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## BOARD AGENDA LETTER

**DATE:** September 7, 2022

**TO:** Board of Retirement

**FROM:** Donald C. Kendig, CPA  
Retirement Administrator

**Staff Contact:** Elizabeth Avalos  
Executive Assistant

**SUBJECT:** Approval of FCERA Conflict of Interest Code – APPROVE

### Recommended Action

1. Approve the Fresno County Employees' Retirement Association (FCERA) Conflict of Interest Code.

### Fiscal and Financial Impacts

There are no financial impacts from adopting this updated policy.

### Background and Discussion

Per Fair Political Practices Commission regulations and state law, the Board shall review this code at least every two (2) years to ensure that it remains relevant and appropriate.

The Board of Retirement last reviewed and adopted the Conflict of Interest Code on February 6, 2019, as required by the Fair Political Practices Commission. *There were no changes made to the Conflict of Interest Code during this review period.*

### Attachment

1. Conflict of Interest Code, 2022

## **FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)**

### **CONFLICT OF INTEREST CODE**

#### **I. INTRODUCTION AND PURPOSE**

1. The Political Reform Act (Government Code Section 81000 et seq.) requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) that contains the terms of a standard Conflict of Interest Code ("standard code"), which 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.

#### **II. PROVISIONS**

1. 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 and, along with the attached Appendix A and Appendix B, in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of FCERA.
2. Designated employees who do not file statements pursuant to Government Code section 87200, listed in Appendix A, shall file Statements of Economic Interest with the FCERA Executive Assistant, who will retain the statements and make the statements available for public inspection and reproduction.

3. The Retirement Administrator and Board Members, who file statements pursuant to Government Code section 87200 as public officials who manage public investments are to file their original Statements of Economic Interest directly with the Clerk of the Board for the Fresno County Supervisors using the electronic filing system. If the Statements of Economic Interest are not filed electronically, the paper Statements of Economic Interest and waiver shall be filed with the FCERA Executive Assistant and, upon receipt of these paper Statements of Economic Interest with waivers, the FCERA Executive Assistant shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors<sup>1</sup>. The FCERA Executive Assistant, shall retain a copy of all electronically filed Statements of Economic Interest, a copy of all paper Statements of Economic Interest with waivers, and the original Statement of Economic Interest of designated positions and shall make the Statements of Economic Interest available for public review, inspection and reproduction. (Gov. Code section 81008.)

### **III. POLICY REVIEW**

1. Per Fair Political Practices Commission regulations and state law the Board shall review this code at least every two (2) years to ensure that it remains relevant and appropriate.

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<sup>1</sup> The original statements (Form 700s) are forwarded to the Board of Supervisors despite the general rule of Title 2, California Code of Regulations § 18753(d), because the FPPC has exercised its discretion under that regulation to have the statements filed with the local agency's filing officer which is the Board of Supervisors. (Memo from Tech. Asst. Div. to Co. Clerks and other filing officers, Dec. 1994; *Kuhs* Advice Letter, A-96-063, March 8, 1996.)

**IV. POLICY HISTORY**

1. This code was originally adopted on November 3, 2010 and reviewed on October 7, 2015, September 21, 2016, June 20, 2018, February 6, 2019, and September 7, 2022.

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***Date of Action:***

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***By: Retirement Administrator***

**FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)**  
**CONFLICT OF INTEREST CODE**

APPENDIX A

DESIGNATED POSITIONS AND CATEGORIES

| <u>DESIGNATED OFFICIALS AND EMPLOYEES*</u> | <u>DISCLOSURE<br/>CATEGORY</u> |
|--|--------------------------------|
| Assistant Retirement Administrator         | I                              |
| Board Counsel (General)                    | I                              |
| Investment Consultants                     | I**                            |

\* It has been determined that Board Members, the Retirement Administrator, the Retirement Investment Officer and Retirement Investment Analyst are positions that "manage public investments" and are required to file statements of economic interest pursuant to Government Code section 87200 et seq. listing all financial interests as defined in the Political Reform Act, not just those listed in Appendix B.

\*\* Investment Consultants shall be included in the list of designated officials and employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Administrator 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 fully comply 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 Administrator'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.

**FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)**  
**CONFLICT OF INTEREST CODE**

APPENDIX B

REPORTABLE INTERESTS BY CATEGORY

Subject to the definitions set forth in the Political Reform Act and applicable regulations:

**Category I: Full Disclosure**

Designated officials and employees in this category must report:

All investments, business positions and sources of income, including gifts, loans, and travel payments.