

Agenda Date: August 16, 2018  
Agenda Placement: Admin.  
Estimated Time: N/A  
Continued Item: No

## Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer

CONTACT: Sara Hunt, Executive Assistant/Board Clerk (805-961-8853)

SUBJECT: Conflict of Interest Code Update

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### RECOMMENDATION:

Adopt a resolution adopting amendments to the Santa Barbara County Air Pollution Control District Conflict of Interest Code that reflect revised job classifications approved by the Board since the last code amendment in 2016.

### 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.

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 approved by the Board since the code was last amended in 2016.

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:

- A. Conflict of Interest Code in Track-Changes
- B. Resolution to adopt the updated Conflict of Interest Code

ATTACHMENT A

Santa Barbara County  
Air Pollution Control District  
Conflict of Interest Code in Track-Changes

August 16, 2018

Santa Barbara County Air Pollution Control District  
Board of Directors

260 San Antonio Road, Suite A  
Santa Barbara, California 93110

**CONFLICT OF INTEREST CODE  
FOR THE  
SANTA BARBARA COUNTY  
AIR POLLUTION CONTROL DISTRICT**

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 California. Administrative Code section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of 2 California Administrative Code section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and along with the attached Appendices "A" and "B" in which officials, consultants, and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Santa Barbara County Air Pollution Control District.

Pursuant to Section 4 of the Standard Code, designated officers, employees and consultants shall file statements of economic interest with the District. Upon receipt of the statements by the Control Officer, the District shall make and retain a copy and file the original with the Elections Division of the Santa Barbara County Clerk-Recorder's Office, 1100 Anacapa Street, Santa Barbara, California, or at such other location as is hereinafter designated by the Clerk-Recorder.

## APPENDIX A

### Designated Positions

### Disclosure Categories

Persons occupying the following positions are designated employees and must disclose financial interests in those categories described in Appendix B which are listed opposite their respective designated positions:<sup>1</sup>

1. Air Pollution Control Officer.....	1,2,3,4,5
2. Division Manager.....	1,2,3,4,5
<del>3. Administrative Manager.....</del>	<del>1,2,3,4,5</del>
<del>5. Human Resources Officer.....</del>	<del>1,2,3,4,5</del>
<del>7. Information Technology &amp; Monitoring Supervisor.....</del>	<del>1,2,3,4,5</del>
<del>9.3. Air Quality Engineering Division Supervisor.....</del>	<del>1,2,3,4,5</del>
10. Accounting Supervisor.....	1,2,3,4,5
<del>12. Planning and Grants Program Supervisor.....</del>	<del>1,2,3,4,5</del>
<del>14. Community Programs Supervisor.....</del>	<del>1,2,3,4,5</del>
<del>16. Inspection Specialist I,II,III.....</del>	<del>1,2,3,4,5</del>
18.4. Air Quality Engineer I,II,III.....	1,2,3,4,5
19.5. Air Quality Specialist I,II,III.....	1,2,3,4,5
<del>20.6. Public Information and Education Specialist Officer.....</del>	<del>1,2,3,4,5</del>
<del>7. Principal Monitoring Specialist I,II,III.....</del>	<del>1,2,3,4,5</del>
<del>21.8. Executive Assistant/Board Clerk.....</del>	<del>1,2,3,4,5</del>
<del>22. EDP Systems and Programming Analyst I,II,III.....</del>	<del>1,2,3,4,5</del>

<sup>1</sup> In listing the various designated positions the job title shown in the Basic Salary Classification Plan should be used. No employee who performs purely ministerial, clerical, or service functions shall be a designated employee.

[24.9.](#) District Counsel .....1,2,3,4,5

[25.10.](#) Consultant<sup>2</sup> .....1,2,3,4,5

[26.11.](#) Governing Board Member<sup>3</sup> .....1,2,3,4,5

[27.12.](#) Hearing Board Member .....1,2,3,4,5

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<sup>2</sup> Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Control Officer 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 is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultants duties and, based upon that description, a statement of the extent of disclosure requirements. The Control Officer’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.

<sup>3</sup> Pursuant to Title 2, Section 18730(b)(3), Governing Board members who are County Board of Supervisors do not need to file an expanded Conflict of Interest statement pursuant to this District Code.

## **APPENDIX B**

### **CATEGORIES OF DISCLOSURES**

#### **CATEGORY 1**

Interests in real property which is located in whole or in part within the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is \$1,000 or more.

#### **CATEGORY 2**

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition, or disposal of, real property within the jurisdiction of the District.

#### **CATEGORY 3**

Business positions or investments in and income from any source or sources of income, if:

- a) The business entities or the source or sources of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if
- b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services, supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

#### CATEGORY 4

Business positions or investments in business entities and income from any source or sources of income, if:

a) The business entities or the source or sources of income are of the type which, within the previous two years, have furnished or contracted to furnish, in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contact with the District to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if

b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services, supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

#### CATEGORY 5

Business positions or investments in business entities and income from any source or sources of income, if:

a) The business entities or the source or sources of income are of the type which are subject to the regulation or supervision of the District; and if

b) The designated employee's duties involve the supervision or regulation (including the issuance or grant of franchises, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.

**ATTACHMENT B**

**Resolution to Adopt Updated  
Santa Barbara County  
Air Pollution Control District  
Conflict of Interest Code**

**August 16, 2018**

**Santa Barbara County Air Pollution Control District  
Board of Directors**

**260 San Antonio Road, Suite A  
Santa Barbara, California 93110**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SANTA BARBARA COUNTY  
AIR POLLUTION CONTROL DISTRICT**

IN THE MATTER OF AMENDMENTS TO  
THE SANTA BARBARA COUNTY AIR  
POLLUTION CONTROL DISTRICT'S  
CONFLICT OF INTEREST CODE

APCD RESOLUTION NO. \_\_\_\_\_

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**RECITALS**

**WHEREAS**, the District is a public "agency" which is required to adopt a Conflict of Interest Code pursuant to Political Reform Act, Government Code section 81000 *et seq.*; and

**WHEREAS**, the District Adopted a Conflict of Interest Code in 1989 and it has been subsequently amended; and

**WHEREAS**, the District's Conflict of Interest Code is in need of amendment to reflect the job classification changes that have been approved by the Board since the last code amendment.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, as follows:

1. The Board has determined that the proposed amendments are necessary and proper and should be made part of the District's Conflict of Interest Code.
2. The Board hereby adopts the proposed amendments to the Conflict of Interest Code, which is attached to this Resolution.
3. The Board authorizes the Control Officer to transmit the amended Conflict of Interest Code to the code-reviewing-body in compliance with Government Code section 87303.
4. Additionally, the Board authorizes the Control Officer to do any other acts necessary and proper to obtain necessary approvals of the Conflict of Interest Code as amended on this day.

APCD RESOLUTION TO AMEND THE SANTA BARBARA  
COUNTY AIR POLLUTION CONTROL DISTRICT'S  
CONFLICT OF INTEREST CODE

**PASSED, APPROVED AND ADOPTED** by the Air Pollution Control District Board of  
the Santa Barbara County, State of California, this 16<sup>th</sup> day of August, 2018, by the following  
vote:

Ayes:

Noes:

Abstain:

Absent:

SANTA BARBARA COUNTY  
AIR POLLUTION CONTROL DISTRICT

**ATTEST:**

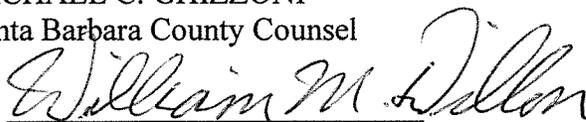
AERON ARLIN GENET  
Clerk of the Board

By \_\_\_\_\_  
Deputy

By \_\_\_\_\_  
Chair

**APPROVED AS TO FORM:**

MICHAEL C. GHIZZONI  
Santa Barbara County Counsel

By   
Deputy

**APPROVED AS TO FORM:**

THEODORE A. FALLATI, CPA, CPFO  
Auditor-Controller

By   
Deputy

**CONFLICT OF INTEREST CODE  
FOR THE  
SANTA BARBARA COUNTY  
AIR POLLUTION CONTROL DISTRICT**

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**APPENDIX A**

Designated Positions

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2. Division Manager.....	1,2,3,4,5
3. Division Supervisor.....	1,2,3,4,5
4. Air Quality Engineer I,II,III.....	1,2,3,4,5
5. Air Quality Specialist I,II,III.....	1,2,3,4,5
6. Public Information Officer.....	1,2,3,4,5
7. Principal Monitoring Specialist.....	1,2,3,4,5
8. Executive Assistant/Board Clerk .....	1,2,3,4,5
9. District Counsel .....	1,2,3,4,5
10. Consultant <sup>2</sup> .....	1,2,3,4,5
11. Governing Board Member <sup>3</sup> .....	1,2,3,4,5
12. Hearing Board Member .....	1,2,3,4,5

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<sup>1</sup> In listing the various designated positions the job title shown in the Basic Salary Classification Plan should be used. No employee who performs purely ministerial, clerical, or service functions shall be a designated employee.

<sup>2</sup> Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Control Officer 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 is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultants duties and, based upon that description, a statement of the extent of disclosure requirements. The Control Officer’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.

<sup>3</sup> Pursuant to Title 2, Section 18730(b)(3), Governing Board members who are County Board of Supervisors do not need to file an expanded Conflict of Interest statement pursuant to this District Code.

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#### **CATEGORY 2**

Business positions or investments in or income from persons or business entities engaged in the appraisal, acquisition, or disposal of, real property within the jurisdiction of the District.

#### **CATEGORY 3**

Business positions or investments in and income from any source or sources of income, if:

- a) The business entities or the source or sources of income are of the type which, within the previous two years, have provided or contracted to provide, or in the future with reasonable foreseeability might provide or contract to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if
- b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services, supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

#### CATEGORY 4

Business positions or investments in business entities and income from any source or sources of income, if:

a) The business entities or the source or sources of income are of the type which, within the previous two years, have furnished or contracted to furnish, in the future with reasonable foreseeability might furnish or contract to furnish services, supplies, materials, machinery or equipment as a subcontractor in any contact with the District to provide services, supplies, materials, machinery or equipment to or for the use of the District; and if

b) Within the previous two years, the designated employee has made, participated in making, or in any way has attempted to use his or her official position to influence, the governmental decision to obtain or procure services, supplies, materials, machinery or equipment of the same or a similar type as those so provided or contracted to be provided to the District.

#### CATEGORY 5

Business positions or investments in business entities and income from any source or sources of income, if:

a) The business entities or the source or sources of income are of the type which are subject to the regulation or supervision of the District; and if

b) The designated employee's duties involve the supervision or regulation (including the issuance or grant of franchises, building permits or other use or business permits or any other land use control or regulation) of that type of business entity or source of income.