

TO: James L. App, City Manager

FROM: Meg Williamson, Assistant City Manager

SUBJECT: Amend the City's Adopted Conflict of Interest Code

DATE: March 3, 2009

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Needs: For the City Council to consider amending the City's Conflict of Interest Code to include update categories of designated personnel required to file FPPC statements, and to modify Disclosure Categories to reflect current government regulations.

Facts:

1. The Political Reform Act of 1974 requires every local government agency to adopt and circulate a Conflict of Interest Code, and submit an amended Code in accordance with Fair Political Practices Commission Regulations.
2. The City Council last amended the Code by Resolution No. 08-002, on January 15, 2008.
3. This year, the list of designated personnel was fully revisited in the context of newly added positions and consideration of various areas of responsibility.

POLICY  
REFERENCE:

FPPC Reg. 18730 and Government Code Sections 81000, and 87302

FISCAL  
IMPACT:

There is no fiscal impact to the City.

OPTIONS:

- a. Adopt Resolution No. 09-XXX amending the City's adopted Conflict of Interest Code to reflect current personnel classifications and to modify disclosures categories; or
- b. Amend, modify, or reject above option.

Attachments:

1. Draft Resolution

RESOLUTION NO.09-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE CITY'S ADOPTED CONFLICT OF INTEREST CODE

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WHEREAS, the Political Reform Act of 1974, Government Code Section 81000, et seq., requires every local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the City Council of the City of El Paso de Robles adopted Resolution No. 09-XXX March 03, 2009, adopting amended Conflict of Interest Codes; and

WHEREAS, the City Council of the City of El Paso de Robles, as the Code-reviewing body for the City, has determined that the list of designated employees identified in its Conflict of Interest Code in Exhibit "A" of said Resolution should be amended to include certain new categories of designated personnel required to file a statement of economic interests pursuant to Title 2 of the California Code of Regulations, Section 18730 and that the Disclosure Categories for filers also should be modified;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of El Paso de Robles hereby amends the City's Conflict of Interest Code as follows:

SECTION 1: Exhibits "A" and "B" to the Code are hereby amended and replaced in their entirety with the revised Exhibits "A" and "B" attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3<sup>rd</sup> day of March, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Cathy David, Deputy City Clerk

## **EXHIBIT “A”**

### **LIST OF STATUTORY FILERS**

Mayor  
City Council Members  
City Manager  
City Attorney  
Planning Commissioners  
City Treasurer  
City Clerk

### **LIST OF DESIGNATED EMPLOYEES**

#### **Disclosure Category in Exhibit B**

#### **Executive Management**

Police Chief	2 & 3
Fire Chief	2 & 3
Director of Community Development	1, 2 & 3
Director of Public Works	1, 2 & 3
Director of Library/Recreation Services	1, 2 & 3
Assistant City Manager	1, 2 & 3
Chief Administrative Officer (Director of Administrative Services)	1, 2 & 3

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#### **Staff**

Analyst, GIS	2 & 3
Attorney, Deputy City	1, 2 & 3
Building Inspector	1, 2 & 3
Building Inspector, Senior	1, 2 & 3
Building Official, Deputy – Operations	1, 2 & 3
Building Official, Deputy - Administration	1, 2 & 3
City Clerk, Deputy	1, 2 & 3
Coordinator, Administrative Services	2 & 3
Coordinator, Airport Services	1, 2 & 3

Coordinator, Community Services	2 & 3
Coordinator, Emergency Preparedness	2 & 3
Coordinator, Recreation Marketing	2 & 3
Coordinator, Seniors	2 & 3
Coordinator, Transit	2 & 3
Coordinator, Volunteer	2 & 3
Engineer, Capital Projects	1, 2 & 3
Engineer, City	1, 2 & 3
Fire Battalion Chief, Administration	2 & 3
Fire Battalion Chief, Operations	2 & 3
Librarian, Adult Services	2 & 3
Librarian, Children's	2 & 3
Librarian, Reference Services	2 & 3
Manager, Events and Project	2 & 3
Manager, Finance	1, 2 & 3
Manager, Housing Programs	1, 2 & 3
Manager, Human Resources	2 & 3
Manager, Industrial Waste	2 & 3
Manager, Information Systems	1, 2 & 3
Manager, Library Services	2 & 3
Manager, Recreation Services	2 & 3
Manager, Utilities	1, 2 & 3
Planner, Associate	2 & 3
Planner, City	2 & 3
Police Captain	1, 2 & 3
Police Lieutenant	2 & 3

Superintendent, Maintenance Services	1, 2 & 3
Supervisor, Fleet, Building & Maintenance	2 & 3
Supervisor, Parks	2 & 3
Supervisor, Streets	2 & 3
Supervisor, Wastewater	2 & 3
Supervisor, Water	2 & 3
Advisory Body – Hotel Business Improvement District	1
Advisory Body - Project Area Committee	1
Advisory Body – Promotion Coordinating Committee	1
Advisory Body: Citizens’ Airport Advisory Committee	1
Consultants <sup>1</sup>	1

The City Manager 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 Code. 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 Director’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.

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<sup>1</sup> 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 limitation.

## **EXHIBIT “B”**

### **DISCLOSURE CATEGORIES**

#### **Category 1**

- (a) Interests in real property<sup>1</sup> which is located whole or in part (1) within the boundaries of the City of El Paso de Robles, or (2) within two miles of the boundaries of the City of El Paso de Robles, including any leasehold beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is greater than \$2,000.
- (b) Investments<sup>2</sup> in or income<sup>3</sup> from business entities which are contractors or subcontractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the City of El Paso de Robles.
- (c) Investments<sup>2</sup> in or income<sup>3</sup> from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction of the City of El Paso de Robles.

#### **Category 2**

Investments<sup>2</sup> in or income<sup>3</sup> from business entities which manufacture or sell supplies, books, machinery, or equipment of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.

#### **Category 3**

Investments<sup>2</sup> in or income<sup>3</sup> from business entities which are contractors or subcontractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.

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<sup>1</sup> Interests in real property of an individual include a business entity's share of interests in real property of any business entity or trust in which the designated employee or his or here spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.

<sup>2</sup> Investments include:

- (1) Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest;
- (2) A pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.

<sup>3</sup> No source of income is reportable unless the income received by or promised to the public official aggregates \$500 in value during the preceding 12-month reporting period