North Santa Clara Resource Conservation District
Conflict of Interest Code

Adoption

The Political Reform Act, California Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

Therefore, the Model Conflict of Interest Code set forth in Title 2, Section 18730 of the California Code of Regulations, and any amendments to the Model Conflict of Interest Code duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. The full text of 2 CCR § 18730 may be found at https://www.fppc.ca.gov. This regulation and the appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the North Santa Clara Resource Conservation District (NSCRCD or the District).

Designated Employees and Disclosures Categories

Each officer or employee who holds a position specifically listed in Appendix A, is a designated employee. Persons holding these positions may make or participate in the making of decisions that might foreseeably have a material effect on their financial interests. Each designated employee shall disclose in his or her Statements of Economic Interests those financial interests he or she has as required in the position's assigned disclosure category.

Statements of Economic Interests

Persons holding a designated position shall file their statements of economic interests with NSCRCD's filing official. Statements of economic interests shall be maintained by NSCRCD and available for inspection and reproduction pursuant to Government Code Section 81008. If Statements are received in signed paper format, NSCRCD's filing official shall make and retain a copy and forward the original of this Statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both NSCRCD's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed Statement simultaneously.

Activity Log:

Date	Action
11/10/2014	Board of Directors adopted amended code as recommended by County Counsel.
09/01/2016	Biennial review completed; no amendment required.
01/10/2019	Board of Directors adopted amended code as recommended by County Counsel.
08/31/2020	Biennial review completed; no amendment required.
08/29/2022	Biennial review completed; no amendment required.
12/07/2023	Board of Directors adopted amended code as recommended by County Counsel to reflect name change from Guadalupe-Coyote RCD to North Santa Clara RCD and update FPPC link; activity log added.
10/08/2024	Board of Supervisors approved amended code, as adopted by the NSCRCD Board of Directors on 12/07/2023.
11/06/2024	Executive Director recorded Board of Supervisors action and added clarifying language to the log in order to provide greater public transparency as to which actions were taken by the Board of Directors and which were taken by the Board of Supervisors; policy document reformatted with District's standard ADA-compliant font and headings.

Appendix A

Designation of Positions

Designated Positions	Disclosure Category
Director	1
District Manager	1
Consultant	2
Newly Created Position	*

* Newly Created Positions
A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in NSCRCD's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Executive Director may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. NSCRCD's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

As soon as NSCRCD has a newly created position that must file statements of economic interests, NSCRCD's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and NSCRCD's filing official shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, NSCRCD shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

Appendix B

Disclosure Categories

Category 1: Persons designated in this category must disclose all interests in real property, as well as all investments, business positions and income, including gifts, loans and travel payments, subject to the limitations, exceptions, and exemptions as set forth in the California Codes and Regulations.

See, for instance, California Government Code Sections 87302(b) and 87206(f), which provide that for purposes of disclosure, "interest in real property" does not include the filer's principal residence if used exclusively as a personal residence, or any other property which the filer utilizes exclusively as the personal residence of the filer.

Category 2: Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the conflict of interest code subject to the following limitation: The District 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 comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

For the purposes of Disclosure Category 2 a "consultant" is an individual who, pursuant to a contract with a state or local government agency, makes a governmental decision whether to:

(i) Approve a rate, rule, or regulation;

(ii) Adopt or enforce a law;

(iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;

(v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;

(vi) Grant agency approval to a plan, design, report, study, or similar item;

(vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof.

A consultant also is an individual who, pursuant to a contract with the agency, serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18704 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code section 87302.