

TO: James L. App, City Manager

FROM: Meg Williamson, Assistant City Manager

SUBJECT: Conflict of Interest Code Review

DATE: June 3, 2014

NEEDS: For the City Council to direct the review of the City's Conflict of Interest Code and the filing of the results of that review on or before October 1, 2014.

FACTS:

1. Under the Political Reform Act, all public agencies are required to adopt a conflict-of-interest code. A code designates positions required to file Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interests.
2. Every two years, public agencies are required to conduct a review of the conflict-of-interest code. 2014 is a mandatory review year.
3. On or before July 1, 2014, the City Council, as the City's code-reviewing body, must formally notify and direct the review of the City's conflict-of-interest code.
4. The City (staff) then has until October 1, 2014 to complete its formal code review and to file the requisite Biennial Notice with the City Clerk that reflects the results of the code review.
5. If the review finds that the City's Code needs to be amended, the City will have until January 1, 2015 (90 days after the date of the October 1st filing of the Biennial Notice) to complete the code amendment and submit it to the City Council for approval.

ANALYSIS &
CONCLUSION:

The City's conflict-of-interest code was last modified in 2011 (in an "off cycle year") when it was determined necessary to list and add additional disclosure categories for some of the newly formed Council Advisory Bodies. A formal review of the current conflict of interest code will be conducted and findings of that review will determine if any amendments will be brought forward to City Council for future consideration.

POLICY

REFERENCE: Political Reform Act of 1974.

FISCAL

IMPACT: No fiscal impact is anticipated with internal review of the conflict-of-interest code.

- OPTIONS:
- a) Direct the City Manager to conduct a review of the City's conflict-of-interest code and file the results of that review by October 1, 2014; or
 - b) Amend, modify, or reject the above options.

Attachments:

1. City's Conflict of Interest Code (adopted via Council Resolution 11-008)

RESOLUTION NO. 11-008

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

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. 08-002 on February 5, 2008, 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 Advisory Committees identified in its Conflict of Interest Code in Exhibit "A" of said Resolution No. 08-002 should be amended to eliminate committee(s) that have been dissolved and to include committee(s) that have been formed as designated filers required to file a statement of economic interests pursuant to Title 2 of the California Code of Regulations, Section 18730; 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 Disclosure Categories identified in its Conflict of Interest Code in Exhibit "B" of said Resolution No. 08-002 should be amended to include additional disclosure categories that are relevant to the industry related focus of the Travel Paso Robles Alliance (TPRA) Advisory Committee and the Promotions Coordinating Committee (PCC) efforts.

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 1st day of February, 2011 by the following vote:

AYES: Steinbeck, Hamon, Strong, Gilman, Picanco

NOES:

ABSTAIN:

ABSENT:


Duane Picanco, Mayor

ATTEST:


Caryn Jackson, Deputy City Clerk

EXHIBIT "A"

LIST OF STATUTORY FILERS

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

LIST OF DESIGNATED EMPLOYEES

Disclosure Category in Exhibit B

Executive Management

Police Chief	1, 2 & 3
Fire Chief	1, 2 & 3
Director of Administrative Services	1, 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

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	1, 2 & 3
Coordinator, Administrative Services	2 & 3
Coordinator, Airport Services	1, 2 & 3
Coordinator, Community Services	2 & 3

Coordinator, Events and Project	2 & 3
Coordinator, Recreation Marketing	2 & 3
Coordinator, Seniors	2 & 3
Coordinator, Transit	2 & 3
Coordinator, Volunteer	2 & 3
Engineer, Assistant City	1, 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, Finance	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, Assistant	1, 2 & 3
Planner, Associate	1, 2 & 3
Planner, City	1, 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 – Promotion Coordinating Committee	4
Advisory Body – Travel Paso Robles Alliance (Hotelier BID)	4
Advisory Body – Citizens’ Airport Advisory Committee	1
Consultants ¹	1

¹ Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code, provided, however, that 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 City Manager'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

- (a) Interests in real property¹ 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 worth \$2,000 or more² in or income of \$500 or more³ from any person or business entity which is a contractor or subcontractor which is or has been within the period covered by the statement engaged in the performance of building construction or design within the City of El Paso de Robles.
- (c) Investments worth \$2,000 or more² in or income of \$500 or more³ from any person or business entity engaged in the acquisition or disposal of real property within the jurisdiction of the City of El Paso de Robles.
- (d) Any business entity doing business within the City of El Paso de Robles in which the official or designated employee is a director, officer, partner, trustee, employee or holds any position of management in the business entity.

CATEGORY 2

Investments of \$2,000 or more² in or income of \$500 or more³ from any person or business entity which manufactures or sells 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 of \$2,000 or more² in or income of \$500 or more³ from any person or business entity which is a contractor or subcontractor 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.

CATEGORY 4

- (a) Investments² in, and income from business entities which, in the past two-year period, have contracted with the City of Paso Robles, to provide materials or services to the City or because of the type of product or service they supply, may with reasonable foreseeability contract to provide products or services to the City of Paso Robles Hotel and Lodging Business Improvement District (also known as the Travel Paso Robles Alliance/TPRA) or City of Paso Robles.
- (b) Investments² in, and income from business entities involved in activities intended to promote the general tourism of the TPRA or City of Paso Robles.

¹ 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 her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.

² 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.

³ No source of income is reportable unless the income received by or promised to the public official aggregates \$500 in value during the period covered by the statement.