

Fresno County supervisors want zoo authority members to disclose more about holdings

By Marc Benjamin

The Fresno County Board of Supervisors wants the Fresno County Zoo Authority to change its conflict of interest code, in response to Measure Z opponents who raised the issue of potential conflicts of interest for authority members whose firms could bid on zoo projects.

Supervisors Judy Case McNairy and Debbie Poochigian want to expand rules about reporting property holdings. They were joined by Supervisor Henry R. Perea in a 3-2 vote backing the changes.

The supervisors' proposal could include all property ownership in the county by a zoo authority member, amending a proposal that suggested only property holdings within two miles of the zoo.

The zoo authority has not approved the new rules, but supervisors are requesting that investments in or income from any business entity that has done business with the authority or Fresno Chaffee Zoo over the past two years or the ability to do business with the authority or zoo, along with any gifts related to zoo authority business, be reported.

Poochigian said the new rules will add public transparency by making authority members disclose their financial holdings, but it is not "full disclosure."

"What it has been so far has been minimal," she said.

Board Chairman Andreas Borgeas voted in the minority. He suggested that supervisors establish an overarching rule for all its commissions and boards. It would require a signed affidavit guaranteeing that appointees would not seek any personal gain through their appointments.

Case McNairy said she could support an affidavit. She said some people won't serve on boards because of disclosure issues, but "it doesn't have to be painful."

The board's request will require more feedback from the zoo authority; the issue will return to the board for consideration.

Concerns with the zoo authority stem from a bid three years ago by a Lyles Diversified company on Sea Lion Cove. Lyles Mechanical won the bid for life support systems valued at \$1.272 million. Zoo authority member Gerald Lyles, a senior vice president for the company, had to recuse himself from the vote after learning of his company's involvement late in the process. He said he works on the business side, not the construction side, of the company and the bid was part of a larger contract. He consulted with county lawyers and then recused himself.

There have been no other documented conflicts of interest involving the seven-member zoo authority since it was established nearly 10 years ago.

Lyles Mechanical bid on a second project for the African Adventure exhibit but was not chosen for the work by the general contractor and the Fresno Chaffee Zoo Corp.

Lyles also is a major backer of Measure Z, donating \$200,000 to the Yes on Measure Z campaign. Measure Z, which is up for a 10-year renewal before voters on Nov. 4, would add new projects at the zoo over the next decade. The office for Lyles Diversified is across the street from Roeding Park, and opponents of Measure Z suggest that Lyles and his family get a financial benefit from improvements at the zoo.

But, Lyles said, “Any volume of business I can do with the zoo is such a minute part of our total business.”

The Fresno County Zoo Authority is a county agency. It releases money from Measure Z — the one-tenth-of-a-cent sales tax — to the zoo corporation, which approves and builds zoo projects. Zoo authority members also can have a limited say in the conflict of interest code. The county can make changes in the code every two years.

For now, County Counsel Dan Cederborg said, the decision is up to the zoo authority.

“They haven’t fulfilled their obligation to give us one (a financial disclosure guideline) that they can pass,” he said.

Richard Harriman, lawyer for Friends of Roeding Park, which has filed lawsuits against the city to stop the zoo expansion in Roeding, said supervisors can ask the state Fair Political Practices Commission or state Attorney General’s office for an opinion on financial disclosure issues.

“They’re taking tax money, they’re making decisions, they’re voting and approving expenditures,” Harriman said. “They stand square in your shoes ... you have to have the highest level of disclosure.”

In other action, supervisors voted 3-2 for a second time to put the old Elkhorn boot camp, near Caruthers, up for sale; four votes were required to sell it. The sale price would have been just under \$5 million. The board, however, agreed to put 90 acres of surplus property near Selma up for sale. The county paid \$4.58 million for the Selma-area property, which was recently appraised for about \$1.5 million. The board voted to use its original cost as the minimum asking price.

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