



## FAIR POLITICAL PRACTICES COMMISSION

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September 28, 2000

Barbara Booth Grunwald  
Deputy County Counsel  
County of Fresno  
2220 Tulare Street, Fifth Floor  
Fresno, CA 93721-2104

**Re: Your Request for Informal Assistance  
Our File No. I-00-183a**

Dear Ms. Grunwald:

This letter is in response to your request for advice regarding the filing obligation of various managers and administrators in Fresno County. Your question is general in nature; thus, we are treating your request as one for informal assistance. (Reg. 18329(b)(8)(C).) Informal assistance does not provide the requestor with the immunity conferred by formal written advice. (Section 83114; Reg. 18329(c)(3).)

### QUESTION

Are managers and administrators of special districts and school district superintendents considered agency "heads," who are required to file one original statement of economic interests (Form 700) with the agency, which must retain a copy and forward the original to the code reviewing body?

### CONCLUSION

Managers and administrators of special districts and school district superintendents are considered agency "heads" for purposes of the Act.

## DISCUSSION

The Act requires that the assets and income of public officials which may be materially affected by their official actions be fully disclosed, and in appropriate circumstances, the officials should be disqualified from acting in order that conflicts of interest may be avoided. (Section 81002(c).) "Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them." (Section 81001(b).) In accomplishing these goals, the Act requires public officials to file an annual statement of economic interests. Governmental positions subject to this filing requirement fall into two separate categories. First, persons holding positions set forth in section 87200 are "statutory filers" and must disclose all of their economic interests. Designated employees, including department heads not listed in section 87200, must also file an annual statement of economic interests pursuant to their agency's conflict of interest code. (Section 87302(b).)

Your question concerns statement of economic interests filed by designated employees. Section 87500 governs where statements of economic interests must be filed. Section 87500(j) provides:

"[H]eads of agencies, members of boards or commissions not under a department of state government or members of boards or commissions not under the jurisdiction of a local legislative body -- one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body which shall be the filing officer. In its discretion, the code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency."

You do not appear to dispute that managers and administrators of special districts and school district superintendents are the heads of their respective districts subject to the disclosure provisions of the Act. Rather, you state that the heads of these districts are not "agency" heads as contemplated by section 87500(j). Your question turns on whether special districts and school districts are considered "local government agencies." If special districts and school districts are considered "local government agencies," these agency heads would be required to file one original Form 700 with the agency, and the agency would be required to make and retain a copy of the Form 700, and forward the original to the code reviewing body (the Board of Supervisors).

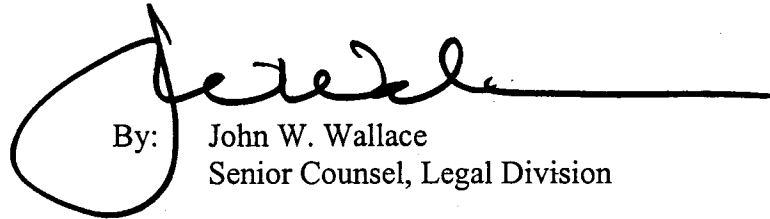
Section 82041 defines "local government agency" as a "county, city or *district of any kind including school district*, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing." [Emphasis added.] By its express terms, the broad definition in section 82041 considers school districts and special districts as "local government agencies." Thus, managers and administrators of special districts and school district superintendents, if they are the head of their respective districts, must file one original Form 700 with their district, which must make and retain a copy,

and forward the original Form 700 to the Board of Supervisors. However, at the discretion of the Board of Supervisors, these agency heads may provide that the original Form 700 be filed directly with the Board of Supervisors, and that no copy be retained by the district.

If you have any other questions regarding this matter, please feel free to contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca  
Assistant General Counsel

A handwritten signature in black ink, appearing to read "John W. Wallace", with a long horizontal line extending to the right. The signature is written over the printed name and title of John W. Wallace.

By: John W. Wallace  
Senior Counsel, Legal Division