



A G E N D A

REGULAR MEETING
ORANGE COUNTY
COMMISSION ON THE STATUS OF WOMEN AND GIRLS
(OC SWAG)

Thursday, September 5, 2024, 11:00 A.M.

County Administration North
First Floor, Multi-Purpose Room
400 West Civic Center Drive, Santa Ana, CA 92701

COMMISSION MEMBERSHIP

Maribel Sevilla
1st District Representative

Katelyn Brazer Aceves
2nd District Representative

Jennifer Beall
3rd District Representative

Christine Marick
4th District Representative

(Vacant)
5th District Representative

Laura Ramos
At Large Representative

Crystal Myles
At Large Representative

Health Care Agency Liaison
James Kim

Clerk of the Commission
Valerie Sanchez

This agenda contains a brief general description of each item to be considered. The Commission encourages public participation. If you wish to speak on any item or during public comment, please complete a Speaker Request Form and place in the box next to the Clerk. Speaker Forms are located next to the entrance doors. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Commission, please state your name (or pseudonym) for the record prior to providing your comments.

****In compliance with the Americans with Disabilities Act, and County Language Access Policy, those requiring accommodation and/or interpreter services for this meeting should notify the Clerk of the Board's Office 72 hours prior to the meeting at (714) 834-2206. Requests received less than 72 hours prior to the meeting will still receive every effort to reasonably fulfill within the time provided****

All supporting documentation is available for public review online at:
<https://cob.ocgov.com/boards-commissions-committees/orange-county-commission-status-women-and-girls>
and with Clerk of the Board of Supervisors located in the County Administration North Building,
400 West Civic Center Drive, 6th Floor, Santa Ana, California 92701
8:00 a.m. - 5:00 p.m., Monday through Friday

A G E N D A

Call to Order

Pledge of Allegiance

Roll Call

PRESENTATIONS

Fourth District Supervisor Doug Chaffee will present a welcome and opening remarks to kick off the first meeting of the Orange County Commission on the Status of Women and Girls

ACTION ITEMS

1. Administration of the Oath of Office
2. Nominate and elect Commission Officers to serve as Chairperson and Vice Chairperson
3. Approve the OC SWAG Meeting Schedule Calendar for remainder of 2024
 - October 3, 2024, 11:00am
 - November 7, 2024, 11:00am
 - December 5, 2024, 11:00am

DISCUSSION ITEMS

4. Onboarding of Commission Members
 - Commission Bylaws
 - County Equal Employment Opportunity and Anti-Harassment Policy and Procedures
 - County Code of Ethics
 - Ethics Training in compliance with AB1234
 - Conflicts of Interest & Form 700
 - County Gift Ban Ordinance

PUBLIC COMMENT

At this time members of the public may address the Commission on any matter not on the agenda but within the subject matter of the commission.

COMMISSION MEMBERS COMMENTS

At this time Commissioners may request topics for future agenda items and make comments or announcements regarding matters not on the agenda but within the subject matter jurisdiction of the commission.

ADJOURNMENT

NEXT REGULAR MEETING: October 3, 2024

Agenda Item 3

COMMISSION ON STATUS OF WOMEN AND GIRLS

2024

Meetings are held
11:00 A.M. - 12:00 P.M.

January						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

County Holiday

Regular Meeting

Agenda Item 4

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

March 12, 2024

WHEREAS, the Congress of the United States, in enacting the Civil Rights Act of 1964, reaffirmed fundamental principles of equality and non-discrimination, extending protections against race, color, religion, sex, or national origin-based discrimination, and provisions of this landmark legislation forbade discrimination in hiring, promoting, and firing based on both race and sex, thereby advancing equal opportunities and fair treatment for all individuals; and

WHEREAS, the Board of Supervisors created the Commission on the Status of Women by Resolution No. 75-1342 as an advisory commission to assist the Board in creating an environment for all women to pursue their goals unhampered by any discrimination based on sex and later amended the purpose, function, duties, membership selection procedures and procedures of said Commission pursuant to Resolution No. 89-104; and

WHEREAS, in 1991, the Commission was eliminated due to budget cuts and its mission was assumed by the Human Relations Commission; and

WHEREAS, despite the advancements made over the years, women and girls continue to face persistent barriers to obtaining equal economic, social, political, and educational opportunities; and

WHEREAS, Orange County is committed to promoting the public health, welfare, and security of its citizens by steadfastly eliminating prejudice, intolerance, and discrimination against all individuals, including women and girls; and

WHEREAS, the establishment of an Orange County Commission on the Status of Women and Girls is warranted in order to acknowledge and address the unique issues and challenges impacting women and girls throughout the community; and

WHEREAS, the envisioned role of an Orange County Commission on the Status of Women and Girls is to conduct a comprehensive demographic analysis into the status of women and girls within Orange County and to provide non-partisan informed advisory support to the Board, rooted in the insights gleaned from that gender-based examination; and

WHEREAS, the establishment of an Orange County Commission on the Status of Women and Girls aligns with the values that are central to the mission of Orange County including promoting gender equity and empowerment of women and girls in the community; and

NOW, THEREFORE, BE IT RESOLVED THAT THIS BOARD DOES HEREBY:

1. Approve the establishment and formation of the Orange County Commission on the Status of Women and Girls.

2. Authorize the use of \$100,000 from Fourth District Discretionary funds to be used towards the Establishment of the Orange County Commission on the Women and Girls and the creation of their first report.

3. Adopt the Orange County Commission on the Status of Women and Girls' Bylaws attached to this Resolution as Exhibit A effective upon the establishment and formation of the Commission.

4. Agree to nominate and appoint candidates to serve as members of the Orange County Commission on the Status of Women and Girls in accordance with the Bylaws, ensuring diverse representation and expertise reflective of the needs and interests of the women and girls of Orange County.

BYLAWS OF THE ORANGE COUNTY COMMISSION ON THE STATUS OF WOMEN AND GIRLS

ARTICLE I. Name of Organization

- A. The name of this organization shall be the Orange County Commission on the Status of Women and Girls, hereinafter referred to as "Commission."
- B. The official location and mailing address of the Commission shall be:

County Administration North
400 W. Civic Center Drive, 6th Floor
Santa Ana, California 92701

ARTICLE II. Establishment of Commission

The members of the Commission are appointed by the Orange County ("County") Board of Supervisors ("Board") pursuant to Board Resolution No. 24-028 dated March 12, 2024.

ARTICLE III. Purpose and Functions

- A. The purpose of the Commission is to work with the County to:

Monitor the status of women and girls within the County by gathering information in order to evaluate and address the unique issues and concerns impacting this population in our community and to promote gender equity and empowerment of all women and girls.
- B. In accordance with Board Resolution No. 24-028 the functions of the Commission are as follows:
 - 1. Conduct comprehensive research and analysis into the status of women and girls in the County, and present findings in an annual report to the Board and public by the end of February each year.
 - 2. Provide ongoing advisory support to the Board by presenting regular reports and updates on the progress and outcomes of initiatives undertaken by the Commission.

ARTICLE IV. Appointment and Membership

- A. Membership of the Commission is to be composed as follows:
 - 1. There shall be seven (7) members that comprise the Commission.
 - a. Five (5) members of the Commission shall be appointed by the Board with each Supervisorial District appointing one member.
 - 2. Two members of the Commission are designated "at-large members" and shall be appointed by the Board.
 - 3. All seven (7) members are voting members.

B. Qualifications for Commission Membership

1. The following criteria will be used for all membership appointments:
 - a. Residency and Voting Requirements: Except where the Board finds it is in the best interest of the County to waive voter and residency requirements, all members of the Commission shall be:
 - i. Registered voters in the County; and,
 - ii. Reside in the district of the nominating member of the Board unless the Supervisor representing the district where the nominee resides provides written consent for the nomination.

C. Length of Commission Membership

1. All regular Commission member appointments shall be for a term concurrent with the term of office of the nominating member of the Board. A member of the Commission whose term of office is expiring with that of the nominating Supervisor shall have the option of reapplying for membership for appointment.
2. All at-large Commission member appointments shall be for a period of two years, subject to Article IV(B)(1)(b)(ii).
3. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.
4. Pursuant to Government Code section 1302, a member whose term has expired shall continue serving as a member until reappointed or replaced.

ARTICLE V. Commission Officers

A. Commission officers shall consist of:

1. A Chairperson and Vice Chairperson each of whom shall be selected by members of the Commission.
2. The Chairperson shall preside at meetings, call special meetings, decide points of order, announce all business, entertain motions, put motions to vote, announce vote results, appoint and may remove committee Chairpersons, represent the Commission at public functions.
3. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. If the Chair becomes vacant, the Vice Chairperson shall succeed to the Chair for the balance of the term of office.
4. Terms for officers of the Commission shall be for one year.
5. No person, except a member of the Board, may serve as Chairperson of the Commission for more than three consecutive terms.

6. No person, except a member of the Board, may serve simultaneously as Chairperson for two or more Boards, Commissions, or Committees.
7. Election of officers shall be held annually during the last Commission meeting of each calendar year by majority vote, a quorum being present.

ARTICLE VI. Duties of Members

- A. Members shall attend meetings of the Commission and of committees to which they are appointed. The Executive Committee shall regularly review member attendance at Commission and committee meetings.
- B. Members shall notify the Chairperson of the Commission of any expected absence for a meeting by 5:00 p.m. of the day before a regularly scheduled Commission meeting, indicating good and sufficient reasons for the absence.
- C. In the performance of its responsibilities, the Commission shall not engage in nor employ any unlawfully discriminatory practices in the provision of services or benefits, assignment of accommodations, treatment, employment of personnel or in any other respect on the basis of sex, race, color, ethnicity, national origin, ancestry, religion, age, marital status, medical condition, sexual orientation, physical or mental disability or any other protected group in accordance with the requirements of all applicable County, state, or federal laws.
- D. Members of the Commission shall comply with the County Equal Employment Opportunity and Anti- Harassment Policy and Procedures.
- E. Members of the Commission shall comply with County Code of Ethics.
- F. Members of the Commission shall operate strictly within designated purposes of the Commission.

ARTICLE VII. Committees and Subcommittees

- A. There shall be an Executive Committee comprised of:
 1. The Chairperson of the Commission,
 2. Vice Chairperson of the Commission, and
 3. One (1) member of the commission selected by the Chairperson.

The Executive Committee shall hold meetings at the request of the Chairperson. The Executive Committee shall review the Commission Bylaws and suggest amendments to the Commission in accordance with Article XIII below.

- B. Standing Committees: The Commission shall have one (1) standing committee:
 1. Executive Committee

Terms of appointment to standing committees shall be for one year.

- C. **Ad Hoc Committees:** The Chairperson may establish ad hoc committees of less than a quorum of the Commission's membership to accomplish time-limited tasks that support the goals of the Commission.

Terms of appointment for ad hoc committees shall be solely for the period of time required to fulfill the ad hoc committee's purpose.

- D. When appropriate, committees may call on other knowledgeable individuals who are not Commission members to act as consultants to the committees. Said individuals shall be subject to the conflict-of-interest statutes, regulations, ordinances, bylaws and guidelines.

ARTICLE VIII. Meetings and Actions

- A. The Commission shall, at its first meeting of each year, adopt a schedule of regular meetings and transmit that schedule in writing to members, the Board, and the public at large.
- B. All Commission meetings shall be open, public, and noticed in conformance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 et seq., as amended and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act.
- C. Special meetings of the Commission may be called either by the Chairperson or at the request of a majority of Commission members. Notice of special meetings shall:
 - 1. Be delivered to members personally, by mail or electronically, and must be received no later than 24 hours in advance of the meeting.
 - 2. State the business to be considered and whether alternative technological means may be used such as telephone or video conferencing, as technological resource availability permits and as permissible by the Ralph M. Brown Act.
- D. **Quorum Requirements:**
 - 1. Quorum requirements are as follows:
 - a. **General Meetings:** Quorum shall be no less than 50%+1 of the membership.
 - b. **Executive Committee:** Quorum shall be no less than 50%+1 of the Committee membership. However, if there are unfilled vacancies in the membership of the Executive Committee, then the quorum requirement will be proportionately reduced.
 - c. **Standing Committees:** Quorum shall be the members present, but no less than three (3).

- E. **Voting Majority:** Decisions and acts made by majority vote of the members at any duly constituted meeting shall be regarded as acts of the Commission, except as otherwise provided by these Bylaws.
 - 1. Members choosing to abstain from voting on specific actions will not affect majority requirements. Abstentions are considered a “non-vote” – neither a vote in the affirmative nor in the negative. However, in order for an action to be passed, a majority of the quorum casting votes must vote in the affirmative.

For example: If, at a standing committee meeting, six (6) voting members of the committee are present to vote, and on a particular motion, three (3) vote in the affirmative, two (2) vote in the negative, and one (1) member abstains, the motion passes.
- F. **Voting by Proxy:** Members of the Board and the County Executive Officer who serve as Commission members may designate a substitute to attend a Commission meeting on their behalf and vote on any action item by the submitting the member’s signed proxy to the Commission Chairperson at the start of the meeting.
- G. **Minutes:** The Clerk of the Commission shall prepare and publish the minutes for each meeting of the Commission.

ARTICLE IX. Compensation and Reimbursement

- A. Members of the Commission shall not be eligible for compensation.
- B. **Reimbursement:** Commission members may be reimbursed for actual expenses incurred while performing within the scope of their duties to the extent permitted by applicable County policy. All requests for reimbursement shall be submitted in accordance with the policies and procedures adopted by the County on a form approved by the County Auditor-Controller.

ARTICLE X. Removal and Resignation of Members

- A. **Removal:** The Board may, at any time and without cause, remove any Commission member from office prior to the expiration of his/her term of office by majority vote of the Board.
- B. **Resignation:** Resignation of Commission members shall be effected by a written letter of resignation submitted to the Chairperson of the Commission and to the Board.
- C. The Chairperson shall notify the Clerk of the Board in writing of any vacancies within 10 days of learning the existence of any such vacancy.

ARTICLE XI. Authority

- A. Parliamentary Authority: The Chairperson shall preside and manage Commission meetings using parliamentary procedure consistent with these bylaws, any special rules of order the Commission may adopt, and any applicable County, state, and federal law.
- B. When circumstances demand that action be taken before the next scheduled Commission meeting the Commission may authorize and grant its full authority to the Executive or any standing committee to act on its behalf to make specific, limited, independent recommendations to the County, a quorum of the Commission being present.
 - 1. Such actions taken on behalf of the Commission by a committee will be presented as an information item at the next regular Commission meeting.
 - 2. Such actions will not require further action by the Commission.
- C. Executive Committee – When unforeseen circumstances demand that action be taken before the next scheduled Commission meeting, the Executive Committee is authorized to take action on behalf of the Commission.
 - 1. Commission members shall be notified either in writing or electronically within 72 hours of any such Executive Committee action.
 - 2. Such action is subject to review and ratification by the general membership of the Commission at its next meeting.
- D. Standing and Ad Hoc Committees
 - 1. Standing and ad hoc committees shall have no independent authority and shall be limited to exercising only those specific functions granted to them by the Commission.
 - 2. No standing or ad hoc committee shall have independent authority to commit the Commission to any policy or action without the prior approval of the general membership of the Commission.

ARTICLE XII. Conflict of Interest

- A. Members of the Commission and any of its committees or subcommittees shall abstain from voting on any issue in which they may be personally interested to avoid a conflict of interest in accordance with County, state, and federal laws and shall refrain from engaging in any behavior that conflicts with the best interest of the County.
- B. Members of the Commission shall not vote nor attempt to influence any other Commission member on a matter under consideration by the Commission or any of its committees or subcommittees:
 - 1. Regarding the provision of services by such member (or by an entity that such member represents; or

2. That would provide direct financial benefit to such member or the immediate family of such member; or
 3. Engage in any other activity constituting a conflict of interest under County, state, or federal law.
- C. If a question arises as to whether a conflict exists that may prevent a member from voting, the Chairperson or designee may consult with designated County staff to assist them in making that determination.
- D. In order to avoid a conflict of interest or the appearance of such conflict, all nominees to become members of the Commission shall disclose on forms provided by the County information regarding their private economic interests that may be implicated by their service on the Commission.
- E. Commission members shall timely file Statements of Economic Interests (Form 700) and other financial disclosures as required by law.
- F. Commission members shall complete ethics training as required by County policy and Assembly Bill 1234 (Government Code sections 53234 through 53235.2).
- G. Neither Commission nor any of its members shall promote, directly or indirectly, a political party, political candidate, or political activity using the name, emblem, or any other identifier of Commission.
- H. No assets or assistance provided by County to Commission shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.

ARTICLE XIII. Adoption and Amendment of Bylaws

- A. Adoption: An affirmative vote of at least 50%+1 of those voting, a quorum being present, shall be required to recommend these Bylaws for Board approval. These Bylaws become effective upon approval by the Board.
- B. Amendments:
1. Any member of the Commission or the Executive Committee may propose amendments to these Bylaws.
 2. Proposed amendments shall be submitted in writing and made available to each member of the Commission no less than five days prior to consideration before a vote can be taken.
 3. An affirmative vote of at least 50%+1 of those voting, a quorum being present, shall be required to recommend Bylaws amendments for Board approval. Any amendments to the Bylaws become effective upon approval by the Board.

ARTICLE XIV. Severability

Should any part term, portion or provision of these Bylaws be determined to be in conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions or provisions shall be deemed severable and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

ARTICLE XV. Staffing Support

Staff support from Clerk of the Board shall be provided to support the Commission in conjunction with the work of the Commission.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on March 12, 2024, to wit:

AYES: Supervisors: DOUG CHAFFEE, ANDREW DO, VICENTE SARMIENTO
DONALD P. WAGNER
NOES: Supervisor(s):
EXCUSED: Supervisor(s): KATRINA FOLEY
ABSTAINED: Supervisor(s):

CHAIRMAN

STATE OF CALIFORNIA)
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.



for
ROBIN STIELER
Clerk of the Board
County of Orange, State of California

Resolution No: 24-028
Agenda Date: 03/12/2024
Item No: S24D



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

By: _____
Deputy



Subject:	Equal Employment and Anti-Harassment Policy and Procedure
Authority:	County Executive Office
Policy Owner:	Human Resources Services
Approval Date:	12/19/2023
Revision Date(s)	N/A
Version No.:	1.0

A. Equal Employment Opportunity

It is the policy of the County of Orange (“the County or County”) to provide equal employment opportunities for all applicants, employees, and other covered individuals in compliance with all applicable laws. This policy applies in all terms and conditions of employment, including but not limited to recruiting, hiring, training, placement, promotion, disciplinary action, layoff, recall, transfer, leaves of absence, and compensation. All County personnel policies, procedures, and practices must be administered consistent with the intent of this policy.

Managers, supervisors, and Human Resources personnel who learn of any potential violation of this policy are required to promptly report such conduct to the EEO Office(r) or designee.

B. Purpose

PROTECTION AGAINST DISCRIMINATION, HARASSMENT, & RETALIATION

The County is committed to providing a professional work environment free from discrimination and harassment, and free from retaliation for participating in any protected activity.

The County strictly prohibits discrimination and harassment, against or by any individual subject to this policy, based on the following protected categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran or military status, and reproductive health decision-making.

In addition, the County prohibits retaliation against anyone subject to this policy who reports, assists in reporting, or expresses an intent to report perceived discrimination, harassment, or other violations of this policy, or who participates in the investigation of or in proceedings related to any claim of discrimination, harassment, or other violations of this policy.

The County will implement appropriate corrective action, up to and including discharge, for violations of this policy, even if the violation does not rise to the level of unlawful conduct.



C. Scope

This policy applies to County employees (co-workers, supervisors, and managers) in all departments and at every level of the organization, as well as to elected officials, applicants, interns, volunteers, and contract workers.

In addition, this policy extends to all locations where County business is conducted, and in other settings in which individuals may find themselves in connection with their jobs (such as business trips or business-related social functions), as well as to other settings that impact the workplace.

D. Responsibilities

The Equal Employment Opportunity Access (EEO) Officer or designee is responsible for maintaining the policy and ensuring that it is kept up to date. The EEO Officer or designee relies on the entire Human Resources Services (HRS) organization to partner in the distribution, implementation, and enforcement of the policy.

Managers, supervisors, and Human Resources personnel are required to promptly report potential violations of this policy to the EEO Office(r) or designee. Anyone who experiences or witnesses behavior that they believe violates this policy is encouraged to report the alleged violation using the reporting procedures listed.

Individuals with a disability who need a reasonable accommodation to perform the essential functions of their position, or to participate in the recruiting process, are responsible for making a supervisor, Human Resources, or a Human Resources recruiter aware of their need for a reasonable accommodation. When the need for accommodation has been identified, or if the supervisor is otherwise aware of the disability, the supervisor and/or a member of human resources is responsible for entering into an "Interactive Process" with the individual to discuss what type of accommodation would allow the individual to apply for a job or perform the essential functions of a job.

TRAINING REQUIREMENTS

Every two years, all employees must take the County's online sexual harassment prevention training as assigned by the EEO Office in partnership with the Learning and Organizational Development Office (L&OD). The training is aimed at increasing their understanding of, and the preventing of, workplace sexual harassment and their role in creating an underlying culture of mutual respect in our workplace. Specific components of the training include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one witnesses behavior that is not in keeping with this policy. Trainings are provided by the County and can be completed in person or via the County's Learning Management System.

The Civil Rights Department provides free online training courses on preventing sexual harassment in the workplace that satisfy California's legal training requirements pursuant to Government Code section 12950.1. The free online training course provided by the Civil Rights Department can be found at <https://calcivilrights.ca.gov/shpt/>.



E. Definitions

Term	Definition
Discrimination	<p>As used in this policy, discrimination is defined as the unequal treatment in any aspect of employment based solely or in part on an individual's protected characteristic listed above, including their perceived protected characteristic. Discrimination also includes unequal treatment based upon a person's association with a member of these protected classes.</p> <p>Examples of discrimination include, but are not limited to, hostile or demeaning behavior because of a person's protected characteristic; allowing a person's protected characteristic to be a factor in hiring, promotion, compensation, or other employment-related decisions unless otherwise permitted by applicable law; and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to a person because of their protected characteristic.</p>
Harassment	<p>As used in this policy, harassment is defined as unwelcome, disrespectful, or unprofessional conduct based on any of the protected characteristics listed above.</p> <p>Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).</p>



Term	Definition
<p>Sexual Harassment</p>	<p>As used in this policy, sexual harassment is defined as harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation.</p> <p>It may include all the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, request(s) for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be of a sexual nature or be motivated by sexual desire. It may include situations that began as reciprocal relationships, but that later cease to be reciprocal.</p> <p>Sexual harassment may generally be categorized into two types:</p> <ol style="list-style-type: none"> 1. Quid Pro Quo Sexual Harassment (“this for that”) <ul style="list-style-type: none"> • Submission to sexual conduct (or other harassing conduct) is made explicitly or implicitly a term or condition of an individual's employment. • Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual. 2. Hostile Work Environment Sexual Harassment <ul style="list-style-type: none"> • Unwelcome conduct based on sex, gender, gender identity, gender expression, or sexual orientation by any person in the workplace that unreasonably interferes with a person’s work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. When unwelcome, examples include but are not limited to: <ul style="list-style-type: none"> ○ Sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails, or gifts. ○ Sex, gender, or sexual orientation-related comments, slurs, jokes, remarks, or epithets. ○ Leering, obscene, or vulgar gestures or making sexual gestures. ○ Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters. ○ Impeding or blocking movement, touching, or assaulting others. ○ Reprisals or threats after a negative response to sexual advances. ○ Conduct or comments consistently targeted at one gender, even if the content is not sexual. <p>Sexual harassment can happen regardless of the gender, gender identity, orientation, or gender expression of the individuals involved. When determining whether conduct constitutes sexual harassment, a person’s intent does not excuse inappropriate conduct.</p>



Term	Definition
Retaliation	<p>As used in this policy, retaliation is defined as any adverse action that materially affects the terms and conditions of a person’s employment status or is reasonably likely to deter a person from making or supporting a claim of harassment or discrimination.</p> <p>Examples of retaliation include, but are not limited to, demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; intimidating, threatening, or harassing a person for filing a complaint; denying employment or other opportunities because of making a complaint or for cooperating in an investigation; changing someone’s work assignments for identifying harassment or other forms of discrimination in the workplace; treating someone differently such as denying an accommodation or not talking to an employee when otherwise required by job duties; or intentionally excluding the person from job-related activities because of engagement in activities protected under this policy.</p>

F. Procedure

F.1. REPORTING VIOLATIONS

Anyone who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior. The affected person or witness should also immediately report the alleged violation to any of the following:

- Their supervisor or manager or any other supervisor or manager; or
- Any Human Resources (HR) team member; or
- The Equal Employment Opportunity (EEO) Officer, or designee; or
- The general EEO Access office email: EEO.Support@ocgov.com; or
- The Compliance Line. Phone: (855) 387-4432. The Compliance line is a hotline run by live operators 24 hours a day, 7 days a week. Complaints through this line may be made anonymously.

If the alleged offender is the person’s supervisor or manager, they should report the conduct to another supervisor, manager, HR team member or the EEO Officer or their designee. A person making a report does not need supervisor or manager approval to contact the EEO Officer or their designee, nor to contact any other supervisor, manager, or HR team member. There is no chain of command when reporting violations of this policy.

A complaint may be made verbally or in writing. Written complaints can be made using the County *EEO Complaint Form*, which is attached to this policy and available online at <https://hrs.ocgov.com/page/discrimination-complaint-form>.



F.2. ADDRESSING VIOLATIONS

The County will promptly investigate the facts and circumstances of any alleged violation, as appropriate. All investigations will be fair, impartial, timely, thorough, and completed by qualified personnel.

Even in the absence of a formal complaint, the County may initiate an investigation where it has reason to believe conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, the County may continue the investigation to ensure that the workplace is free from discrimination, harassment, and retaliation.

Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the County may need to do an environmental assessment to try to determine if misconduct has occurred.

To the extent possible, the County will endeavor to keep the reported information confidential; however, complete confidentiality cannot be guaranteed when it interferes with the County's ability to fulfill its obligations under this policy or any applicable law or order.

All individuals subject to this policy are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation, and disclosing all information that may be pertinent to the investigation.

The investigation will reach reasonable conclusions based on the evidence collected. Upon completion of the investigation, the complainant will be notified of the determination in writing. The respondent will also be notified under certain circumstances¹. The written notification is referred to as a "closure notice." If, upon completion of the investigation, it is determined that this policy has been violated, the County will take appropriate corrective and preventive action to end the conduct and address the violation.

The County will not tolerate retaliation against anyone who has made a good faith complaint or has cooperated with an investigation into a complaint. However, it is prohibited for anyone to make reports that are knowingly and intentionally false.

F.3. FILING A COMPLAINT WITH EXTERNAL AGENCIES

Complaints of discrimination, harassment, or retaliation may also be filed with state or federal compliance agencies by contacting: the California Civil Rights Department at (800) 884-1684 (voice) or (800) 700-2320 (TTY), www.calcivilrights.ca.gov, or the United States Equal Employment Opportunity Commission at (800) 669-4000 or (800) 669-6820 (TTY), www.eeoc.gov/employees. Individuals who wish to pursue filing with these external agencies should contact them directly to obtain further information.

¹ Typically, if the respondent is interviewed and the allegations are not substantiated, the EEO Access Office provides a closure notice.



G. Attachments

#	Title	Description
A	EEO Complaint Form	Form is to be filled out by complainant and sent to eeo.support@ocgov.com



EEO Complaint Form

INSTRUCTIONS:

- Complete sections A-D on this form.
- As you are completing the sections, it is recommended to save the form periodically by going to **File > Save**.
- Email your saved form to eeo.support@ocgov.com.

For any questions related to this form, please contact eeo.support@ocgov.com or (714) 834-7511. Individuals can also call the Compliance Line to report EEO-related matters at (855)-387-4432. The Compliance Line is a third-party hotline run by live operators 24 hours a day, 7 days a week. This reporting hotline gives callers the opportunity to voice concerns regarding potential EEO-related matters. Callers have the option to remain anonymous when calling in.

This form is not to be used for complaints regarding abusive conduct or bullying that do not include a protected category and should be directed to your department's HRS Manager or to HRS@ocgov.com

SECTION A - COMPLAINANT

First Name

Middle Name

Last Name

Work Location Street

Work Location City

Work Location Zip Code

Work Phone #

Home Phone #

Preferred Email Address

I prefer to be contacted by phone at:

- Work Home

I am a current County of Orange Employee:

- No Yes



Class Title

Agency/Department ↓

Select

I am filing this complaint related to the conduct of the following individual(s):

Full Name <input type="text"/>	Agency/Department ↓ Select
Class Title <input type="text"/>	

Full Name <input type="text"/>	Agency/Department ↓ Select
Class Title <input type="text"/>	

If additional space is needed, please attach a word document, or provide information by email to eeo.support@ocgov.com

SECTION B - TYPE & BASIS OF COMPLAINT

1) On what basis do you feel you were discriminated, harassed, or retaliated against?

Please check only those protected categories that apply:

- | | | |
|---|--|---|
| <input type="checkbox"/> Race, Color | <input type="checkbox"/> Sex, Gender (including pregnancy, childbirth, breastfeeding, or related medical conditions) | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Ancestry, National Origin | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Military or Veteran Status |
| <input type="checkbox"/> Religion, Creed | <input type="checkbox"/> Medical Condition | <input type="checkbox"/> Disability, Mental and Physical |
| <input type="checkbox"/> Age (40 and over) | <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Gender Identity, Gender Expression |
| <input type="checkbox"/> Retaliation based on participation in a protected activity | | |

2) How do you feel you were discriminated, harassed, or retaliated against? Please be specific in describing the action you believe was taken against you. What happened?

Maximum 250 characters If additional space is needed, please attach a word document, or provide information by email to eeo.support@ocgov.com

3) Please provide date or dates that the action(s) took place

4) What reasons (if any) were given to you by County personnel for the action taken?

Maximum 250 characters. If additional space is needed, please attach a word document, or provide information by email to eeo.support@ocgov.com

5) What information do you have to indicate that the action you described above was based on your membership or perceived membership in a protected category (refer to question 1)? Please be as specific as possible and include all pertinent dates, names, and incidents involving or related to the alleged discrimination, harassment, and/or retaliation.

Maximum 250 characters. If additional space is needed, please attach a word document, or provide information by email to eeo.support@ocgov.com

6) List names, job title and phone number (if possible) of witnesses you feel can provide evidence.

Full Name	Job Title	Phone #
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

7) What resolution are you requesting from the County?

Maximum 250 characters. If additional space is needed, please attach a word document, or provide information by email to eeo.support@ocgov.com

8) Additional comments/concerns:

Maximum 250 characters. If additional space is needed, please attach a word document, or provide information by email to eeo.support@ocgov.com

SECTION C - FOR COUNTY EMPLOYEES ONLY

9) If County employee, have you filed a grievance regarding this matter?

No Yes ↓

Date grievance was filed

[Click or tap to enter a date.](#)

10) Are you being represented by a labor organization?

No Yes ↓

Full Name of Representative

Union ↓
Select

11) Do you have an attorney?

No Yes ↓

Please provide name, address and telephone number

Full Name of Representative

Phone #

Street

City

Zip Code

SECTION D - ACKNOWLEDGEMENT

Read Before Signing:

The County strongly encourages anyone who in good faith believes they may be the victim of discrimination, harassment, or retaliation to report such conduct. However, the filing of a knowingly and intentionally false claim violates County policy and may result in discipline up to and including discharge.


I acknowledge that I have read the paragraph above.

By submitting this form, I confirm that to the best of my knowledge, all the information contained herein is accurate. I understand that the Equal Employment Opportunity Access Office and/or other authorized County personnel will investigate my complaint, and, if necessary, share information with other parties to fulfill its obligations under County policy and any applicable law or order.

Enter your name (in lieu of your signature) Date

[Click or tap to enter a date.](#)



Subject:	Ethics (AB 1234) Training Policy
Authority:	Board of Supervisors
Policy Owner:	Office of Campaign Finance & Ethics Commission: Signature 
Approval Date:	6/22/2010
Revision Date(s)	11/14/2017, 4/26/2016
Version No.:	3.0

A. Policy

The California Government Code requires specific County officials to complete at least two (2) hours of Ethics (AB 1234) Training within one (1) year of appointment and every two (2) years thereafter. To simplify the tracking and notification process, the County of Orange requires that specified officials take qualifying Ethics (AB 1234) Training by December 31st in the year s/he is appointed and in every even year thereafter.

B. Purpose

This policy is intended to identify Ethics (AB 1234) Training responsibilities for County officials, members of boards, commissions and committees (BCCs), BCC/Department contacts, Clerk of the Board of Supervisors (COB) and the Executive Director of the Campaign Finance and Ethics Commission (OCEthics). It also identifies how ethics training can be successfully completed.

C. Authority

Assembly Bill No. 1234 (AB 1234) (Chapter 700, Statutes of 2005) imposes requirements on specific public officials to complete ethics training every two (2) years. These requirements are codified in California *Government Code* §§53234 through 53235.2. Orange County Codified Ordinances §1-2-359 places the responsibility of Ethics (AB 1234) Training on the Executive Director of the Campaign Finance and Ethics Commission.

D. Scope

This training policy applies to the following officials:

1. All County Elected Officials;
2. BCCs under the jurisdiction of the Board of Supervisors that are subject to the Brown Act



- whose members are authorized to receive compensation or reimbursement; and
3. Members of all BCCs under the jurisdiction of the Board of Supervisors who are designated filers (Form 700) under the County's Conflict of Interest Code.
 4. This policy also applies to COB, OCEthics and the BCC/Department contacts for each BCC member who are subject to this policy.

E. Procedure

1. Who takes the Ethics (AB 1234) Training?
 - a. All County Elected Officials;
 - b. Members of BCCs under the jurisdiction of the Board of Supervisors who are subject to the Brown Act and are authorized to receive compensation or reimbursement; and
 - c. Members of all BCCs under the jurisdiction of the Board of Supervisors who are designated filers (Form 700) under the County's Conflict of Interest Code.

2. When is Ethics (AB 1234) Training required?
 - a. Prior to December 31st of the year in which the Official or Member is elected or appointed; and
 - b. Prior to December 31st of every even numbered year thereafter.

Examples:

 - 1) If an official or member is appointed to a BCC on June 16, 2017, that official or member would take the ethics training prior to December 31, 2017 and then again the following year prior to December 31, 2018 (to get on the even year cycle).
 - 2) If an official or member is appointed to a BCC on June 10, 2018, that official or member would take the ethics training prior to December 31, 2018 and then again during 2020, prior to December 31, 2020 (to meet the even year every two (2) year requirement).

3. How to complete Ethics (AB 1234) Training:
 - a. The Fair Political Practices Commission (FPPC) has established a free online training program that allows County officials to satisfy the requirements of Ethics (AB 1234) Training. The course can be accessed on the FPPC's website:
<http://localethics.fppc.ca.gov/login.aspx>.
 - b. Ethics (AB 1234) Training is also offered by a variety of organizations, and other online sources. Generally there is a cost associated with these programs. One of these courses can be found at: www.ca-ilg.org/ethics-education-and-training-ab-1234. OCEthics shall not be responsible for reimbursement of any costs associated with Ethics (AB 1234) Training to any BCC members other than Campaign Finance and Ethics Commissioners.
 - c. A certificate of completion for at least two (2) hours of local official Ethics (AB 1234) Training from a course that meets the Attorney General's AB 1234 training guidelines found at https://oag.ca.gov/sites/all/files/agweb/pdfs/ethics/eth_loc_guide_final.pdf will satisfy this Policy.



4. Where to file the Ethics (AB 1234) Training certificate:

To complete the training process and be deemed in compliance officials must provide a certificate of completion for Ethics (AB 1234) Training as follows:

- a. Elected officials and officials who are designated filers (Form 700) under the County Conflict of Interest Code file their original or the copy of the original certificate with OCEthics. This may be done via email (info@ocethics.com).
- b. BCC members who are not designated filers (Form 700) under the County Conflict of Interest Code file their certificates with their BCC/Department contact person.
- c. Officials who are required to take Ethics (AB 1234) Training for multiple agencies may file their certificates with OCEthics (i.e., County elected official who serves on a BCC not under the Board of Supervisors jurisdiction).

5. Additional Requirements related to BCC Members who are appointed by the Board of Supervisors:

Due to the importance and mandatory nature of Ethics (AB 1234) Training, a BCC member's failure to complete qualifying Ethics (AB 1234) Training when required will result in his/her automatic removal and forfeiture of his/her position without further action of the Board of Supervisors or the pertinent BCC.

- a. Upon appointment BCC members shall sign an acknowledgment that a failure to timely complete Ethics (AB 1234) Training will be cause for their appointment to be forfeited and s/he will be immediately removed from office.
- b. The acknowledgment - Consent to Removal and Forfeiture of Appointment Due to Non-compliance with AB 1234 Ethics Training - shall be provided by the COB to the BCC member upon appointment.
- c. Failure of a BCC member to sign the acknowledgment or failure of COB to receive the signed acknowledgment shall not preclude automatic removal and forfeiture.
- d. An official's non-compliance with Ethics (AB 1234) Training will be reported by OCEthics to the Board of Supervisors, COB, Chairperson of the pertinent BCC and the BCC/Department contact.
- e. The automatic removal and forfeiture of the position shall occur thirty-one (31) days from the date the Ethics (AB 1234) Training was to be completed.
- f. If an appointment is made in the last six (6) months of a year or a BCC member is on an extended/approved leave of absence, reasonable extensions will be provided to allow completion.

6. Notices

OCEthics shall be responsible for providing the following written notices:

- a. An annual Ethics (AB 1234) Training reminder per *Government Code* section 53235 to all individuals subject to the requirement. This notice shall be sent in January of each year. BCC members shall be notified through the BCC/Department contact.



County Policy

- b. A second reminder to complete Ethics (AB 1234) Training shall be sent to individuals who are not in compliance with this Training Policy. This notice shall be sent in the month of June in even years. The second reminder shall be copied to the Supervisor who nominated the BCC member.
- c. A final reminder to complete Ethics (AB 1234) Training shall be sent to individuals who are not in compliance with this Training Policy. This notice shall be sent in the month of October in even years. Final reminders to a BCC member shall be copied to the BCC/Department contact, the Supervisor who nominated the BCC member and the COB.
- d. A "Removal and Forfeiture of Appointment" letter shall be sent to any BCC member who fails to timely comply with Ethics (AB 1234) Training. "Removal and Forfeiture" notices to a BCC member shall be copied to the BCC/Department contact, the Supervisor who nominated the BCC member and the COB. This notice shall be sent on January 31st of each year absent special circumstances.
- e. Any BCC members appointed in odd years or members on extended/approved leaves shall receive no less than two (2) training reminders prior to the "Removal and Forfeiture of Appointment" letter.

7. Documentation Retention

- a. OCEthics shall be responsible for maintaining the following documents for a period of five (5) years:
 - (1) The original or copies of the original certificates of completion for Ethics (AB 1234) Training for elected officials and officials who are designated filers (Form 700) under the County Conflict of Interest Code.
 - (2) The original or copies of the original certificates of completion for Ethics (AB 1234) Training for Officials who are required to take Ethics (AB 1234) Training for multiple agencies who have filed their certificates with OCEthics.
 - (3) Written notices regarding Ethics (AB 1234) Training.
- b. BCC/Department contacts are responsible for maintaining the original or copies of the certificates of completion for Ethics (AB 1234) Training of officials who are not designated filers (Form 700) under the County Conflict of Interest Code for a period of five (5) years.

F. Attachments

#	Title	Description
A	Consent to Removal and Forfeiture of Appointment Due to Non- Compliance with AB 1234 Ethics Training	Document for signature by member of the BCC upon appointment.

CONSENT TO REMOVAL AND FORFEITURE OF APPOINTMENT DUE TO NON-COMPLIANCE WITH AB 1234 ETHICS TRAINING

I, [INSERT NAME OF OFFICIAL], agree and understand that upon my appointment to and throughout my service on [INSERT NAME OF BCC], I am required to take AB 1234 Ethics Training and must continue to do so every even numbered year thereafter.

I confirm that I have been given a copy of the Orange County AB 1234 Ethics Training Policy that details how I am to take AB 1234 Ethics Training and where I am to file my certificate of completion.

I also agree, understand and consent that my failure to complete this Ethics Training within the time prescribed will result in my automatic removal from and immediate forfeiture of my position on [INSERT NAME OF BCC] without further action of the Orange County Board of Supervisors and [INSERT NAME OF BCC].

Signature of Official

Date: _____



Subject:	Conflict of Interest Code Disclosure and Filing Policy
Authority:	Board of Supervisors
Policy Owner:	Clerk of the Board: Signature <u>Robin Stielor</u>
Approval Date:	7/1/2015
Revision Date(s)	1/3/2018
Version No.:	2.0

A. Scope

This policy pertains to all County of Orange Agencies and to all local government agencies (other than cities) with jurisdiction wholly within the county, to maintain compliance with the State of California Political Reform Act (PRA) and accompanying Fair Political Practices Commission (FPPC) regulations.

B. Purpose

The PRA finds and declares that public officials, whether elected or appointed, and certain public employees who participate in whole or in part in making government decisions, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. This requires public officials and employees to disclose certain investments, real property, gifts, and income which may be materially affected by their official actions and in appropriate circumstances, disqualify themselves from acting in order that conflicts of interest may be avoided.

C. Authority

In 1974, the legislature passed the PRA, which established the FPPC and the requirements for local government agencies to adopt a conflict of interest code. The PRA and FPPC regulations detail what must be contained in the code, who must file a Form 700 Statement of Economic Interests disclosure statement, what types of interests must be disclosed, and when Form 700's must be filed. The FPPC regulations implementing the PRA are contained in the California Code of Regulations, Title 2, Division 6, Sections 18110 – 18997.

D. Policy

Each agency is responsible for developing, maintaining and amending its own conflict of interest code/exhibits in compliance with California law. Adoption of the FPPC's model code assures that the PRA code requirements are met and allows agencies to submit code amendments electronically and designated employees to submit form 700's electronically. The Board of Supervisors as the code reviewing body must formally approve any initial code/exhibit and code/exhibit amendment before it is effective.



Each agency is responsible for designating a sufficiently qualified individual to act as the agency Filing Official to administer the agency's conflict of interest code. This person serves as the agency contact person to the County's Filing Officer and is responsible for determining designated positions and related disclosure categories, processing code amendments, and ensuring designated employees (including consultants) have timely filed their assuming office, leaving office, and annual Form 700's.

Each agency is responsible for identifying the positions whose duties involve making or participating in the making of decisions which may foreseeably have a material effect on any financial interest and including those positions on the exhibit to the code listing designated positions.

Each agency is responsible for determining the appropriate disclosure category associated with each designated position and including those disclosure categories on the exhibit to the code listing disclosure categories.

Each agency governed by the Board of Supervisors is responsible for coordinating review of their agency's conflict of interest code amendments with the Executive Director of the Campaign Finance and Ethics Commission prior to submission to the Clerk of the Board. Legal questions for these agencies that arise during the identification of designated positions, the determination of appropriate disclosure categories, or the review thereof should be referred to the agency's assigned County Counsel attorney.

Each agency shall submit code amendments to the Clerk of the Board for approval by the Board of Supervisors within 90 days of a change which requires an amendment to the exhibit listing designated positions and/or the exhibit listing disclosure categories.

Upon notice of biennial review, each agency shall review its code and exhibits listing designated positions and disclosure categories and amend as necessary. The agency shall submit to the Clerk of the Board its proposed code amendments for approval by the Board of Supervisors or notify Clerk of the Board if no code amendment is necessary.

Each agency shall send a representative to the Board of Supervisors meeting at which the initial code or code amendment will be considered.

Each code amendment shall include written justification and explanation for all changes, including changes to the name of designated positions, adding new positions, deleting positions, changes of disclosure categories associated with positions, and changes to disclosure categories themselves. Each agency shall ensure a Form 700 is filed for each employee in a designated position within 30 days of a designated employee assuming office, within 30 days of a designated employee leaving office, and on an annual basis no later than April 1st of each year.



E. Definitions

Term	Definition
Agency	Any Agency of the County, or any local government agency (other than a city) with jurisdiction wholly located within the County of Orange.
Biennial Review	Notices are sent to every agency no later than July 1 st of each even-numbered year requiring such agencies to review their codes and amendments which may need to be further amended due to changed circumstances.
Code Reviewing Body	Means the Board of Supervisors, with respect to the conflict-of-interest codes and exhibits of agencies.
Conflict of Interest Code	Means the set of rules and regulations adopted by an agency pursuant to the PRA.
Designated Employee	Any officer, employee, member, or consultant of any agency whose position or duties entail the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest.
Designated Positions	The positions listed within an agency's conflict of interest code exhibits that make or participate in the making of decisions which may foreseeably have a material effect on any financial interest.
Disclosure Category	The disclosure categories listed within an agency's conflict of interest code exhibits detailing the types of interest a designated employee in a designated position must disclose.
Executive Director	Means the Executive Director of the Campaign Finance and Ethics Commission.
Filer	Any person required to file any statement or report under the PRA.
Filing Officer	The office or officer with whom any original statement is required to be filed and maintained. (For the County of Orange, this is the Clerk of the Board)
Filing Official	The person within each agency who maintains the agency's conflict of interest code, submits code amendments to the code reviewing body, and receives manually submitted conflict of interest statements and forwards them to the Filing Officer.



Term	Definition
Form 700	The statement of economic interests that must be filed by each designated employee.

F. References

#	Title/URL
1	The Political Reform Act http://www.fppc.ca.gov/the-law/the-political-reform-act.html
2	California Code of Regulations, Title 2, Division 6, Section 18110 to 18997 http://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html
3	Conflict of Interest Codes – Adoption and Approval http://www.fppc.ca.gov/learn/rules-on-conflict-of-interest-codes/local-government-agencies-adopting-amending-coi.html
4	Campaign Finance and Ethics Commission https://library.municode.com/ca/orange_county/codes/code_of_ordinances?nodetid=TIT1G_OAD_DIV2DEOFCO_ART26CAFIETCO

ARTICLE 2. GIFTS TO PUBLIC OFFICIALS¹

Sec. 1-3-21. Purpose; meaning of terms; interpretation; citation.

The Board of Supervisors finds that the receipt of gifts by public officials from persons who do business with the County erodes public confidence in the impartiality of decisions made by those officials. The purpose of this article is to prohibit the donation and receipt of specified gifts, thereby eliminating, to the extent possible, such loss of confidence.

Unless otherwise expressly defined, the terms used in this article shall have the same meaning as defined in the California Political Reform Act (title 9 of the California Government Code) and regulations issued by the Fair Political Practices Commission pursuant to the authority of the Political Reform Act, as the Act and regulations shall be, from time to time, amended.

This article shall be known as, and may be cited as, the "Orange County Gift Ban Ordinance."

(Ord. No. 3892, § 1, 5-25-93)

Sec. 1-3-22. Definitions.

For the purposes of this article:

- (a) *County* means the County of Orange.
- (b) *County officer* means every person who is elected or appointed to an office in the County which is specified in Section 87200 of the California Government Code.
- (c) *Designated employee* means every employee of the County who is designated in the County's Conflict of Interest Code to file a statement of economic interests and every member of a board, commission or committee under the jurisdiction of the Board of Supervisors required to file such a statement.
- (d) *Doing business with the County* means:
 - (1) Seeking the award of a contract or grant from the County, or
 - (2) Having sought the award of a contract or grant from the County in the past twelve (12) months, or
 - (3) Being engaged as a lobbyist or lobbyist firm, as defined in this article, from the time of such engagement until twelve (12) months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement, or
 - (4) Having an existing contractual relationship with the County, until twelve (12) months after the contractual obligations of all parties have been completed, or
 - (5) Seeking, actively supporting, or actively opposing the issuance, by the County, of a discretionary license, discretionary permit, or other discretionary entitlement for use, or having done any of these things within the past twelve (12) months.

¹Cross reference(s)—Campaign reform, § 1-6-1 et seq.

-
- (e) *Gift* shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that Act, except that the following shall not be deemed to be gifts:
- (1) Meals, beverages, and free admission at any event sponsored by, or for the benefit of, a bona fide educational, academic, or charitable organization, and, in addition, commemorative gifts from such organizations with a cumulative value from any single source of fifty dollars (\$50.00) or less during any twelve-month period.
 - (2) Flowers, plants, balloons or similar tokens which are given to express condolences, congratulations, sympathy for ill health, or to commemorate special occasions, provided that gifts made or received under this exemption shall not exceed a value of fifty dollars (\$50.00) from any single source in any calendar year.
 - (3) A prize awarded on the basis of chance in a bona fide competition not related to the official status of the public official.
 - (4) Gifts from any agency of a foreign sovereign nation, provided that such gifts are unconditionally donated by the public official to the Director of OC Public Works within forty-five (45) days of receipt, and the public official does not claim any tax deduction by virtue of such donation.
 - (5) Food, beverages, and free admission provided by a governmental agency or provided to the public at large, for ceremonial functions commemorating the groundbreaking, opening, or naming of a governmental facility.
 - (6) Food and beverages consumed by a public official that total less than five dollars (\$5.00) per occasion.
- (f) *Lobbyist* shall mean any individual, including an attorney, who is employed or contracts for consideration, other than reimbursement of reasonable travel expenses, to communicate directly with any County officer or staff member of a County Supervisor for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the County, or the issuance, by the County of a discretionary license, discretionary permit, or other discretionary entitlement for use. An attorney shall not be considered a lobbyist when performing activities which can only be performed by a person admitted to the practice of law.
- (g) *Lobbyist firm* shall mean (1) any business entity, which is employed or contracts for consideration, other than reimbursement of reasonable travel expenses, to communicate directly with a County officer or staff member of a County Supervisor for the purpose of seeking, actively supporting or actively opposing the award of a contract or grant from the County, or the issuance, by the County, of a discretionary license, discretionary permit, or other discretionary entitlement for use, or (2) any business entity of which any member or employee is a lobbyist.
- (h) *Principal* shall mean any individual or business entity which employs or contracts with a lobbyist or lobbyist firm for any of the purposes stated in section 1-3-22(f) or section 1-3-22(g).
- (i) *An individual or business entity* shall be deemed to be employed or contracting to communicate directly with a County officer or staff member of a County Supervisor if it is reasonably foreseeable that in the course of employment or in the course of performing the contract, the individual or an employee of the entity, will have an oral or written communication with any County officer or staff member of a County Supervisor, outside of any meeting governed by the Ralph M. Brown Act (which is codified in the California Government Code commencing with section 54950), for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the County, or the issuance by the County, of a discretionary license, discretionary permit, or other discretionary entitlement for use.
- (j) *An individual lobbyist who is an officer, partner or employee of his or her principal* shall be deemed to be "engaged" within the meaning of this section on the first occasion on which he or she engages in an oral or written communication described in section 1-3-22(i). A lobbyist firm, or an individual lobbyist who is not an

officer, partner or employee of his or her principal shall be deemed to be "engaged" within the meaning of this section upon the completion of an agreement, oral or written, to provide the services specified in section 1-3-22(f) or 1-3-22(g).

(k) *Public official* means every County officer and every designated employee.

(Ord. No. 3892, § 1, 5-25-93; Ord. No. 98-11, § 1, 9-15-98; Ord. No. 16-007, § 1, 7-12-16)

Sec. 1-3-23. Prohibitions.

- (a) No person who is doing business with the County shall make any gift to any County officer.
- (b) No person who is doing business with the County shall make any gift to any designated employee who, by virtue of his County employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.
- (c) No County officer shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the County.
- (d) No designated employee shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the County, when such employee, by virtue of his County employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.
- (e) No public official shall accept any gift when the identity of the donor is not known to the public official.

(Ord. No. 3892, § 1, 5-25-93)

Sec. 1-3-24. Violations and enforcement.

- (a) Any County officer who violates section 1-3-23 shall be guilty of a misdemeanor.
- (b) Any designated employee who violates section 1-3-23 shall be subject to discipline for such violation, including, in appropriate cases, termination of employment.
- (c) Any member of any County board, commission or committee, other than a board, commission or committee established by the Constitution or a statute of the State of California, who violates section 1-3-23 shall be subject to removal from office.
- (d) Any person who violates section 1-3-23(a) or 1-3-23(b) shall be guilty of a misdemeanor.
- (e) These enforcement provisions are in lieu of the penalty provided in section 1-1-34, are cumulative, and are not mutually exclusive.
- (f) Violations of this article by a County officer, as defined in this article, and by a member of a board, commission or committee under the jurisdiction of the Board of Supervisors shall be investigated and administratively enforced pursuant to section 1-2-362 of the County Campaign Finance and Ethics Commission Ordinance.

(Ord. No. 3892, § 1, 5-25-93; Ord. No. 98-11, § 1, 9-15-98; Ord. No. 16-007, § 1, 7-12-16)