



Solano Local Agency Formation Commission

675 Texas St. Ste. 6700 • Fairfield, California 94533

(707) 439-3897

www.solanolafco.com

Staff Report

DATE: August 12, 2024

TO: Solano Local Agency Formation Commission

FROM: Christina Love, Deputy Executive Officer on behalf of the Policy Ad-Hoc Committee

SUBJECT: **Amendment of the Conflict of Interest Code Pursuant to the Political Reform Act of 1974**

Recommendation:

ADOPT the attached Solano LAFCO Resolution approving and adopting the amended Conflict of Interest Code pursuant to the Political Reform Act of 1974.

Executive Summary:

The Political Reform Act of 1974, Government Code section 81000 et seq. (the “Act”), requires all public agencies to adopt and maintain a conflict of interest code establishing the rules for disclosure of personal assets and the disqualification from making or participating in the making of any decisions that may affect any personal assets designating positions and establishing disclosure categories.

Pursuant to Section 87306 of the Act, Local Agency Formation Commission of Solano County (“LAFCO”) must amend its Code when necessitated by changed circumstances including the creation of new positions which must be designated, revision of the titles of existing positions and deletes titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Attached is a redlined version of the proposed amended Code showing that the proposed revisions are based on the establishment and recognition of new positions that must be designated.

Conclusion:

It is recommended that the Commission adopt the attached Solano LAFCO Resolution approving and adopting the amended Conflict of Interest Code pursuant to the Political Reform Act of 1974.

Commissioners

Ron Kott, Chair • John Vasquez, Vice-Chair • Nancy Shopay • Mitch Mashburn • Steve Bird

Alternate Commissioners

Alma Hernandez • Wanda Williams • Jack Batchelor

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II • Tova Guevara, Office Administrator/Clerk • Tyra Hays, Project Specialist • Mala Subramanian, Lead Legal Counsel

Agenda Item 7.B – Conflict of Interest Code

Attachments:

Action Item – Resolution of the Local Agency Formation Commission of Solano County
Approving an Amended Conflict of Interest Code Pursuant to the Political Reform Act of
1974

Exhibit A: Approved Amended Conflict of Interest Code

A – Redlined Draft Legislative Version of Proposed Amended Conflict of Interest Code

LAFCO RESOLUTION NO. _____**RESOLUTION OF THE LOCAL AGENCY FORMATION OF SOLANO COUNTY
APPROVING AN AMENDED CONFLICT OF INTEREST CODE
PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Local Agency Formation Commission of Solano County ("LAFCO"), and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Member of the Commission adopted a Conflict of Interest Code (the "Code") which was amended on February 27, 2017, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within LAFCO have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update LAFCO's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in LAFCO being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Members of the Commission of the proposed amended Code which was provided to each affected designated position and was publicly posted for review at the offices of LAFCO; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Members of the Commission on August 12, 2024, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of Solano County does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Deputy Executive Director and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Code shall be submitted to the Board of Supervisors of the County of Solano for approval and said Code shall become effective upon approval by the Board of Supervisors of the proposed amended Code as submitted.

****CONTINUED NEXT PAGE****

Agenda Item 7.B – Conflict of Interest Code

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of the County of Solano at a duly noticed public hearing held on 12th day of August 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ron Kott, Chair
Presiding Officer of Local Agency Formation
Commission County of Solano, State of
California

ATTEST:

Tova Guevara, Clerk
Local Agency Formation Commission of
Solano County

Exhibit A: Approved Conflict of Interest Code

EXHIBIT A

Agenda Item 7.B – Conflict of Interest Code

**Solano Local Agency Formation Commission**

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www.solanolafco.com**CONFLICT OF INTEREST CODE FOR THE LOCAL AGENCY FORMATION
COMMISSION OF SOLANO COUNTY**

The Political Reform Act, Government Code Section 8000, 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.

It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act.

Therefore, the terms of Title 2 California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibits in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the agency named above.

All designated positions required to submit a statement of financial interests shall file the disclosure statement with the agency who will make the statements available for public inspection and reproduction. (Government Code Section 8008).

Upon receipt of the statements the agency shall make and retain a copy thereof and shall forward the original of these statements to the Solano County Elections Department, Attention: Statement of Economic Interests filing officer.

EXHIBIT A

Agenda Item 7.B – Conflict of Interest Code

Local Agency Formation Commission of Solano County

CONFLICT OF INTEREST CODE

EXHIBIT A --DESIGNATED POSITIONS

Position	Disclosure Category
LAFCO Commissioner	1,2,3,4
Alternate Commissioner	1,2,3,4
Executive Officer	1,2,3,4
Deputy Executive Officer	1,2,3,4
LAFCO Analyst I	1,2,3,4
LAFCO Analyst II	1,2,3,4
LAFCO Sr. Analyst	1,2,3,4
LAFCO Project Specialist	1,2,3,4
LAFCO Office Administrator/Clerk	1,2,3,4
Consultants and New Positions ¹	

¹ Individuals serving as a consultant as defined in FPPC Reg 18700.3(a) or in a new position created since the code was last approved that makes or participates in the making of decisions must file under the broadest disclosure category set forth in this code subject to the following limitation:

The Executive Director may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document (Gov. Code §82019; Regs 18219 and 18734). The Executive Director'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 §81008).

EXHIBIT A

Agenda Item 7.B – Conflict of Interest Code

Local Agency Formation Commission of Solano County

CONFLICT OF INTEREST CODE

EXHIBIT B -- DISCLOSURE CATEGORIES

1. *Income:* A payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan forgiveness, or payment of indebtedness received by the filer.
2. *Interests in Real Property:* Any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the filer or his or her immediate family if the fair market value of the interests is \$1,000 or more.
3. *Investment:* Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the filer or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity is located in the jurisdiction, has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required.
4. *Investments or Positions in a Business Entity:* Investments or positions held in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.



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CONFLICT OF INTEREST CODE FOR THE LOCAL AGENCY FORMATION COMMISSION OF SOLANO COUNTY

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It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform

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Upon receipt of the statements the agency shall make and retain a copy thereof and shall forward the original of these statements to the Solano County Elections Department, Attention: Statement of Economic Interests filing officer.

~~Review Date: February 27, 2017~~

Commissioners

~~Harry Price, Vice-Chair • Pete Sanchez • Jim Spering • John Vasquez~~

Alternate Commissioners

~~Len Augustine • Nancy Shopay, Chair • Skip Thomson~~

Staff

~~Roseanne Chamberlain, Interim Executive Officer • Michelle McIntyre, Analyst • P. Scott Browne, Legal Counsel~~

Local Agency Formation Commission of Solano County
 CONFLICT OF INTEREST CODE
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LAFCO Analyst II	1,2,3,4
LAFCO Sr. Analyst	1,2,3,4
LAFCO Project Specialist	1,2,3,4
LAFCO Office Administrator/Clerk	1,2,3,4
Commission Clerk, When Utilized	4 [Position filled by Commission Staff]
Clerical Support Staff, When Utilized	none
Consultants and New Positions¹, When Utilized	1,2,3,4, subject to contract terms [Added language in footnote]

¹ Individuals serving as a consultant as defined in FPPC Reg 18700.3(a) or in a new position created since the code was last approved that makes or participates in the making of decisions must file under the broadest disclosure category set forth in this code subject to the following limitation:

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Local Agency Formation Commission of Solano County

CONFLICT OF INTEREST CODE

EXHIBIT B -- DISCLOSURE CATEGORIES

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3. *Investment:* Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the filer or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity is located in the jurisdiction, has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required.
4. *Investments or Positions in a Business Entity:* Investments or positions held in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

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