

**ALAMEDA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER**

The following action was taken by the Alameda County Board of Supervisors on 10/20/2020

Approved as Recommended

Other

Unanimous **Chan:** **Haggerty:** **Miley:** **Valle:** **Carson:** - **5**

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. _____

Item No. 59

Copies sent to:

Alma Balmes & Rachel Jones

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:

Clerk of the Board
Board of Supervisors

By: _____

Rhonda Bailey

Deputy

September 23, 2020

Honorable Board of Supervisors
County Administration Building
1221 Oak Street, Suite 555
Oakland, CA 94612

SUBJECT: Conflict of Interest Code of the Alameda Local Agency Formation Commission

Dear Board of Supervisors:

The Political Reform Act (Government Code 81000, *et seq.*) requires every local government agency to adopt and promulgate a conflict of interest code and to biennially review its conflict of interest code to determine if it is accurate or requires an amendment. Alameda Local Agency Formation Commission determined that an amendment was needed to reflect its current designated employees, which includes the LAFCO Analyst position.

The amended conflict of interest code was approved by Alameda LAFCO at its regular meeting held on September 10, 2020. Alameda LAFCO requests that the Board of Supervisors approve the amended conflict of interest code of Alameda LAFCO.

Respectfully,



Rachel Jones
Executive Officer

Attachment: Alameda LAFCO Amended Conflict of Interest Code

CONFLICT OF INTEREST CODE

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

1. Standard Code of FPPC

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 Alameda Local Agency Formation Commission ("Commission") is therefore required to adopt such a code.

The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 California Code of Regulations section 18730) that contains the terms of a standard conflict of interest code, which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act following public notice and hearing.

2. Adoption of Standard Code of FPPC

Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments or revisions adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendix designating officials and positions and establishing disclosure categories shall constitute the Conflict of Interest Code of the Commission. This code shall take effect when approved by the Alameda County Board of Supervisors, and replace any prior adopted code.

3. Filing of Statements of Economic Interests

Designated employees and public officials who manage public investments shall file statements of economic interests with the Commission Clerk. The Commission shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008.

APPROVED AND ADOPTED by the Alameda Local Agency Formation Commission on the 10th day of September, 2020.

/Scott Haggerty/

Scott Haggerty, Chair
Alameda Local Agency Formation Commission

I hereby certify that the foregoing is a correct copy of a conflict of interest code adopted by the Alameda Local Agency Formation Commission.



Attest: _____

Rachel Jones
LAFCO Executive Officer

APPENDIX TO

**CONFLICT OF INTEREST CODE
OF THE
ALAMEDA LOCAL AGENCY FORMATION COMMISSION**

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from the Commission's Legal Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by Legal Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on Legal Counsel's opinion as evidence of good faith. In addition, the Commission may consider whether such reliance should constitute a mitigating factor to any disciplinary action that the Commission may bring against the requesting party under Government Code section 91003.5.

I. Designated Employees

<u>Designated Position</u>	<u>Disclosure Category</u>
Each Commissioner	1
Each Alternate Commissioner	1
Executive Officer	1
Clérk	2
Analyst	1
Legal Counsel	1
Consultants/Planner	1*
New Position	1*

* With respect to consultants and new positions, the Executive Officer may determine that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall include a description of the consultant's or new position'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 by the Commission in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

II. Disclosure Categories

1. All investments and business positions in business entities, sources of income and interests in real property.
2. All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Commission.