

COUNTY COUNSEL  
LOUIS B. GREEN

CHIEF ASS'T. COUNTY COUNSEL  
EDWARD L. KNAPP

PRINCIPAL ASS'T COUNTY COUNSEL  
PATRICIA E. BECK

DEPUTY COUNTY COUNSEL  
JUDITH M. KERR  
REBECCA C. SUDTELL  
PAULA F. FRANTZ  
MICHAEL J. CICOZZI

**EL DORADO COUNTY  
OFFICE OF  
THE COUNTY COUNSEL**



COUNTY GOVERNMENT  
CENTER  
330 FAIR LANE  
PLACERVILLE, CA  
95667  
(530) 621-5770  
FAX# (530) 621-2937

DEPUTY COUNTY COUNSEL  
DAVID A. LIVINGSTON  
SCOTT C. STARR  
TERI M. MONTEROSSO  
LESLEY B. GOMES

April 25, 2011

Board of Supervisors  
County of El Dorado  
330 Fair Lane  
Placerville, CA 95667

Review of Conflict of Interest Code of Indian Gaming Local Community Benefit Committee

Honorable Board:

**SUBJECT:** Review and Approval of conflict of interest codes received from the El Dorado County Indian Gaming Local Community Benefit Committee.

**RECOMMENDATION:** County Counsel recommends that the Board review and approve the attached conflict of interest code received from the El Dorado County Indian Gaming Local Community Benefit Committee.

**REASON FOR RECOMMENDATION:** Newly-formed public agencies must adopt their own conflict of interest code. The El Dorado County Indian Gaming Local Community Benefit Committee adopted a conflict of interest code at its first meeting on April 25, 2011. Under state law, the Board of Supervisors is the "code reviewing body" and must review and approve the conflict of interest code in order to make it effective. County Counsel has reviewed the conflict of interest code submitted to the county by the Indian Gaming Local community Benefit Committee, and finds that it is in conformance with law.

**FISCAL IMPACT:** None.

**ACTION TO BE TAKEN FOLLOWING APPROVAL:** Approval of a conflict of interest code by the Board of Supervisors make that code effective. Notice of the BOS approval will be transmitted to the Indian Gaming Local Community Benefit Committee by staff. No further action by the Board is necessary.

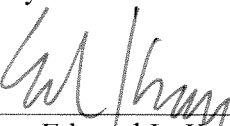
**DISCUSSION:** The state Political Reform Act, Government Code §81000 *et seq.*, contains several sections dealing with conflicts of interest of public officials, including a prohibition on participating in a decision in which the official has a financial interest, a requirement that the official disclose certain economic interests, and a prohibition on receiving gifts and honoraria. Government Code §87300 requires that each local public agency shall adopt its own local conflict of interest code. The FPPC has determined that an Indian Gaming Local Community Benefit Committee is an agency which must adopt its own code. A local code must contain certain specified provisions, including a designation of specific employment positions with the public entity that make decisions which may have an effect on economic interests, and a description of the type of economic interest each designated employee must disclose on his or her statement of economic interest. In order to simplify the process for local public entities, state law permits a local public entity to adopt a particular state regulation, Title 2, California Code of Regulations (2 CCR) §18730, as its conflict of interest code, and attach to it an appendix of designated employees plus an appendix of disclosure categories for each of those designated employees.

Government Code §82011(b) designates the county Board of Supervisors as the code reviewing body for “any local government agency, other than a city agency, with jurisdiction wholly within the county.” The Board of Supervisors must therefore review the conflict of interest codes for local agencies that operate wholly within the county, such as the Indian Gaming Local Community Benefit Committee. Government Code §87303 requires that the code reviewing body shall either approve the revised code as submitted, revise the proposed code and approve it as revised, or return the proposed code to the agency for revision and resubmission.

County Counsel has reviewed the updated conflict of interest codes submitted by the Indian Gaming Local Community Benefit Committee, and finds that it is in accordance with state law, and recommends that the Board approve the code as submitted. The Board’s approval makes the code legally effective. Staff will transmit a record of the Board’s approval to the Indian Gaming Local Community Benefit Committee for its records. The Committee members can then file their Statement of Economic Interests (Form 700) with the county elections official as required by the code.

Very Truly Yours,

LOUIS B. GREEN  
County Counsel

By:   
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Edward L. Knapp  
Chief Ass’t. County Counsel