



California Fair Political Practices Commission

May 10, 1994

Donald S. Greenberg
Assistant County Counsel
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Re: Your Request for Informal
Assistance
Our File No. I-94-125

Dear Mr. Greenberg:

You have requested advice concerning the conflict of interest disclosure provisions of the Political Reform Act.^{1/} Since you have not identified the member of the Board of Supervisors to whom this question applies, we consider your letter to be a request for informal assistance pursuant to Regulation 18329(c).^{2/}

QUESTION

Is a member of a county board of supervisors who files a Form 721 statement of economic interests required to take additional actions to comply with the conflict of interest code filing requirements for an agency whose jurisdiction is wholly encompassed within the same county?

CONCLUSION

The Form 721 statement of economic interests filed by a member of the county board of supervisors satisfies the disclosure requirements for any agency with a geographical jurisdiction that does not extend beyond the county's boundaries.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

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ANALYSIS

Section 87200, et seq., specifically requires members of the board of supervisors to disclose their economic interests under the provisions of the Political Reform Act. These public officials are required to disclose certain investments, interests in real property and sources of income in their jurisdiction on a statement of economic interests (Form 721).

Section 87300, et seq., requires every agency to adopt and promulgate a conflict of interest code designating those positions within the agency which should similarly be required to disclose their personal economic interests. Regulation 18730 contains all of the basic provisions required by the Act and may be incorporated by reference as the body of an agency's code.

Pursuant to Regulation 18730(b)(3), a conflict of interest code does not establish any disclosure obligation for persons who are also listed in Section 87200 if they serve in essentially the same capacity or if the geographical jurisdiction of the agency is the same as the jurisdiction in which they must report their financial interests under Section 87200. Therefore, a member of the board of supervisors is not required to include disclosure under any local government agency's conflict of interest code on his or her Form 721 if the agency's geographical jurisdiction is solely within the county.

However, one of the primary purposes of the Act is to provide public access to statements. Section 87500(e) requires the County Clerk to retain a copy of the Form 721 filed by members of the board of supervisors. If a conflict of interest code for a local government agency solely within one county specifies that the filing officer^{3/} for the statements is an agency other than the county clerk, we recommend that a copy of the supervisor's Form 721 be forwarded to the appropriate agency to ensure that the public has access to the statements.

^{3/} Regulation 18115 specifies that the filing officer is the person or agency which receives and retains original statements of economic interests.

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If you have any questions or need further assistance, please
contact me at (916) 322-5662.

Sincerely,

Dixie Howard

Dixie Howard
Political Reform Consultant
Technical Assistance Division