



Board Agenda Item 37

DATE: December 4, 2018

TO: Board of Supervisors

SUBMITTED BY: Bernice E. Seidel, Clerk of the Board

SUBJECT: Approve Conflict of Interest Codes for sixty-seven (67) Agencies
(Exhibit 1)

RECOMMENDED ACTION(S):

Approve the Conflict of Interest Codes for sixty-seven (67) agencies (Exhibit I); Direct Clerk of the Board to notify the Enforcement Division of the California Fair Political Practices Commission Agencies who did not respond to the Biennial Review Request or submit required Conflict of Interest Code amendments by the December 20, 2018

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 Conflict of Interest Code Reviewing Body for any local government agency, other than cities, with jurisdiction wholly within the 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 Conflict of Interest Codes for all local agencies. This agenda item is a result of the Biennial Review of Conflict of Interest Codes pursuant to Government Code Section 87306.5.

On May 16, 2018, the Clerk of the Board's office notified all local agencies they were 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 of the Board by August 1, 2018. If amendments were required, the agency would complete the Biennial Review Reply Form indicating amendments were required and return it to the Clerk of the Board by August 1, 2018. The agency would then amend their COI Code and submit it to the Clerk to the Board by October 1, 2018.

The Clerk to the Board provided reminders on July 19, July 27, September 18 and September 27, 2018 of the approaching deadlines and provided information on resources including the Clerk to the Board staff

contact information.

Forty-five (45) agencies reported that their COI Code accurately designated all positions that make or participate in Government decisions and that disclosure categories assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those designated positions. The COI Code includes all other provisions required by the Government Code 87302. No further action is required from the Board of Supervisors. These agencies are listed on Attachment A of the Advanced Agenda Materials that were provided to the Board on November 14, 2018.

Sixty-seven (67) agencies indicated that amendments were made to the COI Codes, such as the addition of new positions which must be designated, change to the reportable sources of income, investments, business position or real property, changes or additional provisions required by Section 87302, or adoption of the standard COI Code. Included with these amendments are newly adopted codes by the Fresno County Planning Commission and Career Technical Education Center. These codes, listed on Attachment B of the Advanced Agenda Materials, are before the Board for approval.

Twenty (20) agencies indicated that, in review of their COI Codes, amendments were necessary and they were engaged in the process of effecting those changes. The COI Codes for these agencies will come before the Board at future meetings. If these agencies do not submit their amended COI Codes to the Clerk of the Board's office by December 20, 2018, they will be referred to the Enforcement Division of the Fair Political Practices Commission. These agencies are listed on Attachment C of the Advanced Agenda Materials.

Three (3) agencies indicated that the agency is currently inactive and one (1) agency notified the Clerk's office that they are now considered a multi-county agency and will be reporting to the Fair Political Practices Commission as their code reviewing body. These agencies are listed on Attachment D of the Advanced Agenda Materials.

Seven (7) agencies, listed on Attachment E of the Advanced Agenda Materials, did not respond to the letters and reminder notices. Agencies who do not respond will be referred to the Enforcement Division of the Fair Political Practices Commission.

OTHER REVIEWING AGENCIES:

County Counsel has reviewed the new and amended COI Codes.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit I - Agencies with COI Code amendments
On file with Clerk - Advanced Agenda Material

CAO ANALYST:

Ron Alexander