



Board Agenda Item 23

DATE: October 22, 2019

TO: Board of Supervisors

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

SUBJECT: Approve Model Conflict of Interest Code for Fresno County Local Agencies and Authorize Submittal to Fair Political Practices Commission

RECOMMENDED ACTION(S):

- 1. Approve the form of the Model Conflict of Interest Code (Model COI Code) for Fresno County local agencies (Exhibit A);**
- 2. Direct Clerk of the Board to submit the Model COI Code to the Fair Political Practices Commission (FPPC) for review**

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Clerk of the Board will need to continue reviewing Conflict of Interest Codes that are non-conforming to the proposed Model COI Code. This will result in the Clerk of the Board's office being unable to complete streamlining for efficiency purposes the review and approval process for the numerous conflict of interest codes received annually from local Fresno County governmental agencies and reviewed by the Clerk of the Board and County Counsel for accuracy and compliance with State law. This item is County-wide.

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 § 82011. The Clerk of the Board of Supervisors on behalf of the Board coordinates the mandated Biennial Review of Conflict of Interest Codes for all Fresno County local government agencies such as special districts, local independent governmental agencies, school districts, and charter schools (Government Code § 87306.5). There are presently 142 Conflict of Interest Codes for Fresno County local agencies that must be reviewed on a biennial basis. The Clerk of the Board provides initial review of all amended, newly adopted and biennially-submitted Conflict of Interest Codes for these local agencies.

In 2017, the Clerk of the Board (Clerk) implemented an electronic, online Form 700 filing program for Fresno County local agencies pursuant to Board Administrative Policy No. 55. Filing Form 700s electronically greatly increases the efficiency of the Clerk of the Board's office by eliminating the need for the Clerk's staff to manually handle large volumes of hard-copy paperwork. In an effort to promote Fresno County local agencies using the electronic online Form 700 filing program, the Clerk, with County Counsel's assistance, developed a revised version of the County's Model Conflict of Interest Code for Fresno County local

agencies (Exhibit A). The revised Model Conflict of Interest Code (Model COI Code) meets state law requirements and promotes Form 700 filers using the electronic, online filing program. However, only 75 local agencies have complied with the Clerk's request to amend their COI Codes to conform to the revised Model COI Code resulting in the Clerk's staff still handling numerous hard copy Form 700s. Additionally, of the 67 local agencies that have not switched to the new revised Model COI Code, it appears as many as 42 will require corrections and edits resulting in the Clerk's staff and County Counsel engaging in sometimes extensive review and communication efforts with the local agencies to insure a legally acceptable Conflict of Interest Code is adopted by the agencies' governing boards.

Requiring all Fresno County local agencies to adopt the form of the County's Model COI Code eliminates the need for the Clerk of the Board and County Counsel to engage in individualized review of non-conforming Conflict of Interest Codes and the often-times extensive follow-up with some agencies to obtain their implementation of legally-required changes to their Conflict of Interest Codes. By standardizing each local agency's Conflict of Interest Code (much like how County departments are presently handled), the Clerk of the Board and County Counsel expect to see significant time-cost savings as they will only be reviewing amendments to a local agency's Exhibits A and B instead of the full Conflict of Interest Code.

The Board of Supervisors, as a code reviewing body for Fresno County local agencies, has statutory authority pursuant to Government Code § 87303 and 87304 to adopt a Conflict of Interest Code for a local agency. If a local agency delays in adopting the Model COI Code, the Board has the authority to adopt the Model COI Code for that local agency. Standardization of Conflict of Interest Codes for all local agencies will greatly enhance the time-cost efficiency for the Clerk of the Board and for County Counsel.

OTHER REVIEWING AGENCIES:

County Counsel has reviewed this item.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Model COI Code for Fresno County

CAO ANALYST:

Ron Alexander