

Stanislaus County Children and Families Commission Supplemental Ethics Policies

Article 1: Policy Purpose and Background

A. Purpose. Proposition 10 Commissions must adopt ethics policies that satisfy the requirements of the Political Reform Act¹ and other state ethics laws.² The Children and Families Commission of Stanislaus County has adopted such policies as a part of its Policies and Procedures Manual. This policy supplements and operationalizes those policies.

B. Background. The California Children and Families Act of 1998³ authorizes each county to establish a commission dedicated to promoting, supporting, and improving the early development of children from the pre-natal stage to five years of age. This is accomplished through appropriate standards, resources, and integrated and comprehensive programs emphasizing community awareness, parent and caregiver education, child care and development, social services, health care and research.

C. Policy Goal and Mechanisms. The composition of the Stanislaus Proposition 10 Commission, as specified in State law⁴ and the Stanislaus County Code, means

¹ See Cal. Gov't Code § 87300 and following:

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

² See Cal. Health & Safety Code §130140(d)(4), which reads as follows:

(4) The county commission, in a public hearing, has adopted policies that are consistent with the following state laws:

(A) With regard to conflict of interest of the commission members, the county commission's policies shall be consistent with Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code [relating to interests in contracts], Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code [relating to incompatible functions], and Chapter 7 (commencing with Section 87100) of Title 9 of the Government Code [The Political Reform Act].

³ See Health and Safety Code Section 130100 and following.

⁴ See Cal. Health & Safety Code § 130140(a)(1)(A) (specifying composition of commissions).

⁵ See, for example, Cal. Const. art.XVI, § 6 (prohibition against gifts of public funds); Cal. Penal Code § 424 and Cal. Gov't Code § 8314. (prohibitions against misuse of public resources); See Cal Penal Code

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that, from time to time, Commission members may be from agencies that seek or receive Proposition 10 funding. As a result, a key goal of this policy is to promote public confidence and trust in the decision-making processes of the Children and Families Commission of Stanislaus County. Such public confidence and trust is a function of a number of factors:

1. Decision-makers' experience, knowledge and competence;
2. Their commitment to putting the interests of children under five before any personal or organizational interests;
3. Transparent and inclusive decision-making processes; and
4. Accountability mechanisms that assure the public that worthy public purposes are being achieved as the result of the expenditure of public resources on Proposition 10 programs.

There are a number of state and federal laws⁵ that are designed to promote public trust and confidence in local agency decisions, including those made by the Stanislaus Proposition 10 Commission. These laws create minimum standards for public agency decision-makers that are important to satisfy. A key goal of this policy is to set the requirements of the Children and Families Commission of Stanislaus County higher than the requirements of the law.

Article 2

The Commission's Additional Practices to Protect Public Trust and Confidence

The Children and Families Commission of Stanislaus County believes that public trust and confidence in Commission decisions and actions is vital to the accomplishment of the Commission's mission. Accordingly, the Commission will engage in the following practices to promote the public's trust and confidence in the Commission's activities.

Recruitment and Appointment Process

§§ 7 (definition number 6), 68(a), 74 (prohibitions against bribery and graft); Cal. Gov't Code § 87100 and following (the California Political Reform Act); Cal. Gov't Code § 1090 and following (including specifically Cal. Gov't Code § 1091.3); Cal. Gov't Code § 1126 (incompatibility of offices); See Cal. Gov't Code § 54950 and following (open meetings requirements); Cal. Gov't Code § 6250 and following (open records requirements). See *also* Cal. Gov't Code § 53235(a), (b) (ethics training requirements for certain kinds of local agency officials—see note 10 for further discussion). For more information about public service ethics laws, visit www.ca-ilg.org/ethicsbasics and www.ca-ilg.org/trust.

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- Broad-based Recruitment.** When the Stanislaus County Board of Supervisors requests help from the Commission in recruiting potential candidates for the Commission, the Commission will do so from a broad cross section of the community. It will publicize openings on the Commission broadly (including through County and Commission websites, as well as through outreach to the philanthropic, faith-based and nonprofit communities).⁶ The Commission will take advantage of ethnic and community-specific media in its outreach efforts.
- Advance Notice to Potential Appointees.** Working with the County, the Commission will alert people being considered for appointment to the Commission of the need, as applicable, to 1) timely and accurately file state-required personal financial interest disclosure forms (Form 700s), 2) timely comply with the Commission's ethics training requirements, and 3) step aside from any decision-making process that could benefit organizations with which they are affiliated.

After Appointment

- Public Information about Decision-makers.** The Commission will publicly disclose (including on its website) who serves on the Commission and the qualifications they bring to their service.
- Orientation Materials.** The Commission will provide appointees to the Commission with the local Commission's policies and practices relating to avoiding even the appearance of conflicts of interest and other information relating to public service ethics as part of the appointee's orientation process/packet.
- Financial Interest Disclosure.** New Commission members must file Form 700 within the statutory deadline.⁷
- Ongoing Disclosure of Appointee Affiliations.** Appointees to the Commission must update their affiliations disclosure as their affiliations change.

Ethics Training

- Tailored Ethics Training.** The Commission will provide Commissioners ethics training that meets the specific information needs and legal obligations of Proposition 10 decision-makers.
- Timing for Ethics Training.** Commissioners will receive such training within one year of becoming a Proposition 10 decision-maker and then every two years thereafter.

⁶ Minimum requirements include those specified in Government Code sections 54970 through 54975.

⁷ See Cal. Gov't Code § 87202-87204, 87304; 2 Cal. Code of Regs. § 18722.

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- Staff Training.** Commission executive staff must also participate in this training.
- Documentation.** The Commission will maintain certificates of compliance with ethics training requirements as public records available for inspection.

When Making Funding Decisions

- Broad-based Public Input Sought.** The Commission will use and document use of inclusive processes to seek broadly-based community input on strategic plan updates, including funding priorities, in addition to the public hearing required by law.⁸ Outreach strategies will include invitations to participate to the philanthropic, faith-based and nonprofit communities, as well as through County and Commission websites. The Commission will also reach out early to community leaders and organizations, taking advantage of lines of communication offered through ethnic and community-specific media.
- Publicity for Funding Opportunities.** The Commission will widely publicize the opportunity to compete for contracts and grants (through website, mailings and other outreach mechanisms), allowing a reasonable timeframe for interested organizations to respond. To achieve this widespread publicity, the Commission will develop and maintain an up-to-date distribution list of potential partners (either for programs or help with getting the message out), that includes community leaders, service and advocacy organizations, community/neighborhood and ethnic media, local community foundations and other philanthropic organizations, and area clergy.
- Special Procedures for Funding County Programs.** To address concerns about decisions to fund County programs given statutory requirements concerning the composition of the Stanislaus Commission, the Commission will provide ample notice and opportunity to have input at the meeting(s) during which the Commission considers recommendations relating to the merits of using Proposition 10 monies for County programs.
- Anti-Nepotism Policies.** If a decision-maker's family member (including parent, grandparent, child, sibling, relation by marriage or civil union, aunt, uncle or cousin) works for an organization being considered for funding, that decision-maker is prohibited from participating in or influencing the decision on whether that organization receives funding. "Influencing" includes not only voting on a matter, but discussing it with staff or other decision-makers.

At Each Meeting (When Making Decisions about Funding)

⁸ See Cal. Health & Safety Code § 130140(a)(1)(E).

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- **Alerting Decision-Makers to Potential Conflict Issues.** The Commission will include “conflict of interest advisory” on every Commission agenda explaining the circumstances under which decision-makers need to step aside from the decision-making process.⁹
- **Leave the Room Requirement.** Anyone who is disqualified from participating in a decision because of a conflict of interest must leave the room when that agenda item is called.¹⁰
- **Public Notice and Comment Opportunities.** The Commission will maximize the public’s knowledge and opportunity to comment on proposed funding decisions by posting them at least three days in advance on the Commission’s website, including any proposed decision and findings relating to not using a competitive process for awarding grants/contracts.

In General

- **Legal Framework Explanation.** To enhance public understanding of the legal framework within which the Stanislaus Commission operates, the Commission will place a plain language explanation of the law relating to Commission membership on its website.
- **Commitment to Ethics Demonstration.** The Commission will include a section on its website relating to decision-making ethics that explains and includes the Stanislaus Commission’s conflict of interest code.
- **Accountability Mechanism Explanations.** The Commission will include plain language materials for its website to share the results of (or copies of) audits and performance reviews to help the public understand how contractors and grantees performed under their agreements with the Commission.¹¹

⁹ These circumstances should include both state law requirements for disqualification (including receipt of campaign contributions under Government Code section 84308) and locally adopted policies.

¹⁰ See Cal. Gov’t Code § 87105(a)(3) (statutory requirement that applies to elected officials and top level managers on which this best practice expands).

¹¹ See Cal. Health & Safety Code §§ 130100 (referring to “outcome based accountability”), 130140 (a)(1)(C)(ii) (county plans must have measurable outcomes, commission must use reliable indicators, services and programs must be consumer oriented and easily accessible); §130140 (a)(1)(C)(iv) (measure outcomes annually and review as part of public review of strategic plan).