

## **CHECKLIST TO ADOPT OR AMEND CONFLICT OF INTEREST CODE**

This “checklist” is provided as a convenience to local governmental agencies, and does not constitute legal advice. If you have any questions regarding your agency’s conflict of interest code review obligations or the process for adopting or amending your agency’s code, please contact your legal counsel or the FPPC.

- 1. Fill in the name of your agency in the blank space of the form titled “**CONFLICT-OF-INTEREST CODE.**” This form along with “**APPENDIX A**” and “**APPENDIX B**” constitutes your agency’s conflict-of-interest code.
- 2. List the board member, employee and consultant positions within your agency that make or participate in the making of decisions, and include those positions in **APPENDIX A**. Determine the “Disclosure Categories” described in **APPENDIX B** that apply to these positions based on the duties of the position.<sup>1</sup>
- 3. Set a time and date for your governing board to consider adoption of your code or amendment.
- 4. Have the governing body of your agency adopt the code or amended code at a properly noticed board meeting.

A proposed code or amendment that has been changed or modified after being made available to the public may be adopted if the revised code or amendment is substantially similar to the code or amendment initially proposed. If the code or amendment is *not* substantially similar to the initial code, then your agency will need to give a new public notice and establish a new time period to allow for affected persons and the public opportunity to respond to the revised code.

- 5. Prepare a document that shows the entire code and amendments in ~~strikeout~~/underscore format.
- 6. Have the appropriate officer complete a REQUEST FOR APPROVAL AND DECLARATION OF COMPLIANCE FOR CONFLICT-OF-INTEREST CODE AMENDMENT/ADOPTION.
- 7. Forward the above documents along with your conflict-of-interest code or amendment, including **APPENDIX A** and **APPENDIX B**, via email to [clerkoftheboard@co.tulare.ca.us](mailto:clerkoftheboard@co.tulare.ca.us) or US Mail:

**Clerk of the Board of Supervisors  
2800 West Burrel Avenue  
Visalia, California 93291**

In the transmittal letter, discuss areas of controversy, if any, and manner of resolution. Also, include a written explanation of all changes, the duty statements/job descriptions of newly-designated positions, and an organizational chart for your agency.

A conflict-of-interest code or amendment is not effective until it has been approved by its code reviewing body.<sup>2</sup> The Tulare County Board of Supervisors is the code reviewing body for all local agencies whose territorial jurisdiction is located *entirely* within Tulare County.<sup>3</sup> The Fair Political Practices Commission is the code reviewing body for all local agencies whose territorial jurisdiction is within two or more counties.<sup>4</sup> A new agency must submit its conflict-of-interest code no later than 6 months after it comes into existence.<sup>5</sup> Amendments or revisions of your code must be submitted to the code reviewing body within 90 days after changed circumstances necessitating amendments have become apparent.<sup>6</sup>

Your code or amendment will become effective upon approval by the Board of Supervisors.<sup>7</sup> After approval, provide those employees in new designated positions, if any, with the Statement of Economic Interests (Form 700) and the employee's disclosure category. Such employees must file an "initial" statement within 30 days of the effective date. Also, provide those employees holding deleted positions with the Form 700 and their disclosure categories, as they must file a "leaving office" statement within 30 days of the effective date. Those employees holding designated positions with title changes, reclassifications, or disclosure category changes do not have additional filing obligations, other than the annual filing obligation.

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<sup>1</sup> See Gov. Code, § 87309, subd. (c).

<sup>2</sup> Gov. Code, § 87303.

<sup>3</sup> Gov. Code, § 82011.

<sup>4</sup> *Id.*

<sup>5</sup> Gov. Code, § 87303.

<sup>6</sup> Gov. Code, § 87306.

<sup>7</sup> Gov. Code, § 87303.