

2018 Local Agency Biennial Notice

COUNTY OF SAN DIEGO

2018 JUL 23 PM 3:09

CLERK OF THE BOARD
OF SUPERVISORS

Name of Agency: Public Agencies Self Insurance Agency
Mailing Address: 366 San Miguel Drive, Suite 312, Newport Beach
Contact Person: Janet Kiser Phone No. (949) 729-1633
Email: jk@kiserco.com Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (describe) PASIS does not oversee investment of funds and deleted from Code.

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

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

Janet Kiser
Signature of Chief Executive Officer

7/18/18

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

| | |
|---|----------------------------|
| Approved and/or authorized by the Board of Supervisors of the County of San Diego. | |
| Meeting Date: <u>12/11/2018</u> | Minute Order No. <u>41</u> |
| By: <u>[Signature]</u> | Date: <u>12/11/2018</u> |
| Deputy Clerk of the Board Supervisors | |

www.fppc.ca.gov
FPPC Advice: advice@fppc.ca.gov (866.275.3772)
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Exhibit A

**CONFLICT OF INTEREST CODE OF THE
PUBLIC AGENCIES SELF-INSURANCE SYSTEM**

1. Standard Code of FPPC

The Political Reform Act of 1974 (Government Code § 81000 et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest code. As a public agency, the Public Agencies Self-Insurance System ("PASIS") is therefore required to adopt such a code. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code of Regs. § 18730) which contains the terms of a model conflict of interest code, which can be incorporated by reference as an agency's code. After public notice and hearing, the regulation may be amended by the FPPC to conform to amendments in the Political Reform Act.

2. Adoption of Standard Code of FPPC

The terms of 2 California Code of Regulations section 18730 and any future amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference. This regulation and the Appendix attached hereto designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of PASIS. This code shall take effect when approved by the Board of Supervisors for the County of San Diego, and shall thereupon supersede any and all prior codes adopted by PASIS.

3. Filing of Statements of Economic Interests

Pursuant to Section 4 of the model code set forth in 2 California Code of Regulations section 18730(b), designated employees set forth in the Appendix shall file statements of economic interests (Form 700) with the Secretary of PASIS. Upon receipt of the statements of the members of the Board of Directors, the Secretary shall make and retain copies and forward the originals of these statements to the Clerk of the board of Supervisors for the County of San Diego. Statements for all other designated employees shall be retained by the Secretary.

APPROVED AND ADOPTED by the Board of Directors of PASIS on the _____ day
of _____, 2018.

President,
Public Agencies Self-Insurance System

ATTEST:

Secretary,
Public Agencies Self-Insurance System

**APPENDIX TO
CONFLICT OF INTEREST CODE OF
PUBLIC AGENCIES SELF-INSURANCE SYSTEM**

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from PASIS's General Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, PASIS may consider whether such reliance should constitute a mitigating factor to any disciplinary action that PASIS may bring against the requesting party under Government Code section 91003.5.

I.

Designated Employees

| <u>Designated Employees</u> | <u>Categories Disclosed</u> |
|-----------------------------------|-----------------------------|
| Members of the Board of Directors | All |
| Risk Manager | All |
| Treasurer | All |
| General Counsel | All |
| Consultants ¹ | All |

¹ With respect to consultants, the Risk Manager may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. 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 Risk Manager's determination is a public record and shall be retained for public inspection by PASIS in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

II.

Disclosure Categories

Category 1.

A designated employee in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

- Accounting or auditing services
- Banks and savings and loans
- Computer hardware or software, or computer services or consultants
- Communications equipment or services
- Entities or persons who have filed claims against PASIS or have claims pending against PASIS
- Insurance brokers and agencies
- Insurance adjusting, claims auditing or administration, or underwriting services
- Office equipment or supplies
- Personnel and employment companies and services
- Printing or reproduction services, publications, and distribution
- Securities, investment or financial services companies
- Operation of self-insurance programs and risk management

Category 2.

A designated employee in this category shall disclose all business positions in, investments in, and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to PASIS and is associated with the job assignment or position of the designated employee.

PASIS Public Agencies Self Insurance System

COUNTY OF SAN DIEGO

2018 JUL 23 PM 3:09

CLERK OF THE BOARD
OF SUPERVISORS

July 18, 2018

Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

To Whom It May Concern:

Public Agencies Self Insurance System (PASIS) reviewed and revised their Conflict of Interest Code for your review and approval. The following items are attached:

1. 2018 Local Agency Biennial Notice
2. Revised Code in strike out / underline.
3. Clean copy of Code.
4. Resolution Adopting A Conflict of Interest Code
5. PASIS is a joint powers authority composed of one city and six fire protection districts in the County of San Diego. Each member agency appoints one member and one alternate to the Board. Each member agency is entitled to one vote. There is a chairperson and a vice chairperson elected by the Board.
6. The revised Conflict of Interest Code was reviewed by legal counsel, Greg Moser of Procopio. The Board is not directly involved in or oversees the investment of funds, which is done by the Treasurer of the County of San Diego and the Local Agency Investment Fund. As such, the Code was revised on page (5) to delete that PASIS "oversees investment of PASIS funds, which it has not further delegated."
7. PASIS has no employees. The Joint Powers Authority is managed by Kiser & Company as an independent consultant, at the direction of the Board.
8. There are seventeen (17) Form 700 filers.
9. There are four (4) consultant filers.

Thank you for your review.

Sincerely,



Janet Kiser, General Manager
Public Agencies Self Insurance System