



Board of Supervisors

S35C

Memorandum

December 13, 2023

To: Robin Stieler, Clerk of the Board
From: Supervisor Vicente Sarmiento, 2nd District

Subject: Addition of Supplemental Item to the December 19, 2023 Board Meeting Agenda

Supervisor Vicente Sarmiento requests the Clerk of the Board to add a supplemental agenda item to the December 19, 2023 Board of Supervisors meeting.

1. Approve amendments to Rule 37 of the Board of Supervisors Rules of Procedure.
2. Approve the proposed Guidelines for the District Discretionary Projects Program.

Attachments include:

- Attachment A: Rule 37 Amendment Redline
- Attachment B: Rule 37 Clean Copy
- Attachment C: Guidelines for District Discretionary Projects Program

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CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

RECEIVED

Rule 37 Conflicts of Interest and Disclosure

A. Conflicts of Interest

Members shall not be financially interested in any contract, purchasers at any sale or vendors at any purchase made by them in their official capacity.

Any member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

1. publicly state the nature of the conflict in sufficient detail to be understood by the public;
2. recuse himself/herself from discussing and voting on the item; and
3. leave the room until the item has concluded, unless it is on the consent calendar.

The member may be allowed to address the Board as a member of the public. Said disclosure shall be noted in the official Board minutes. The member must also comply with all other applicable conflict of interest laws.

B. Disclosure

Any Member who has, or whose district office employees have, a family relationship with a party, or an employee or agent for a party, seeking a license, permit, or other entitlement from the County that is a subject of an item on the Board's agenda must publicly disclose the relationship on the record of the proceeding. For the purpose of this subsection, "family relationship" means a relationship by blood, adoption, marriage, domestic partnership, and cohabitation, and includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, children, uncles, aunts, nephews, nieces, first cousins, siblings, and the spouses or domestic partners of each of these relatives and cohabitants. This definition includes any relationship that exists by virtue of marriage or domestic partnership, such as in-law and step relationships, which are covered to the same extent as blood relationships.

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Guidelines for the District Discretionary Projects Program

- a. Board offices shall submit the following in writing to the County Executive Office:
 - i) a request for project demonstrating how the request would meet the social needs of the population of the County, including but not limited to the areas of health, law enforcement, rehabilitation, welfare, education, and legal services, and to assist in the needs of the physically, mentally and financially handicapped persons and aged persons pursuant to California Government Code 26227 as directed by the Board under the District Discretionary Projects Program; and,
 - ii) a disclosure of any family relationships the Board member or office employees have with officers or employees of the organization receiving program funds. "Family relationship" means a relationship by blood, adoption, marriage, domestic partnership, and cohabitation, and includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, children, uncles, aunts, nephews, nieces, first cousins, siblings, and the spouses or domestic partners of each of these relatives and cohabitants. This definition includes any relationship that exists by virtue of marriage or domestic partnership, such as in-law and step relationships, which are covered to the same extent as blood relationships.
- b. If the County Executive Officer finds the project meets the District Discretionary Funds program requirements, the County Executive Officer will prepare an agreement and forward it to County Counsel for its legal compliance review;
- c. If County Counsel believes the agreement is lawful and is consistent with County policy, it will approve the agreement to form;
- d. Once the agreement has received County Counsel approval, the County Purchasing Officer or her authorized deputy may execute the agreement with the project funding recipient unless a family relationship under this policy has been disclosed or identified. In the event a family relationship is disclosed or identified, the County Purchasing Officer or her authorized deputy may execute the agreement with the project funding recipient only upon express Board approval of the agreement;
- e. A log of all approved District Discretionary Projects Program agreements shall be posted on the County's web site at the end of each quarter; and,
- f. To be eligible for District Discretionary Projects Program funding, each organization must:
 - i) Commit to use the funding to provide services in one or more of the following areas: educational/recreational projects; local business and tourism promotional activities; arts and cultural programs; health and social service initiatives and programs; or County programs and projects which benefit the community and enhance the region's quality of life, or which the County might otherwise provide to benefit its residents. No more than 20% of any recipient's funding may be spent on indirect or administrative costs;

- ii) Enter into a written agreement with the County that specifies the responsibilities of the organization with respect to use of District Discretionary Projects Program funds, stipulating that the expenses will be documented and that the organization must provide a full accounting for the expenses; and,
 - iii) Disclose any family relationships the organization, its officers, employees, or subcontractors, have with the requesting district office Supervisor or its employees. “Family relationship” means a relationship by blood, adoption, marriage, domestic partnership, and cohabitation, and includes parents, grandparents, great-grandparents, grandchildren, great-grandchildren, children, uncles, aunts, nephews, nieces, first cousins, siblings, and the spouses or domestic partners of each of these relatives and cohabitants. This definition includes any relationship that exists by virtue of marriage or domestic partnership, such as in-law and step relationships, which are covered to the same extent as blood relationships.
- g. If an organization receiving District Discretionary Projects Program funding has not spent the funds or provided documentation according to the requirements of the District Discretionary Projects Program Agreement, the County shall require the organization to return any of the funds not spent or documented per the agreement. The County may choose to seek return of the funds through legal means if necessary.
- h. The County shall have the right to audit each financial record submitted as documentation.
- i. The County Executive Office in conjunction with County Counsel may promulgate additional guidelines or procedures to effectuate this policy as deemed appropriate.