



STAFF REPORT

To: ESCOG Joint Powers Authority
From: Grace Chuchla, ESCOG Counsel
Subject: Resolution Adopting an Updated Conflict of Interest Code
Meeting date: February 28, 2024
Prepared on: February 19, 2024
Attachments: A) A Resolution of the Board of Directors of the Eastern Sierra Council of Governments Adopting Modifications to the Conflict of Interest Code as Proposed by the Fair Political Practices Commission
B) Redline version of current conflict of interest code

BACKGROUND/HISTORY:

In July 2020, the ESCOG adopted a proposed conflict of interest code and forwarded it to the Fair Political Practices Commission for review. Per 2 Cal. Code Regs. § 18750, the FPPC serves as the code reviewing body for multi-county agencies, like ESCOG. In October 2022, the ESCOG adopted an amended conflict of interest code that contained edits requested by FPPC and forwarded that amended code to the FPPC for review.

The FPPC has now requested a second round of edits to the ESCOG's conflict of interest code. This modification requires a two-part process to implement it. The first part of that process is public noticing. Specifically, per 2 Cal. Code Regs. § 18750, ESCOG must provide public notice of the intent to adopt a new conflict of interest code. ESCOG staff met this requirement by posting a notice on ESCOG's website for 45 days (December 21, 2023 to February 5, 2024), posting notices at all member agencies' regular meeting locations, and emailing the notice to the mailing list that has signed up to receive ESCOG meeting agendas. No comments were received on the proposed conflict of interest code, nor did anyone request a public hearing on the proposed code.

Given the lack of response to the proposed code, your board can adopt the new proposed conflict of interest code by resolution. Staff recommends adopting the resolution and modifying the conflict of interest code as requested by the FPPC. A redline version of the current conflict of interest code is included to show the changes, but generally speaking, the only modification is to remove the fiscal services position from the conflict of interest code.

As an important note, the adoption of this conflict of interest code does not impact the filing of Form 700s for Board members. Both before and after the adoption of any conflict of interest code, Board members must file Form 700s per Government Code § 87302.6. The only individuals whose Form 700s will be impacted by the adoption of the Conflict of Interest Code are staff members, such as the Executive Director or Legal Counsel.

BUDGET IMPACTS:

None.

LEGAL REVIEW:

ESCOG Counsel Grace Chuchla has reviewed this item and found that it complies with the law.

RECOMMENDATION:

Staff requests the ESCOG Board adopt the attached resolution entitled “A Resolution of the Board of Directors of the Eastern Sierra Council of Governments Adopting Modifications to the Conflict of Interest Code as Proposed by the Fair Political Practices Commission.”