

**CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE DISTRICT ATTORNEY
Contra Costa County
(Revised August, 2018)**

Section 100. **Purpose.**

Pursuant to the provisions of Government Code Sections 87300, et seq., the Office of the District Attorney hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this code are in addition to Government Code Section 87100 and other laws pertaining to conflicts of interest including, but not limited to, Government Code Sections 1090, et seq. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein, and this code shall be interpreted in a manner consistent therewith.

Section 200. **Designated Employees.**

The positions listed on Exhibit A are designated positions. The District Attorney and members of the office holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

Section 300. **Disclosure Statements.**

Each employee occupying a designated position shall file an annual statement disclosing that employee's interest in investments, real property, and income, and any management positions designated as reportable under Exhibit B.

Section 400. **Place and Time of Filing.**

- A. All designated employees required to submit a statement of financial interests shall file the original with the Secretary to the District Attorney or via the NetFile System.
- B. In the case of agency heads and the members of boards and commissions, the Secretary of the District Attorney will retain a copy in the Office of the District Attorney and forward the original to the County Clerk.
- C. A designated employee required to submit a statement of financial interests shall submit an initial statement within thirty (30) days after the effective date of this code.

- D. Merit System employees appointed, promoted, or transferred to designated positions shall file initial statements within thirty (30) days after date of employment.
- E. All other employees appointed, promoted, or transferred to designated positions shall, ordinarily, file initial statements not less than ten (10) days before assuming office or, if subject to confirmation, ten (10) days before being confirmed unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within thirty (30) days thereafter.
- F. Annual statements shall be filed during the month of March by all designated employees. Such statements shall cover the period of the preceding calendar year. Closing statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.
- G. A designated employee required to file a statement of financial interests with any other agency which is within the same territorial jurisdiction may comply with the provisions of the code by filing a duplicate copy of the statement with the other agency in lieu of an entirely separate document. Should this code require the disclosure of any information not required by the other agency, a statement providing that additional information shall be attached to the duplicate copy.

Section 500. **Contents of Disclosure Statements.**

Disclosure statements shall be made on forms supplied by the Clerk of Contra Costa County. The initial statement filed by any designated employee should contain only that information described in Exhibit B, categories 1 and 2 (investments and interests in real property). All subsequent statements must contain **all** information described in Exhibit B, categories 1, 2, 3, and 4.

Section 600. **Disqualification.**

Designated employees must disqualify themselves from making or participating in the making of any decision where it is reasonably foreseeable that a reportable financial interest possessed by said designated employee would be materially affected by that decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

OFFICE OF THE DISTRICT ATTORNEY

Contra Costa County
(Revised August 2018)

Designated Positions

District Attorney
Chief Assistant District Attorney
Assistant District Attorney
Senior Deputy District Attorney
Deputy District Attorney
District Attorney Administrative Services Officer
Chief of Inspectors
Lieutenant of Inspectors
Senior Inspectors
District Attorney Program Assistant
District Attorney Manager of Law Offices
District Attorney Office Manager
Information Systems Project Manager
Victim Witness Assistance Program Manager
Public Information Officer

EXHIBIT A
OFFICE OF THE DISTRICT ATTORNEY
Contra Costa County
(Revised August 2018)

Disclosure Categories

Category 1. **Investment.**

A. Defined.

“Investment” means any financial interest in or security issued by a business entity including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business in the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds one thousand dollars (\$1,000.00). The term “investment” does not including a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a ten percent (10%) interest or greater. (Government Code Section 82034.)

B. Information Required.

When an investment is required to be reported, the statement shall contain:

1. A statement of the nature of the investment.
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged.
3. A statement whether the fair market value of the investment exceeds ten thousand dollars (\$10,000.00), and whether it exceeds one hundred thousand dollars (\$100,000.00).
4. If the investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal, and the portion of the investment acquired or disposed of.

EXHIBIT B

Category 2. Interest in Real Property.

A. Defined.

“Interest in real property” includes any leasehold, beneficial or ownership interest, or any option to acquire an interest in real property located in the jurisdiction if the fair market value of the interest is greater than one thousand dollars (\$1,000.00). Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a ten percent (10%) interest or greater. (Government Code Section 82033.)

B. Information Required.

When an interest in real property is required to be reported, the statement shall contain:

1. A statement of the nature of the interest.
2. The address or other precise location of the real property.
3. A statement whether the fair market value of the interest in real property exceeds ten thousand dollars (\$10,000.00) and whether it exceeds one hundred thousand dollars (\$100,000.00). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

Category 3. Income (Personal and Business Entity).

A. Defined.

1. “Income” means, except as provided in subsection 2, income of any nature, from any source, including but not limited to any salary, age, advance, payment, dividend, interest, rent, capital gain, return of capital gain, including any gift of food or beverages, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any other person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a ten percent (10%) interest or greater.
2. “Income” **does not** include:
 - a. Campaign contributions required to be reported under the Political Reform Act of 1974.

- b. Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.
- c. Gifts of informational material such as books, pamphlets, reports, calendars, or periodicals.
- d. Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.
- e. Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin of the spouse of any such person, provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by the paragraph.
- f. Any devise or inheritance.
- g. Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union, or any insurance policy, or any bond or other debt instrument issued by a government or government agency.
- h. Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government. (Government Code Section 82030.)

B. Information Required (Personal Income).

When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income totaling two hundred fifty dollars (\$250.00) or more in value, or fifty dollars (\$50.00) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.
2. For each reportable source of income, a statement whether the total annual value of income from such source was greater than one thousand dollars (\$1,000.00), and whether it was greater than ten thousand dollars (\$10,000.00).
3. A description of the services provided or other consideration, the amount or other description of the gift, and the date on which the gift was received.
4. In the case of a gift, the name and address of the donor, the amount or other description of the gift, and the date on which the gift was received.

C. Information Required (Business Entity Income).

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity.
2. In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000.00).
3. In the case of a business entity not covered by paragraph 2, the name of every person from whom the business entity receives payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000.00) during a calendar year.

Category 4. **Management Positions.**

A. Positions Disclosed.

Management positions in any business entity included within Categories 1, 2, or 3, above, shall be disclosed.

B. Information Required.

When management positions are required to be reported, designated employees shall list the name and address of each business entity (not already provided above) in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.