

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Clerk-Recorder	(2) MEETING DATE 3/8/2016	(3) CONTACT/PHONE Tommy Gong, Clerk-Recorder and Local Code Administrator 781-5226	
(4) SUBJECT Submittal of a resolution repealing county departmental and certain local boards' and commissions' existing conflict of interest codes and adopting a single County Conflict of Interest Code applicable to all county departments, local boards and commissions. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the resolution submitted herewith, which: (1) repeals the existing conflict of interest codes on file in the County Clerk-Recorder's Office for all County Departments and local boards and commissions listed in Exhibits B and C of Attachment 1 of the resolution; and (2) adopts a single, uniform Conflict of Interest Code of the County of San Luis Obispo (Attachment 1 of the resolution).			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Clerk-Recorder / Tommy Gong, Clerk-Recorder and Local Code Administrator 781-5226

DATE: 3/8/2016

SUBJECT: Submittal of a resolution repealing county departmental and certain local boards' and commissions' existing conflict of interest codes and adopting a single County Conflict of Interest Code applicable to all county departments, local boards and commissions. All Districts.

RECOMMENDATION

It is recommended that the Board adopt the resolution submitted herewith, which: (1) repeals the existing conflict of interest codes on file in the County Clerk-Recorder's Office for all County Departments and local boards and commissions listed in Exhibits B and C of Attachment 1 of the resolution; and (2) adopts a single, uniform Conflict of Interest Code of the County of San Luis Obispo (Attachment 1 of the resolution).

DISCUSSION

The Political Reform Act (Government Code §81000 et seq.) requires that every local government agency adopt and promulgate a conflict of interest code. Government Code section 87302 requires that a local agency's conflict of interest code contain specific enumeration of the positions within the agency that involve the making or participation in the making of decisions which may have a foreseeable, material effect on any financial interest. For each such position, the local agency's code must enumerate the specific types of investments, business positions, interests in real property, and sources of income that are reportable by a person holding the designated position. Section 87309 provides that: "No conflict of interest code or amendment [thereto] shall be approved by the code reviewing body . . . if it (a) [f]ails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented; (b) [f]ails to provide to each affected person a clear and specific statement of his duties under the code; or (c) [f]ails to adequately differentiate between designated employees with different powers and responsibilities.

The Board of Supervisors is the code reviewing body for all local agencies, other than a city agency, whose jurisdiction is wholly within the County. (Gov. Code, § 82011, subd. (b).) As the code reviewing body of all local agencies other than cities, any amendment of a local conflict of interest code requires approval of the Board of Supervisors. (Gov. Code, § 87303.) The Board may approve a proposed code as submitted (Gov. Code, § 87303, subd. (a)); revise a proposed code and approve as revised; or (c) return the proposed code to an agency for revision and resubmission within 60 days.

In 2010, pursuant to Resolution 2010-86, your Board appointed the County Clerk-Recorder as the Local Code Administrator for Conflict of Interest Codes. In accordance with Government Code sections 87306 and 87307, the Local Code Administrator, in consultation with the Office of County Counsel, has determined that it is in the best interests of the County to repeal the existing conflict of interest codes of County departments, and certain local boards and commissions, and to adopt a single, uniform conflict of interest code.

Many of the conflict of interest codes maintained by county departments and local agencies were originally adopted in the mid 1970s when the Legislature first added, via a statewide initiative measure, the requirements of the Political Reform Act mandating that local agencies promulgate and maintain conflict of interest codes. Several years ago, the Fair Political Practices Commission promulgated a "model code" for use by local agencies as desired. (See Tit.2, Cal. Code Regs, § 17830.) One advantage of adopting the model code as the local agency's conflict of interest code is that there is no need

to periodically update and review the provisions of a locally created code to ensure that the code is in compliance with the provisions of the Political Reform Act or FPPC regulations. Over the years, some County departments have adopted the model code, while others have continued to retain their original codes.

Changes in the requirements for disclosure of financial interests, periodically promulgated by the FPPC, require ongoing review and updates to the locally created conflict of interest codes of County departments and local agencies in compliance with the provisions of Government Code section 87306.5, which mandates a biennial review of local agency conflict of interest codes. In addition, over the years, certain County departments have been consolidated and reorganized, resulting in the deletion of certain positions from a particular department or the creation of a new position within a newly reorganized department. Departmental consolidations and reorganizations that occur within county government from time to time also necessitate amendments to the conflict of interest codes of the affected departments, or the repeal and adoption of new departmental codes.

In light of the foregoing, the Local Code Administrator, in consultation with County Counsel, is recommending that the Board adopt the FPPC's model conflict of interest code to: (1) ensure that the conflict of interest codes of County departments and local agencies are continually updated in accordance with amended FPPC regulations governing the promulgation and maintenance of local conflict of interest codes; (2) promote consistency among the codes maintained by County departments, boards, and commissions; and (3) facilitate efficiency and economy in the biennial review process. To this end, the County Counsel, in coordination with the Administrative Office, County departments and local county boards and commissions, has prepared a single, uniform County Conflict of Interest Code, containing the designated position lists and applicable disclosure categories of all county departments and those boards and commissions whose codes are recommended for repeal. The Local Code Administrator recommends that the Board adopt and approve the attached resolution repealing the conflict of interest codes of County departments, and the local boards and commissions listed in Exhibits B and C of the proposed County Conflict of Interest Code (Attachment 1 of the resolution), and adopt the code in accordance with Government Code sections 87306.5 and 87303, subdivision (a).

OTHER AGENCY INVOLVEMENT/IMPACT

In preparing the uniform County Conflict of Interest Code, the Local Code Administrator and County Counsel have worked in consultation with the Administrative Office, and the county departments, boards, and commissions whose codes are recommended for repeal and replacement by the proposed uniform code.

FINANCIAL CONSIDERATIONS

None.

RESULTS

The Government Code requires that all local agencies promulgate a conflict of interest code; that they make amendments to their codes as necessitated by changed circumstances from time to time; and that local agencies ensure that their codes are in compliance with the FPPC's regulations related to local agency conflict of interest codes. The adoption of the FPPC's model code will ensure continuing compliance with periodic amendments of FPPC regulations and the financial disclosure requirements of the Political Reform Act.

ATTACHMENTS

1. Resolution
2. Attachment 1 - Conflict of Interest Code
3. Appendix A - Disclosure Categories
4. Appendix B - Designated Position List County Departments
5. Appendix C - Designated Position List County Agencies