2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 OCT 26 AM 10 21

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: Kimberly Medeiros Telephone Number: 619-230-6470

Name of Agency: First 5 Commission of San Diego County

Mailing Address: 1495 Pacific Highway, Suite 201, San Diego, CA 92101

This agency has reviewed its conflict of interest code and has determined that:

☒ **Amendments are necessary**: (Attach Amended Code)
(Check all that applies)

- ☒ Include new positions (including consultants) which must be designated
- ☐ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished
- ☐ Delete positions that manage public investments
- ☐ Revise disclosure categories
- ☐ Other _____

☐ **No amendments are necessary**. Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: Kimberly Medeiros Date: 10-25-12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

(Rev 7/02/2012)

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 12/4/12 Minute Order No. 20
By: [signature] Date: 12/14/12
Deputy Clerk of the Board Supervisors

COMMISSION MEMBERS

BILL HORN – Chairman
CAROL SKILJAN – Vice Chair
SANDRA L. MCBRAYER - Secretary
NICK MACCHIONE – Commissioner
DR. WILMA J. WOOTEN – Commissioner
KIMBERLY MEDEIROS – Executive Director

2012 Local Agency Biennial Notice

Contact Person: Kimberly Medeiros
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Office Phone Number: 619-230-6470
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This agency has reviewed its conflict-of-interest code and has determined that:

☒ An amendment is required. The following amendments are necessary:

- ☒ Include new positions that must be designated
- ☐ Delete Positions that manage public investments from the list of designated positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished
- ☐ Other (described)

Addition of Position	**Disclosure Category**
Executive Director First 5 Commission	A-1, A-2, B, C, D, E, F
HHSA	A-1, A-2, B, C, D, E, F

Delete Abolished Positions

HHSA III

The following remain the same:
Commissioners
Assistant Deputy Director (Assistant Executive Director)
Principal Administrative Analyst
HHSA III
Administrative Analyst III
Administrative Analyst II
Administrative Services Manager
Consultants (As appropriate)

Kimberly Medeiros, Executive Director

10-25-12
Date

1495 Pacific Highway, #201 San Diego, CA 92101
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1-866-726-8831 (Toll Free)
www.first5sandiego.org

First 5 Commission of San Diego

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, Assistant Deputy Director, Principal Administrative Analyst, 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.

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 grants.

PART III. CONFLICTS OF INTEREST GENERALLY

A. It shall be the policy of the First 5 Commission of San Diego County 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 County 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 Technical and Professional Advisory Committee, or Finance Committee.

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: June 2015

Approved:

June 19, 2006	5
Date	Commission Item
April 27, 2009	1
Date	Commission Item
June 4, 2012	2
Date	Commission Item