

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-6a

Urgent

Routine

AGENDA DATE December 9, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Amendment to the Conflict of Interest Code for the Stanislaus County Employees' Retirement Association (StanCERA)

STAFF RECOMMENDATIONS:

Adopt the amendment to the Conflict of Interest Code for the Stanislaus County Employees' Retirement Association (StanCERA).

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-820

On motion of Supervisor Monteith, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval to Adopt the Amendment to the Conflict of Interest Code for the Stanislaus County Employees' Retirement Association
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DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Stanislaus County Employees' Retirement Association approved an amendment to their Conflict of Interest Code. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendments to the Conflict of Interest Code from the agencies the Board of Supervisors places the amendments on their agenda for approval.

POLICY ISSUE:

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

2008 Local Agency Biennial Notice

Name of Agency: Stanislaus County Employees' Retirement Association
Mailing Address: 832 12th Street, Suite 600 Modesto CA 95354
Contact Person: Tom Watson Office Phone No: (209) 525-6393
E-mail: watson@stancera.org Fax No: (209) 558-4976

This agency has reviewed its conflict-of-interest code and has determined that:

An amendment is required. The following amendments are necessary:
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished.

Other (describe) Delete title of position no longer required to file

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

No amendment is required.

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require 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 the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

Tom Watson, Retirement Administrator

09-22-2008

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2008**, to:

CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th STREET, SUITE 6700
MODESTO, CA 95354

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

Fair Political Practices Commission
428 J Street, Suite 620, Sacramento, CA 95833
For Technical Assistance: (866) ASK-FPPC

ATTACHMENT A

CONFLICT OF INTEREST CODE FOR STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

The Political Reform Act (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regulation Section 18730), which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission. 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. This regulation and the attached Appendix, consisting of Attachments A, B, and C, designating officials and employees, establishing disclosure categories, and specifying the place to file, shall constitute the Conflict of Interest Code for Stanislaus County Employees' Retirement Association (StanCERA).

Designated employees shall file statements of economic interests with StanCERA. Upon receipt of the statements of the various designated members and employees, StanCERA shall make and retain a copy and forward the original statement(s) to the Clerk of the Board of Supervisors at 1010 Tenth Street, Suite 6500, Modesto, California 95354.

ATTACHMENT B

CONFLICT OF INTEREST CODE
FOR
STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

DESIGNATED POSITIONS

<u>Position</u>	<u>Disclosure Category</u>
*Trustees, Board of Retirement	See Attachment C
Retirement Administrator	1
Manager III, Benefits Manager	2
Manager III, Operations Manager	2
Manager II, Special Projects Manager	2
**Legal Counsel, Board of Retirement	See Attachment C
Legal Counsel, Disabilities	4
***Consultants	5

ATTACHMENT C

CONFLICT OF INTEREST CODE FOR STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS

Category 1

Persons designated in this category must disclose all sources of income, interests in real property and investments and business entities in which they have a business position, or which are sources of income, including investment returns, loans, gifts and travel payments to them if such entities are of the type in which StanCERA is empowered to invest its funds, including financial institutions, but not limited to, banks, savings and loan associations and credit unions, or which provide supplies, materials, machinery, or equipment utilized by StanCERA.

Category 2

Persons designated in this category must disclose all sources of income, interests in real property and investments and business entities in which they have a business position, or which are sources of income, including investment returns, loans, gifts and travel payments, from sources in which StanCERA has invested its funds, which are engaged in performing work or services utilized by StanCERA or which provide supplies, materials, machinery, or equipment utilized by StanCERA.

Category 3

Persons designated in this category must disclose all sources of income, investments and business positions in business entities in which they have a business position, or which are sources of income, including loans, gifts and travel payments, from sources which provide supplies, materials, machinery or equipment of the type utilized by StanCERA.

ATTACHMENT C (continued)

CONFLICT OF INTEREST CODE
FOR
STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS

Category 4

Persons designated in this category must disclose all investments, business positions and income, including gifts, loans and travel payments from sources that engage in medical sub-rosa investigations, engage in the business of medical or workers compensation insurance or provide medical services, including but not limited to, privately owned hospitals, medical clinics, laboratories, pharmacies and ambulance companies. NOTE: Nothing in this category requires the person to disclose the existence of an attorney/client based relationship.

Category 5

Persons designated in this category must disclose all sources of income, interests in real property and investments and business entities in which they have a business position, or which are sources of income, including investment returns, loans, gifts and travel payments to them if such entities are of the type in which StanCERA is empowered to invest its funds, including financial institutions, but not limited to, banks, savings and loan associations and credit unions.

*Disclosure Category - Trustees, Board of Retirement

The following positions are NOT covered by the code because they must file under section 87200 and, therefore, are listed for informational purposes only:

Trustees, Board of Retirement

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.

ATTACHMENT C (continued)
CONFLICT OF INTEREST CODE
FOR
STANISLAUS COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS

**Disclosure Category - Legal Counsel

At the present time, under Government Code section 31529, StanCERA utilizes the County Counsel's office as their legal counsel. The County Counsel is NOT covered by the code because he/she must file under section 87200 and, therefore, is listed for informational purposes only. The Deputy County Counsel assigned to the Stanislaus County Employees' Retirement Association is a designated person who must file his/her statement with the County of Stanislaus pursuant to their designation under the County's Conflict of Interest code. (2 Cal. Code of Regs., section 18730.) A copy of the Deputy County Counsel's form shall be sent to StanCERA and retained on file for public inspection and reproduction. If and when, StanCERA retains other legal representation for the Board of Retirement, outside of the County Counsel's office, that counsel will be designated as a Disclosure Category #1 filer.

***Disclosure Category - Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to the disclosure category #5 in the code subject to the following limitations:

As to consultants, the Chair of the Board 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 the disclosure requirements. The Chair of the Board'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.