

County of Fresno
Board of Supervisors
RESPONSE TO THE
2021-22
FRESNO COUNTY GRAND JURY
FINAL REPORT #1



CONFLICT-OF-INTEREST

Please find below the Fresno County Board of Supervisors' response to the 2021-22 Grand Jury Final Report #1.

The County thanks the Grand Jury for its investigation and recommendations related to the County's ethics procedures and policies. As an initial matter it is noted that, despite the allegation made to the Grand Jury concerning a potential conflict of interest, the Grand Jury's report does not find the existence of any legal conflict of interest. In addition, follow up inquiries by the County have confirmed that the incident in question did not involve a conflict of interest under state law or the Charter of the County of Fresno. However, the involved County department acknowledges that the review and strengthening of internal practices and procedures will aid in avoiding even the appearance of a conflict.

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 Fresno County Board of Supervisors ("Board") 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 Board 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 and training for County officials and 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 Board 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 provided in Board of Supervisors Administrative Policy No. 1 – Conflict of Interests, the County Counsel's Office provides guidance to County officials and employees. The County is, however, undertaking additional training in governmental ethics with all employees, including developing a requirement that a broader range of management and financial employees take the bi-annual AB 1234 ethics training. In addition, when inquiries are made related to conflicts of interest, employees are encouraged to discuss specifics with the California Fair Political Practices Commission, via email or phone, as noted on the Statement of Economic Interests Form 700 cover.

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. Regardless of County Charter, Section 41, the County, and 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. The County is increasing training and modifying its Administrative Policy No. 1 – Conflict of Interests to provide more clear direction for employees and increasing 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 incorporates this reporting function in its management structure, but also provides employees with alternate avenues to report suspected violations through the District Attorney's Public Integrity Unity, the County Counsel's Office, the County Administrative Officer, or the Human Resources Department. With the additional training in ethics laws and how such matters are to be handled being implemented by the County, the County does not consider the addition of a new position to handle such complaints to be necessary at this time.