

ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

The following action was taken by the Alameda County Board of Supervisors on 12/20/2022

Approved as Recommended ☒ Other ☐

Unanimous ☐ Brown: ☐ Haubert: ☐ 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. 30931
Item No. 51

Copies sent to:

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: 
Deputy



December 12, 2022

The Honorable Board of Supervisors
C/O Clerk of the Board
County Administration Building
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear Board Members:

SUBJECT: Approval of Amended Conflict of Interest Code for First 5 Alameda County

RECOMMENDATION

Approve and adopt an amended Conflict of Interest Code for First 5 Alameda County.

SUMMARY/DISCUSSION/FINDINGS

The Political Reform Act (Government Code Section 81000, et. Seq.) requires every local government agency to review its Conflict of Interest code biennially to determine if it is accurate or alternately, if the code should be amended.

First 5 Alameda County staff worked with agency legal counsel, James Harrison of Olson Remcho on revisions to the Conflict of Interest Code to ensure compliance with legal requirements. The First 5 Alameda County Commission's Executive Committee reviewed and approved revisions to its Code on May 26, 2022 and approved additional revisions on August 11, 2022 to the Designated Employees required to disclose.

On May 26, 2022, revisions to the code were approved by the First 5 Alameda County Commission's Executive Committee on the addition of language around legal authority, updates to the designated positions required to disclose and the assigned disclosure category.


On August 11, 2022, additional revisions were approved by the First 5 Alameda County Commission's Executive Committee on Conflict of Interest Disclosure Categorization, Appendix B Designated Employees including the deletion of titles and addition of new titles of designated employees.

Your Board is requested to approve the attached revised Conflict of Interest Code.

FINANCIAL CONSIDERATIONS

There is no increase to County or First 5 Alameda County costs as a result of this action.

Respectfully,

DocuSigned by:

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Kristin Spanos
Chief Executive Officer
First 5 Alameda County



To: First 5 Alameda County Executive Committee

From: Kristin Spanos, CEO
Tyson Jue, Chief of Staff
Christine Hom, Finance Officer

Date: May 26, 2022

Subject: First 5 Alameda County Governance Policies

ACTION REQUESTED

To approve revisions to the following existing policies and adopt new policies:

- a. Financial Policies
- b. Conflict of Interest Code
- c. Conflict of Interest Policy (NEW)
- d. Incompatible Activities Statement and Policy (NEW)
- e. Records Retention and Destruction Policy and Schedule (NEW)

BACKGROUND

First 5 Alameda County contracted with VIVA Social Impact Partners to review First 5's governance policies. On October 7, 2021, VIVA presented their recommendations for the modification or creation of the following policies to the Executive Committee:

Policy	To be considered by Executive Committee on:
Financial Policies: Procurement, Purchasing and Contracting; Administrative Costs; Accounting, Financial Reporting, Auditing; Financial Reserves & Goals; Budget Adoption & Amendments	May 26, 2022
Conflict of Interest Policy, Declaration of Interests	May 26, 2022

Financial Policies: First 5 Alameda County originally adopted Financial Policies on June 24, 2004. The policies are reviewed by staff on an annual basis and revisions are brought to the Executive Committee and Commission for consideration and approval as necessary. F5AC Finance staff worked with James Harrison, agency legal counsel and Kevin Harper, CPA, to review the policies to ensure compliance with state and federal law, current GASB accounting standards and industry best practices.

AGENDA ITEM 5

Proposed edits are shown in the attachment as “track changes” for easy identification. The following substantive revisions are proposed to the Financial Policies to be effective July 1, 2022:

1. **II. FINANCIAL RESERVES AND GOALS:** Addition of language regarding use and treatment of the Children’s Sustainability Fund to support budgeted activities.
2. **IV. REVENUE ACCOUNTING:** Clarification of language regarding receipt, use and treatment of Proposition 10 revenue and Other Revenue.
3. **VII. PURCHASING AND CONTRACTING:** Addition of language clarifying purchasing and contracting methods and activities, modification of authorization and execution thresholds.
4. **VIII. ADMINISTRATIVE COST POLICY:** Clarification of budgeted expenses (i.e., infrastructure, personnel and contracts) and allocations between the categories of Administrative, Evaluation and Program Expenses.

Conflict of Interest Code: First 5 Alameda County originally adopted its Conflict of Interest Code on May 25, 2006. The code is brought to the Commission for review at minimum biennially as required by the Alameda County Board of Supervisors in accordance with the Political Reform Act (Government Code § 81000 et seq.). F5AC staff worked with James Harrison, agency legal counsel to review revisions to the code to ensure compliance with legal requirements.

Proposed edits are shown in the attachment as “track changes” for easy identification and include the addition of language around legal authority, updates to the designated positions required to disclose and the assigned disclosure category.

Conflict of Interest Policy: F5AC staff worked with James Harrison, agency legal counsel to draft a Conflict of Interest Policy to formalize guidelines for Commissioners, Advisory Bodies and Staff around mitigating risk of an actual or perceived conflict of interest in the course of performing agency related activities. The Policy provides clear definition of “conflict of interest”, outlines circumstances where recusal from voting or participation is required and also includes reference to the Declaration of Interests process and Incompatible Activities Statement disclosure for staff.

Incompatible Activities Statement and Policy: First 5 Alameda County’s Incompatible Activities Statement was developed to assist employees with understanding the nature of incompatible activities consistent with the provisions of Government Code section 1126. The prohibited activities described in the Statement and Policy are inconsistent, incompatible, in conflict with, or inimical to the duties of officers and employees of F5AC. All employees must file a Certification of Receipt of the Statement upon initial hire and as part of the agency’s ethics training requirement.

Records Retention and Destruction Policy: F5AC staff worked with Kristen Rogers, attorney with Olson Remcho, to draft a Records Retention and Destruction Policy and a Records Retention Schedule. The policy and schedule impose specific retention periods for F5AC records in accordance with state and federal laws. The adoption of the policy and schedule is in accordance with best practice. On the advice of legal counsel, the policy and schedule should be formally adopted by the Commission.

AGENDA ITEM 5

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION


On June 24, 2021, the First 5 Alameda County Commission authorized the expansion of the charge of the Executive Committee until June 30, 2022 to include review, discussion and decision making on governance-related matters due to the uncertainty associated with the ongoing pandemic and our preparations for returning to the office in 2022.

The Commission expanded "the charge of the Executive Committee to include review, discussion and decision making on governance related matters. Historically, the Executive Committee has acted in the capacity of reviewing agency operational issues including finance, human resources and administrative items and policies to support business processes. The additional function of reviewing governance related policies and procedures including but not limited to the governing ordinance and Commission bylaws will allow the Executive Committee to efficiently support necessary updates to agency practices. Any formal action taken by the Executive Committee in this area will be reported back to the Commission. In addition, the Executive Committee may make final recommendations to the Commission to consider."

First 5 Alameda County staff recommend that the Executive Committee approve the following recommendations:

1. Approve the updates to the Financial Policies
2. Approve the updates to the Conflict of Interest Code
3. Adopt the Conflict of Interest Policy
4. Adopt the Incompatible Activities Statement and Policy
5. Adopt the Records Retention and Destruction Policy and Schedule

Submitted by:

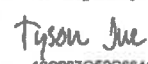
DocuSigned by:

5659DF0B756A48A...
Christine Hom
Finance Officer

Approved by:

DocuSigned by:

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Kristin Spanos
Chief Executive Officer

Reviewed by:

DocuSigned by:

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Tyson Jue
Chief of Staff



To: First 5 Alameda County Executive Committee

From: Kristin Spanos, CEO
Christine Hom, Finance Officer

Date: August 11, 2022

Subject: First 5 Alameda County Conflict of Interest Code Updates

ACTION REQUESTED

To approve updates to First 5 Alameda County's Conflict of Interest Code.

BACKGROUND

First 5 Alameda County contracted with VIVA Social Impact Partners last year to review First 5's governance policies. On October 7, 2021, VIVA presented their recommendations for the modification or creation of governance and agency policies to the Executive Committee including the Financial Policies, Conflict of Interest Code and Policy, Incompatible Activities Policy and Records Retention Policy. The Executive Committee voted to adopt these policies at their last meeting on May 26, 2022.

Since the last meeting, staff have made updates to the Conflict of Interest Disclosure Categorizations for Calendar Year 2022, Appendix B Designated Employees. The changes shown in red font on the attached include updates to, deletion of titles and addition of new titles of designated employees.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

That the Executive Committee approve the updates to the Conflict of Interest Code.

Submitted by:

DocuSigned by:
Christine Hom
5659DF0B75CA4EA
Christine Hom
Finance Officer

Approved by:

DocuSigned by:
Kristin Spanos
ED830B4561E44E1
Kristin Spanos
Chief Executive Officer



First 5 Alameda County Executive Committee Meeting
August 11, 2022, 9:15 AM – 10:30 AM
Zoom Webinar Meeting ID: 959 0511 9715

Commissioners Present: Chair: Renee Herzfeld, Vice Chair: Cecilia Oregon, Scott Coffin

First 5 Staff Present: Kristin Spanos, Tyson Jue, Brittney Frye, Christine Hom, Julia Otani

AGENDA ITEM SPEAKER	DISCUSSION HIGHLIGHTS	ACTION	FOLLOW UP
CALL TO ORDER			
C. Oregon	The meeting was called to order by Vice Chair Oregon who gavelled in at 9:16 AM and stated that the meeting was being recorded. Commissioners Herzfeld, Oregon and Coffin stated their names to indicate they were present for the meeting.	None	None
1. PUBLIC COMMENT			
C. Oregon	There was no Public Comment.	None	None
2. STAFF ANNOUNCEMENTS			
K. Spanos	<p>[Attachment] Ms. Spanos presented the General Staff Announcements and CEO Contract Authorizations</p> <p>A. General Staff Announcements</p> <ul style="list-style-type: none"> Ms. Spanos provided an overview of the Staff Update slides. <p>B. CEO Contract Authorizations</p> <ul style="list-style-type: none"> There were 2 contracts approved by the CEO that were between \$100-\$150K since the last Commission meeting. 	None	None
3. APPROVAL OF MINUTES FROM MAY 26, 2022			
C. Oregon	<p>[Attachment] Vice Chair Oregon asked if there was any public comment before taking a vote to approve the minutes. Vice Chair Oregon facilitated the vote to approve the May 26, 2022 Executive Committee Meeting minutes.</p>	<p>Motion: R. Herzfeld Second: S. Coffin No Abstentions. Motion passed.</p>	None
4. APPROVAL OF THE CONTRACT AUTHORIZATION			
C. Hom	<p>[Attachment] Ms. Hom presented the Contract Authorization. Vice Chair Oregon asked if there was any public comment before taking a vote to approve. Vice Chair Oregon facilitated the vote to approve the Contract Authorization.</p>	<p>Motion: S. Coffin Second: R. Herzfeld No Abstentions. Motion passed.</p>	None
5. APPROVAL OF THE UPDATED CONFLICT OF INTEREST CODE			
C. Hom	<p>[Attachment] Ms. Hom presented the Updated Conflict of Interest Code. Vice Chair Oregon asked if there was any public comment before taking a vote to approve. Vice Chair Oregon facilitated the vote to approve the Conflict of Interest Code.</p>	<p>Motion: R. Herzfeld Second: S. Coffin No Abstentions. Motion passed.</p>	None

AGENDA ITEM SPEAKER	DISCUSSION HIGHLIGHTS	ACTION	FOLLOW UP
6. APPROVAL OF THE NEW REVENUE TO BE INCLUDED IN ADOPTED FY2022-2023 BUDGET			
C. Horn	<p>[Attachment]</p> <p>Ms. Horn presented the Approval of the New Revenue to be Included in Adopted FY2022-2023 Budget. Vice Chair Oregon asked if there was any public comment before taking a vote to recommend.</p> <p>Vice Chair Oregon facilitated the vote to recommend the Approval of the New Revenue to be Included in Adopted FY2022-2023 Budget be brought to the full Commission for final review and approval.</p>	<p>Motion: R. Herzfeld Second: S. Coffin No Abstentions. Motion passed.</p>	<p>The Approval of the New Revenue to be Included in Adopted FY2022-2023 Budget will be brought to the full Commission for final review and approval.</p>
7. ADJOURNMENT			
C. Oregon	Vice Chair Oregon gavelled out and adjourned the meeting at 9:51AM.	None	None

Respectfully Submitted By: Julia Otani, Executive Assistant



FIRST 5 ALAMEDA COUNTY CONFLICT OF INTEREST CODE

APPROVED BY ALAMEDA COUNTY BOARD OF SUPERVISORS ON MAY 22, 2007

APPROVED BY F5AC COMMISSION ON MAY 26, 2022

REVISIONS PROPOSED AUGUST 11, 2022

**Conflict of Interest Code of
The First 5 Commission of Alameda County (F5AC)**

The Political Reform Act, Government Code sections 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, California Code of Regulations, title 2, 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.

Therefore, the terms of California Code of Regulations, title 2, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict-of-Interest Code of the First 5 Commission of Alameda County.

All designated employees shall file their statements of economic interests with the First 5 Commission of Alameda County. Upon receipt of the statements of the Board members and the Chief Executive Officer, the agency shall make and retain a copy and forward the originals to the Alameda County Board of Supervisors, which shall be the filing officer. Statements for all other designated employees shall be retained by the First 5 Commission of Alameda County, and shall be made available for public inspection and reproduction. (Gov. Code section 81008.)

Disclosure Categories

Category 1

All business positions, investments in, or income (including gifts and loans) received from any entities that provide serves of the type which are eligible to receive Proposition 10 funding.

Category 2

All interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agencies.

Category 3

All business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell services or supplies of a type utilized by the agency and associated with the job assignment of designated position assigned to this disclosure category.

Category 4

Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interest in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendations or counsel to the agency which could affect financial interest shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the Chief Executive Officer (or head) of the agency.

* The Chief Executive Officer 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 with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. A copy of the written determination is a public record and shall be retained by the agency and made available for public inspection in the same manner and location as this conflict-of-interest code.

A list of the individuals required to file disclosures under this category and their respective levels of disclosure is on file in the Commission's Chief Executive Officers' office.

APPENDIX A

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Board of Commissioners	1, 2, 3
Ex-Officio Representatives	1, 2, 3
Consultants*	4
Staff listed in Appendix B	1, 2, 3

CONFLICT OF INTEREST DISCLOSURE CATEGORIZATIONS CY 2022

DESIGNATED OFFICIALS	DISCLOSURE CATEGORY
COMMISSIONER, CHAIR	1, 2, 3
COMMISSIONER, VICE CHAIR	1, 2, 3
COMMISSIONER ALTERNATE	1, 2, 3
COMMISSIONER	1, 2, 3
EX-OFFICIO REPRESENTATIVES	4
CONSULTANTS	4

APPENDIX B

Designated Employees	Disclosure Category
Accounting Manager	1, 2, 3
Accounts Payable Specialist	1, 2, 3
Centralized Eligibility & Enrollment Coordinator	1, 2, 3
Chief Executive Officer	1, 2, 3
Chief of Staff	1, 2, 3
Chief Operations Officer	1, 2, 3
Communications Specialist	1, 2, 3
Contracts and Budget Specialist	1, 2, 3
Director of Human Resources	1, 2, 3
Director of Operations, Finance & Technology	1, 2, 3
Director of Policy, Planning & Evaluation	1, 2, 3

AGENDA ITEM 5.1

Director of Programs	1, 2, 3
Evaluation Specialist	1, 2, 3
Family & Community Support Programs Manager	1, 2, 3
Fathers Corps Program Administrator	1, 2, 3
Fathers Corps Program Manager	1, 2, 3
Finance Administrator	1, 2, 3
Finance Officer	1, 2, 3
Help Me Grow Developmental Screening Coach	1, 2, 3
Help Me Grow Prevention Manager	1, 2, 3
Help Me Grow Program Services Coordinator	1, 2, 3
Help Me Grow Senior Community Liaison	1, 2, 3
Human Resources Administrator	1, 2, 3
Interim Director of Early Care and Education	1, 2, 3
Office & Facilities Manager	1, 2, 3
Parent Engagement Administrator	1, 2, 3
Payroll & Finance Manager	1, 2, 3
Program Administrator, Early Care & Education	1, 2, 3
Program Administrator, Neighborhoods Ready for School	1, 2, 3
Program Administrator, Training	1, 2, 3
Project Manager	1, 2, 3
Provider Support Manager	1, 2, 3
Quality Improvement Coach	1, 2, 3
Quality Counts Rating Manager	1, 2, 3
Quality Rating Improvement Systems Administrator	1, 2, 3

AGENDA ITEM 5.1

Senior Administrator, Information Systems	1, 2, 3
Senior Administrator, Data & Evaluation	1, 2, 3
Senior Administrator, Early Care and Education	1, 2, 3
Senior Administrator, ECE Fiscal Operations	1, 2, 3
Senior Administrator, Help Me Grow	1, 2, 3
Senior Administrator, Policy & Data	1, 2, 3
Senior Administrator, Policy & (Interim) ECE Fiscal Operations	1, 2, 3
Senior Administrator, Programs	1, 2, 3
Strategic Communications Officer	1, 2, 3

2022 Local Agency Biennial Notice

Name of Agency: First 5 Alameda County
Mailing Address: 1115 Atlantic Avenue Alameda CA 94501
Contact Person: Christine Hom Phone No. 510-227-6915
Email: Christine.hom@first5alameda.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

☒ An amendment is required. The following amendments are necessary:

(Check all that apply.)

- ☒ Include new positions
- ☐ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (describe) _____

☐ The code is currently under review by the code reviewing body.

☐ No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Kristin Spano

Signature of Chief Executive Officer

8/11/22

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETL Clerk of the Board's Office COPY HERE)
1221 Oak Street, Suite 536
Oakland, CA 94612

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.



FIRST 5 ALAMEDA COUNTY CONFLICT OF INTEREST CODE

APPROVED BY F5AC COMMISSION ON MAY 25, 2006

APPROVED BY ALAMEDA COUNTY BOARD OF SUPERVISORS ON MAY 22, 2007

REVISIONS PROPOSED MAY 26, 2022

**Conflict of Interest Code of
The First 5 Commission of Alameda County (F5AC)**

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Therefore, the terms of California Code of Regulations, title 2, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the First 5 Commission of Alameda County.

~~The terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the First 5 Commission of Alameda County.~~

All designated employees shall file their statements of economic interests with the First 5 Commission of Alameda County. Upon receipt of the statements of the Board members and the Chief Executive Officer, the agency shall make and retain a copy and forward the originals to the Alameda County Board of Supervisors, which shall be the filing officer. Statements for all other designated employees shall be retained by the First 5 Commission of Alameda County, and shall be made available for public inspection and reproduction. (Gov. Code section 81008.)

APPENDIX A

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Board of Commissioners	1, 2, 3
Ex Officio Representatives	1, 2, 3
Consultants*	4

APPENDIX B

Disclosure Categories ~~of Staff~~

Category 1

All business positions, investments in, or income (including gifts and loans) received from any entities that provide serves of the type which are eligible to receive Proposition 10 funding.

Category 2

All interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agencies.

Category 3

All business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell services or supplies of a type utilized by the agency and associated with the job assignment of designated position assigned to this disclosure category.

Category 4

Individuals who perform under contract the duties of any designated position shall be required to file statements of Economic Interests disclosing reportable interest in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendations or counsel to the agency which could affect financial interest shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the Chief Executive Officer (or head) of the agency.

* The Chief Executive Officer 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 with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. A copy of the written determination is a public record and shall be retained by the agency and made available for public inspection in the same manner and location as this conflict of interest code

A list of the individuals required to file disclosures under this category and their respective levels of disclosure is on file in the Commission's Chief Executive Officers' office.

APPENDIX A

Designated Position

Assigned Disclosure Category

Board of Commissioners	1, 2, 3
Ex-Officio Representatives	1, 2, 3
Consultants*	4
<u>Staff listed in Appendix B</u>	<u>1, 2, 3</u>

CONFLICT OF INTEREST DISCLOSURE CATEGORIZATIONS CY 202216

<u>DESIGNATED OFFICIALS</u>	<u>DISCLOSURE CATEGORY</u>
<u>COMMISSIONER, CHAIR</u>	<u>1, 2, 3</u>
<u>COMMISSIONER, VICE CHAIR</u>	<u>1, 2, 3</u>
<u>COMMISSIONER ALTERNATE</u>	<u>1, 2, 3</u>
<u>COMMISSIONER</u>	<u>1, 2, 3</u>
<u>EX-OFFICIO REPRESENTATIVES</u>	<u>4</u>
<u>CONSULTANTS</u>	<u>4</u>

<u>Title</u>	<u>Disclosure Category</u>	<u>Individual</u>
<u>Commissioner, Chair</u>	<u>1, 2, 3</u>	<u>Pamela Simms-Mackey</u>
<u>Commissioner, Vice Chair</u>	<u>1, 2, 3</u>	<u>Renee Herzfeld</u>
<u>Commissioner</u>	<u>1, 2, 3</u>	<u>Wilma Chan</u>
<u>Commissioner</u>	<u>1, 2, 3</u>	<u>Scott Coffin</u>
<u>Commissioner</u>	<u>1, 2, 3</u>	<u>Lori Cox</u>

AGENDA ITEM 5b

Commissioner	<u>1, 2, 3</u>	Cecilia Echeverria
Commissioner	<u>1, 2, 3</u>	Tomas Magana
Commissioner Alternate	<u>1, 2, 3</u>	Michelle Love
Commissioner Alternate	<u>1, 2, 3</u>	Karina Rivera
Commissioner Alternate	<u>1, 2, 3</u>	Kimi Watkins-Tartt
Ex-Officio Representatives	<u>1, 2, 3</u>	None
Consultants	4	None

APPENDIX B

<u>Designated Employees</u>	<u>Disclosure Category</u>
<u>Accounting Manager</u>	<u>1, 2, 3</u>
<u>Accounts Payable Specialist</u>	<u>1, 2, 3</u>
<u>Chief Executive Officer</u>	<u>1, 2, 3</u>
<u>Chief of Staff</u>	<u>1, 2, 3</u>
<u>Communications Specialist</u>	<u>1, 2, 3</u>
<u>Contracts and Budget Specialist</u>	<u>1, 2, 3</u>
<u>Director of Human Resources</u>	<u>1, 2, 3</u>
<u>Director of Operations, Finance & Technology</u>	<u>1, 2, 3</u>
<u>Director of Policy, Planning, Policy & Evaluation</u>	<u>1, 2, 3</u>
<u>Director of Programs</u>	<u>1, 2, 3</u>
<u>Evaluation Specialist</u>	<u>1, 2, 3</u>
<u>Family & Community Support Programs Manager</u>	<u>1, 2, 3</u>
<u>Fathers Corps Program Administrator</u>	<u>1, 2, 3</u>
<u>Finance Administrator</u>	<u>1, 2, 3</u>

AGENDA ITEM 5b

<u>Finance Officer</u>	<u>1, 2, 3</u>
<u>Help Me Grow Developmental Screening Coach</u>	<u>1, 2, 3</u>
<u>Help Me Grow Prevention Manager</u>	<u>1, 2, 3</u>
<u>Help Me Grow Program Services Coordinator</u>	<u>1, 2, 3</u>
<u>Help Me Grow Senior Community Liaison</u>	<u>1, 2, 3</u>
<u>Human Resources Administrator</u>	<u>1, 2, 3</u>
<u>Interim Director of Early Care and Education</u>	<u>1, 2, 3</u>
<u>Office & Facilities Manager</u>	<u>1, 2, 3</u>
<u>Parent Engagement Administrator</u>	<u>1, 2, 3</u>
<u>Payroll & Finance Manager</u>	<u>1, 2, 3</u>
<u>Program Administrator, Early Care & Education</u>	<u>1, 2, 3</u>
<u>Program Administrator, Neighborhoods Ready for School</u>	<u>1, 2, 3</u>
<u>Program Administrator, Training</u>	<u>1, 2, 3</u>
<u>Provider Support Manager</u>	<u>1, 2, 3</u>
<u>Quality Improvement Coach</u>	<u>1, 2, 3</u>
<u>Quality Counts Rating Manager</u>	<u>1, 2, 3</u>
<u>Quality Rating Improvement Systems Administrator</u>	<u>1, 2, 3</u>
<u>Senior Administrator, Information Systems</u>	<u>1, 2, 3</u>
<u>Senior Administrator, Data & Evaluation</u>	<u>1, 2, 3</u>
<u>Senior Administrator, Early Care and Education</u>	<u>1, 2, 3</u>
<u>Senior Administrator, Help Me Grow</u>	<u>1, 2, 3</u>
<u>Senior Administrator, Policy & Data</u>	<u>1, 2, 3</u>
<u>Senior Administrator, Programs</u>	<u>1, 2, 3</u>



FIRST 5 ALAMEDA COUNTY CONFLICT OF INTEREST POLICY

5/26/2022

I. Purpose:

The F5AC Conflict of Interest Policy provides F5AC Commissioners, Advisory Bodies, and Staff with guidelines for carrying out their fiduciary duties while mitigating the risk of an actual or perceived conflict of interest.

II. Policy

It is the policy of F5AC to avoid even the appearance of impropriety involving conflict of interest issues. F5AC promotes business practices that comply with conflict of interest and disclosure requirements, including but not limited to, the California Political Reform Act of 1974 and California Government Code sections 1090-1097 and 1125-1129 and F5AC's Conflict of Interest Code. When a Commissioner, Staff member, or Contractor in a position to influence a decision identifies a conflict of interest, that person must not participate in or give consideration to the matter from that point forward. A "decision" includes influencing a decision by discussing, advising, or making recommendations to the decisionmaker (i.e., a Commissioner, the Commission or the CEO) either directly or indirectly, that is, without significant intervening substantive review. Such discussion or advice includes conducting research, investigating, preparing or presenting any report, analysis or opinion, and providing information orally or in writing, all of which may be perceived as influencing the decision.

A perceived conflict of interest can also pose as great a risk to F5AC as an actual conflict of interest. Perceived conflicts should be treated with the same care as actual conflicts of interest under this Policy. This includes instances where F5AC Commissioners, Advisory Body members, and Staff members have involvement with an individual or organization that could be perceived to impair their objectivity.

It is the policy of F5AC that Commissioners must recuse themselves from making, participating in making, or in any way attempting to use their official position to influence a decision involving a grant or contract which financially benefits the Commissioner or the entity the Commissioner represents.

F5AC Commissioners, Staff members, and Contractors are prohibited from negotiating a contract with or participating in the hiring of a prospective employee, or, the supervising of an employee, if the contractor, prospective employee, or employee is an immediate family member. This prohibition includes discussing, making, participating in making, or using their official position to influence, directly or indirectly, the negotiations or employment process in favor of their immediate family member. Upon hire and as determined during the course of employment, F5AC will require Staff members to review and sign the Incompatible Activities Statement. (see Appendix A)

F5AC Commissioners, Advisory Body members and Staff members may be required to complete a Declaration of Interests (see Appendix B) to disclose any direct, indirect or perceived conflicts of interest and recuse themselves from making, participating in making or in any agency activity that may be perceived as influencing the decision.

III. Definitions

A “conflict of interest” means that a person, their spouse, or their dependent child, has an “economic interest” in or relationship with a potential party to a contract with F5AC. A conflict of interest exists when:

- i. The person involved makes, participates in, or uses their official position to influence a F5AC decision;
- ii. It is foreseeable that the decision will have a material effect on the person’s “economic interest;” and,
- iii. The effect of the decision on the person’s economic interest will be distinguishable from its effect on the public generally.

However, government salaries, per diem expenses, and reimbursement for travel from a nonprofit entity, are all specifically excluded from the definition of income under the Political Reform Act. A government salary also does not constitute an interest in a contract (under Government Code section 1090) unless the contract directly involves the department of the entity that employs a Commissioner, in which case, the Commissioner must disclose the interest on the record and refrain from participating in the decision.

An “economic interest” is defined as any fee, money, investment, or financial gain, or benefit directly or indirectly from or by reason of any dealings with or service for F5AC. An “economic interest” includes, but is not limited to, specific types of investments, business positions, interests in real property, and reportable sources of income of the person, their spouse or dependent child.

An “immediate family member” is defined as a spouse, mother, father, brother, sister, child, grandmother or grandfather, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or grandchild, step-parent, step-child or any person living in the employee’s household.

IV. Contract or Grant Eligibility Requirements

Commissioners and organizations with which they are affiliated are eligible to receive contract/grant funds if the following requirements are adhered to:

1. A Commissioner is required to recuse him or herself from any participation or consideration of the grant or contract before the Commission;
2. The Commissioner may not participate in any way in the presentation of the matter, in discussing the issue with other Commissioners or employees of F5AC, or in the vote on the funding.

This provision also applies if the Commissioner or an organization with which the Commissioner is affiliated has a subcontract with a F5AC grantee or contractor. In such a case, the Commissioner is required to recuse themselves when the funding is considered by the Commission since there is a financial benefit that may result from the award.

V. Policy Review

This policy will be periodically reviewed by F5AC.

Any verbal statements or representations cannot, in any way, change or alter the written policies and procedures presented in these guidelines.

Appendix A: FIRST 5 ALAMEDA COUNTY INCOMPATIBLE ACTIVITIES STATEMENT

INTRODUCTION

The purpose of the Incompatible Activities Statement ("Statement") is to protect the outstanding record of personal integrity established by officers and employees in carrying out First 5 Alameda County ("F5AC") responsibilities to the public and to other state and local agencies.

To assist employees with understanding the nature of incompatible activities, the following statement has been adopted, consistent with the provisions of Government Code section 1126. The prohibited activities described below are inconsistent, incompatible, in conflict with, or inimical to the duties of officers and employees of F5AC.

Activities which discredit F5AC or are detrimental to its goals, or are contrary to the best interests of the commission are not specifically covered by this Statement. However, such activities may be in violation of state law and may result in employee discipline.

The procedures for an employee to appeal a decision or obtain permission to engage in an outside activity or employment are described below under "Appeal Procedures".

For purposes of this Statement, "employee" includes all officers and regular, permanent employees of F5AC.

GENERAL POLICIES

This Statement will be given to all current and future employees of F5AC. All potential employees must be informed that in accepting employment with F5AC, they consent to this Statement. Employees are expected to read the Statement, clarify any questions they may have about it, and sign the statement. The original signed statement shall be maintained in the employee's personnel file.

This Statement does not attempt to specify every activity that may be incompatible, nor should it be taken as the only rules that must be observed and adhered to by an employee. The prohibited activities are provided as examples; specific activities must directly relate to an employee's job.

PROHIBITED ACTIVITIES

Employment, activities, and enterprises that may cause, or give the appearance, of incompatibility or conflict of interest are prohibited under this Statement. Prohibited activities include, but are not limited to, all of the following:

1. PRESTIGE OR INFLUENCE

A F5AC employee shall not:

- Use the prestige or influence of F5AC for the employee's private gain or advantage or the private gain or advantage of another

- Use his or her status as a F5AC employee to solicit directly or indirectly business of any kind or to purchase goods or services for private use at discounts from a person who does business with the commission
- Receive compensation, from other than F5AC, for lobbying the Legislature, the Governor, or any state or local agency, on any issue affecting the F5AC or matters under its jurisdiction

2. USE OF F5AC TIME AND PROPERTY

Subject to applicable laws, rules, or regulations, each employee shall devote his or her full time, attention, and efforts to his or her commission employment during his or her hours of duty with F5AC. Accordingly, no F5AC employee shall use commission time, facilities, equipment or supplies for his or her private gain or advantage, or for the private gain or advantage of another person. Examples of misuse of commission time and property include, but are not limited to:

- Using F5AC organizational resources, such as postage or office supplies, for personal or private gain or advantage; and
- Arranging for employment outside of commission service during the employee's regular work hours with F5AC, excluding situations in which the employee uses vacation leave or paid time off (PTO) for those hours

3. CONFIDENTIAL INFORMATION

No employee shall utilize his or her status as a F5AC employee to acquire access to confidential information other than on behalf of F5AC.

Additionally, no employee shall use such information for private gain or advantage or provide confidential information to persons to whom issuance of this information has not been authorized.

4. GIFTS

No employee shall receive or accept, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who:

- Is doing, or is seeking to do, business of any kind with F5AC
- Is seeking a grant from F5AC
- Or whose activities are regulated or controlled by F5AC

Gifts should not be accepted under circumstances from which it could be reasonably concluded that the gift was intended to influence an employee's future official activities or reward him or her for past ones.

Exceptions to the above restrictions on gifts include inexpensive advertising items bearing the name of firms, such as pens, pencils, paperweights, calendars, and other gifts of minimal value. Gifts of this nature are acceptable.

5. OUTSIDE COMPENSATION FOR F5AC DUTIES

No employee shall receive or accept money or any other consideration from anyone other than F5AC for the performance of his or her duties as a F5AC employee.

No employee shall prepare, present, or publish any speech, article, or other writing relating to the operation of F5AC for compensation from a source other than the commission without prior approval of F5AC.

6. ACTIVITIES UNDER EMPLOYEE'S JURISDICTION

No employee shall perform an act or activity in other than his or her capacity as a F5AC employee knowing that the act may later be subject, directly or indirectly, to the employee's control, inspection, review, audit or enforcement. For example, a F5AC employee who reviews grants proposals should not provide consultation services to an outside organization whose proposals the employee would later review as part of his/her work with F5AC.

7. OUTSIDE EMPLOYMENT

Accepting outside employment is permissible for F5AC employees when this employment does not conflict with F5AC work. If a F5AC employee is in doubt as to whether employment outside of F5AC may conflict with the employee's position with F5AC, the employee shall inform his or her supervisor in writing prior to accepting such employment. If the supervisor cannot reach a decision, the supervisor will consult with the Ethics Officer, Human Resources Administrator, and/or CEO prior to making a decision.

General prohibitions on outside employment include, but are not limited to:

- Any employment outside of commission service for which the employee is selected or retained wholly or partially because of his or her position with F5AC, unless this work is for a public entity or another First 5 agency
- Employment by a person doing work financed by F5AC
- The private practice of law or other outside employment by an employee who is a member of the State Bar which may require his or her appearance before any state agency, Board or Commission, or any committee of the Legislature on behalf of his or her outside employer or client regarding a matter in which F5AC is involved

8. CAMPAIGN ACTIVITIES

Pursuant to Government Code section 8314, no employee shall participate in campaign activity, as specified in section 8314, on commission-compensated time.

9. ADDITIONAL INCOMPATIBLE ACTIVITIES AND NOTICE PROCEDURES

Although this Statement attempts to anticipate the types of incompatible activity issues that are most likely to arise for F5AC employees, it is not a complete list. Therefore, when F5AC learns that an employee is involved in an activity that F5AC believes is inconsistent, incompatible, in conflict with, or inimical to the employee's employment with F5AC, the CEO, after consultation with the F5AC Ethics Officer, shall provide a written explanation of F5AC's decision that the activity in question should be terminated. Unless otherwise justified for good cause, the activity in question shall be terminated within 30 days of receiving F5AC's decision. F5AC's decision is prospective only and is subject to the review and appeal process as described below.

APPEAL PROCEDURES

Employees may file a complaint concerning the application of this Statement with the Ethics Officer of F5AC.

Employees are expected to comply with written or verbal work orders given to them by their supervisors. If an employee believes that an order to perform a specific duty is incompatible with his/her activities, the employee may ask his or her supervisor for a written order to perform that specific duty. (Supervisors need not provide written orders where the orders given employees do not relate to an incompatible act). If a supervisor refuses to provide a written order, an employee may submit a written summary of the supervisor's order to his/her personnel file. If an employee believes an order is in violation of this Statement, he or she has a right to pursue the issue through the grievance/complaint process, if the employee continues to have a good faith belief in the validity of the complaint, after conferring with the Ethics Officer of F5AC.

PENALTY FOR VIOLATION OF STATEMENT

An employee who violates a provision of this Statement is subject to disciplinary action, including termination, in the case of intentional violation.

ETHICS OFFICER

The Ethics Officer will develop provisions for educating employees about potential appeal of conflict violations, and in the case of unintentional violations, the Ethics Officer will direct the employee on the appropriate procedure and documentation to cure accidental or unintentional violations, with all related reporting requirements, including reports to the CEO and/or the Commission as appropriate where material issues are impacted.

An employee may also seek a prospective clearance of a potential conflict through a reasoned opinion or guidance from the Ethics Officer. If appropriate, the Ethics Officer may then seek assistance from the Attorney General's Office or specialized counsel. An employee retains the right to seek advice from the FPPC on any aspect of the Political Reform Act that affects his or her official duties.

FILING AND CERTIFICATION REQUIREMENT

All employees must file a Certification of receipt of this Statement upon

- Initial appointment
- A change in duties or circumstances that raises the issue of potential conflict with this Statement

Additionally, all those employees subject to ethics training requirements must certify that they have reviewed the Statement as part of the ethics training required to be completed once every two calendar years.

CERTIFICATION

The following certification is to be signed and submitted by employees to comply with the Incompatible Activities Statement.



INCOMPATIBLE ACTIVITIES STATEMENT CERTIFICATION

I have received, read and understood a copy of the First 5 Alameda County Incompatible Activities Statement.

I am not engaged in any incompatible activity at the present time. Before entering into any activity which might be considered incompatible, I will discuss the nature of the activity with my supervisor.



Signature

Date

Typed or Printed Name

Title Employee ID Number

(Please complete and forward this page to Human Resources)

APPENDIX B: DECLARATION OF INTERESTS

In order for First 5 Alameda County to maintain an equitable and transparent funding process, we are asking that you disclose the names of agencies and businesses where you have a direct, indirect or appearance of conflict of interest.

Direct conflicts: defined as

- having a current or previous relationship with the agency (e.g. employment by the agency of you or your spouse or dependent children, current/past board membership, your child or an immediate family member receives services from the agency),
- having an interest in property that is within 500 feet of the agency, or
- receiving income or a gift from the agency within the last 12 months.

Indirect conflicts: defined as

- any family members (other than spouse or dependent children) having a current or previous relationship with the agency (e.g. employment, current/past board membership).

Appearance of conflict of interest: defined as

- Any situation where it could be perceived that a conflict exists (e.g. you have a strong bias for or against the agency, you are friends with the Executive Director of the agency).

Please include the names of agencies or businesses where you have direct, indirect or perceived conflicts of interest and the nature of your relationship:

Agency/Business	Nature of Relationship

Name: _____
(Please print)

Signature: _____ Date: _____

First 5 Alameda County Executive Committee Meeting
May 26, 2022, 9:30 AM – 10:45 AM
Zoom Webinar Meeting ID: 918 5257 1763

Commissioners Present: Chair: Renee Herzfeld, Vice Chair: Cecilia Oregon, Scott Coffin
 First 5 Staff Present: Kristin Spanos, Tyson Jue, Brittney Frye, Christine Hom, Julia Otani

AGENDA ITEM SPEAKER	DISCUSSION HIGHLIGHTS	ACTION	FOLLOW UP
CALL TO ORDER			
R. Herzfeld	The meeting was called to order by Chair Herzfeld who gaveled in at 9:33 AM and stated that the meeting was being recorded. Commissioners Herzfeld, Oregon and Coffin stated their names to indicate they were present for the meeting.	None	None
1. PUBLIC COMMENT			
R. Herzfeld	There was no Public Comment.	None	None
2. STAFF ANNOUNCEMENTS			
K. Spanos	[Attachment] Ms. Spanos presented the General Staff Announcements and CEO Contract Authorizations A. General Staff Announcements <ul style="list-style-type: none"> Ms. Spanos provided an overview of the Staff Update slides. B. CEO Contract Authorizations <ul style="list-style-type: none"> There were no contracts approved by the CEO that were over \$50,000 since the last Executive Committee meeting. 	None	None
3. APPROVAL OF MINUTES FROM APRIL 21, 2022			
R. Herzfeld	[Attachment] Chair Herzfeld asked if there was any public comment before taking a vote to approve the minutes. Chair Herzfeld facilitated the vote to approve the April 21, 2022 Executive Committee Meeting minutes.	Motion: S. Coffin Second: R. Herzfeld Abstentions: C. Oregon Motion passed.	None
4. APPROVAL OF THE AMENDED FIRST 5 ALAMEDA COUNTY BYLAWS			
T. Jue	[Attachment] Mr. Jue presented the Amended First 5 Alameda County Bylaws. Chair Herzfeld asked if there was any public comment before taking a vote to approve. Chair Herzfeld facilitated the vote to approve the Amended First 5 Alameda County Bylaws.	Motion: C. Oregon Second: S. Coffin No Abstentions. Motion passed.	None

AGENDA ITEM SPEAKER	DISCUSSION HIGHLIGHTS	ACTION	FOLLOW UP
5. APPROVAL OF THE FIRST 5 ALAMEDA COUNTY GOVERNANCE POLICIES			
T. Jue C. Hom	<p>[Attachment] Mr. Jue and Ms. Hom presented the First 5 Alameda County Governance Policies. a. Financial Policies b. Conflict on Interest Code c. Conflict of Interest Policy (NEW) d. Incompatible Activities Statement and Policy (NEW) e. Records Retention and Destruction Policy and Schedule (NEW) Chair Herzfeld asked if there was any public comment before taking a vote to approve. Chair Herzfeld facilitated the vote to approve the First 5 Alameda County Governance Policies.</p>	<p>Motion: S. Coffin Second: C. Oregon No Abstentions. Motion passed.</p>	None
6. REVIEW REVISIONS TO EMPLOYEE HANDBOOK			
B. Frye	<p>[Attachment] Ms. Frye presented the Revisions to the Employee Handbook. Chair Herzfeld asked if there was any public comment before taking a vote. Chair Herzfeld facilitated the vote to approve the Revisions to the Employee Handbook.</p>	<p>Motion: C. Oregon Second: S. Coffin No Abstentions. Motion passed.</p>	None
7. REVIEW FY 2022-23 PROPOSED BUDGET AND FY 2022-30 PROPOSED LONG RANGE FINANCIAL PLAN - FINAL READINGS			
C. Hom	<p>[Attachment] Ms. Hom presented the FY 2022-23 Proposed Budget and FY 2022-30 Proposed Long Range Financial Plan - Final Readings a. FY 2022-23 Proposed Budget. b. FY 2022-23 Contract Authorizations. c. FY 2022-30 Proposed Long Range Financial Plan Chair Herzfeld asked if there was any public comment before taking a vote. Chair Herzfeld facilitated the vote to recommend the FY 2022-23 Proposed Budget and FY 2022-30 Proposed Long Range Financial Plan - Final Readings be brought to the full Commission for final review and approval.</p>	<p>Motion: C. Oregon Second: S. Coffin No Abstentions. Motion passed.</p>	<p>The FY 2022-23 Proposed Budget and FY 2022-30 Proposed Long Range Financial Plan will be brought to the full Commission for final review and approval.</p>
8. REVIEW GASB 54 FUND BALANCE COMMITMENT			
C. Hom	<p>[Attachment] Ms. Hom presented the GASB 54 Fund Balance Commitment. Chair Herzfeld asked if there was any public comment before taking a vote. Chair Herzfeld facilitated the vote to recommend the GASB 54 Fund Balance Commitment be brought to the full Commission for final review and approval.</p>	<p>Motion: C. Oregon Second: S. Coffin No Abstentions. Motion passed.</p>	<p>The GASB 54 Fund Balance Commitment will be brought to the full Commission for final review and approval.</p>

AGENDA ITEM SPEAKER	DISCUSSION HIGHLIGHTS	ACTION	FOLLOW UP
9. REVIEW FY 2022-23 ACERA 401(h) ACCOUNT AUTHORIZATION			
C. Horn	[Attachment] Ms. Horn presented the FY 2022-23 ACERA 401(h) Account Authorization. Chair Herzfeld asked if there was any public comment before taking a vote. Chair Herzfeld facilitated the vote to recommend the FY 2022-23 ACERA 401(h) Authorization be brought to the full Commission for final review and approval.	Motion: C. Oregon Second: S. Coffin No Abstentions. Motion passed.	The FY 2022-23 ACERA 401(h) Authorization will be brought to the full Commission for final review and approval.
10. ADJOURNMENT			
R. Herzfeld	Chair Herzfeld gaveled out and adjourned the meeting at 10:22AM.	None	None

Respectfully Submitted By: Julia Otani, Executive Assistant