



Board Agenda Item 25

DATE: December 13, 2016

TO: Board of Supervisors

SUBMITTED BY: Jean Rousseau, County Administrative Officer

SUBJECT: Approve Agency Conflict of Interest Codes

RECOMMENDED ACTION(S):

Approve the Conflict of Interest Codes adopted by the following agencies: Assessment Appeals Board, Fresno County Employees' Retirement Association, Fresno Local Agency Formation Commission, Morris E. Dailey Charter Elementary School, Malaga County Water District, Fresno County Fire Protection District, North Central Fire Protection District, Clovis Unified School District, Fowler Unified School District, Golden Plains Unified School District and Kerman Unified School District; Direct Westside Elementary School District to submit a Revised 2016 Local Agency Biennial Notice to the Clerk's office by January 17, 2017

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Agencies will not be able to comply with the Fresno County Biennial Notice requesting local agencies to review and adopt or amend a Conflict of Interest Code (COI Code) for their agency.

FISCAL IMPACT:

There is no increase in net County cost associated with this action.

DISCUSSION:

The Board of Supervisors serves as the Code Reviewing Body for any local government agency, other than cities, with jurisdiction wholly within the County per Government Code Section 82011. The Clerk to the Board of Supervisors coordinated, on behalf of the Board pursuant to Government Code Section 87306.5, the Biennial Review of Conflict of Interest Codes for all local agencies.

Local agencies are required to review their Conflict of Interest Codes, including designated employees and disclosure categories. If no amendments were necessary, the agency would complete the Biennial Review Reply Form indicating that no amendments were required and return it to the Clerk to the Board by October 3, 2016. If an amendment was required, the agency was to complete the Biennial Review Reply Form indicating that an amendment was required and return it to the Clerk to the Board no later than October 3, 2016. The agency would then amend their COI Code and submit it to the Clerk to the Board by January 3, 2017.

The Clerk to the Board provided reminders throughout the review period from July through October 3, 2016. There were phone calls and emails to the agency contact person to remind the agencies of their responsibility to review their COI Codes. On October 7, 2016, agencies that had not complied with the Biennial Reply were sent a letter, directing them to file their responses by October 17, 2016. On October 14, 2016, agencies who selected that their COI Code was under review by the Code Reviewing Body were notified that a Revised

Biennial Reply was needed as nothing was on file as being under review by the Board of Supervisors as the Code Reviewing Body. The letters provided information on resources including Clerk to the Board staff contact information and links to the Fair Political Practices Commission websites.

One hundred three (103) agencies reported that their COI Code accurately designated all positions which make or participate in Government decisions and that disclosure categories assigned to those positions accurately requires the disclosure mandated under California law. The COI Code includes all other provisions required by Government Code 87302. No further action is required from the Board of Supervisors. These agencies are listed on Attachment A.

Eleven (11) agencies indicated that amendments were made to their COI Codes, such as the addition of new positions which must be designated, changes to position titles, disclosure categories for designated positions, or additional provisions required by Section 87302. These codes, listed on Attachment B, are before your Board for approval.

Eighteen (18) agencies indicated that, in review of their COI Codes, amendments were necessary and they are engaged in the process of effecting those changes. The Codes for these agencies will come before your Board at a future meeting. These agencies are listed on Attachment C.

One (1) agency indicated that their COI Code is currently under review of the Code Reviewing Body. They have not responded to the request to submit a Revised Biennial Reply Form, so we are unaware if amendments will be needed to their COI Code. This agency is listed on Attachment D and is directed to submit a Revised 2016 Local Agency Biennial Notice to the Clerk's office by January 17, 2017.

Two (2) agencies, listed on Attachment E, did not respond to the letters, reminder notices, phone calls and emails. Agencies who do not respond will be referred to the Fair Political Practices Commission Enforcement Division.

OTHER REVIEWING AGENCIES:

County Counsel has reviewed the Conflict of Interest Codes and amendments.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Agencies that do not need amendments.
Attachment B - Agencies with amendments to their COI Codes.
Attachment C - Agencies engaged in process of amending their COI Codes.
Attachment D - Agencies with Biennial Notices that need to be revised
Attachment E - Agencies who have not responded to Biennial Notice.

CAO ANALYST:

Deborah Paolinelli