

STAFF REPORT
Meeting Date: July 21, 2004

Agenda Item 11

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: Conflict of Interest Code Amendment

RECOMMENDATION:

Adopt the attached Resolution amending the conflict of interest code.

DISCUSSION:

The California Government Code requires local government agencies to adopt a conflict of interest code. The Government Code also specifies that the Board of Supervisors is the code reviewing body for any local government agency with jurisdiction wholly within the County. LAFCO is a local government agency as defined by these provisions of the government code. The Commission first adopted a conflict of interest code in 1993. It was last amended in 2000, after the adoption of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The current conflict of interest code is contained in Division 1, Chapter 2 of the Commissioner's Handbook (pages 5 and 6).

The Government Code requires that LAFCO biennially review its conflict of interest code in even numbered years to determine if the existing code is current or in need of amendment. A written statement stating whether the code is current or transmitting any amendments must be filed with the Clerk of the Board of Supervisors no later than October 1, 2004.

Within the last two years the Commission has approved changes in classification and title for what was a Planner position and what is now the LAFCO Analyst position. The Conflict of Interest Code should be amended to recognize this change in classification/ title. Also within the last two years the Commission has changed the classification and

COMMISSIONERS AND STAFF

COUNTY: Kathy Long Linda Parks <i>Alternate:</i> Steve Bennett	CITY: Evaristo Barajas, Chair Don Waunch <i>Alternate:</i> John Zaragoza	SPECIAL DISTRICT: Jack Curtis, Vice Chair Dick Richardson <i>Alternate:</i> Ted Grandsen	PUBLIC: Louis Cunningham <i>Alternate:</i> Kenneth M. Hess
EXECUTIVE OFFICER: Everett Millais	LAFCO ANALYST: Hollie Brunsky	OFFICE MANAGER/CLERK: Debbie Schubert	LEGAL COUNSEL: Leroy Smith

title for what was an Administrative Assistant position to a management classification with the title of Office Manager/Clerk of the Commission. This change in classification also recognized that the Office Manager/Clerk of the Commission positions functions as the LAFCO fiscal officer. Because of the change in status for this position, it is recommended that it be added to the list of designated positions.

The recommended changes are strictly to ensure that the designated positions in the conflict of interest code are current. They do not alter the requirements to file annual conflict of interest statements by the Commissioners, nor are any of the disclosure categories changed.

Attachments

- Amended Conflict of Interest Code in “legislative format” with additions underlined and deletions lined through.
- Resolution Amending the Conflict of Interest Code as recommended.

**AMENDED CONFLICT OF INTEREST CODE OF THE
VENTURA LOCAL AGENCY FORMATION COMMISSION
AS RECOMMENDED JULY 21, 2004**

(Additions underlined; Deletions lined through)

The Ventura Local Agency Formation Commission hereby amends its Conflict of Interest Code adopted in 1993 and as amended in 2000. The Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (Cal. Code Regs., title 2, § 18730), which contains the terms of a standard Conflict of Interest Code (“standard code”), 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 California Code of Regulations (hereafter “Regulations”), title 2, 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 Exhibit A in which officials and employees are designated and disclosure categories are set forth, shall constitute the Conflict of Interest Code of the Ventura Local Agency Formation Commission.

For designated persons who are officials specified in Government Code section 87200 (e.g., members of the Board of Supervisors or members of city councils), this code does not establish additional disclosure obligations within the geographic area already encompassed within the territorial jurisdiction of the office held by any such official. (See Gov. Code, § 87200 et seq. and Regulations, title 2, § 18730, subd. (b).) With respect to areas of jurisdiction of the Commission beyond the foregoing, any such official may satisfy his or her filing obligations under this code, when appropriate, by filing an expanded statement of economic interest as permitted by Regulations, title 2, section 18730, footnote 1.

Pursuant to section 4 of the standard code, designated persons shall file statements of economic interests with the Executive Officer of the Commission. Upon receipt of the statement of a board member, alternate board member, or executive officer, the executive officer shall make and retain a copy and forward the original of the statement to the County Clerk. The statements of other designated persons shall be retained as part of the Commission’s files. The County Clerk and the Commission shall retain all such filings as required by law at the Ventura County Government Center and at the Commission’s offices, respectively. However, to avoid unnecessary duplication of filings, where a designated person files another required disclosure statement with an office or agency located at the Ventura County Government Center, which filing meets or exceeds the individual’s disclosure requirements under this code, then no additional filing under this code is required.

Exhibit A

**VENTURA LOCAL AGENCY FORMATION COMMISSION AMENDED CONFLICT
OF INTEREST CODE ADOPTED ~~SEPTEMBER 20, 2000~~ JULY 21, 2004**

Designated Positions

Commissioners and Alternate Commissioners

Executive Officer

Planner-III LAFCO Analyst

Legal Counsel

Consultants*

Disclosure Categories

Subject to the definitions set forth in the Political Reform Act and applicable regulations, disclosures shall be made in the following categories:

1. All sources of income;
2. Interests in real property; and
3. Investments and business positions in business entities.

* The disclosure by consultants is subject to the following limitation: The Executive Officer may determine in writing that a particular consultant, although filling 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 consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive 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.

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION AMENDING THE
COMMISSION'S CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, California Government Code Section 81000 et seq. requires local government agencies to adopt and promulgate Conflict of Interest Codes; and

WHEREAS, the Ventura Local Agency Formation Commission (LAFCO) adopted a Conflict of Interest Code in 1993 and made non-substantive amendments in 2000, and

WHEREAS, California Government Code Section 87306 requires Conflict of Interest Codes be amended when a change is necessitated by changed circumstances, including the creation of new positions; and

WHEREAS, California Government Code Section 87306.5 requires every local agency to review its Conflict of Interest Code in even-numbered years and, if a change is necessitated by changed circumstances, to submit an amended Conflict of Interest Code to the County Board of Supervisors by October 1; and

WHEREAS, the Commission in January 2004 established new classifications for LAFCO Analyst, in place of the prior classification for Planner III, and the conflict of interest code should be updated to reflect this change;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Ventura Local Agency Formation Commission hereby:

- (1) Amends its Conflict of Interest Code as set forth in Attachment A, attached hereto and made a part hereof.
- (2) Directs the Executive Officer to file this amended Conflict of Interest Code with the Clerk of the Ventura County Board of Supervisors no later than October 1, 2004.
- (3) Directs the Executive Officer to compile this amendment in a format to replace Division 1 – Operational Rules & Regulations, Chapter 2 – Amended Conflict of Interest Code, in the Commissioner's Handbook and distribute the replacement Commissioner's Handbook pages to interested parties.

This resolution was adopted on July 21, 2004.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Ventura Local Agency Formation Commission

Attachment A

AMENDED CONFLICT OF INTEREST CODE OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION

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Pursuant to section 4 of the standard code, designated persons shall file statements of economic interests with the executive officer of the Commission. Upon receipt of the statement of a board member, alternate board member, or executive officer, the executive officer shall make and retain a copy and forward the original of the statement to the County Clerk. The statements of other designated persons shall be retained as part of the Commission’s files. The County Clerk and the Commission shall retain all such filings as required by law at the Ventura County Government Center and at the Commission’s offices, respectively. However, to avoid unnecessary duplication of filings, where a designated person files another required disclosure statement with an office or agency located at the Ventura County Government Center, which filing meets or exceeds the individual’s disclosure requirements under this code, then no additional filing under this code is required.

Exhibit A

Ventura Local Agency Formation Commission Amended Conflict of Interest Code Adopted July 21, 2004

Designated Positions

Commissioners and Alternate Commissioners

Executive Officer

LAFCO Analyst

Legal Counsel

Consultants*

Disclosure Categories

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