Conflict of Interest Code for:

First 5 Commission of San Diego

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Subject: Conflict of Interest and Incompatible Activities/Outside Employment Policy

Purpose

To comply with Health and Safety Code section 130140(d) (4) (A) requiring each county children and families commission to adopt, in a public hearing, a policy consistent with state and local law regarding conflict of interest of commission members.

Background

Health and Safety Code section 130140(d) (4) (A) requires each county children and families commission to adopt a conflict of interest policy that is consistent with state and local law regarding conflict of interest in order to receive funding under the California Children and Families Program.

PART I. CONFLICT OF INTEREST CODE - GOVERNMENT CODE 87100

A. The First 5 Commission of San Diego County adopted a Conflict of Interest Code on April 3, 2000, consisting of the following documents:

1) The standard conflict of interest code of the Fair Political Practices Commission (FPPC), found at Title 2, California Code of Regulations, Section 18730, as may be amended from time to time.

2) The Appendix of Designated Positions. The Appendix includes Commissioners, Executive Director First 5 Commission, Assistant Executive Director (Deputy Director, Departmental Operations), Agency Program and Operations Manager, Administrative Analyst III, Administrative Analyst II, and Consultants (as appropriate).

B. Form 700 filing. All individuals listed as designated officials and employees on the Appendix to the Conflict of Interest Code shall file the Form 700, of the FPPC, when assuming office, annually thereafter, and when leaving office as required by regulation.

C. The Commission shall continue to have a conflict of interest code in effect at all times.

Approved and/or authorized by the Board of Supervisors of the County of San Diego.
Meeting Date: 8/02/16 Minute Order No. 10
By: D. Lopez Date: 8/04/16
Deputy Clerk of the Board Supervisors

PART II. CONTRACTS AND GRANTS - GOVERNMENT CODE SECTION 1091.3

A. The First 5 Commission of San Diego County shall continue to conduct its business at all regular and special meetings of the Commission in accordance with the provisions of Government Code section 1091.3, attached hereto, as may be amended from time to time.

Cal Gov Code § 1091.3 (2005)

§ 1091.3. Section 1090 shall not apply to any contract or grant made by a county children and families commission created pursuant to the California Children and Families Act of 1998, Division 108 (commencing with Section 130100 of the Health and Safety Code), except where both of the following conditions are met:

1) The contract or grant directly relates to services to be provided by any member of a county children and families commission or the entity the member represents or financially benefits the member or the entity he or she represents.

2) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or contract.

PART III. CONFLICTS OF INTEREST GENERALLY

A. It shall be the policy of the First 5 Commission of San Diego to comply with all requirements of State law pertaining to conflicts of interest.

PART IV. INCOMPATIBLE ACTIVITIES AND OUTSIDE EMPLOYMENT POLICY APPLICABLE TO COMMISSION EMPLOYEES

A. Purpose of Part IV

To set forth the rules for the First 5 Commission of San Diego which specify duties that are inconsistent and incompatible with duties as First 5 Commission employees. The provisions of this Part IV shall not be applicable to boards, commissions, committees or other groups whose duties are purely advisory to the Commission; it shall not be applicable to the Commission's Finance Committee, or any Ad Hoc committees created for any purpose.

B. Procedure

1) Incompatible Activities. Pursuant to Government Code sections 1125-1127 the Commission, as an appointing power, may formulate rules specifying

those activities for compensation, outside of Commission duties, of the employees under the appointing authority's jurisdiction that are inconsistent and incompatible with their duties as Commission employees. The Commission has determined that the outside activities set forth in these rules are inimical to the functions and responsibilities of employees of the Commission and are therefore prohibited:

a. Use of Commission Time or Facilities. Any outside activity which involves the use for private gain or advantage of Commission time or facilities, including but not limited to the following:

i. Any outside employment which results in receipt of telephone calls or visitors by the employee while he/she is on duty at his/her Commission employment.

ii. Any outside activity which would interfere with the devotion of the full time and attention of the employee during business hours to the duties of the Commission office.

iii. The sale of publications or written materials that were prepared on Commission time or utilizing Commission facilities, equipment or materials.

2) Use of Prestige or Influence. Any outside activity which involves the use for private gain or advantage of the prestige or influence of the individual's position as a Commission staff member, including but not limited to the following:

a. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from business firms or their agents who deal with the Commission.

b. Using information not readily available to the general public, gained in the course of Commission employment, for private gain or advantage or the gain or advantage of another.

3) Receipt of Money or Other Consideration. Any outside activity which involves the receipt by the employee of money or other consideration from private parties for the performance of acts which the employee is expected to render in the regular course of the employee's duties as a Commission employee, including but not limited to the following:

a. Any consultation work for a fee concerning work of the Commission.

4) Conflict with Duties of Office. Any outside activity which is in conflict with the duties and responsibilities of the Commission, including but not limited to the following:

a. Any outside employment which will impair the employee's independence of judgment as to his/her Commission duties.

b. Any outside activity which will require or induce the employee to disclose confidential information acquired by the employee in the course of his/her Commission duties.

5) Outside Activities Subject to Review by Other Employees or Officers. Any work, service or counsel for compensation where any part of the employee's efforts may be subject to approval, review, control, or audit by another employee, officer, board or committee of the Commission, unless such activity is disclosed to and approved by the Executive Director.

6) Time Demands. Any outside activity which involves time demands which render the performance of the employee's Commission duties less efficient.

C. Disclosure of Outside Activities

Employees of the Commission shall disclose or report to the Executive Director in writing any outside employment or activity where any part of the employee's efforts will be subject to approval by any other officer, employee, board, or committee of the Commission.

If any person employed by the Commission receives an assignment of work that relates to any organization, property, or activity in which the employee or a member of the employee's immediate family has an interest, this interest shall be disclosed and reported in writing to the Executive Director.

If any person employed by the Commission makes a presentation before any officer, board, or committee directly associated or overseen by the Commission that relates to any organization, property, or activity in which the employee or a member of the employee's immediate family has an interest, this interest shall be disclosed and reported in writing to the Commission.

The Executive Director's Administrative Secretary shall be responsible, at least every six months, for providing a written notice to all employees of the office reminding them of these rules and the requirement to file disclosure statements, including any modification of previously filed disclosure statements.

D. Violation of Rules Is Grounds For Discipline

1) Participation in any prohibited activity by any classified officer or employee or failure to properly disclose outside activities as required by these Rules, after proper notification of such prohibition or failure to

disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the rules and procedures applicable to the employee including provisions of the Charter of the County of San Diego and the Civil Service Rules. The provisions of Civil Service Rule VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified officer or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these Rules.

2) Any unclassified officer or employee may, upon determination of the Commission that he/she has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the Executive Director or the Executive Director's designee, and such hearing shall be afforded to the unclassified employee within a reasonable time. Participation in any prohibited activity or failure to disclose outside activities as required by these Rules by any unclassified officer or employee may be cause for discipline or removal.

Sunset Review: April 2019

Originally Approved: June 19, 2006 (5)

Revised: April 27, 2009 (1); June 4, 2012 (2); June 29, 2015 (2)

Approved:

April 4, 2016	4
Date	Commission Item