

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT

CONSENT AGENDA ITEM NO. 5B

DATE: September 14, 2016

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: Consider Approval: Biennial Conflict of Interest Code Review

RECOMMENDATION: Review and Adopt Amendments to Conflict of Interest Code, Section 525 of LAFCo's Policies, Standards and Procedures

Summary

Recommended amendments to Fresno LAFCo's Conflict of Interest Code are necessary to account for changes to staffing since the Code was last considered by the Commission.

Discussion

Government Code Section 87306.5 of the Political Reform Act requires each local government agency to review its conflict of interest code biennially and to either amend the code if necessary, or report to its code reviewing body that the code is not in need of amendment.

The Fresno County Board of Supervisors is the "code reviewing body" for local agencies' conflict of interest code. For the current review cycle, the report for LAFCo must be made to the Fresno County Board of Supervisors by October 3, 2016. Once approved, the amended code will be forwarded to the Clerk to the Board of Supervisors. No amendments to the conflict of interest code shall be effective until after the "code reviewing body" has approved the code.

Since the Commission last reviewed its Conflict of Interest Code, Counsel recommends minor changes to Appendix A to reflect changes to LAFCo staffing (Attachment A).

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**Exhibit 1
(Current Policy)**

**CONFLICT OF INTEREST CODE FOR THE
FRESNO LOCAL AGENCY FORMATION COMMISSION**

SECTION – 525

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the Fresno Local Agency Formation Commission ("LAFCo").

Individuals holding designated positions shall file their statements with the LAFCo, which will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the Commissioners, Alternate Commissioners, and Executive Officer, the LAFCo shall make and retain a copy and forward the original of these statements to the Clerk to the County Board of Supervisors. LAFCo shall retain originals of all other statements at its office.

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Agency are hereby superseded.

Revised: August 26, 1998
 August 23, 2000
 September 13, 2006
 August 8, 2012

APPENDIX A
DESIGNATED POSITIONS

| <u>Designated Positions</u> | <u>Disclosure Categories</u> |
|---------------------------------------|------------------------------|
| • Commissioners | 1 |
| • Alternate Commissioners | 1 |
| • Executive Officer | 1 |
| • Deputy Executive Officer | 1 |
| • LAFCo Clerk | 1 |
| • LAFCo Staff Analyst | <u>42</u> |
| • LAFCo Counsel | 1 |
| • Consultants* | 1 |

* Consultants shall be included in the list of designated positions and shall disclose pursuant to the disclosure requirements in this code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

Revised: August 23, 2000
 September 13, 2006
 August 13, 2008
 August 11, 2010
 August 8, 2012

APPENDIX B DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency; and investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Disclosure Category 2

Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Disclosure Category 3

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Disclosure Category 4

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Disclosure Category 5

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the agency during the previous two years, or have a claim pending.

Disclosure Category 6

Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to:

- a license
- utility permit
- station vendor permit.

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

- Board Members
- Alternate Board Members
- Executive Director
- Chief Financial Officer
- Consultants involved in the investment of public funds

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

Revised: September 13, 2006
 August 13, 2008
 August 8, 2012