

County of Santa Clara

Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-5105



MEMORANDUM

TO: Local Agencies and Districts Required to Submit Conflict of Interest Codes to County of Santa Clara

FROM: Kim Forrester, Special Assistant to the County Executive *KF*

RE: BIENNIAL REVIEW OF CONFLICT OF INTEREST CODES

DEADLINE FOR BIENNIAL NOTICE TO KIM FORRESTER – AUGUST 31, 2026

(SUBMISSION OF BIENNIAL NOTICE IS REQUIRED EVEN IF NO CHANGES TO YOUR CODE ARE NECESSARY – SEE STEPS 1 AND 2 BELOW)

IF AN AMENDMENT TO YOUR CONFLICT OF INTEREST CODE IS NEEDED, YOUR AMENDED CODE IS DUE TO KIM FORRESTER, AS INDICATED BELOW - SEE STEPS 3-6 BELOW

DATE: June 19, 2026

The Political Reform Act requires every local government agency to review its conflict of interest code biennially (every even-numbered year) to determine if it is accurate or if the code must be amended.

The review includes:

- adding additional positions that should be designated;
- removing titles of positions that have been abolished or no longer make or participate in making governmental decisions that may foreseeably have a material effect on any financial interest of the position-holder;
- updating the titles of existing designated positions that had a title change;
- reviewing disclosure categories;
- confirming each designated position is assigned to the appropriate disclosure category;
- confirming that consultants are designated; and
- confirming the code includes a section on the disclosure requirements and process for newly-created positions.

To assist you in reviewing your agency's code, please see the attached reference sheet:

- **County of Santa Clara Seven Questions to Ask for the 2026 Biennial Review of Your Agency's Conflict of Interest Code**

The law requires that (1) each agency's code text is up-to-date, (2) the code accurately designates positions that make or participate in making governmental decisions, and (3) the code assigns appropriate disclosure obligations to each designated position.

"No conflict of interest code shall be effective until it has been approved by the code-reviewing body." (Gov. Code § 87303.) The County of Santa Clara Board of Supervisors is the code-reviewing body for local agencies whose jurisdiction is solely within Santa Clara County. As the code-reviewing body, the Board of Supervisors is charged with informing your agency that it must review its conflict of interest code and submit a completed "2026 Local Agency Biennial Notice" (attached) indicating either that amendments are required to your agency's conflict of interest code this year or that amendments are not required.

Below are the instructions and timelines for your agency:

Step 1: Using the County of Santa Clara Seven Questions to Ask for the 2026 Biennial Review of Your Agency's Conflict of Interest Code, Review Your Agency's Last County-Approved Code.

- Use the Last County-Approved Code version of your agency's conflict of interest code for your review. This was included in the email with the biennial review materials sent to your agency. If your agency amended its code since that version, it is not effective since it was not approved by the County Board of Supervisors.
- Answer each of the questions in the document titled, "County of Santa Clara Seven Questions to Ask for the 2026 Biennial Review of Your Agency's Conflict of Interest Code." Your agency's review process should include reviewing current organizational charts and current job duty statements to confirm the positions that need to be designated are listed and assigned to the appropriate disclosure category in your agency's conflict of interest code.
- Also refer to the body of the email sent by Kim Forrester regarding potential amendments, if any, for your agency's code.

Step 2: Complete and Submit to Kim Forrester the 2026 Biennial Notice by August 31, 2026.

- Complete the Biennial Notice (attached), indicating either (1) that "an amendment is required" for your agency's code this year and marking the applicable checkboxes, or (2) indicating that "no amendment is required" to your agency's code this year. If the agency is returning the form indicating that no amendment is required, an executive officer's signature must be on the Form.

- By August 31, 2026, submit the Biennial Notice to Kim Forrester at kimberly.forrester@ceo.sccgov.org.
- Do not wait to submit the form with a code update. As a first step, the County just needs to receive your agency's Biennial Notice form by itself.
- Every agency must submit a "2026 Local Agency Biennial Notice" even if the agency determines that no changes to its conflict of interest code are required.

If an amendment to your agency's conflict of interest code is required, continue with Steps 3-6 below:

Step 3: Prepare Proposed Code Amendment and Fill Out the "List of Amendments" Document.

- Draft the necessary amendments to your agency's code.
- Fill out the "List of Amendments to Code Since Last County-Approved Code" (attached) electronically in MS Word. This needs to list the changes your agency is proposing between the last County-approved code and the proposed code amendment.

Step 4: At Least Two Weeks Prior to Agendizing the Code Amendment for Your Agency's Approval, Email MS Word copies of the Proposed Conflict of Interest Code Amendment and "List of Amendments" to Kim Forrester for Preliminary Review.

- Prior to agendizing the code amendment for your agency board's approval, email for preliminary review to Kim Forrester (kimberly.forrester@ceo.sccgov.org) in MS Word format:
 1. the proposed code amendment and
 2. "List of Amendments to Code Since Last County-Approved Code," listing any changes made to the text of your code, the specific titles of positions added or removed from your code, any position title revisions of existing designated positions, disclosure category numbers revised, and designated positions re-assigned to a different disclosure category number.
- **Allow up to 2 weeks turnaround time for the preliminary review.**

- This preliminary review is required to avoid any edits needed after your agency has already taken the amended code to your agency board for approval. If the County notes that edits are needed, we will advise you to make those edits before you take the code amendment to your agency board. This saves your agency time and effort.

Step 5: Following Receipt of the County's Response to the Preliminary Review, Make Any Needed Edits and Submit Amended Code to Your Agency Board for Approval

- Following the County's preliminary review and response to your agency, make any necessary edits and then submit the amended code to your agency board for approval.
- Your agency's conflict of interest code should be properly agendized for your governing board's approval to provide notice of your agency's code amendment. Government Code section 87311 requires that "The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views."
- **Please plan accordingly for deadline purposes so that you can submit it to your governing board with enough time to then be able to submit the adopted amendments to the County by October 30, 2026.** This is especially important to note by agencies that may take their code to more than one governing board meeting for approval.

Step 6: Following Your Agency Board's Approval, Submit the Code Amendment with Date/Proof of Your Agency Board's Approval to the County by October 30, 2026 (or sooner if available)

- Following your agency's governing board approval of the amended code, email the complete clean copy of your entire final agency-approved amended conflict of interest code (text, list of designated positions, and disclosure categories) with date/proof of your agency board's approval. The amended code may be submitted via email to kimberly.forrester@ceo.sccgov.org.
- Your local agency's amended code is not legally effective until it has been approved by the Board of Supervisors as the code-reviewing body.

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Once the County Board of Supervisors provides code-reviewing body approval, you will receive notification, and updates will be made in eDisclosure to match the updates made to the conflict of interest code.

If you require information about the process for transmitting your Biennial Notice or code amendment to the County, please contact Kim Forrester at kimberly.forrester@ceo.sccgov.org.

Attachments:

- (1) 2026 Local Agency Biennial Notice
- (2) County of Santa Clara Seven Questions to Ask for the 2026 Biennial Review of Your Agency's Conflict of Interest Code
- (3) List of Amendments to Code since Last County-Approved Code Form
- (4) Your Agency's Last County-Approved Conflict of Interest Code