



MENDOCINO COUNCIL OF GOVERNMENTS

Agenda #9
Consent Calendar
MCOG Meeting
12/2/2019

STAFF REPORT

TITLE: Resolution Adopting an Amended Conflict of Interest Code by Reference

SUBMITTED BY: Janet Orth, Deputy Director / CFO

DATE: 11.22.2019

BACKGROUND:

MCOG, as a public agency, must comply with regulations of the Fair Political Practices Commission (FPPC) relative to disclosure of financial interests under the Political Reform Act of 1974. Periodically we are to report any necessary amendments to our adopted Conflict of Interest Code.

Amendments have been adopted by MCOG in 1999, 2006 and 2016 (all under my watch), and perhaps earlier. Each time I research this issue I learn more, especially with new guidance available on the FPPC website. There are now some needed clean-ups, clarifications and updates to bring our procedures into full compliance.

I propose the following amendments:

- Appendix A lists “Designated Positions and Disclosure Categories.” To date we have listed all those who must file Form 700 Statement of Economic Interests, when in fact this should only list positions designated by MCOG. A legal distinction is made between “87200 Filers” who must file (elected officials and certain city and county management positions) and any other agency positions “that make or participate in making governmental decisions,” referred to as “Code Filers.” I propose deleting Board members, alternates and County Counsel from Appendix A. Remaining positions are the contracted Executive Director and Transportation Planner. – *refer to draft with text strike-out*

It should be noted that “87200 Filers” must disclose ALL economic interests, while “Code Filers” need only report Disclosure Categories listed in Appendix A.

- Under #3 of the resolution body, distinguish between Place of Filing for Designated Positions, a.k.a. “Code Filers” and for required “87200 Filers.” These are to be filed with MCOG and County or City Clerks respectively. Note that Form 700 statements of “87200 Filers” are to be forwarded to FPPC; those of “Code Filers” are not.

Be advised that MCOG does not have “Filing Officer” or filing agency status with the FPPC. Our staff duties are limited to collecting and retaining Form 700 statements of “Code Filers” and providing public access.

We do request that MCOG board members and alternates provide a courtesy copy of their statements for our files, either in paper or electronic format, for monitoring purposes. (These are also available from the clerks.)

The California Code of Regulations Section 18730, referenced in the resolution, is available at the FPPC website, www.fppc.ca.gov, and is on file with our Conflict of Interest Code.

This amendment is to be approved by the County of Mendocino Board of Supervisors as the code reviewing body for Mendocino County.

ACTION REQUIRED:

Approve the attached resolution “Adopting an Amended Conflict of Interest Code by Reference” to comply with government codes.

ALTERNATIVES:

You may choose to pull this item from the Consent Calendar and discuss other potential amendments or a review of disclosure categories.

RECOMMENDATION:

Approve the attached resolution “Adopting an Amended Conflict of Interest Code by Reference” with Appendix A.