

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office		(2) MEETING DATE March 14, 2006		(3) CONTACT/PHONE Nikki J. Schmidt (805) 781-5496	
(4) SUBJECT Submittal of a resolution reviewing the conflict of interest codes for the Workforce Investment Board (WIB).					
(5) SUMMARY OF REQUEST The Workforce Investment Board (WIB) has made changes to their conflict of interest codes. As required by Government Code, the Board of Supervisors acts as the "Code Reviewing Body" for the Workforce Investment Board (WIB) as a ministerial function.					
(6) RECOMMENDED ACTION It is recommended that your Board approve the attached resolution reviewing the Conflict of Interest Code submitted by the Workforce Investment Board (WIB).					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Clerk-Recorder, Elections Division.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th <u>All</u>			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<p style="font-size: 2em; font-family: cursive;">B-1 (3.14.06)</p>
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County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: BOARD OF SUPERVISORS
FROM: DAVID EDGE, COUNTY ADMINISTRATOR
DATE: MARCH 14, 2006
SUBJECT: SUBMITTAL OF A RESOLUTION REVIEWING THE CONFLICT OF INTEREST CODES FOR THE WORKFORCE INVESTMENT BOARD (WIB)

DAVID EDGE
COUNTY ADMINISTRATOR

Recommendation

It is recommended that your Board approve the attached resolution reviewing the Conflict of Interest Code submitted by the Workforce Investment Board (WIB).

Discussion

The Workforce Investment Board (WIB) has made changes to their conflict of interest codes. As required by Government Code, the Board of Supervisors acts as the "Code Reviewing Body" for the Workforce Investment Board (WIB) as a ministerial function.

Other Agency Involvement/Impact

County Clerk-Recorder, Elections Division.

Financial Considerations

None.

Results

The Government Code requires the periodic review and update of government agencies' Conflict of Interest Codes and position designations. Today's action keeps the various agencies in compliance with the Government Code.

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2006

PRESENT:

ABSENT:

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN LUIS OBISPO
REVIEWING CONFLICT OF INTEREST CODES
OF THOSE LOCAL GOVERNMENTS AGENCIES
WHOLLY LOCATED WITHIN THE COUNTY**

The following resolution is now offered and read:

WHEREAS, Government Code section 87300 requires every local governmental agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, Government Code section 87303 requires all Conflict of Interest Codes to be approved by the agency's code reviewing body; and

WHEREAS, Government Code section 82011(b) provides that the Board of Supervisors is the code reviewing body of the local government agency with jurisdiction wholly within the County of San Luis Obispo; and

WHEREAS, it is necessary that the Board of Supervisors as code reviewing body approve said codes; and

WHEREAS, the County Administrative Officer as the local code administrator in accordance with the provisions of Resolution #77-41 of the Board of Supervisors has reviewed, preliminary to final approval by the Board of Supervisors, certain updated Conflict of Interest Codes submitted by Local Government Agencies.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California that the following Conflict of Interest Codes by special districts submitted on the dates indicated are hereby approved.

LOCAL GOVERNMENT AGENCY

Workforce Investment Board (WIB)

DATE OF SUBMISSION

January 25, 2006

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR
County Counsel

By: 
Deputy County Counsel

Dated: 2/27/06

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COMMUNICATIONS OFFICE
05 JAN 27 10:58 AM '06

January 25, 2006

San Luis County Board of Supervisors
Attn: Nikki Schmidt
County Government Center, Room D-430
1055 Monterey St.
San Luis Obispo, CA 93408

To Whom It May Concern:

The San Luis Obispo County Workforce Investment Board (WIB) approved a Resolution amending it's Conflict of Interest code at yesterday's WIB meeting. We are now submitting this resolution for your approval.

The primary reason for this amendment was to change the filing date of Form 700 to April 1st each year, and to adopt by reference the Fair Political Practices Commission's (FPPC) model code.

It is our understanding that this will be on the Board of Supervisor's agenda for February 7, 2006. Please feel free to contact me if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Robert R. Cross
Director of Finance

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Workforce Investment Board of San Luis Obispo County
4111 S. Broad St., Suite A-6
San Luis Obispo, CA 93401
(805) 788-2601
Fax (805) 541-4117

RESOLUTION 01-2006

A RESOLUTION OF THE WORKFORCE INVESTMENT BOARD OF SAN LUIS
OBISPO COUNTY AMENDING BOARD CONFLICT OF INTEREST CODE

WHEREAS, Government Code section 87300 requires each local agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act;

WHEREAS, Government Code section 87307 authorizes a local public agency to amend its conflict of interest code at any time;

WHEREAS, the conflict of interest code of the Workforce Investment Board (WIB) should be amended and updated to better comply with state law;

WHEREAS, the state Fair Political Practices Commission (FPPC) has adopted a model local agency conflict of interest code (California Code of Regulations, title 2, section 18730) that may be adopted by reference; and

WHEREAS, the WIB desires to adopt the FPPC model code together with the accompanying WIB appendix of designated positions and disclosure categories as the WIB conflict of interest code;

NOW, THEREFORE, BE IT RESOLVED by the Workforce Investment Board of San Luis Obispo County as follows:

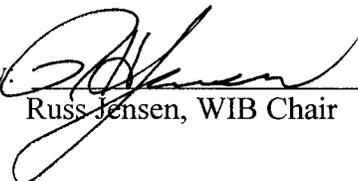
1. The terms of California Code of Regulations, title 2, section 18730, are hereby adopted and incorporated by reference as the main body of the WIB's conflict of interest code.
2. Designated employees, officers and consultants shall file statements of economic interest (FPPC Form 700) with the COUNTY CLERK'S OFFICE – ELECTION DIVISION who will make the statements available for public inspection and copying. These statements shall be filed annually by April 1st.

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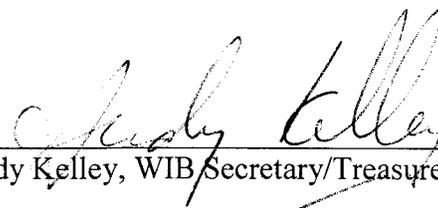
3. This conflict of interest code shall not take effect until the San Luis Obispo County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. WIB staff are hereby authorized and directed to submit a certified copy of this resolution with appendices to the Board of Supervisors and request approval of the conflict of interest code.
4. After approval by the San Luis Obispo County Board of Supervisors, this resolution shall modify the Conflict of Interest Code of the Workforce Investment Board of San Luis Obispo County.

PASSED AND ADOPTED by the Workforce Investment Board of San Luis Obispo County on this 24th day of Jan 2006 by the following vote:

AYES: 16
NOES: 0
ABSTAIN: 0
ABSENT: 9

By: 
Russ Jensen, WIB Chair

Attest:


Judy Kelley, WIB Secretary/Treasurer

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§ 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.n1

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.n2

(5) Section 5. Statements of Economic Interests: Time of Filing.

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(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

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When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$ 2,000), exceeds ten thousand dollars (\$ 10,000), exceeds one hundred thousand dollars (\$ 100,000), or exceeds one million dollars (\$ 1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$ 500) or more in value, or fifty dollars (\$ 50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$ 1,000) or less, greater than one thousand dollars (\$ 1,000), greater than ten thousand dollars (\$ 10,000), or greater than one hundred thousand dollars (\$ 100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$ 10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

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(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 340.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$ 340 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$ 500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

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(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$ 100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$ 250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$ 2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$ 2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred

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dollars (\$ 500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 340 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$ 1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

n1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

n2 See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

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n3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

n4 Investments and interests in real property which have a fair market value of less than \$ 2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

n5A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

n6Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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WORKFORCE INVESTMENT BOARD
CONFLICT OF INTEREST CODE

EXHIBIT A

<u>Position</u>	<u>Disclosure Category</u>
Workforce Investment Board (WIB)	1, 2, 3

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WORKFORCE INVESTMENT BOARD

CONFLICT OF INTEREST CODE

EXHIBIT B

General Provisions

When a member, officer, or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the last two years. In addition to other activities a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole or part 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 Workforce Investment Board.

When a designated member, officer, or employee who holds a designated position is required to disclose business positions, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business within the jurisdiction, or who have done business in the jurisdiction within the past two years.

THE DISCLOSURES REQUIRED ARE THE KINDS OF FINANCIAL INTERESTS IN WHICH THE DESIGNATED EMPLOYEE CAN, WITH REASONABLE FORESEEABILITY, AFFECT MATERIALLY THROUGH HIS OR HER CONDUCT WHILE IN OFFICE.

Disclosure Category #1 - Schedules: A, B, C-1, C-2

A member, officer, or employee holding a position assigned to Disclosure Category #1 shall, in the manner described above, disclose:

1. All interests and investments in real property in the jurisdiction, which were acquired by, leased, or otherwise used by the WIB or which may, with reasonable foreseeability, be affected materially by the operations of the WIB.

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Disclosure Category #2 - Schedules: D, E, F, G, H-1, H-2, H-3

A member, officer, or employee holding a position assigned to Disclosure Category #2 shall, in the manner described above, disclose:

1. All personal income from source within the jurisdiction which may, with reasonable foreseeability, be affected materially by the operations of the WIB.

Disclosure Category #3 - Schedules: D, E, F, G, H-1, H-2, H-3

A member, officer, or employee holding a position assigned to Disclosure Category #3 shall, in the manner described above, disclose:

1. Any business entity income or source of business income, from any business within the jurisdiction which may, with reasonable foreseeability, be affected materially by the operations of the WIB.

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WORKFORCE INVESTMENT BOARD
~~PRIVATE-INDUSTRY-COUNCIL-~~
CONFLICT OF INTEREST CODE

EXHIBIT A

<u>Position</u>	<u>Disclosure Category</u>
Workforce Investment Board (WIB)	
Private-Industry-Council-(PIC) Member	1, 2, 3
EIC Executive Director	1, 2, 3

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[Handwritten marks]

WORKFORCE INVESTMENT BOARD
~~PRIVATE INDUSTRY COUNCIL~~
CONFLICT OF INTEREST CODE

EXHIBIT B

General Provisions

When a member, officer, or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the last two years. In addition to other activities a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole or part 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 ~~Private Industry Council~~.
Workforce Investment Board.

When a designated member, officer, or employee who holds a designated position is required to disclose business positions, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business within the jurisdiction, or who have done business in the jurisdiction within the past two years.

THE DISCLOSURES REQUIRED ARE THE KINDS OF FINANCIAL INTERESTS IN WHICH THE DESIGNATED EMPLOYEE CAN, WITH REASONABLE FORESEEABILITY, AFFECT MATERIALLY THROUGH HIS OR HER CONDUCT WHILE IN OFFICE.

Disclosure Category #1 - Schedules: A, B, C-1, C-2

A member, officer, or employee holding a position assigned to Disclosure Category #1 shall, in the manner described above, disclose:

1. All interests and investments in real property in the jurisdiction, which were acquired by, leased, or otherwise used by the ~~PIC~~ ^(WIB) or which may, with reasonable foreseeability, be affected materially by the operations of the ~~PIC~~ ^(WIB).

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Disclosure Category #2 - Schedules: D, E, F, G, H-1, H-2, H-3

A member, officer, or employee holding a position assigned to Disclosure Category #2 shall, in the manner described above, disclose:

1. All personal income from sources within the jurisdiction which may, with reasonable foreseeability, be affected materially by the operations of the PIC. WIB.

Disclosure Category #3 - Schedules: D, E, F, G, H-1, H-2, H-3

A member, officer, or employee holding a position assigned to Disclosure Category #3 shall, in the manner described above, disclose:

1. Any business entity income or source of business income, from any business within the jurisdiction which may, with reasonable foreseeability, be affected materially by the operations of the PIC. WIB.

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CONFLICT OF INTEREST CODE
OF THE
PRIVATE INDUSTRY COUNCIL
SAN LUIS OBISPO COUNTY, INC.

The agency designated above, approved on FEB 19 1985,
1985 and submitted a Conflict of Interest Code to the
Board of Supervisors of the County of San Luis Obispo.

The following Conflict of Interest Code, having been sub-
mitted by the agency designated above, was approved on
order of the Board of Supervisors, as the code reviewing
body, by Board Order No. 3 dated FEB 19 1985.

FRANCIS M. COONEY

Clerk of the Board

SONDRA MYERS
By: SONDRA MYERS
Deputy Clerk

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CONFLICT OF INTEREST CODE
OF THE
PRIVATE INDUSTRY COUNCIL
SAN LUIS OBISPO COUNTY, INC.

ARTICLE I
GENERAL

Section

100. Purpose and Effect

- (a) Pursuant to the provisions of Government Code Section 87300, The Private Industry Council of San Luis Obispo County, Inc. (PIC) hereby adopts the following Conflict of Interest Code. This Code shall be interpreted in a manner consistent with the Political Reform Act of 1974, Government Code Section 81000, et seq. (the "Act") and the Regulations adopted pursuant thereto by the Fair Political Practices Commission. The provisions of this Code are in addition to Government Code Sections 87100, 1090-1097, 1125-1127, Education Code Section 1171 et seq., and other laws pertaining to conflicts of interest.
- (b) This Code has the force and effect of law and any violation of this Code shall be deemed a violation of Chapter 7 of the Act, Government Code Section 87100 et seq. and will be subject to the enforcement and penalty provisions provided for in the Act.

101. Definitions. Except as provided in subsections (a) and (b), the definitions contained in the Act and the regulations adopted pursuant thereto are incorporated into this Code.

- (a) The definition of "investment" contained in the Act (Government Code Section 82034) is incorporated herein except that the term "investment" shall not include ownership of less than one-half ($\frac{1}{2}$) of one (1) percent of the outstanding securities of a business entity whose securities are registered with the Securities and Exchange Commission of the United States Government.
- (b) The definition of "income" contained in Government Code Section 82030 is incorporated herein, except that "income" shall not include a designated employee's compensation received from the Private Industry Council.

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102. Effective Date of Code. This Code shall become effective on March 31, 1985.

103. Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this Code is for any reason held to be invalid, unconstitutional or unenforceable, such decision shall not affect the validity of the remaining portions of this Code. It is hereby declared that this Code, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase or word thereof, would have been adopted irrespective of the fact that one or more of such portions of this Code be declared invalid, unconstitutional or unenforceable.

ARTICLE II

DESIGNATED POSITIONS AND REPORTABLE FINANCIAL INTERESTS

Section

200. Designated Positions and Designated Employees. The positions within the Private Industry Council identified in Exhibit "A" of this Code are hereby established as "designated positions". Any officer, employee, governing board member (where appropriate) or consultant of the Private Industry Council whose position with the Private Industry Council is a "designated position" in Exhibit "A" of this Code is a "designated employee". A person is a designated employee when the person's position with the Private Industry Council entails the making or participation in the making of decisions which may foreseeably have a material effect on a financial interest.
201. Reportable Financial Interests. In Exhibit "A" of this Code, each designated position is assigned specific disclosure category numbers which correspond to specific financial disclosure categories set forth in Exhibit "B". Each designated employee shall disclose those financial interests required in the Exhibit "B" disclosure categories listed next to his or her designated position in Exhibit "A".
202. Scope of Reportable Financial Interests. Only "financial interests" can be made reportable by a conflict of interest code. For disclosure purposes, the Act divides financial interests into three groups: investments, interests in real property and income (Government Code Section 87302(b)).

Except as modified in Section 101 of this Code, the broad definitions and limitations of the terms investment, interest in real property and income are found in the Act (Government Code Section 82034, 82033, and 82030). If a financial interest does not fit within any of these three definitions, a designated employee cannot be required by a

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conflict of interest code to disclose that interest. In addition, the types and scope of investments, interests in real property and income made reportable by a designated employee's disclosure categories may, in any situations, be narrower than the basic definitions found in the Act. To prevent overdisclosures, each designated employee should therefore consult the definitions of investments, interests in real property and income, as well as his or her specific disclosure categories before filling out the statement of financial interests.

203. Manner of Reporting Financial Interests. Except as provided in subsections (a) & (b), the manner of reporting reportable investments, interests in real property and income shall be pursuant to Government Code Sections 87206 and 87207.
- (a) Designated employees are not required to comply with Government Code Sections 87206(e).
 - (b) For purposes of Government Code Sections 87207(b)(2) and (3), the disclosure of the names of clients or customers who paid fees to the business entity is required only if it is reasonably foreseeable that financial interests of the client or customer may be materially affected by any Private Industry Council Industry Council related decision(s) made or participated in by the designated employee.

ARTICLE III

FILING OF STATEMENTS OF FINANCIAL INTERESTS

Section

300. Duty to File Statements of Financial Interests.
It shall be the duty of each designated employee to file statements of financial interests conforming to all applicable requirement of this Code. Such statements shall be on forms provided by the County Clerk upon request.
301. Designation and Duties of Filing Officer; Place of Filing Statements.
- (a) The Private Industry Council herewith delegates authority and responsibility to the County Clerk for receipt of all statements of financial interests and for administration of the duties of the filing officer delineated in Government Code Sections 81008, 81010 and 91013.
 - (b) Designated employees shall file any statements required by this Code with the County Clerk who shall retain the original. The County Clerk shall make statements accessible to the public in a manner consistent with Government Code Section 81001.

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- (c) Upon request, the County Clerk shall supply necessary forms and manuals subscribed by the Fair Political Practices Commission.

302. Times of Filing and Periods Covered by Statements

- (a) Initial Statements shall be filed by each designated employee within thirty (30) days after the effective date of this Code and shall disclose investments and interests in real property (but not income) held at the time of filing. Persons appointed, promoted, or transferred to designated positions shall file initial statements within thirty (30) days after the date of assuming the position.
- (b) Annual Statements shall be filed during the month of April disclosing reportable investments, interests in real property and income held or received in the period since the closing date of the designated employee's previously filed statement.
- (c) Leaving Office Statements shall be filed by every person who leaves a designated position specified in Exhibit "A" within thirty (30) days after leaving the position, disclosing his or her reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any reportable investments, interests in real property, and income held or received at any time during the period covered by the statement, whether or not still held at the time of filing.

ARTICLE IV

CONTENTS OF ECONOMIC DISCLOSURE STATEMENT

Section

400. Statements shall be made on forms supplied by the County Clerk, County of San Luis Obispo, and shall contain the following information.

- (a) When an investment or an interest in real property, is required to be reported, the statement shall contain:
1. A statement of the nature of the investment or interest in real property;
 2. The name of the business entity in which each investment is held and a general description of business activity in which the business is engaged;
 3. The address or other precise location of the real property;

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4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000); and,
5. For purposes of disclosure under this article, "interests in real property" does not include the principal residence of the filer.

(b) When income is required to be reported under this article, the statement shall contain, except as provided in subsection (b) of Government Code Section 87207:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least two hundred fifty (\$250) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), or whether it was greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made;
5. A description of the gift, the value, or amount of the gift, and the date upon which the gift was received; and,
6. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) Business Entity Income Disclosure. When income of a business entity including the income of a sole proprietorship is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity; and,
2. The name of every person from whom the business entity received payments, if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

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gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

ARTICLE V

DISQUALIFICATION

Section

500. Circumstances Requiring Disqualification.

- (a) A designated employee must disqualify himself or herself from making or participating in the making of any decision or from using his or her official position to influence a Private Industry Council decision, if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on any of the following:
1. Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);
 2. Any real property in which the designated employee has direct or indirect investment worth more than one thousand dollars (\$1,000);
 3. Any source of income other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to the official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within twelve months prior to the time when the decision is made; or,
 4. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.
- (b) No designated employee shall be prevented from making or participating in the making of any decision:
1. Which related to his or her compensation from the Private Industry Council or the terms or conditions of his or her employment with the Private Industry Council; or

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2. To the extent his or her participation is legally required for that decision to be made. The fact that the official's vote is needed to break a tie does not make his or her participation legally required for the purposes of this section.
502. When a designated employee determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interests. This determination and disclosure shall be made part of the agency's official record at the meeting during which consideration of the decision takes place, and refrain from participating in the decision in any manner and also to refrain from attempting to use his or her official position to influence the decision. In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing, to his or her appointing authority, and in case of all other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. Upon receipt of such statement, the supervisor shall reassign the matter to another employee. The disclosure should describe the nature of the conflicting financial interest.

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RESOLUTION

WHEREAS, the Private Industry Council of San Luis Obispo County, Inc., in order to assure compliance with state and federal law regarding conflict-of-interest; and,

WHEREAS, in order to assure that actions by the Private Industry Council and its representatives are made without conflict-of-interest or the appearance of conflict-of-interest;

NOW THEREFORE, it is resolved, that the Board of Directors of the Private Industry Council of San Luis Obispo County, Inc. does, this 22nd day of January, 1985, hereby approve and ratify the attached policies and procedures.

Motion by: Diane Blakeslee

Seconded by: Larry Campbell

VOTE: Ayes: 17
Noes: 0
Abstain: 0

The foregoing Resolution is hereby adopted.

Gerald Cross
Gerald Cross, Chairman

Date 1/22/85

Cheryle Hangartner
Cheryle Hangartner
Secretary/Treasurer

Date 1/22/85

Janette Swanson
Witness

Date 1/22/85

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AL

PRIVATE INDUSTRY COUNCIL
CONFLICT OF INTEREST CODE

EXHIBIT A

<u>Position</u>	<u>Disclosure Category</u>
Private Industry Council (PIC) Member	1, 2, 3
PIC Executive Director	1, 2, 3

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PRIVATE INDUSTRY COUNCIL
CONFLICT OF INTEREST CODE

EXHIBIT B

General Provisions

When a member, officer, or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the last two years. In addition to other activities a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole or part 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 Private Industry Council.

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Disclosure Category #1 - Schedules: A, B, C-1, C-2

A member, officer, or employee holding a position assigned to Disclosure Category #1 shall, in the manner described above, disclose:

1. All interests and investments in real property in the jurisdiction, which were acquired by, leased, or otherwise used by the PIC, or which may, with reasonable foreseeability, be affected materially by the operations of the PIC.

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Disclosure Category #2 - Schedules: D, E, F, G, H-1, H-2, H-3

A member, officer, or employee holding a position assigned to Disclosure Category #2 shall, in the manner described above, disclose:

1. All personal income from sources within the jurisdiction which may, with reasonable foreseeability, be affected materially by the operations of the PIC.

Disclosure Category #3 - Schedules: D, E, F, G, H-1, H-2, H-3

A member, officer, or employee holding a position assigned to Disclosure Category #3 shall, in the manner described above, disclose:

1. Any business entity income or source of business income, from any business within the jurisdiction which may, with reasonable foreseeability, be affected materially by the operations of the PIC.

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