



Board Agenda Item 27

DATE: December 3, 2024
TO: Board of Supervisors
SUBMITTED BY: Bernice E. Seidel, Clerk of the Board
SUBJECT: Biennial Review Report & COI Code Approval

RECOMMENDED ACTION(S):

Approve amendments to sixteen (16) agencies' Conflict of Interest (COI) Codes (Attachment A to the Biennial Review Report) to become effective December 3, 2024, and direct the Clerk of the Board to notify the Enforcement Division of the California Fair Political Practices Commission of the nine (9) agencies who did not respond to the 2024 Local Agency Biennial Notice or submit Conflict of Interest Code amendments by October 1, 2024 (Attachment B to the Biennial Review Report).

Approval of the recommended action will ensure compliance with Government Code Section 87306.5 for sixteen (16) agencies and will refer to the Enforcement Division of the Fair Political Practices Commission the nine (9) agencies who did not respond. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the result will be non-compliance with Government Code Section 87306.5 (Biennial Review of COI Codes).

FISCAL IMPACT:

There is no increase in Net County Cost associated with this recommended action.

DISCUSSION:

Your Board serves as the COI Code Reviewing Body for any local government agency, other than cities, with jurisdiction wholly within Fresno County per Government Code Section 82011. Pursuant to Government Code Section 87306.5, the Clerk of the Board of Supervisors coordinated, on behalf of your Board, the Biennial Review of COI Codes for all local agencies. This agenda item is the summary of the 2024 Biennial Review of COI Codes pursuant to Government Code Section 87306.5.

On June 28, 2024, the Clerk of the Board's office notified all local agencies they were required to review their COI Codes, including designated employees and disclosure categories.

If no amendments were necessary, the agency would complete the 2024 Local Agency Biennial Notice indicating that no amendments were required and return it to the Clerk of the Board by August 1, 2024.

If an amendment was required, the agency was to complete the 2024 Local Agency Biennial Notice indicating that an amendment was required and return it to the Clerk of the Board no later than August 1,

2024. The agency would then amend their COI Code and submit it to the Clerk of the Board by October 1, 2024.

The Clerk of the Board's office provided reminders on July 18, August 5, and August 12, 2024, with information on resources including the Clerk of the Board staff contact detail and links to the Fair Political Practices Commission website.

A total of sixteen (16) agencies indicated that amendments were made to their COI Codes, such as the addition of new positions which must be designated; changes to the reportable sources of income, investments, business position or real property; changes or additional provisions required by Government Code Section 87302; or adoption of the Fresno County model COI Code. With your Board's approval of the recommended action, the amendments to their COI Codes will be approved for the agencies listed in Attachment A of the Biennial Review Report.

Nine (9) agencies did not respond to the letters and reminder notices for their 2024 Local Agency Biennial Notice or submit COI Code amendments. With your Board's approval, these agencies will be referred to the Enforcement Division of the Fair Political Practices Commission. These agencies are listed on Attachment B of the Biennial Review Report.

A total of 123 agencies reported that their COI Code accurately designated all positions that make or participate in Governmental decisions, and that disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interest in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions. The COI Codes include all other provisions required by Government Code Section 87302. No further action is required from your Board for these agencies COI Codes. These agencies are listed on Attachment C of the Biennial Review Report.

OTHER REVIEWING AGENCIES:

County Counsel has reviewed the COI Code amendments.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Biennial Review Report, Attachments A, B, and C

CAO ANALYST:

Ahla Yang