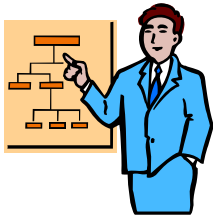


How to Review a Conflict-of-Interest Code¹

Who is a Designated Employee?



Designate these Positions:

High level positions that have authority to vote on a matter, appoint a person, obligate or commit his or her agency to a course of action, or enter into any contractual agreement on behalf of his or her agency.

Mid-Level positions that have authority to negotiate decisions on behalf of the agency, without significant substantive review; or

Employees that advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion that requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

Who Should Not be Designated?



A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. (*Government Code Section 82019.*)

Do Not Designate these Positions:

- Board of Supervisors
- Chief Administrative Officers
- District Attorneys
- County Counsels
- County Treasurers
- Planning Commissioners
- City Council Members
- Mayors
- City Managers
- City Attorneys
- City Treasurers
- Other city, county, and local agency public officials who manage public investments
- Solely clerical, ministerial, or manual positions
- Unsalaries members of boards or commissions that are solely advisory

Check Duty Statements Review Disclosure Categories



Review:

First, eliminate positions outlined above that are not designated employees.

Second, evaluate the remaining employees, committees, officers, or consultants. Top level management personnel are normally broad policy makers and should be designated. Beyond that, read duty statements and talk to supervisors. Each position should be analyzed to determine if it makes decisions. Be sure all positions that have authority to authorize contracts are designated.

Next, review the disclosure categories. Employees should only disclose economic interests that relate to their job. Do not assign the same disclosure to every position as jobs are different. The disclosure category assignments must adequately differentiate between positions.

Contact other counties for examples and guidance. The FPPC also posts model disclosure categories on its website.

¹ This information sheet should not be used to determine whether an agency is required to adopt a conflict-of-interest code. Contact the FPPC for assistance in making that determination.

2010 Multi-County Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Office Phone No: _____

E-mail: _____ Fax No: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that (check one box):

An amendment is required. (*Check all that apply.*)

Substantive

- Include new positions (including consultants) that must be designated
- Delete Positions that manage public investments from the list of designated positions
- Revise disclosure categories
- Other (*describe*) _____

Non-Substantive

- Revise the titles of existing positions
- Modification of any provision of a code, provided no disclosure or disqualification obligations are disturbed
- Delete titles of positions that have been abolished
- Other (*describe*) _____

Code is currently under review by the code-reviewing body.

No amendments necessary.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions. The code includes all other provisions required by Government Code section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice, including agencies whose codes are currently under review. Please return this notice no later than **October 1, 2010**, to:

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(866) ASK-FPPC
Fax (916) 322-3711