

Conflict of Interest Code Policy

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CONFLICT OF INTEREST CODE SANTA CRUZ LIBRARY-COUNTY LIBRARY SYSTEM

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CONFLICT OF INTEREST CODE
FOR THE
SANTA CRUZ LIBRARY-COUNTY LIBRARY SYSTEM

ARTICLE I. STATUTORY PROVISIONS

In compliance with the Political Reform Act of 1974, California Government Code Section 81000 et seq., and specifically with Section 87300 et seq., the Santa Cruz Library-County Library System hereby adopts this Conflict of Interest Code which shall be applicable to all designated employees of the Library. The requirements of this 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 are in addition to any other state or local laws pertaining to conflicts of interest.

ARTICLE II. PROVISION OF CONFLICT OF INTEREST CODE

Section 1. Definitions.

The definitions contained in the Political Reform act of 1974, Regulations of the Fair Political Practices Commission (2 Cal. Admin. Code Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 2. Designated Employees.

The persons holding positions listed in Appendix A 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.

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 the Library System is the same 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.¹

¹ 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 Govt. Code Section 81004.

Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix A 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 Appendix A. 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.

Section 4. Statement of Economic Interests: Place of Filing.

All designated employees required to submit a statement of economic interest shall file such statements with the Library Board Clerk, who shall be the filing officer.²

Section 5. Statement of Economic Interests: Time of Filing.

(a) Initial Statements. All designated employees employed by the Library on the effective date of this Code, as originally adopted, promulgated and approved by the Library Board, shall file statements within thirty 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 thirty 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 thirty days after assuming the designated positions.

(c) Annual Statements. All designated employees shall file statements no later than April 1 of each year.

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

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.

(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.

² See Govt. Code Section 81010 and 2 Cal.Admin.Code Section 18115 for the duties of filing officers and persons in agencies who make and return copies of Statements and forward the originals to the filing officer.

(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 of the last statement filed and the date of leaving office.

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 Library and shall contain the following information:

(a) Investment and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported⁴ 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), 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 reported⁵ the statement shall contain:

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a joint market value of less than \$1,000 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.

⁵ 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 governmental agency.

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty (\$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 five hundred dollars (\$500), but did not exceed one thousand dollars (\$1,000), whether it was greater than one thousand dollars (\$1,000), whether it was greater than ten thousand dollars (\$10,000) or whether it was 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 for 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.

(c) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported⁵ 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.

⁵ Income 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.

Section 8. 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:

- (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 dollars (\$500) 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.
- (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 four hundred forty dollars (\$440) 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.

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.

Section 9. Manner of disqualification.

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 must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is a board member or commissioner, determination and disclosure shall be made at the meeting during which consideration of the decision takes place and shall be made part of the official record of the board or commission; in the case of a designated employee which is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 10. Assistance of the Board.

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 Santa Cruz City attorney provided that nothing in this section requires the Santa Cruz City attorney to issue any formal or informal opinion.

Section 11. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code or subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. 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.

APPENDIX A

Schedule of Designated Positions and Their Disclosure Categories

DESIGNATED POSITIONS	DISCLOSURE CATEGORY
BOARD of DIRECTORS	Govt. Code §87200
ADVISORY COMMISSIONERS	1
DIRECTOR of LIBRARIES	Govt. Code §87200
ASST. DIRECTOR of LIBRARIES	1
TREASURER-CONTROLLER	Govt. Code §87200
ADULT SERVICES MANAGER YOUTH SERVICES MANAGER BRANCH OPERATIONS MANAGER	3
PRINCIPAL MANAGEMENT ANALYST	3
MANAGEMENT ANALYST	3
LIBRARY INFORMATION TECHNOLOGY MANAGER	3
LIBRARIAN III- COLLECTION MNGT. SERVICES	3
LIBRARIAN II – SELECTION /CATALOGING (Qty. 4)	3
COMMUNITY RELATIONS SPECIALIST	3
LIBRARY SPECIALISTS	3
FIELD SERVICE CREW LEADER	3
LEGAL COUNSEL	1
SPECIFIED CONSULTANTS Those consultants likely to participate in the making of a governmental decision as determined by the Library Manager in writing.	1

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APPENDIX B

General Provisions and List of Disclosure Categories

1. FULL DISCLOSURE

What to report? All investments and business positions in business entities, sources of income including gifts, loans and travel payments, and interests in real property located in the Library System.

What Form 700 schedules? All Schedules (A through E)

2. ALL INCOME, EXCLUDING INTERESTS IN REAL PROPERTY

What to report? All investments and business positions in business entities, and sources of income including gifts, loans and travel payments.

What Form 700 schedules? A, C, D, E

3. LIBRARY SYSTEM/DEPARTMENT-RELATED INCOME

What to report? All investments and business positions in business entities and sources of income including gifts, loans and travel payments if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery or services, including training or consulting services, of the type utilized by or subject to the review or approval by the Library System or the department in which that person is employed.

What Form 700 schedules? A, C, D, E

4. LIBRARY SYSTEM/DEPARTMENT-RELATED INCOME, REAL PROPERTY

What to report? All investments and business positions in business entities and sources of income including gifts, loans and travel payments, and all interests in real property, if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery or services, including training or consulting services, of the type utilized by or subject to the review or approval of the Library System or the department in which that person is employed.

What Form 700 schedules? All Schedules (A through E)

5. **REGULATORY, LAND DEVELOPMENT RELATED INCOME, REAL PROPERTY**

What to report? All investments and business positions in business entities and sources of income including gifts, loans and travel payments, and interests in real property, if the source is of the type that is subject to the regulatory permit or licensing authority by the Library System or department in which that person is employed or the source of income is from land development, construction or the acquisition or sale of real property by the Library.

What Form 700 schedules? All Schedules (A through E)
