



# TOWN OF FAIRFAX

## STAFF REPORT

### September 2, 2020

**TO:** Mayor and Town Council

**FROM:** Michele Gardner, Town Clerk

**SUBJECT:** Biennial review of the Conflict of Interest Code and adoption of a resolution Confirming Biennial Review with no Amendments to the Conflict of Interest Code adopted pursuant to Resolution 18-03

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#### **RECOMMENDATION**

Adopt the resolution.

#### **DISCUSSION**

The Political Reform Act requires local government agencies to adopt and promulgate a conflict of interest code, and to conduct a review of the code every two years. The Town has conducted its biennial review of its Conflict of Interest Code adopted pursuant to Resolution 18-03, and does not see the need for any amendments at this time.

Designations of positions and disclosure categories are made pursuant to 2 CCR 1870, which essentially states that a designated individual is one who could make a final governmental decision OR who makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment by another public official.

(a)(1) "Member" shall include, but not be limited to, salaried or unsalaried members of committees, boards or commissions with decision-making authority.

- (A) A committee, board or commission possesses decision-making authority whenever:
- (i) It may make a final governmental decision;
  - (ii) It may compel a governmental decision; or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden; or
  - (iii) It makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

(B) A committee, board, or commission does not possess decision-making authority under subsection (a)(1)(A)(i) of this regulation if it is formed for the sole purpose of researching a topic and preparing a report or recommendation for submission to another governmental body that has final decision-making authority.

#### **ATTACHMENT**

Resolution