracted with the Authority to provide services, supplies, materials, machinery, equipment, or leased facilities.
- H. Income (including gifts, loans, and travel payments) from sources which engage in the business of building construction or design within the jurisdiction of the Authority.
- I. Income (including gifts, loans, and travel payments) from sources which engage in the business of brokerage, acquisition or disposal of real property within the jurisdiction of the Authority.
- J. Income (including gifts, loans, and travel payments) from sources which engage in the preparation of Environmental Impact Reports and/or land appraisals.
- K. Income (including gifts, loans, and travel payments) from sources which receive, are planning to receive, or have received grants through the Authority.
- L. Any business position held in any:
 - 1. Business entity of a type which has contracted with the Authority to provide services, supplies, materials, machinery, equipment, or leased facilities.
 - 2. Business entity which engages in the business of building construction or design within the jurisdiction of the Authority.
 - 3. Business entity which engages in the business of brokerage, acquisition or disposal of real property within the jurisdiction of the Authority.
 - 4. Business entity which engages in the preparation of environmental review and/or land appraisals.
 - 5. Business entity which receives, is planning to receive, or has received grants through the Authority.

Disclosure Category 2 - Consultants

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the conflict of interest code (Category 1) subject to the following limitation: The General Manager of the Authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a 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 General Manager'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.

For purposes of the Political Reform Act, a "Consultant" is an individual who, pursuant to a contract with the Authority:

- (1) Makes a governmental decision whether to:

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- (A) Approve a rate, rule, or regulation;
 - (B) Adopt or enforce a law;
 - (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
 - (E) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
 - (F) Grant agency approval to a plan, design, report, study, or similar item;
 - (G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (2) Serves in a staff capacity with the Authority and in that capacity participates in making a governmental decision as defined in 2 Cal. Code Regs. Sec. 18704(a) and (b) or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Authority's Conflict of Interest Code under Section 87302. (2 Cal. Code Regs. Sec. 18700.3).

Disclosure Category 3

Persons in this category shall disclose:

- A. Investments in any business entity of a type which has contracted with the Authority to provide services, supplies, materials, machinery, equipment, or leased facilities.
- B. Investments in any business entity which engages in the business of building construction or design within the jurisdiction of the Authority.
- C. Investments in any business entity which engages in the business of brokerage, acquisition, or disposal of real property within the jurisdiction of the Authority.
- D. Investments in any business entity which engages in the preparation of environmental review and/or land appraisals.
- E. Investments in any business entity which receives, is planning to receive, or has received grants through the Authority.
- F. Income (including gifts, loans, and travel payments) from any source of a type which has contracted with the Authority to provide services, supplies, materials, machinery, equipment, or leased facilities.
- G. Income (including gifts, loans, and travel payments) from sources which engage in the business of building construction or design within the jurisdiction of the Authority.
- 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 jurisdiction of the Authority.
- I. Income (including gifts, loans, and travel payments) from sources which engage in the preparation of Environmental Impact Reports and/or land appraisals.
- J. Income (including gifts, loans, and travel payments) from sources which receive, are planning to receive, or have received grants through the Authority.
- K. Any business position held in any:

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1. Business entity of a type which has contracted with the Authority to provide services, supplies, materials, machinery, equipment, or leased facilities.
2. Business entity which engages in the business of building construction or design within the jurisdiction of the Authority.
3. Business entity which engages in the business of brokerage, acquisition or disposal of real property within the jurisdiction of the Authority.
4. Business entity which engages in the preparation of environmental review and/or land appraisals.
5. Business entity which receives, is planning to receive, or has received grants through the Authority.

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RESOLUTION 22-82

**A RESOLUTION OF THE GOVERNING BOARD OF
THE SANTA CLARA VALLEY OPEN SPACE AUTHORITY APPROVING THE
BIENNIAL REVIEW AND AMENDMENT OF POLICY BRD-030
THE OPEN SPACE AUTHORITY CONFLICT OF INTEREST CODE**

WHEREAS, under California’s Political Reform Act, the Board of Directors of the Santa Clara Valley Open Space Authority adopted a Conflict of Interest Code, and is required to review it every even-numbered year; and

WHEREAS, the Santa Clara County Board of Supervisors acts as the code-reviewing body for the independent local government agencies located within Santa Clara County; and

WHEREAS, the Authority received a memo from the Office of the Santa Clara County Counsel notifying the Authority of its obligation to perform a biennial review of its Conflict of Interest Code; and

WHEREAS, the Authority is required to notify the County of its review and adoption of any amendments to the Authority’s Conflict of Interest Code on or before October 31, 2022; and

WHEREAS, the Authority’s Legal Counsel reviewed the Authority’s Conflict of Interest Code and recommends that changes are required to the Authority’s current Conflict of Interest Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the Authority has reviewed, and approves of the amendments to, the Open Space Authority Conflict of Interest Code.

BE IT FURTHER RESOLVED, that the Governing Board of the Authority directs the General Manager to submit the Conflict of Interest Code to the Office of the Santa Clara County Counsel by the deadline of October 31, 2022 for approval by the County of Santa Clara Board of Supervisors.

PASSED, APPROVED AND ADOPTED this 13th day of October 2022 by the following vote:

- AYES: A. Kennett, M. Flaughner, H. Chapman, V. Alexander, M. Potter, K. Gill
- NOES: None
- ABSTAIN: None
- ABSENT: None



Kalvin Gill, Chairperson
Santa Clara Valley Open Space Authority



APPROVED AS TO FORM:



William P. Parkin, Legal Counsel

ATTEST:



Kellie Guerra, Clerk of the Board