



Legislation Details (With Text)

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Title: County Counsel recommending the Board review and approve the revised Local Agency Formation Commission (LAFCO) conflict of interest code.
RECOMMENDED ACTION: Approve.

Sponsors:

Indexes:

Code sections:

Attachments: 1. LAFCO Conflict of Interest Code Memo to BOS, 2. LAFCO Resolution, 3. LAFCO Conflict of Interest Code, 4. LAFCO Conflict of Interest Code Redline Version

Date	Ver.	Action By	Action	Result
12/9/2008	1	Board Of Supervisors	Approved	Pass

County Counsel recommending the Board review and approve the revised Local Agency Formation Commission (LAFCO) conflict of interest code.

RECOMMENDED ACTION: Approve.

Fiscal Impact/Change to Net County Cost: None

Background: 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 entity adopt its own local conflict of interest code, which 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 the designated employees. The incorporation of the state regulation into a local code means that the code is automatically updated if the regulation is changed in the future.

Local public entities must submit their conflict of interest code to a designated “code reviewing body” for review and approval. Government Code §82011(b) designates the county Board of Supervisors as the code reviewing body for local public entities which operate wholly within the boundaries of the county. The Board of Supervisors must therefore review local agencies’ conflict of interest codes after they are adopted. Government Code §87303 requires that the code reviewing body shall do one of the following:

- (a) Approve the revised code as submitted.

- (b) Revise the proposed code and approve it as advised.
- (c) Return the proposed code to the agency or revision and resubmission.

The El Dorado Local Agency Formation Commission (“LAFCO”) has previously submitted a conflict of interest code, which the Board approved. Local conflict of interest codes must be updated periodically to account for changes in employment positions and job duties, and the updated code must be submitted to the code reviewing body. El Dorado LAFCO has accordingly reviewed and updated its conflict of interest code, and presents the revised code to the Board of Supervisors for its consideration and approval.

County Counsel has reviewed LAFCO’s updated conflict of interest code and finds that it is in accordance with state law, and recommends that the Board approve LAFCO’s revised code as submitted. The Board’s approval makes the updated code legally effective. Staff will transmit the approval to LAFCO for its records.

Reason for Recommendation: Staff review of LAFCO's updated conflict of interest code has determined that it is in compliance with State law.

Action to be taken following Board approval: Board review and approval of the updated LAFCO conflict of interest code makes it effective. Notice of the approval will be transmitted to LAFCO. No further action by the Board is necessary.