



Inter Office Memo

DEPARTMENT OF
PERSONNEL SERVICES

ITEM 6

DATE: February 27, 2014

TO: Deferred Compensation Management Council

FROM: Paul Nerland, Personnel Services Manager 

SUBJECT: Conflict of Interest Code for Deferred Compensation Management Council

Background

As you are aware, the Deferred Compensation Management Council (DCMC) approved a Conflict of Interest Code, subject to approval by the Board of Supervisors, at its April 15, 2013 meeting. Pursuant to the Political Reform Act (Government Code Section 81000, et seq.), the Board of Supervisors must adopt a Conflict of Interest Code for its appointed committees, including the DCMC.

Issue

Staff submitted the approved Conflict of Interest Code to the Board of Supervisors after the Minutes from the April 15, 2013 were approved. However, Staff had to add clarifying language in order to attain approval by the Board of Supervisors. The updated Conflict of Interest Code is attached (Attachment "A"). If approved by the DCMC, the Conflict of Interest Code will be submitted to the Board of Supervisors for final approval.

Recommended Action

Staff is recommending that the DCMC approve the attached Conflict of Interest Code for submission to the Board of Supervisors.

The recommended action allows the DCMC to stay in compliance with applicable state laws.

ITEM 6 – ATTACHMENT “A”

CONFLICT-OF-INTEREST CODE FOR

DEFERRED COMPENSATION MANAGEMENT COUNCIL

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 to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices A, B, and C designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the County of Fresno **Deferred Compensation Management Council (the “Council”)**.

Individuals holding designated positions shall file their statements of economic interests with the Personnel Services Manager – Employee Benefits Division (Personnel Services Manager), who will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the original statements of Council Members, Personnel Services Manager shall make and retain a copy and forward the original of these statements to the Clerk to the County Board of Supervisors.

APPENDIX A

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
• Legal Counsel to the Deferred Compensation Management Council	1, 2, 3
• Consultants	*

* 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 Deferred Compensation Management Council 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 Deferred Compensation Management Council’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.)

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 information purposes only:

- Member of Deferred Compensation Management Council
- Consultants

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.

APPENDIX B

DISCLOSURE CATEGORIES

Disclosure Category 1

Designated positions in this category must disclose all interests in real property which foreseeably may be purchased or invested in by the County of Fresno 457(b) Deferred Compensation Plan (the “Plan”).

Disclosure Category 2

Designated positions in this category must disclose all investments or business positions in, and all income, including loans, gifts, and travel payments, from any business entity which, within the past two (2) years, has received, or in the future, foreseeably may receive investment funds from the Plan.

Disclosure Category 3

Designated positions in this category must disclose all investments or business positions with, and all income, including loans, gifts, and travel payments, from any business entity which, within the past two (2) years, has received, or in the foreseeable future, may contract with the Plan to provide services, supplies, materials, machinery, or equipment to the Plan.

APPENDIX C

AGENCY POSITIONS THAT MANAGE PUBLIC INVESTMENTS FOR PURPOSES OF SECTION 87200 OF THE GOVERNMENT CODE

Position Required To File A Statement Of Economic Interests

- Member of the Deferred Compensation Management Council
- Consultant