

CONFLICT OF INTEREST CODE COUNTY OF MENDOCINO

Article I: Purpose

Public officials, members, and employees of the County of Mendocino ("County") are expected to carry out their duties and responsibilities in the best interests of the County and under circumstances where they are free from conflicting loyalties. The purpose of this Code is to protect the integrity of the County and its employees, provide guidelines to employees, and meet the requirement of State law.

This code shall be comprised of, and incorporates herein, the Government Code section 1090, *et seq.*, and the Political Reform Act, Government Code §§81000-91015, other laws in California governing conflicts of interest, together with Appendix A-D specifying designated positions, the specific types of disclosure statements required for each position, and the procedures for filing.

Article II: Application

Except as otherwise provided herein, or in applicable memoranda of understanding, these policies and procedures shall apply to all public officials, members, employees, or consultants of the County ("County employee").

Article III: Policy

(1) It is the policy of the County that full disclosure shall be made of those interests and activities that may bring the County employee into conflict with the mission and purposes of the County. Such disclosure is to be made to avoid the appearance of impropriety on the part of County employees through full disclosure, and to reveal the extent of the economic and business interest of those employees who make significant economic and business decisions on behalf of the County.

(2) County personnel shall not engage in any employment, activity, or enterprise for compensation that is inconsistent, incompatible, in conflict with, or hostile to, their duties as a County employee, or with the duties, functions or responsibilities of the County. Full disclosure shall be made in writing to the Department Head or to the Human Resources Director where those outside activities of the County employee are, or could appear to be, inconsistent with, incompatible to, or in conflict with his or her duties to the County.

Article IV: Guidelines

Activities that May Present a Conflict. It is not practical to list all of the circumstances that could give rise to a conflict of interest or potential conflict of interest. County employees must avoid placing themselves in a position in which personal interest (financial or non-financial) may come into conflict with their duty to the public, as well as avoiding even an appearance of impropriety. This policy requires County employees to use common sense and good judgment for the protection of the County's interests. The following is a non-exhaustive list of the types of activities that may present a conflict and must be disclosed.

1. **Adverse Interest.** Participation by a County employee or his or her Family Member¹ in decisions or negotiations related to a contract, transaction or other matter between County and: (i) the County employee; (ii) an entity in which the County employee or a Family Member of such person has financial or business interest; or (iii) an entity with which the County employee has an agency relationship.
2. **Competing Interests.** Competition by a County employee, either directly or indirectly, with County in the purchase or sale of property or property rights, interests, or services.
3. **Use of Resources.** Use of the County's resources (for example, staff, contracts, vendor lists, or equipment) for personal purposes of the County employee or a Family Member of such person.
4. **Inside Information.** Disclosure or exploitation by a County employee of information pertaining to the County's business for the personal profit or advantage of such person or a Family Member of such person or a person/entity with whom the County employee has an agency relationship.
5. **Outside Enterprises.** A County employee's outside employment, activity or enterprise may be considered a conflict if:
 - (a) It involves the use, for private gain or advantage, of his/her County time, facilities, equipment, uniform or supplies, or the prestige or influence of his/her County employment.
 - (b) It involves the receipt or acceptance by the County employee of any money or other consideration from anyone other than the County for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of his/her usual County employment or a part of this/her duties as a County employee.
 - (c) It involves the performance of an act in other than his or her capacity as a County employee, which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the County.
 - (d) It involves time demands on the employee involving any outside employment activity or enterprise that would render the performance of his or her County duties as inefficient.

¹ Family member includes a spouse or registered domestic partner, parents, minor or dependent children.

- 6. Extra Compensation (Gifts, Entertainment, Discounts, Etc.).** A County employee must not accept, permit, or receive extra compensation (compensation over and above that fixed by contract or by law) for services rendered, in whole or in part, or a contract entered into, for a payment beyond the contract price, or for his or her performance of official duties, even if exceptional performance was rendered or if the job was far more difficult to render than anticipated.

County employees must not accept gifts of cash or gifts that directly or indirectly imply an appearance of a transaction having some benefit or monetary value in return for rendering official County duties. This may include, but is not limited to, personal gifts, free or discounted transportation, lodging, tickets to sporting or entertainment events, or expensive meals, etc.

- 7. Bribery.** Offering, giving, receiving, soliciting, or even the mere proposal of bribery is prohibited. Bribery is defined as anything of value or advantage, currently or in the future, or any promise or undertaking to give anything, asked, given, or accepted, with a corrupt intent to influence the actions of a public official, including any County employee.

The situations described above may be acceptable if they benefit the County and if the County has considered the conflict in an objective and informed manner, which is determined on a case by case basis. However, when managed poorly, conflicts of interest may result in legal liability, loss of public confidence and a damaged reputation. The County has, therefore, adopted this code to avoid even the appearance of impropriety.

Article V: Disclosure & Disqualification Procedure

(1) A County employee who may have an actual or potential conflict of interest must, at the earliest reasonable time, advise, in writing, his or her Department Head or to the Human Resources Director of the possible conflict of interest.

(2) Questions regarding possible conflict of interest or outside employment, activity or enterprise should also be brought to the attention of his or her Department Head or to the Human Resources Director at the earliest possible time.

(3) County personnel shall disqualify himself or herself from making, participating in the making, or in any way attempting to use his or her official position to influence a governmental decision in which he or she knows, or is reasonably foreseeable, that he or she has a conflict of interest or appearance of a conflict.

(4) Following disclosure of an actual or potential conflict of interest, the County employee will have the opportunity to disclose the existence of any financial interest and any material facts to the County regarding the proposed transaction or arrangement. The County shall then determine whether an actual conflict of interest exists. Consideration of alternatives to the proposed transaction or arrangement to avoid the conflict of interest may be made.

(5) If the County determines that the County employee is in violation of this code, the County employee shall be so informed in writing of the possible violation of this policy.

(6) Failure to disclose or discuss information of the type indicated above may lead to disciplinary action up to and including dismissal. Such disciplinary action shall be undertaken in accordance with County disciplinary policies and applicable collective bargaining agreements.

(7) The County is committed to the fair treatment of all County employees and recognizes the responsibility under state and federal law to protect from punishment and harassment any person who reports a potential ethics issue, whether or not the allegation is found to have merit. The County shall not take any action or threaten any action against any employee as a reprisal for making a disclosure under this Code unless the disclosure was made, or the information was disclosed, with knowledge that it was false or with willful disregard for its truth.

Article VI: Disclosure of Financial Interests

The Political Reform Act, Government Code §§81000-91015, requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation, found in Title 2, California Code of Regulations, §18730, which contains the terms of a standard Conflict of Interest Code. This code can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments of the Political Reform Act. The terms of the standard Conflict of Interest Code in Title 2, California Code of Regulations, §18730 and any amendments to it duly adopted by the Fair Political Practices Commission have been incorporated by reference by Resolution of the Board of Supervisors of Mendocino County, along with attached Appendixes A through D, in which members and employees are designated and disclosure categories are set forth, and the place of filing is specified. Such terms and amendments and Appendixes ~~shall constitute~~ are incorporated in the Conflict of Interest Code of the County of Mendocino.

Designated Positions. The positions listed in "Appendix A" are designated positions. Persons holding those positions are deemed to participate in the making of decisions which may foreseeably have a material effect on a financial interest.

Economic Disclosure Statements. Designated employees shall file statements of economic interest with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall make and retain a copy and forward the original of these statements to the place of filing as indicated on Appendix C attached.

APPENDIX A

CONFLICT OF INTEREST CODE COUNTY OF MENDOCINO

PART I - DESIGNATED EMPLOYEES

Under provisions of this Code, designated employees shall file statements of economic interests. The following are designated employees because their positions involve the making or participating in the making of decisions, which could affect private financial interests materially. The financial effect of a government decision is material if the decision will have a significant effect on a person's or business entity's real property or source of income in question. Any investments, interests in real property and sources of income held by the designated employee's spouse or dependent children must be reported as though held by the designated employee personally.

Consultants to the County of Mendocino hold designated positions under this Conflict of Interest Code and are required to comply with the disclosure requirements described below. The Chief Executive Officer may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus not required to comply with the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer shall forward a copy of this determination to the Board of Supervisors. However, nothing herein will excuse any such consultant from any other provision of this Conflict of Interest Code.

DESIGNATED POSITIONS	DISCLOSURE <u>CATEGORY</u>	
(BU 1010) CLERK OF THE BOARD		
Clerk of the Board of Supervisors	3	
(BU 1020) EXECUTIVE OFFICE		
Assistant Chief Executive Officer	1	
Deputy Chief Executive Officer	1	
Administrative Analyst I/II/144	1	
Economic Development Coordinator	1	
Senior Administrative Analyst	1	
(BU 1110) AUDITOR-CONTROLLER		
Auditor-Controller	3	
Assistant Auditor-Controller	3	
<u>Chief Deputy Auditor-Controller</u>	<u>3</u>	
(BU 1120) ASSESSOR		
Assessor Clerk -Recorder	1	
Assistant Assessor	1	
Chief Property Appraiser	1	
Real Property Appraiser I/II/III/144/144	1	
Senior Auditor-Appraiser	1	
Auditor-Appraiser	1	

DESIGNATED POSITIONS	DISCLOSURE <u>CATEGORY</u>	
	CATEGORY	
(BU 1130) TREASURER-TAX COLLECTOR		
Assistant Treasurer-Tax Collector	1	
(BU 1160) GENERAL SERVICES AGENCYEXECUTIVE		
General Services Agency Director	4	
Buyer	3	
(BU-1210) COUNTY COUNSEL		
Chief Deputy County Counsel	1	
Deputy County Counsel I/II/III/IV	1	
<u>Assistant County Counsel</u>	<u>1</u>	
(BU 1320) HUMAN RESOURCES		
Director of Human Resources	3	
Human Resources Manager	3	
<u>Assistant Human Resources Director</u>	<u>3</u>	
(BU 1410) ELECTIONS		
Assistant Registrar of Voters	3	
(BU 1610) BUILDING AND GROUNDEXECUTIVE OFFICE		
Facility and Fleet Division Manager	3	
<u>Assistant Facility Manager</u>	<u>3</u>	
<u>Facility Project Specialist I/II</u>	<u>3</u>	
(BU 1620) GARAGE		
Supervising Auto Mechanic	3	
(BU 1910) DOT: LAND IMPROVEMENTS		
Deputy Director of Transportation: Land Improvements	1	
County Surveyor	1	
Civil Engineer	1	
(BU 1941) COUNTY CLERK		
Assistant Clerk Recorder/ <u>Registrar</u>	3	
(BU 1960) INFORMATION SERVICES		
Information Services Division Manager	3	
Information Systems Operations Manager	3	
Information Systems Network Manager	3	
(BU 2070) DISTRICT ATTORNEY		
Administrative Services Manager <u>I/II</u>	3	
Assistant District Attorney	1	
Chief Deputy District Attorney	1	

(BU 2080) PUBLIC DEFENDER		
Public Defender	3	
Assistant Public Defender	3	
DESIGNATED POSITIONS	DISCLOSURE	
	CATEGORY	
DESIGNATED POSITIONS	DISCLOSURE CATEGORY	
(BU 2085) ALTERNATE PUBLIC DEFENDER		
Alternate Defender	3	
(BU 2090) CHILD SUPPORT SERVICES		
Child Support Services Director	3	
Chief Child Support Attorney	1	
(BU 2310) SHERIFF/CORONER		
Sheriff-Coroner	1	
Undersheriff	1	
Sheriff's Captain	1	
Sheriff's Lieutenant	1	
Administrative Services Manager I/II	3	
(BU 2510) JAIL		
Correction's Lieutenant	3	
Sheriff's Captain	3	
(BU 2550) JUVENILE HALL		
Probation Division Manager	3	
(BU 2560) PROBATION		
Administrative Services Manager <u>II</u>	3	
Chief Probation Officer	3	
Probation Division Manager	3	
<u>Assistant Chief Probation Officer</u>	<u>3</u>	
(BU 2710) AGRICULTURE		
Agricultural Commissioner/Sealer of Weights and Measures	2	
Assistant Agricultural Commissioner/Sealer of Weights Measures	2	
(BU 2810) CANNABIS		
<u>Cannabis Program Manager</u>	<u>1</u>	
(BU 2851) PLANNING AND BUILDING SERVICES		
Planning and Building Services Director	1	
Planner I/II/III	1	
Chief Planner	1	

Senior Planner	1	
Code Enforcement Officer I/II	2	
Chief Building Inspector Official	2	
Senior Building Inspector	2	
Building Inspector I/II/III	2	
<u>Administrative Services Manager I/II</u>	<u>3</u>	
(BU 2860) ANIMAL CARE & CONTROL		
Program Administrator Animal Care Director	1	
DESIGNATED POSITIONS	DISCLOSURE	
	CATEGORY	
DESIGNATED POSITION	DISCLOSURE CATEGORY	
(BU 3010) TRANSPORTATION (DOT)		
Transportation Director	1	
Assistant Transportation Director	1	
Deputy Director of Transportation: Admin/Business Services	1	
Deputy Director of Transportation: Engineering	1	
Deputy Director of Transportation: Maintenance Services	1	
Maintenance Operations Coordinator	3	
Civil Engineer	1	
Engineer I/II	1	
Senior Civil Engineer	1	
Right of Way/Environmental Agent	1	
Equipment Superintendent	3	
DESIGNATED POSITIONS	DISCLOSURE	
	CATEGORY	
(BU 4010) PUBLIC HEALTH BRANCH (PH)		
Director of Public Health Branch Assistant HHSA Director	1	
Public Health Officer	1	
(BU 4011) PH: ENVIRONMENTAL HEALTH		
Director Environmental Health	1	
Environmental Health Specialist I/II	2	
Senior Environmental Health Specialist	3	
Environmental Health Manager	3	
(BU 4012) PH: ALCOHOL and UOTHER DRUG PROGRAM		
Alcohol/Drug Program Deputy Director	3	
(BU 4013) PH: NURSING		
Public Health Nursing Deputy Director	3	

(BU 4050) MENTAL HEALTH BRANCH		
Mental Health Branch Assistant HHSA Director	3	
Chief Psychiatrist	3	
Administrative Services Manager II	3	
(BU 4510) DOT: SOLID WASTE		
Deputy Director of Transportation: Solid Waste	4	
(BU 5010) SOCIAL SERVICES BRANCH		
Social Services Branch Assistant HHSA Director	3	
Deputy Director Social Services	3	
Staff Services Administrator	3	
Program Manager	3	
Veterans' Service Officer	3	
Deputy Public Guardian/Administrator	3	
Senior Program Manager	3	
Program Administrator	3	
DESIGNATED POSITIONS	DISCLOSURE	
	CATEGORY	
(BU 5020) HEALTH AND HUMAN SERVICES AGENCY		
Health and Human Services Agency Director	3	
Assistant Health and Human Services Agency	<u>3</u>	

DESIGNATED POSITIONS	DISCLOSURE CATEGORY	
Chief Operations Officer – HHSA	<u>3</u>	
Administrative Services Manager I/II	<u>3</u>	
(BU 6110) LIBRARY		
County Librarian/Director	3	
Assistant County Librarian	3	
Administrative Services Manager I	<u>3</u>	
(BU 7110) MUSEUM		
Museum Director	3	

PART II - DESIGNATED BOARDS, COMMISSIONS AND EMPLOYEES

Under the provisions of the standard code, the following Boards and Commissions and their designated members and employees make or participate in the making of decisions which may foreseeably have a material effect on any financial interest:

	CATEGORY
Airport Land Use Commission (all Commissioners)	2
Air Quality Management District (all Board members)	2
Air Pollution Control Officer	2
Senior Air Quality Specialist	2
Air Quality Management District Hearing Board	2
Air Quality Program Coordinator	2
Archaeological Commission of Mendocino County (all Commissioners)	2
Building Appeals Board (all Board members)	2
Gualala Municipal Advisory Council (all members)	1
<u>Hopland Municipal Advisory Council</u> <u>(all members)</u>	1
Laytonville Municipal Advisory Council (all members)	1
Mendocino Historical Review Board (all Board members)	2
Mendocino County Indian Gaming Local Community Benefit Committee (all Committee members)	1, 2, 3
<u>Redwood Valley Municipal Advisory Council</u> <u>(all members)</u>	1
Solid Waste Hearing Board (all Board members)	2
Water Agency (all Board members)	1
<u>Westport Municipal Advisory Council</u> <u>(all members)</u>	1
General Manager	1
Hydrologist	1

PART III: CONSULTANTS

~~(As of September 23, 2008 – this area is not applicable and is to be left blank)~~

Consultants² 1

² Consultants shall disclose pursuant to Category subject to the following limitation:

The Chief Executive Officer or the Director of Human Resources may determine in writing that a particular Consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

APPENDIX B

CONFLICT OF INTEREST CODE COUNTY OF MENDOCINO

DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS (EMPLOYEES, COMMISSION AND BOARD MEMBERS, AND CONSULTANTS)

CATEGORY 1: All sources of income (including receipt of gifts, loans and travel payments), relative to investments in businesses and real estate (except principal place of residence).
~~*Consultants~~

CATEGORY 2: All investments, sources of income (including receipt of gifts, loans and travel payments) and interest in real property subject to the regulatory, permit or licensing authority of the employee's department.

CATEGORY 3: All investments and sources of income (including receipt of gifts, loans and travel payments) derived from sources, which are:

- A. Contractors or subcontractors engaged in the performance of work or services of the type utilized by the County of Mendocino or the employees' department, or
- B. Manufacturers, sellers or lessors of supplies, machinery or equipment of the type utilized by the County of Mendocino or the employee's department.

~~*Consultants.~~

~~Consultants shall disclose pursuant to Category subject to the following limitation:~~

~~The Chief Executive Officer of the County may determine in writing that a particular Consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the~~

~~Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.~~

APPENDIX C

CONFLICT OF INTEREST CODE COUNTY OF MENDOCINO

PLACE OF FILING

PART I - DESIGNATED EMPLOYEES

Where: County Clerk-Recorder
County of Mendocino
Administration Center
501 Low Gap Rd., Rm. 1020
Ukiah, CA 95482

The County Clerk shall furnish to each designated employee upon his or her appointment and termination, and annually during such designated employee's tenure, a Form 700 - Statement of Economic Interests. The designated employees will submit the completed Form 700 - Statement of Economic Interests to the County Clerk for filing.

PART II - BOARDS, COMMISSIONS AND COMMITTEES (and designated employees of same)

Where: County Clerk-Recorder
County of Mendocino
Administration Center
501 Low Gap Rd., Rm. 1020
Ukiah, CA 95482

The County Clerk shall furnish to each designated member upon his or her appointment and termination, and annually during such designated member's tenure, a Form 700 - Statement of Economic Interests. The members will submit the completed Form 700 - Statement of Economic Interests to the County Clerk for filing.

PART III - CONSULTANTS

Where: County Clerk-Recorder
County of Mendocino
Administration Center
501 Low Gap Rd., Rm. 1020
Ukiah, CA 95482

The Assessor-County Clerk-Recorder shall furnish each designated Consultant upon his or her contract commencement and termination, and annually during such designated Consultants tenure, a Form 700 - Statement of Economic Interests. The Consultant will submit the completed Form 700 - Statement of Economic Interests to the County Clerk for filing.

APPENDIX D

County Officers, Boards and Commissions required to file Conflict of Interest Disclosure Statements pursuant to Government Code §87200 et seq. are not subject to County Conflict of Interest Code:

Board of Supervisors (all Supervisors)
County Treasurer- Tax Collector
District Attorney
Chief Executive Officer
County Counsel
County Planning Commissioners
Retirement Board Members