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R-20-96  
Meeting 20-20  
October 22, 2020

**CONSENT ITEM #C2**

To: Board of Directors  
Open Space Authority

From: Andrea Mackenzie  
General Manager

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**SUBJECT**

Biennial Review and Approval of Amendments to the Open Space Authority Policy BRD-030 – Conflict of Interest Code

**REVENUE/COST**

There are no costs related with this item.

**BACKGROUND**

California's Political Reform Act requires every local government agency to adopt a Conflict of Interest Code, and to amend the Code when necessitated by changed circumstances, such as the creation of a new position. Each agency is also required to review its Conflict of Interest Code in every even numbered year. If, upon review, an agency determines that its current Conflict of Interest Code needs to be updated, the agency must make any necessary changes during its biennial review and submit the amended Conflict of Interest Code to the code-reviewing body for approval. (Gov. Code Sec. 87306.) The law requires that (1) each agency's code text is up to date, (2) the code accurately designates positions that make or participate in making governmental decisions, and (3) the code assigns appropriate disclosure obligations to each designated position.

The Santa Clara Valley Open Space Authority (Authority) first adopted its Conflict of Interest Code on February 23, 1995.

**DISCUSSION**

On July 5, 2020 the Clerk of the Board received a memo from the Office of the Santa Clara County Counsel reminding the Authority of its obligation to conduct a biennial review of its Conflict of Interest Code, and to submit any adopted amendments to the County. The County Counsel also recommended a review of positions that are required to file statements of economic interests. County Counsel requested that the Authority submit a draft of the proposed Conflict of Interest Code amendments to the County Counsel for its preliminary review. Staff met with Authority Legal Counsel to review the current code to determine that (1) the Authority's code text is up to date, (2) the code accurately designates positions that make or participate in making governmental decisions, and (3) the code assigns appropriate disclosure obligations to each designated position, and determined two recommended amendments to the Code. These recommended amendments include removal of Director of Administrative Operations position title, as the position does not currently exist, and removal of Legal Counsel position title, as the position has been determined to fall under "Consultant". The recommended amendments were preliminarily reviewed and approved by the County Counsel.

The Authority's current Conflict of Interest Code with recommended amendments redlined is attached hereto.

**RECOMMENDATION**

It is recommended that the Board of Directors of the Santa Clara Valley Open Space Authority adopt the attached Conflict of Interest Code with amendments to its list of filers and disclosure categories, and direct the General Manager to submit the Board approved policy to the County Counsel by the deadline of October 31, 2020 for approval by the County of Santa Clara Board of Supervisors as the Authority's code reviewing body.

Prepared by:

Kellie Guerra, Clerk of the Board

*Attachment(s): Resolution 20-63 – A Resolution of the Governing Board of the Santa Clara Valley Open Space Authority Approving the Biennial Review and Amendment of Policy BRD-030 The Open Space Authority Conflict of Interest Code*

*Exhibit B – BRD – 030 – Recommended Amendments to Authority Conflict of Interest Code - Redlined*