



Children & Families Commission

[www.first5placer.org](http://www.first5placer.org)

365 Nevada Street  
Auburn, CA 95603  
Voice: 530.745.1413  
Fax: 530.885.2041

*The Tobacco Tax Program*

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## POLICIES

It is the intent of the policies and procedures contained in this document to assure, in part, that the First 5 Placer Children and Families Commission is in compliance with the California Health and Safety Code sections 13040 and 130151.

Adopted: May 11, 2006  
Amended: June 11, 2009

**TABLE OF CONTENTS**

TABLE OF CONTENTS ..... 1

SECTION 1: CONTRACTING AND PROCUREMENT POLICY ..... 2

- A. POLICY STATEMENT - CONTRACTING AND PROCUREMENT ..... 2
- B. PURPOSE ..... 2
- C. POLICY ..... 2
- D. PURCHASE OF GOODS ..... 2
- E. PURCHASE OF SERVICES ..... 3
- F. INFORMAL SELECTION PROCESS ..... 3
- G. REQUEST FOR RESULTS ..... 4
- H. REQUEST FOR QUALIFICATIONS ..... 5
- I. INVITATION TO BID ..... 5
- J. SELECTION PROCESS EXCEPTIONS ..... 6
- K. REAL ESTATE CONTRACTS/LEASES ..... 7

SECTION 2: SALARY AND BENEFITS POLICY ..... 7

- A. POLICY STATEMENT - SALARY AND BENEFITS ..... 7

SECTION 3: ADMINISTRATIVE COST LIMIT POLICY ..... 7

- A. POLICY STATEMENT - ADMINISTRATIVE COST LIMIT ..... 7

SECTION 4: CONFLICT OF INTEREST CODE POLICY ..... 8

- A. POLICY STATEMENT - CONFLICT OF INTEREST CODE ..... 8

SECTION 5: ASSEMBLY BILL 1234 POLICY ..... 11

- A. POLICY STATEMENT - ASSEMBLY BILL 1234 ..... 11

APPENDIX A: CONFLICT OF INTEREST CODE ..... 12

APPENDIX B: ASSEMBLY BILL 1234 - Administrative Rules, Policies, and Practices ..... 14

- SECTION I: PURPOSE ..... 14
- SECTION II: POLICY STATEMENT ..... 14
- SECTION III: ADMINISTRATIVE RULES, POLICIES, AND PRACTICES ..... 14

## **SECTION 1: CONTRACTING AND PROCUREMENT POLICY**

### **A. POLICY STATEMENT - CONTRACTING AND PROCUREMENT**

Best practice in governmental contracting requires a selection process that is based on the open and fair identification and selection of vendors qualified to render a particular service, taking into consideration both technical qualifications and price. Consequently, service-contracting rules usually permit the use of a request for proposals (RFP) process, or in the case of the First 5 Placer Commission (hereinafter referred to as, "COMMISSION" or "First 5 Placer") a competitive process such as a Request for Results (RFR), rather than mandating selection of the lowest complying bidder. Best practice, however also recognizes that conducting a request for results process is not the only way to assure open and fair selection of qualified service providers. Other procedures are available that can meet the best-practice requirements of fairness, openness, and thorough documentation.

The distribution of Proposition 10 funds shall be conducted economically and expeditiously, under fair, open, and well-documented procedures, and in accordance with best procurement practices. The COMMISSION shall develop a contract when entering into agreements with service providers for the use of Proposition 10 funds. Contracts will link to the outcomes and performance measures of the COMMISSION's strategic plan. The COMMISSION shall take the necessary measures to ensure that providers comply with the terms of their contracts and deliver desired results for the prenatal through 5 populations.

### **B. PURPOSE**

The purpose of this contracting and procurement policy is to provide a process to procure goods and services that insures fairness, accountability and adherence to state and federal contracting requirements, while affording the flexibility necessary to efficiently conduct the outcome-oriented business affairs of the First 5 Placer Children and Families Commission.

### **C. POLICY**

Pursuant to Health and Safety Code Sections 130100 et. seq., and the County ordinance establishing the First 5 Placer - Children and Families COMMISSION, the COMMISSION has the power to employ personnel, contract for personnel, and enter into contracts necessary or appropriate to purchase goods and services to carry out the provisions of the California Children and Families Act ("Act") and implement the COMMISSION's strategic plan. No individual may contract on behalf of First 5 Placer unless he or she has been specifically delegated authority by this policy, state law, or other act of the COMMISSION.

### **D. PURCHASE OF GOODS**

The Executive Director and/or the COMMISSION Chair has the authority to purchase supplies, materials, equipment or other personal property ("Goods") in support of the COMMISSION's strategic plan, if the total amount for the same or similar Goods is less than \$25,000 from the same vendor in the same fiscal year. The Executive Director, in conjunction with the COMMISSION Chair, may exceed this authority up to \$50,000 if a special circumstance warrants immediate action and is necessary to carry out the COMMISSION's business. In such a case, The Executive Director will submit a report to the COMMISSION at the next regularly scheduled meeting. In all other cases, the Executive Director will report to the

Executive/Finance Committee on a quarterly basis outlining all contracts signed under this delegation.

The purchase of Goods for \$25,000 or less may be procured using an informal competitive selection process as described in 1, Item F., (Informal Selection Process).

The purchase of Goods over \$25,000 requires an Invitation to Bid (ITB) as described in Item I., (Invitation To Bid) or a similar process. Incremental contracting with the same vendor cannot be used to avoid the requirements of this policy.

In compliance with Article 7 (commencing with Section 54201) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, First 5 Placer has adopted these policies and procedures governing purchases of goods (supplies and equipment) by written rule or regulations, and makes these rules available for public distribution.

In compliance with Chapter 3.5 (commencing with section 22150) of Part 3 of Division 2 of the Public Contract Code, First 5 Placer shall purchase recycled products, instead of non-recycled products, whenever recycled products are available at the same or lesser total cost than non-recycled items.

In compliance with Section 3410 of the Public Contracts Code, First 5 Placer shall give preference to United States-grown produce and United States-processed foods when there is a choice and it is economically feasible to do so. Spending in any category must stay within budgetary guidelines.

## **E. PURCHASE OF SERVICES**

The Executive Director and/or the COMMISSION Chair has the authority to purchase services in support of the COMMISSION's strategic plan, if the total amount for the same or similar services is less than \$25,000 from the same vendor in the same fiscal year. The Executive Director, in conjunction with the COMMISSION Chair, may exceed this authority up to \$50,000 if a special circumstance warrants immediate action and is necessary to carry out the COMMISSION's business. In such a case, The Executive Director will submit a report to the COMMISSION at the next regularly scheduled meeting. In all other cases, the Executive Director will report to the Executive/Finance Committee on a quarterly basis outlining all contracts signed under this delegation.

The purchase of services for \$25,000 or less may be procured by using an informal competitive selection process as described in Item F., (Informal Selection Process)

The purchase of services over \$25,000 requires a Request for Qualifications (RFQ) as described in Item H, unless an exception applies pursuant to the Selection Process Exceptions in Item J. Incremental contracting with the same provider cannot be used to avoid the requirements of this policy.

## **F. INFORMAL SELECTION PROCESS**

An Informal Selection Process involves documenting a price request from two or more vendors by phone, fax or e-mail and selecting the vendor that best fits the COMMISSION's needs, considering quality and price. An Informal Selection Process may be used only if the goods or services are clearly defined and a potential vendor can give an accurate price quotation.

An Informal Selection Process may be used to procure GOODS if the total contract price does not exceed \$25,000 and to procure the same or similar SERVICES if the total contract price does not exceed \$25,000.

## **G. REQUEST FOR RESULTS**

A Request for Results (RFR) process conducted by the COMMISSION to acquire services to achieve outcomes for children - prenatal through 5 years of age. An applicant must submit a written proposal explaining how the applicant plans to meet the COMMISSION's requirements. Innovative ideas and outcome-oriented techniques are encouraged. An RFR award is not based on the lowest cost, but upon technical superiority of the proposal within a reasonable proximity to the other proposed outcomes and costs. The initial contract term and provisions for allowable extensions will be specified in the RFR. After the initial term, the COMMISSION may extend or enter into a new contract with the same contractor for the same or similar services and outcomes without conducting a new selection process, if the COMMISSION determines that the service delivery and outcome goals are being met. After the second term of the contract, the COMMISSION will evaluate the service delivery and achievement of outcomes and determine whether to conduct a new selection process or if it is in the COMMISSION's best interest to continue the contract.

An RFR contains the following:

1. A clear and concise requirements statement describing the purpose of the RFR and what the applicant is expected to accomplish. The statement shall include standards for quality and quantity, expected performance and time lines, eligibility requirements, staffing requirements and/or financial requirements. The specifications statement shall provide an open competitive process to attract an optimum number of applicants.
2. An applicant's responsibility criteria that may include references, financial statements, licenses, bonding and insurance.
3. Submission criteria that may include a calendar of key timeframes, instructions as to where and to whom proposals are submitted, price limitations and formatting requirements.
4. A review process and review criteria related to the specifications of the requirements statement. The RFR shall set forth the criteria and may include the weight each is given. There shall be a two-step process to evaluate proposals. The first step is to determine whether a proposal is responsive and from a responsible provider. The second step is to evaluate those responsive and responsible proposals based on criteria related to the requirements statement. Selection shall be based on the proposal most advantageous to the COMMISSION based on the findings from the two-step process.
5. Terms and conditions of the RFR process including, but not limited to the COMMISSION's right to reject all proposals, amend, or cancel the RFR at any time for any reason before the contract is executed, to accept all or a portion of any proposal, and to waive any minor irregularities or informalities in any proposal and to request clarification from any applicant. The terms and conditions may also include standard conditions of the proposed contract.
6. All COMMISSION decisions related to the RFR process are final.

Proposals must be received as specified in the RFR. Late proposals will not be accepted. Proposals received in response to the RFR are not confidential.

An applicant may not be involved in drafting the RFR. While specifications can be suggested from applicants, the COMMISSION is responsible for ensuring that those specifications are nonrestrictive to provide an equal basis for competition, collaboration and participation for an optimum number of applicants.

An RFR may be amended if, (a) the change is in writing in the form of an Addendum to all applicants who received the original RFR, and (b) is published in a manner consistent with the original RFR.

### Proposal Review Panel

Members of the review panel are selected based on their qualifications and expertise and appointed by the COMMISSION. All members of the review panel must sign a Conflict of Interest Form. Review panel proceedings and findings are not confidential.

## **H. REQUEST FOR QUALIFICATIONS**

A Request for Qualifications (RFQ) is used when the COMMISSION requires a consultant, contractor or service provider, and the service requirements are well defined. An RFQ does not require a review panel. The Executive Director or his or her designee may evaluate the responses to the RFQ based on the paper submission and/or may conduct interviews and make funding recommendations to the COMMISSION. The responses are not sealed. An RFQ award is not made based on the lowest cost, but upon the consultant, contractor or service provider who best fits the service requirements within a reasonable proximity to the other proposed costs. The initial contract term and provisions for allowable extensions will be specified in the RFQ. After the initial term, the COMMISSION may extend or enter into a new contract with the same consultant, contractor or service provider for the same or similar services without conducting a new selection process, if the COMMISSION determines that the consultant, contractor or service provider meets the service delivery outcomes or goals. After the second term of the contract, the COMMISSION will evaluate the service delivery and achievement of outcomes or goals and determine whether to conduct a new selection process or if it is in the COMMISSION's best interest to continue the contract relationship.

## **I. INVITATION TO BID**

An Invitation to Bid (ITB) is used to obtain clearly specified goods in excess of \$25,000 from a single vendor in the same fiscal year. The initial term and provisions for allowable extensions will be specified in the ITB. After the initial term, the COMMISSION may extend or enter into a new contract with the same vendor for the same or similar goods without conducting a new selection process if the vendor is meeting the service delivery outcomes or goals. After the second term of the contract, the COMMISSION will evaluate the service delivery and achievement of outcomes or goals to determine whether to conduct a new selection process or if it is in the COMMISSION's best interest to continue the contract relationship.

An ITB contains the following:

1. Clear and concise specifications of the goods sought, that are not too restrictive. For instance, if the specification requires "brand name or equal" the bidder offering "equal" must submit complete specifications and/or samplers with their bids. Determination of equity is in the sole discretion of the COMMISSION.

2. The vendor's responsibility criteria that may include references, capacity, credit data, financial statements, licenses, bonding and insurance.
3. Submission criteria that includes a calendar of key timeframes, instructions as to where and to whom bids are submitted, the number of bids to be submitted, cost/pricing instructions, signature requirements and contact information.
4. Terms and conditions that will be incorporated into the purchase order or contract including, but not limited to, the COMMISSION's right to reject all bids, amend, or cancel the ITB at any time for any reason before the contract is executed, to accept all or a portion of any bid, and to waive any minor irregularities or informalities in any bid and to request clarification from any bidder.

The Executive Director or his or her designee may evaluate the response to the ITB based on the bids submitted. Those bids that are responsible and responsive are evaluated based on the face value of the bid and related cost factors. The Executive Director makes funding recommendations to the COMMISSION.

## **J. SELECTION PROCESS EXCEPTIONS**

All goods for more than \$25,000 and services for more than \$25,000 shall be procured by a competitive selection process unless the COMMISSION or Executive Director determines one of the circumstances below is satisfied or when the COMMISSION or the Executive Director determines that waiving the competitive selection process is reasonably necessary to conduct COMMISSION business.

The selection process, exception, or waiver must be documented.

1. Sole Source - If the goods or services are a sole source, a written justification is required. To determine whether or not the goods or services are a sole source, one or more of the following factors must be considered:
  - a. The uniqueness of a applicant/contractor's capabilities or Goods offered to meet the needs of the COMMISSION as compared to other contractors.
  - b. The prior experience of the proposed applicant/contractor is vital to the Goods or services.
  - c. The facilities, staff or equipment the proposed applicant/contractor has that are specialized and vital to the services required.
  - d. Whether or not the contractor has a substantial investment that would be duplicated at the expense of the COMMISSION if another applicant/contractor provided services.
  - e. The contractor's particular ability to provide Goods or services in the required time frame.
  - f. Patent rights or copyrights or secret processes the contractor possesses, including compatibility with existing COMMISSION Goods, and
  - g. Existing equipment maintenance programs or contracts.
  - h. After solicitation of a number of sources, competition is determined to be inadequate.
  - i. All local providers of a particular service will receive funding.
  - j. The COMMISSION is contemplating an effort that has not previously been done in the community and is therefore unable to either develop a RFR with sufficient specificity or to identify potential providers.
  - k. The cost of the goods or services is fixed by law.

- l. Training, seminars or meetings for COMMISSION personnel or COMMISSION partner
  - m. Legal documents, goods or services.
2. Emergency - When goods or services are necessary to further the purpose of the Act or for the protection of the COMMISSION's personnel or property and time is of the essence. The situation must meet the criteria of being an emergency or have a direct impact on health and safety of children, prenatal through 5 years of age or COMMISSION personnel.
  3. State or County Vendor - The COMMISSION may use a vendor under contract with the State or County without a competitive selection process if the State or County contract was procured by a competitive selection and the vendor accepts the same terms of the contract.
  4. State or County Contract - The COMMISSION may contract with the State or County when the COMMISSION or the Executive Director determines that it is in the best interest of First 5 Placer.

#### **K. REAL ESTATE CONTRACTS/LEASES**

The Executive Director and/or COMMISSION Chair has the authority to negotiate, execute and amend real estate contracts, leases or real estate license agreements on behalf of the COMMISSION. Such action will be reported to the Executive/Finance Committee at the next regularly scheduled meeting.

### **SECTION 2: SALARY AND BENEFITS POLICY**

#### **A. POLICY STATEMENT - SALARY AND BENEFITS**

The First 5 Placer Children and Families COMMISSION contracts with the Placer County Office of Education (PCOE) and County of Placer Health and Human Services Department, as appropriate, for full time staff support. Under this arrangement, the COMMISSION affirms the use of the PCOE's and County of Placer's salaries, benefits, and personnel policies, as appropriate. Compensation provided for reimbursement of travel and other expenses shall be consistent with Placer County or PCOE policy, as appropriate.

### **SECTION 3: ADMINISTRATIVE COST LIMIT POLICY**

#### **A. POLICY STATEMENT - ADMINISTRATIVE COST LIMIT**

Pursuant to subdivision (d) (5) of Health and Safety Code, Section 130140 the First 5 Placer - Children and Families COMMISSION hereby adopts a fourteen percent (14%) limit on the percentage of the COMMISSION's operating budget that may be spent on administrative functions.

#### **Definition of Administrative Cost Functions**

Administrative costs are defined as costs incurred in support of the general management and administration of the COMMISSION, for a common or joint purpose that benefits more than one

cost objective (other than evaluation activities) and/or those costs not readily assignable to a specifically– benefited cost objective. Typical administrative costs include, but are not limited to, the following functions:

- General Accounting/Financial reporting
- Local Annual Reporting Activities
- Finance Planning
- COMMISSION/Association meetings/travel
- Payroll/Benefits
- Human Resources Services
- Legal Services/Consulting
- Contract Compliance
- Audit
- Strategic Planning
- Procurement (supplies)
- Rent
- Maintenance (Cleaning/Janitorial)
- Equipment Maintenance
- Utilities
- Insurance

## **SECTION 4: CONFLICT OF INTEREST CODE POLICY**

### **A. POLICY STATEMENT - CONFLICT OF INTEREST CODE**

#### 1. Purpose

The purpose of this policy is to define a conflict of interest and to establish a procedure for recognizing and reporting conflict of interest issues.

#### 2. Policy

It is the policy of the First 5 Placer Children and Families Commission to avoid conflict of interest in appearance and in fact. First 5 Placer promotes business practices that comply with conflict of interest and disclosure requirements, including but not limited to, the California Political Reform Act of 1974 and California Government Code sections 87100, 1090-1097 and 1125-1129.

#### 3. Definitions

- a. Conflict of Interest. A person is deemed to have a conflict of interest if he or she, or his or her spouse or dependent child, has an “economic interest” in or relationship with a potential party to a contract with First 5 Placer, or if he or she has other involvement with an individual or organization that could be perceived to impair his or her objectivity. A conflict of interest exists when:
  - i. The person involved makes, participates in, or uses his or her official position to influence a First 5 Placer decision;
  - ii. It is foreseeable that the decision will have a material affect on the person’s “economic interest” (defined below); and,
  - iii. The effect of the decision on the person’s economic interest will be distinguishable from its effect on the public generally.

Legal counsel shall be consulted if there are any questions as to the application of these elements.

- b. Decision Making Position. A person is in a decision making position or has the ability to influence a decision when he or she discusses, advises, or makes recommendations to the decision maker (i.e., a commissioner, the Commission or the executive director) either directly or indirectly, that is, without significant intervening substantive review. Such discussion or advice may include conducting research or investigating, preparing or presenting any report, analysis or opinion, providing information orally or in writing, which may be perceived as influencing the decision. This includes participating in a decision or using her or his official position to influence a decision if he or she contacts a commissioner or an employee of First 5 Placer regarding the issue.
  
- c. Economic Interest. An “economic interest” is defined as any fee, money, or financial gain, or benefit directly or indirectly from or by reason of any dealings with or service for First 5 Placer. An “economic interest” includes, but is not limited to, specific types of investments, business positions, interests in real property, and reportable sources of income of the person, his or her spouse or dependent child. Government salaries, per diem expenses and reimbursement for travel from a nonprofit entity, are all specifically excluded from the definition of income under the Fair Political Practices Act. Salaries from a nonprofit agency are considered an “economic interest”. A Government salary also does not constitute an interest in a contract (under Government Code section 1090) unless the contract directly involves the department of the entity that employs a Commissioner, in which case, the Commissioner discloses the interest on the record and does not participate in the decision. The member of the Board of Supervisors does not have an economic interest in a contract with the County. Commissioners and designated staff are required to file disclosure statements as outlined in Section I below.

#### 4. Influencing Decisions for Contracts/Grants

Per chapter 7 (commencing with Section 87100) of Title 9 of the Government Code, a Commissioner must recuse him or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision involving a grant or contract which financially benefits the Commissioner.

Thus, when a commissioner, executive staff member, staff, contractor or agent in a position to influence a decision or who has decision making power, identifies a conflict of interest, that person must not participate in or give consideration to the matter from that point forward. Once a potential conflict of interest is identified, legal counsel must be consulted to review the legal issues and advise what action should be taken.

#### 5. Employees and Contractors

Any First 5 Placer Commissioner or designated staff member is prohibited from negotiating a contract with or participating in the hiring of a prospective employee, or, the supervising of an employee, if the contractor, prospective employee or employee is an immediate family member. For the purposes of this provision, an immediate family member is defined as: a

spouse, registered domestic partner, mother, father, brother, sister, child, grandmother or grandfather, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or grandchild, step-parent or step-child. The First 5 Placer Commissioner or designated staff member related to the contractor or prospective employee may not discuss, make, participate in making, or use his or her official position to influence, directly or indirectly, the negotiations or employment process in favor of his or her immediate family member.

## 6. Contracting Restrictions

Per Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, the Commission is prohibited from entering into a contract if:

- a. The contract or grant directly relates to services to be provided by any member of the First 5 Placer Commission or the entity the Commissioner represents or financially benefits the Commissioner or the entity he or she represents; **AND**
- b. The Commissioner 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 contract(s) or grant(s).

## 7. Incompatible Activities

Per Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code, commissioners and commission staff are prohibited from engaging in employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.

## 8. Reporting a conflict of interest

When a Commissioner first becomes aware of a conflict of interest or potential conflict of interest regarding a matter before the Commission or Committee, he or she must notify First 5 Placer's legal counsel or the chairperson of the Commission or Committee. This notification shall include a description of the material facts relating to the conflict of interest. The chairperson and/or legal counsel will determine if a conflict of interest or potential conflict of interest exists and the appropriate action to take.

When a Commissioner has a conflict with a matter before the Commission or Committee, as the issue is called, the Commissioner must state on the record that he or she has or may have an interest in the matter, that he or she has not participated in any discussions, and he or she will not be participating in the matter. The Commissioner should then leave the room while the matter is considered.

The facts of the conflict of interest and the Commissioner's abstention from the matter will be recorded in the minutes of the commission or committee meeting.

**EACH COMMISSIONER IS PERSONALLY RESPONSIBLE FOR HIS OR HER CONDUCT AND CAN BE PROSECUTED CIVILLY AND CRIMINALLY FOR VIOLATIONS UNDER THE CALIFORNIA POLITICAL REFORM ACT OF 1974. COMMISSIONERS MAY CONTACT THE FAIR POLITICAL PRACTICES COMMISSION, THE STATE ENFORCEMENT**

AGENCY, DIRECTLY TO DISCUSS THEIR INDIVIDUAL ISSUES. RESOURCES AVAILABLE FROM THE FAIR POLITICAL PRACTICES COMMISSION INCLUDE WWW.FPPC.CA.GOV AND 1-866-ASK-FPPC.

EMPLOYEES, CONTRACTORS, CONSULTANTS, OR AGENTS WHO IDENTIFY A CONFLICT OF INTEREST OR POTENTIAL CONFLICT OF INTEREST, MUST NOTIFY THE EXECUTIVE DIRECTOR IMMEDIATELY.

#### 9. Annual Reporting Requirements

All persons identified in Exhibit A of the Commission's Conflict of Interest Code adopted by the Commission must file a Form 700, Statement of Economic Interest, in accordance with the California Political Reform Act of 1976. Other persons not listed on Exhibit A may be required to file a Form 700 if the individual's involvement with First 5 Placer fits the definition of a person with decision making power as defined by this policy or as determined by the Executive Director.

To assist in the early identification of possible conflicts, Commissioners and employees must file a Form 700 upon entering office or employment and annually thereafter, listing all organizations which they are affiliated with as an employee, director or officer. The statement should be updated when any changes occur.

#### 10. Policy Review

This policy will be periodically reviewed by First 5 Placer. First 5 Placer reserves the right to amend these guidelines at any time and for any reason. Any verbal statements or representations cannot, in any way, change or alter the written policies and procedures presented in these guidelines. This policy can only be revised by official action of the Commission.

### **SECTION 5: ASSEMBLY BILL 1234 POLICY**

#### **A. POLICY STATEMENT - ASSEMBLY BILL 1234**

The purpose of the attached policies (Appendix B) is to provide written rules and guidelines to the First 5 Placer - Children and Families Commission in compliance with Assembly Bill 1234, Expense Reimbursement and Biennial Ethics Training requirements.

It is hereby declared that the COMMISSION, in addition to the following policy, shall comply with those provisions set out in the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, as well as the County Credit Card Policy. It is further declared that all COMMISSION board members shall comply with the Biennial Ethics Training requirements outlined in this chapter of the Administrative Rules, Policies, and Practices.

**APPENDIX A: CONFLICT OF INTEREST CODE**

Adopted: May 11, 2006  
Amended: June 11, 2009

RESOLUTION OF THE First 5 Placer Children and Families Commission adopting the Fair Political Practices Commission model Conflict of Interest Code:

WHEREAS, The Political Reform Act, Government Code Section 81000 et seq., and California Health and Safety Code Section 130140 (d)(4)(A) require the Commission to adopt a conflict of interest code for its members; and

WHEREAS, the Act provides in section 87302 that each such local Conflict of Interest Code shall designate positions with each agency subject to the Code and further designate the types of reportable interests which must be disclosed by any such designated employee; and

WHEREAS, Government Code section 81008 and 2 Cal. Code of Regs. section 18730 (b)(4), provides that all designated employees shall file statements of economic interest (Form 700) with the Commission.

NOW, THEREFORE BE IT RESOLVED BY THE First 5 Placer Children and Families COMMISSION as follows:

1. That pursuant to the provisions of Government Code Section 87300 and 2 California Code of Regulations section 18730, the First 5 Placer Children and Families Commission hereby adopts the Fair Political Practice Commission’s Model Conflict of Interest Code as set forth currently or as may hereafter be amended, as the local Conflict of Interest Code of the First 5 Placer Children and Families Commission; and
2. Designated employees shall file Statements of Economic Interest on a form commonly known as “Form 700”. Listed in Exhibits A and B are the Designated Positions and Disclosure Categories.
3. Upon receipt of the Statement of the Commissioners and employees, the agency shall make and retain a copy and forward the original of the statement to the code reviewing body (The County Board of Supervisors). Statements for all other designated employees shall be retained by the Commission, which shall make the statements available for public inspection and reproduction upon request.
4. When considering matters, Commission members who have a financial interest or a conflict, as defined by law, or appear to have a financial interest or conflict, are to abstain from discussions and votes on the matter.

**EXHIBIT A: Designated Positions**

<b>List of Designated Positions</b>	<b>Assigned Disclosure Categories</b>
Commissioners	1
Alternate Commissioner	1
Executive Director	1
Staff Analyst/Finance/Operations Officer	1

## **EXHIBIT B: Disclosure Categories**

### General Provisions

When a member, officer, or employee who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction.

When a designated member, officer or employee who holds a designated position is required to disclose interest in real property, he or she shall disclose the type of real property described below, if it is located in whole or in part within, or not more than two miles outside of the boundaries of the jurisdiction, or within two miles of any land owned or used by First 5 Placer.

When a designated member, officer, or employee who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purpose of this Conflict of Interest Code, the jurisdiction of First 5 Placer is the County of Placer.

### Disclosure Category 1:

A member, officer, or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report:

- a. All investment and business positions in business entities and sources of income in the jurisdiction;
- b. Interests in real property in the jurisdiction;
- c. His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Originally Adopted: May 11, 2006

Sandra-Naylor Goodwin, Chair  
First 5 Placer Children and Families Commission

Amended: June 11, 2009

Catherine Goins, Chair  
First 5 Placer Children and Families Commission

## **APPENDIX B: ASSEMBLY BILL 1234 - Administrative Rules, Policies, and Practices**

### SECTION I: PURPOSE

The purpose of these policies is to provide written rules and guidelines to the First 5 Placer Children and Families COMMISSION (hereinafter referred to as "COMMISSION"), in compliance with Assembly Bill 1234, Expense Reimbursement and Biennial Ethics Training requirements.

### SECTION II: POLICY STATEMENT

It is hereby declared that the COMMISSION, in addition to the following policy, shall comply with those provisions set out in the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, as well as the County Credit Card Policy. It is further declared that all COMMISSION board members shall comply with the Biennial Ethics Training requirements outlined in this chapter of the Administrative Rules, Policies, and Practices.

### SECTION III: ADMINISTRATIVE RULES, POLICIES, AND PRACTICES

The COMMISSION has established the following administrative rules, policies, and practices.

#### **A. GENERAL AND MISCELLANEOUS POLICIES**

##### **1. General Provisions**

- a. When reimbursement is otherwise authorized by statute, the COMMISSION may reimburse their board members for actual and necessary expenses incurred in the performance of official duties.
- b. The types of occurrences that qualify a COMMISSION board member to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses include the following:
  - i. Communicating with representatives of regional, state and national governments on COMMISSION adopted policy positions.
  - ii. Attending educational seminars designed to improve officials' skill and information levels.
  - iii. Participating in regional, state and national organizations whose activities affect the COMMISSION interests.
  - iv. Attending COMMISSION events.
- c. All other expenditures require approval by the COMMISSION.

##### **2. Reimbursement Rates**

- a. The reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses are those set out in the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation.
- b. If the lodging is in connection with a conference or organized educational activity, lodging costs shall not exceed the maximum group rate published by the conference

or activity sponsor, provided that lodging at the group rate is available to the member of the COMMISSION at the time of booking. If the group rate is not available, the COMMISSION member shall use comparable lodging that is consistent with the requirements of the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation.

- c. COMMISSION board members shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.
- d. All expenses that do not fall within this policy, the Placer County Administrative Code, Chapter 2, Meals, Lodging, Travel, and Transportation, or the Internal Revenue Service reimbursable rates, shall be approved by the COMMISSION, in a public meeting before the expense is incurred, or ratified after the expense is incurred when prior action is not possible due to the urgency of the requirement for the expense.

### **3. Expense Reports**

- a. Staff shall provide expense report forms to be filed by the COMMISSION board members for reimbursement of actual and necessary expenses incurred on behalf of the local agency in the performance of official duties.
- b. The expense reports shall document that expenses meet this, and all other applicable COMMISSION and County policies, for expenditure of public resources.
- c. COMMISSION board members shall submit expense reports to the County Auditor no later than the 120<sup>th</sup> calendar day after the expense is incurred.
- d. Receipts, as required, shall accompany each expense report submitted for reimbursement.

### **4. Miscellaneous Provisions**

- a. Members of the COMMISSION shall provide brief reports on meetings attended at the expense of the COMMISSION at the next regularly scheduled COMMISSION meeting.
- b. All documents related to reimbursable COMMISSION expenditures are public record, subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7, of Title1).

## **B. PENALTIES**

- 1. Penalties for Misuse :Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting polices may include, but are not limited to the following:
  - (a) The loss of reimbursement privileges.
  - (b) Restitution to the COMMISSION.
  - (c) Civil penalties for misuse of public resources pursuant to Government Code Section 8314.

- (d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

## C. ETHICS TRAINING

### 1. General Provisions

- a. Each COMMISSION board member shall receive at least two hours of training in general ethics principles and “Ethics Laws” relevant to his or her public service every two years.
  - 1. “Ethics Laws” include, but are not limited to the following:
    - a) Laws relating to personal financial gain by public servants, including, but not limited to laws prohibiting bribery and conflict-of-interest laws.
    - b) Laws relating to claiming pre-requisites of office, including, but not limited to gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
    - c) Government transparency laws, including, but not limited to financial interest disclosure requirements and open government laws.
    - d) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.
  - 2. Each COMMISSION board member in service as of January 1, 2006, except for officials whose term of office ends before January 1, 2007, shall receive ethics training before January 1, 2007. Thereafter, each COMMISSION board member shall receive ethics training at least once every two years.
  - 3. COMMISSION board member who commences service with the COMMISSION on or after January 1, 2006, shall receive ethics training no later than one year from the first day of service with the COMMISSION. Thereafter, each COMMISSION board member shall receive ethics training at least once every two years.
  - 4. Each COMMISSION board member who serves more than one local agency shall satisfy the requirements of this policy once every two years without regard to the number of local agencies with which he or she serves.
  - 5. The COMMISSION’S Executive Director shall maintain records indicating both of the following:
    - a) The dates that the COMMISSION board member satisfied the requirements of this article.
    - b) The entity that provided the training.
  - 6. Notwithstanding any other provision of law, the COMMISSION shall maintain these records for at least five years after the board member receives the training. These records are public records subject to disclosure under the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7, of Title 1).