

SAN MATEO

**LOCAL AGENCY FORMATION COMMISSION**

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

July 12, 2018

To: LAFCo Commissioners
From: Martha Poyatos, Executive Officer *M. Poyatos*
Subject: Conflict of Interest (COI) Biennial Review

State law provides that each local agency adopt a Conflict of Interest Code which designates which positions must file a Fair Political Practices Form 700 (Statement of Economic Interests). Every two years agencies are required to review the list of designated filers to determine if changes or updates are necessary.

The Commission's Conflict of Interest Code, adopted in 1986, incorporates by reference the standardized regulations adopted and amended from time to time by the Fair Political Practices Commission and includes an Appendix listing LAFCo's designated positions and reportable categories (attached). Based on the recent creation of the positions of Management Analyst, it is recommended that the Appendix be updated to reflect the current staffing arrangement..

Staff recommends that Appendix A be amended to include the position of Management Analyst and that the Commission direct the Executive Officer to submit the notice form to the County Clerk-Recorder's Office with this change.



OFFICE OF
**ASSESSOR-COUNTY CLERK-
RECORDER & ELECTIONS**
COUNTY OF SAN MATEO

MARK CHURCH
ASSESSOR-COUNTY CLERK-
RECORDER & CHIEF ELECTIONS OFFICER

DATE: June 29, 2018
TO: All Filing Officials
FROM: Mark Church, Assessor-County Clerk-Recorder

SUBJECT: **Conflict of Interest Code (COI) Biennial Review Notice**

This is to remind you that Government Code §87306.5 requires each local agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, if it must be amended. The attached "2018 Local Biennial Notice" form must be **returned to our office no later than September 1st**. Your agency must review its Conflict of Interest Code and submit a completed notice to:

Julieta R. Fernandez
Office of the Assessor-County Clerk-Recorder
555 County Center
Redwood City, CA 94063

Our office will then submit the completed notice to the code reviewing body for approval.

Please note that your agency's amended code is not effective until it has been adopted by the Board of Supervisors.

Accordingly, we request your agency to:

- a) **Review** its Conflict of Interest Code and, if a change in the agency's code is necessitated by changed circumstances (events such as organizational changes, changes in staff duties and/or titles, the use of consultants and/or interim staff members), **indicate the changes on the notice and return the notice to us no later than September 1st**.
- b) Kindly submit the amended code adopted by your governing board to our office within 90 days of the date of the completed notice.
- c) **If no change** in the agency's code is required, indicate this on the notice form and forward it to our office **no later than September 1st**.

Our office also requests that your agency send a **copy of your most current Conflict of Interest Code** so that we may update our files.

If you have any questions, please do not hesitate to contact our office at (650) 363-4988.

Should You Amend Your Agency's Conflict of Interest Code?

A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700). It is the basis for the transparency that California's Political Reform Act requires of public officials. But how do you know if your agency's code is what it should be? And how do you go about amending it? The information below may help you with these issues.

THINGS TO THINK ABOUT ...

- Is your current code more than five years old?
- Have there been any substantial changes to your agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added to your agency since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you answered yes to any of these questions, your agency's conflict of interest code will likely need to be amended. Each agency must complete the Biennial Review Notice and return it to our office.

San Mateo Local Agency Formation Commission

List of Designated Positions in the San Mateo Local Agency Formation Commission and Financial Disclosure Categories

Each person holding any position listed below must file statements disclosing the kinds of financial interest shown for the designated employee's position. Statements must be filed at the times and on the forms prescribed by law. Failure to file statements on time may result in penalties including but not limited to late fines.

<u>Designated Employees</u>	<u>Disclosure Category</u>
County Member	1,2,3,4
Alternate County Member	1,2,3,4
City Member	1,2,3,4
Alternate City Member	1,2,3,4
Public Member	1,2,3,4
Alternate Public Member	1,2,3,4
Independent Special District Member	1,2,3,4
Alternate Ind. Special District Member	1,2,3,4
Executive Officer	1,2,3,4
<i><u>Management Analyst</u></i>	<i><u>1,2,3,4</u></i>
Consultants	1,2,3,4

*Each Department Head, after consultation with the County Counsel, shall review the duties and authority of all consultants retained by the department. Those consultants who, within the meaning of 2 Ca. Code of Regulations 18700 (a)(2) are required to file statements of economic interests, shall do so. During each calendar year, the San Mateo Local Agency Formation Commission shall maintain a list of such consultants for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any consultant from any other provision of the Conflict of Interest Code, specifically those dealing with disqualification.