



County of Fresno

COUNTY ADMINISTRATIVE OFFICE
PAUL NERLAND
COUNTY ADMINISTRATIVE OFFICER

June 21, 2022

The Honorable David Kalemkarian, Presiding Judge
Fresno County Superior Court
1100 Van Ness Avenue
Fresno, CA 93724-0002

**RE: Fresno County Grand Jury Report No. 1, April 2022
Conflict-of-Interest**

Dear Judge Kalemkarian:

The Grand Jury's report reflects findings and recommendations regarding Conflict-of-Interest. The County Administrative Officer thanks the Grand Jury for their diligence and includes the responses to the findings and recommendations below:

Findings

F1. The Fresno County Charter, Section 41 (see Appendix 1, B), does not specifically state what actions constitute a conflict-of-interest for County employees.

The County Administrative Officer (CAO) agrees with the finding.

F2. The Grand Jury recognizes the energy and effort that is necessary to repeal the County Charter, Section 41. However, it is felt that the current situation of both a County Charter Section and conflicting State statutes is cumbersome, unnecessary and inefficient.

The CAO disagrees partially with the finding; specifically related to the necessity to repeal County Charter, Section 41. As noted in Appendix 3 of the report, the County's Department of Human Resources has implemented, or is in the process of implementing initiatives related to conflict-of-interest processes. These include initiatives related to conflict-of-interest processes and training that have already been executed or are pending prompt implementation by the Department of Human Resources for all employees.

F5. There was no single specified official, office or counselor for a County official or employee to consult regarding a real or potential conflict-of-interest.

The CAO disagrees partially with the finding; specifically related to the lack of an office or counselor for a county official or employee to consult regarding a real or potential conflict-of-interest. As referenced in the Board of Supervisors Administrative Policy No. 1 – Conflict of

Interests, the County Counsel's Office provides guidance to County officials and employees. In addition, governmental ethics training is being made available for all employees, which includes development of a requirement that a broader range of management and financial employees take the bi-annual AB 1234 ethics training.

Recommendations

R1. The County Board of Supervisors should propose the repeal of County Charter, Section 41 in favor of reliance on established California ethics laws, during the next County-wide general election. (Not later than November 2024) (See F1 and F2)

The recommendation will not be implemented because it is not warranted. The County, its staff and officers, abide by California ethics laws, and guidance is provided to county officials and employees beyond the County's charter, specifically related to ethics.

R3. The County Board of Supervisors should appoint a public official, Department or counselor, specifically designated to review possible conflict-of-interest situations and make recommendations to the County officers and employees or Departments involved and for them to act accordingly. This should be accomplished by December 31, 2022 (See F5)

The recommendation will not be implemented because it is not warranted. County officers and employees or departments are able to consult with the County Counsel's Office regarding real or potential conflicts of interest. In addition, with increased training and modification of County Administrative Policy No. 1 – Conflict of Interests, more clear direction will be provided for employees and will increase the requirement for a broader range of management and financial employees to take the AB 1234 ethics training regularly.

R4. The County Board of Supervisors should appoint a County Ombudsman and develop a process to receive ethics complaints which will protect the private citizen, public official, or employee bringing the complaint to light. This should be accomplished by December 31, 2022 (See F5, F6 and F7)

The recommendation will not be implemented because it is not warranted. Existing laws already protect citizens and County employees who report matters that constitute legal or ethical matters. The County provides employees with various avenues to report suspected violations, including through the District Attorney's Public Integrity Unity, County Counsel's Office, the County Administrative Office, and/or the Human Resources Department. In addition, the County has an established Fraud Hotline: English at 559-600-4211 or Spanish at 559-600-5045; via email at:

acttcfraudhotline@co.fresno.ca.us; or via US Mail at County of Fresno, Auditor-Controller/Treasurer-Tax Collector, P. O. Box 1247, Fresno, California 93715-1247, Attn: Fraud Hotline. Employees and citizens can report alleged fraudulent activity and misuse of County resources by county employees, vendors, and contractors, including conflict of interest. Lastly, added ethics training is being implemented; therefore, the addition of a new position to handle such complaints is not warranted at this time.

This concludes the County Administrative Officer's comments on the Findings and Recommendations of the Fresno County Grand Jury Report No. 1, April 2022.

Sincerely,



Paul Nerland
County Administrative Officer