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February 12, 2020

Dear Commissioners,

Announcement of Recusals

As discussed with staff of the Office of County Counsel, this agenda item will be a standing agenda item for all future Commission meetings. This agenda item calls for Commissioners, following roll call at the commencement of each Commission meeting, to publicly announce any agenda item or recommendation from which he or she will recuse him or herself due to a conflict of interest.

California Government Code section 87100 states that “no public official at any level of state or local government may make, participate in making or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest.” Likewise, California Government Code section 1090 provides that certain government officials and employees “. . . shall not be financially interested in any contract made by them in their official capacity.”

Government Code sections 87100 and 1090 apply to contracts executed by county Children and Families Commissions. To ensure that Children and Family Commissions do not run afoul of sections 87100 and 1090, the law provides that Children and Families Commissions may execute contracts so long as the Commissioner with the conflict recuses him 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. The Commissioner is then expected to “leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters”.

Despite Government Code sections 87100 and 1090, Government Code section 1091 allows a public body like a Commission to enter into a contract when the nature of the financial interest of a member is classified as a “remote interest” according to the law or is clearly specified as a “non-interest” that is exempt from Government Code section 1090. Without getting into a detailed discussion of these terms, applying the provisions of law to common situations faced by Children and Families Commissions, a county employee who serves as a Commission member would need to disqualify him or herself from involvement in a contract that would benefit his or her department in the county (a “remote interest”) but could participate fully in decisions that could impact funding for county programs other than the department that employs the person (a “non-interest”). The Board of Supervisor’s representative on the Commission is not considered to be in conflict over a contract with a specific county department because they supervise all the other county departments.



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COMMISSIONERS

Tony Anderson
 Zienna Blackwell-Rodriquez, DNP, RN, PHN
 Susan de Polo

Michael Miller
 Maggie Park, MD
 Carl Toliver

Miguel Villapudua
 Chris Woods



As a reminder, the Political Reform Act requires most state and local government officials and employees to disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the same agency responsible for issuing the Statement of Economic Interests Form 700. Commissioners are required to complete Form 700 annually. The FPPC website has fact sheets available to explain the process at: <http://www.fppc.ca.gov/>.

Sincerely,



Lani Schiff-Ross
Executive Director

LSR/bjz