ORDINANCE NO. 863

ORDINANCE ADOPTING GUIDELINES FOR THE IMPLEMENTATION
OF CHAPTER 3, (Prohibitions) SECTIONS 3625-3627 OF THE
GOVERNMENT CODE OF THE STATE OF CALIFORNIA, RELATING
TO CONFLICTS OF INTEREST, DECLARING THE URGENCY THEREOF,
AND PROVIDING FOR IMMEDIATE EFFECT

The Board of Supervisors of the County of Solano does
ordain as follows:

SECTION I. PURPOSE AND EFFECT

Pursuant to § 3626 of the Government Code (All §
references herein are to the Government Code unless otherwise
specified), the Solano County Board of Supervisors hereby
adopts the following guidelines for its public officials in
their determination whether they have an economic interest
or interests which are in substantial conflict with their
official duties and powers under *Subdivision (a) of § 3625,
and in determining whether they have an economic interest in
matters for purposes of **Subdivision (b) of § 3625:

Nothing contained herein is intended to modify or
abridge the provisions of the Governmental Conflicts of Interests
Act (§ 3600, et seq.), Government Code § 1090 through § 1097,
or any other provisions of law pertaining to conflicts of in­
terests. Nothing contained herein shall be deemed in implemen­
tation of Government Code § 3603 or § 3704.

SECTION II. GENERAL DESIGNATION OF OFFICIALS

All public officials, including elective and appoint­
ive officers are subject to the provisions of § 3625 and this
ordinance.

* "3625. (a) No official shall have economic interests which
are in substantial conflict with the proper exercise of his
official duties and powers."

** "3625. (b) No public official shall participate in, or in
any way attempt to influence, governmental action or decisions
relating to any matter within the responsibilities of his agency
in which he knows or has reason to believe he has an economic
interest."
SECTION III. SPECIFIC DESIGNATION OF OFFICIALS

Heads of departments, their assistants and deputies, shall be subject to the provisions of § 3625 and this ordinance.

SECTION IV. SUBSTANTIAL CONFLICT

An economic interest in substantial conflict with the proper exercise of an official's duties within the meaning of § 3625(a) shall not be deemed to exist unless the official would be required to disqualify himself under § 3625(b), on a continuous and regular basis, from activities and actions which constitute a major and significant portion of his official duties and thereby impair his ability to function effectively and fulfill the duties of his office.

SECTION V. MATERIAL ECONOMIC EFFECT

An action or decision by an official shall not be deemed to have a material effect on any economic interest unless the action or decision might increase or decrease the value of such economic interest by more than a minimal amount. An increase or decrease of less than one per cent (1%) of the value of an economic interest shall be deemed less than a minimal amount.

SECTION VI. MINISTERIAL AND CLERICAL DUTIES

Section 3625(b) shall apply only to actions which involve discretion or judgment. It does not apply to actions which are solely ministerial or clerical.

SECTION VII. PARTICIPATION

A. The terms "participate" and "attempt to influence," as used in § 3625(b), shall be deemed to include the following:

1. Participation in debate or deliberation or voting;

(*Economic interest means an investment or an interest in real property of a value of one thousand dollars ($1,000.00) or more, or a business entity from which an official derives income in an amount of two hundred fifty dollars ($250.00) or more, or in which he holds a position of employment or management.)
2. Preparation of oral or written reports;
3. Rendition of oral or written advice;
4. Testimony before a public agency;
5. Discussions with any official who must decide the matter;
6. Submission of letters or other documents to any official who must decide the matter;
7. Issuance or denial of official approval.

B. Nothing contained herein or in § 3625 shall abridge the right of any individual to submit his opinions or express his views whether or not he is a public official, provided that such individual alleges that his views and opinions are not made on behalf of a public agency.

C. An official directly involved in a matter, whether as a party, an applicant, or otherwise, may in his private capacity, provide whatever information is necessary and perform any other steps which are required of other citizens in the same situation, individually, or through counsel. He should not, however, discuss the matter privately with officials who must decide the matter.

SECTION VIII. NECESSITY

A. An official shall not be required to disqualify himself under SECTION VII of this ordinance with respect to any matter which cannot be legally acted upon or decided without his participation.

B. An official shall not be required to disqualify himself when:

1. A statutory quorum cannot be achieved by continuance for a reasonable time or within legally mandated time limits without his participation;
2. More than a simple majority vote is required to take the proposed action, and the number of officials entitled to vote is less than the number of votes required;

3. The official is by law the sole officer who can perform the action or make the decision.

C. Where B-1 or B-2, above, is applicable, all disqualified officials shall be entitled to participate.

D. In all cases involving necessity herein, the official shall specifically disclose, as a matter of official public record, the existence of any economic interest.

SECTION IX. DISQUALIFICATION

An official who refrain from acting in accordance with SECTION VII of this ordinance need not declare the nature of the interest which disqualifies him.

SECTION X. INTERPRETATION

Any official who is unsure whether he is precluded from engaging in the acts specified in SECTION VII of this ordinance, may consult with the County Counsel. He shall thereafter be entitled to rely on said opinion in discharging his official duties, and when acting in good faith, he shall be exempt from civil penalties and sanctions.

SECTION XI. LIMITATIONS ON ACTIONS

No action shall be brought pursuant to § 3751 of the Government Code, (a) to restrain the execution of or to set aside as void, any decision, contract, order, permit, resolution, ordinance, or other official action, unless the complaint or petition has been filed and served on the government entity within thirty (30) days following the decision, contract, order, permit, resolution, ordinance, or other official action; (b) to enjoin a violation of an official, or to compel his compliance
with the provision of 4.5 of Title 1 of the Government Code, or of this ordinance, unless the complaint or petition has been filed and served within one hundred eighty (180) days after the violation of § 3625 of the Government Code, or of this ordinance, is alleged to have occurred.

SECTION XII. EFFECTIVENESS

This ordinance shall take effect as an urgency measure immediately upon its adoption.

The Solano County Board of Supervisors declares that it is necessary to the public peace, health, safety, and welfare that this ordinance be adopted as an emergency measure. The facts constituting the emergency are:

The Governmental Conflict of Interests Act became effective on January 1, 1974. Said Act creates serious and multiple obligations for public officials covered by the Act, confers broad enforcement rights upon members of the public, and authorizes public agencies to adopt guidelines to aid public officials and members of the public in interpreting and applying the complicated provisions of the Act. Therefore, the Solano County Board of Supervisors deems it essential that the guidelines adopted by this ordinance, pursuant to the provisions of the Governmental Conflict of Interests Act, be effective immediately to avoid inadvertent violations of the Act, to present unmeritorious challenges to public actions, and to provide for maximum public protection.

SECTION XIII. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence,
clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

SECTION XIV. PUBLICATION

This ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its passage, in the Vallejo Times Herald, a newspaper of general circulation, printed and published in the County of Solano. This ordinance shall be in full force and effect immediately as being necessary to the maximum public protection.

ATTEST:

ROBERT M. SCOFIELD, Chairman of the Solano County Board of Supervisors, State of California

NEIL CRAWFORD, County Clerk
and ex officio Clerk of the Board of Supervisors

By GARLAND DUNHAM, Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was regularly introduced, passed and adopted at a regular meeting of said Board on January 15, 1974.

AYES: SUPERVISORS: BRANN, BRAZELTON, SIEGLER AND SCOFIELD

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: GODFREY

WITNESS my hand and official seal of such Clerk this 15th day of January, 1974.

NEIL CRAWFORD, County Clerk

By GARLAND DUNHAM, Deputy Clerk