



Legislation Text

File #: 18-1821, **Version:** 1

County Counsel recommending the Board adopt and authorize the Chair to sign Resolution **246-2018**, which adopts a revised County Conflict of Interest Code and rescinds Resolution 194-2016.

FUNDING: N/A

DISCUSSION / BACKGROUND

State Law requires that the County periodically update its local conflict of interest code. County Counsel has reviewed the present code and recommends certain changes to include new employment positions, revise titles of existing positions, and delete positions that no longer exist or make or participate in making governmental decisions. The attached Resolution incorporates the recommended changes.

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.

State law also requires that each local public agency 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 and an appendix of disclosure categories for each of the designated employees. The incorporation of the state regulation into a county's code means that the code is automatically updated if the regulation is changed in the future. The County uses this process and has adopted the state regulation as the County's conflict of interest code.

The County conflict of interest code must be updated periodically to account for changes in employment positions and job duties. As part of the updating process, the Elections Department asked each Department Head to review the current list of designated employees in his or her department, and to indicate whether the list should be changed to take into account positions eliminated, positions created, or a change in job duties since the code was last adopted. Each Department Head was also asked to review the disclosure categories for each designated employee in their department and to advise if the disclosure category should be changed. The revised conflict of interest code incorporates the changes requested by the Department Heads.

Attached hereto are the following:

- (1) a proposed Resolution which adopts the revised conflict of interest code, (Attachment A)
- (2) the revised Appendix of Designated Positions and Disclosure Categories, (Attachment B) and
- (3) a copy of the state FPPC regulation that the code incorporates, 2 CCR §18730, updated to include the latest changes. (Attachment C)

ALTERNATIVES

N/A

PRIOR BOARD ACTION

On December 6, 2016, Legistar item # 16-1170, the Board adopted and authorized the Chair to sign Resolution No. 194-2016, which adopted a revised County Conflict of Interest Code and rescinded Resolution No. 244-2014.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

Board adoption of the attached Resolution enacts the revised code. No further action of the Board is necessary. The Elections Department will circulate the appropriate disclosure forms to the affected employees.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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