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AGENDA REPORT
Consent | Action

August 3, 2026

TO: Chair Becker and Commissioners

FROM: Erica Sellen, Commission Clerk
Aleks Girgoisan, Deputy Commission Counsel

SUBJECT: **Biennial Review | Conflict of Interest Code**

SUMMARY

San Diego LAFCO will complete the biennial review of its adopted Conflict of Interest Code as required under the Political Reform Act. No amendments are proposed. Following Commission action, staff will file the required notice with the County of San Diego Board of Supervisors, which serves as LAFCO's code-reviewing body.

BACKGROUND

Political Reform Act

The Political Reform Act of 1974 (California Government Code Section 81000 et seq.) requires state and local government agencies to adopt conflict of interest codes prescribing filing requirements for designated officials and employees with respect to reporting outside income, gifts, and other financial interests. The underlying purpose is to prevent biases - actual and apparent - tied to the financial interests of decision-makers. Statute directs local agencies to review their adopted codes every even-numbered year and either submit amendments or file written notice that no changes are needed.

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Joel Anderson, County of San Diego
Monica M. Steppe, Alt., County of San Diego
Chair Kristi Becker, City of Solana Beach
Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Brigette Browning, General Public
Eileen Delaney, Alt., General Public

San Diego LAFCO | Adopted Conflict of Interest Code

San Diego LAFCO adopted its Conflict of Interest Code in 1992 with subsequent amendments in 1995, 2008, 2020, and 2024. These amendments have collectively streamlined the Code, most recently in 2024 by expressly syncing LAFCO's disclosure categories to Form 700 categories. The 2024 amendments also added two positions - Commission Clerk and Communications Associate - to the list of LAFCO employees required to file annual statements of economic interest.

A copy of the current Code is included as Attachment One.

DISCUSSION

This item is for San Diego LAFCO to complete its biennial review of its adopted Conflict of Interest Code. Staff has completed a review of the Code and identified no changed circumstances warranting amendment. Specifically, and consistent with the review criteria, there have been no changes to LAFCO's organizational structure, no positions added, renamed, or eliminated, and no material changes in the duties or responsibilities of designated positions since the Code was last amended in 2024.

ANALYSIS

None.

RECOMMENDATION

it is recommended that San Diego LAFCO determine its Conflict of Interest Code remains current and requires no amendments. This recommendation is consistent with Alternative One outlined in the following section.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

a) Determine the Conflict of Interest Code shown in Attachment One remains current and requires no amendments, subject to any changes specified by the Commission.

b) Direct the Commission Clerk to file the biennial notice with the Clerk of the County Board of Supervisors Clerk by the September 1, 2026 deadline.

Alternative Two:
Continue consideration to a future meeting and provide direction to staff concerning additional information or related tasks.

PROCEDURES

This item has been placed on San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation as provided unless otherwise specified by the Commission.

Respectfully,

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachment:

1) Current Conflict of Interest Code
2) Review Notice by County of San Diego

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CDSD CLERK OF THE BOARD
2024 OCT 14 PM3:32

SAN DIEGO COUNTY
LOCAL AGENCY FORMATION COMMISSION

ARTICLE VII
CONFLICT OF INTEREST CODE

On September 14, 1992, pursuant to the provisions of Government Code Section 87306, the San Diego Local Agency Formation Commission (LAFCO) amended its Conflict of Interest Code adopted September 12, 1977 by substituting and incorporating by reference the terms of Fair Political Practices Commission Regulation No. 18730. Said amended Code was approved by the Board of Supervisors, as LAFCO's Code Reviewing Body, on January 5, 1993.

Copies of the Commission's amended Conflict of Interest Code and FPPC Regulation 18730 are attached hereto for reference, and identified as, respectively, Attachment 1 and Attachment 2.

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 12/10/24 Minute Order No. 24
By: _____ Date: 12/10/24
Deputy Clerk of the Board Supervisors

COSD CLERK OF THE BOARD
2024 OCT 14 PM3:32

CONFLICT OF INTEREST CODE
SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

The Political Reform Act, Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interests codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. 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 in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the San Diego County Local Agency Formation Commission.

All officials and designated employees shall file statements of economic interests – also known as Form 700 – with the Commission Clerk. Should statements be received in signed paper format the Commission Clerk shall make and retain copies and forward the originals to the Clerk of the Board of Supervisors for the County of San Diego as the LAFCO filing officer. Should statements be filed using the County of San Diego's Form 700 e-filing system both the Commission Clerk and the Clerk of the Board of Supervisors will receive access to the e-filed statements simultaneously. The Commission Clerk will

make all retained statements available for public inspection and reproduction during regular business hours.

Exhibit A:
Designated Positions

Exhibit B:
Disclosure Categories

Adopted September 14, 1992
Administratively Revised and Corrected September 22, 1994
Updated July 31, 1995
Administratively Revised and Corrected March 27, 2000
Comprehensively Updated and re-adopted March 3, 2008
Administratively Revised and Corrected June 15, 2010
Amended: August 3, 2020

EXHIBIT A

DESIGNATED POSITIONS

Designated Positions	*Reportable Economic Interest Category Number
A. Officials	
Regular Members of the Commission	1, 2, 3, 4, and 5
Alternate Members of the Commission	1, 2, 3, 4 and 5
B. Management and Other Employees	
Executive Officer	1, 2, 3, 4, and 5
Assistant Executive Officer	, 3, 4, and 5
Chief, Policy Research	3, 4, and 5
Chief, Governmental Services	3, 4, and 5
Local Governmental Analyst III	4 and 5
Local Governmental Analyst II	4 and 5
Local Governmental Analyst I	4 and 5
GIS/IT Analyst	4 and 5
C. General Counsel	
Commission Counsel	1, 2, 3, 4, and 5
Deputy Commission Counsel	1, 2, 3, 4, and 5
D. Consultants	

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

The Executive Officer 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 described 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 Executive Officer'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.

EXHIBIT B

DISCLOSURE CATEGORIES

Category 1

Designated officials or employees assigned to this category must report:

All investments involving stocks, bonds, and other interest where ownership is less than 10 percent. (Schedule A-1 in Form 700)

All investments, income, and assets of businesses entities and/or trusts where ownership is 10 percent or greater. (Schedule A-2 in Form 700)

Category 2

Designated officials or employees assigned to this category must report:

All interests in real estate – including rental properties – located within San Diego County and any other areas in which the Commission is exercising any of its regulatory or planning duties and powers. (Schedule B in Form 700)

Category 3

Designated officials or employees assigned to this category must report:

All income and associated businesses and business positions that include spouses or domestic partners as well as any personnel loans. (Schedule C in Form 700)

Category 4

Designated officials or employees assigned to this category must report:

All gifts received directly or through intermediaries with a fair market value of $50 or more. (Schedule D in Form 700).

Category 5

Designated officials or employees assigned to this category must report:

All travel and associated lodging and meals provided free of charge or reimbursed. (Schedule E in Form 700)

COSD CLERK OF THE BOARD
2024 OCT 14 PM3:33

APPROVED
SAN DIEGO LAFCO REGULAR MEETING
October 7, 2024

Item 6h
Proposed Update to Conflict of Interest Code
Item presented to consider amendments to its adopted Conflict of Interest Code as part of a biennial review. The proposed amendments are considered minor and involve adding two positions – Commission Clerk and Communications Associate – to the list of LAFCO employees required to file annual statements of economic interest. The proposed amendments are being presented for Commission approval and for subsequent filing with the County of San Diego Board of Supervisors as the code-reviewing body for LAFCO.

**

Commissioner McCann motioned with second from Commissioner MacKenzie to approve the staff recommendation (Alternative One) as presented.

Alternative One (recommended):

(a) Approve the proposed amendments to the Conflict of Interest Code as presented in Attachment One with any specified changes.

(b) Direct the Commission Clerk to file the amended Conflict of Interest Code with the County Board Clerk for consideration by the County of San Diego Board of Supervisors by the October 18, 2024 deadline.

Roll call requested:

AYES:	Anderson, Becker, Desmond, MacKenzie, Mathis, McCann (voting), Whitburn, and Willis
NOES:	None
ABSENT:	Vargas, von Wilpert, and White
ABSTAINING:	None

The Commission Clerk confirmed the motion was approved 8-0.

COSD CLERK OF THE BOARD
2024 OCT 14 PM3:32

San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

6h

AGENDA REPORT
Consent | Action

October 7, 2024

TO: Commissioners

FROM: Keene Simonds, Executive Officer
Erica Sellen, Commission Clerk

SUBJECT: **Proposed Update to Conflict of Interest Code**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider amendments to its adopted Conflict of Interest Code as part of a biennial review. The proposed amendments are considered minor and involve adding two positions – Commission Clerk and Communications Associate – to the list of LAFCO employees required to file annual statements of economic interest. The proposed amendments are being presented for Commission approval and for subsequent filing with the County of San Diego Board of Supervisors as the code-reviewing body for LAFCO.

BACKGROUND

Political Reform Act

California Government Code Section 87300 codifies the Political Reform Act of 1974 and requires State and local government agencies to adopt their own conflict of interest codes and perform biennial reviews to consider amendments as needed. The conflict of interest code prescribes filing requirements for public officials with respect to reporting outside incomes, gifts, and other financial interests. The underlying purpose is to prevent biases – actual and apparent – tied to the financial interests of decision-makers.

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Dane White, City of Escondido
John McCann Alt., City of Chula Vista
Chair Stephen Whitburn, City of San Diego
Marni von Wilpert, Alt., City of San Diego
Vice Chair Barry Willis, Alpine Fire Protection
Jo MacKenzie, Vista Irrigation
David Drake, Alt., Rincon del Diablo
Harry Mathis, General Public
Brigette Browning, Alt., General Public

San Diego LAFCO | Adopted Conflict of Interest Code

San Diego LAFCO adopted its Conflict of Interest Code in 1992 with subsequent amendments approved in 1995, 2008, and 2020. The latter set of amendments streamlined the Code and marked by explicitly syncing LAFCO disclosure categories to Form 700 categories.

A copy of the current Code is attached.

DISCUSSION

This item is for San Diego LAFCO to consider amendments to its adopted Conflict of Interest Code as part of the Commission's biennial review. The amendments are limited to addition two positions – Commission Clerk and Communications Associate – to the list of responsible parties needing to file Form 700s. Should the Commission approve the amendments, they would be forwarded to the County of San Diego Board of Supervisors for their approval as the code-reviewing body for LAFCO under statute. The deadline to file proposed amendments with the County is October 18, 2024.

ANALYSIS

The recommended amendments before San Diego LAFCO are minor and add two new positions – Commission Clerk and Communications Associate – to the list of employees subject to the regular (assuming office, leaving office, and annual) Form 700 filings. It is relatedly proposed both positions be subject to the same level of Form 700 filing as the Analyst series to include Categories 4 (gifts) and 5 (travel) only.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed amendments to the Conflict of Interest Code based on the preceding analysis. This recommendation is consistent with Alternative One outlined in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO.

Alternative One (recommended):

(a) Approve the proposed amendments to the Conflict of Interest Code as presented in Attachment One with any specified changes.

(b) Direct the Commission Clerk to file the amended Conflict of Interest Code with the County Board Clerk for consideration by the County of San Diego Board of Supervisors by the October 18, 2024 deadline.

Alternative Two:
Continue consideration to a future meeting and provide direction to staff concerning additional information or related tasks.

PROCEDURES

This item has been placed on the San Diego LAFCO's agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer,

Erica A. Sellen

Erica Sellen
Commission Clerk

Attachments:

1) Existing Conflict of Interest Code
2) Review Notice by County of San Diego

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CLERK OF THE BOARD OF SUPERVISORS
DISCLOSURE SERVICES UNIT
1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2422
(619) 531-5600

ANDREW POTTER, CCB
EXECUTIVE OFFICER/CLERK

RYAN SHARP
ASSISTANT CLERK

ANN MOORE
ASSISTANT CLERK

June 1, 2026

TO: Agency Officials

FROM: Andrew Potter
Clerk of the Board of Supervisors

CONFLICT OF INTEREST CODE: AGENCY BIENNIAL REVIEW

Every two years, local government agencies must review their Conflict of Interest (COI) Code to determine whether it remains accurate or requires amendment (Government Code Section 87306.5). After this review, they must inform the code reviewing body.

The San Diego County Board of Supervisors, as your agency's code reviewing body, is reminding you of these requirements.

To comply with these requirements, please complete the following:

1. Review your Agency's COI Code to ensure that all designated positions and disclosure categories are accurate. The appendices are available online at: www.sandiegocounty.gov/cob/conflict_interest/.

   Agencies are strongly encouraged to clearly identify where filers must submit their Statement of Economic Interests (Form 700).

2. Determine if amendments are needed. If no amendments are necessary, proceed to Step 3. If amendments are necessary, proceed to Step 4.

3. **If no amendments are necessary**, complete the enclosed Biennial Reply Form indicating that no amendment is required and return it to the Clerk of the Board by **September 1, 2026**. No further action will be required after submitting the form.

4. **If amendments are necessary**:
   - Complete the enclosed Biennial Reply Form indicating that an amendment is required and return it to the Clerk of the Board by **September 1, 2026**.
   - Amend your Conflict of Interest Code by clearly indicating all the designated positions, disclosure categories and **place of filing** (e.g. FPPC, County of San Diego or within your agency).
   - Submit the updated version to the Clerk of the Board by **September 15, 2026**.

The Clerk of the Board will submit the proposed amendments to the Board of Supervisors for approval. The amended Conflict of Interest Code is not effective until approved by the Board of Supervisors. The Clerk of the Board will notify you of the Board's action.

Please complete and submit the enclosed Biennial Reply Form via e-mail no later than September 1, 2026 to:

Form700@sdcounty.ca.gov
Subject: COI Biennial Review

Fair Political Practices Commission
The FPPC has online resources to assist you, including articles like "Local Agencies – Adopting & Amending Conflict of Interest Codes," available at the FPPC's website. You also encouraged to review the online webinar located on FPPC's Training and Outreach page.

Non-Compliance
Agencies that fail to respond by the deadline may be referred to the FPPC's enforcement division for investigation and possible prosecution.

Thank you for your prompt attention to this matter. If you need more information, please email Form700@sdcounty.ca.gov or call us at (619) 531-5601

Respectfully,

ANDREW POTTER
Clerk of the Board of Supervisors

AP:AM;gm

Attachments

cc: Ebony N. Shelton, Chief Administrative Officer
Damon Brown, County Counsel
Board of Supervisors Communications Received (CR)