

TO: James L. App, City Manager

FROM: Meg Williamson, Assistant City Manager

SUBJECT: Conflict of Interest Code Revisions

DATE: December 16, 2014

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NEEDS: For the City Council to adopt changes to the City's Conflict of Interest Code.

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 June 3, 2014, the City Council directed the review of the City's conflict-of-interest code.
4. After conducting such review, City staff filed a Biennial Notice in the City Clerk's Office which determined that amendments to the Conflict of Interest Code were necessary.
5. The City has until January 1, 2015 to complete the necessary code amendments.

ANALYSIS &  
CONCLUSION:

The City's conflict-of-interest code was last modified in 2011 (in an "off cycle year"). Since that time, the City has added and/or eliminated certain working position titles, and there have been changes to Advisory Body titles. The suggested additions/deletions to the list of designated reporting employees are shown in bold and strike out text in the attached exhibit.

The attached resolution proposes to amend the City's Conflict of Interest code to appropriately designate the list of filers required to file a statement of economic interest pursuant to Title 2 of the California Code of Regulations, Section 18730.

POLICY

REFERENCE: Political Reform Act of 1974.

FISCAL

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

OPTIONS:

- a) Adopt Resolution 14-XXX amending the City's Conflict of Interest Code;
- b) Amend, modify, or reject the above options.

Attachments:

1. City's Conflict of Interest Code – with marked additions/deletions
2. Resolution 14-XXX amending the City's Conflict of Interest Code

# 2014 PROPOSED REVISIONS

## 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

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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 <del>Operations</del>	1, 2 & 3
Building Official, <b>Chief Deputy</b> <del>Administration</del>	1, 2 & 3
City Clerk	1, 2 & 3
Coordinator, Administrative Services	2 & 3
Coordinator, Airport Services	1, 2 & 3

<del>Coordinator, Community Services</del>	<del>2 &amp; 3</del>
<del>Coordinator, Events and Project</del>	<del>2 &amp; 3</del>
Coordinator, Recreation Marketing	2 & 3
<del>Coordinator, Seniors</del>	<del>2 &amp; 3</del>
<del>Coordinator, Transit</del>	<del>2 &amp; 3</del>
Coordinator, Volunteer	2 & 3
<b>Coordinator, HR Specialist</b>	<b>2 &amp; 3</b>
<b>Coordinator, Tourism</b>	<b>2 &amp; 3</b>
<del>Engineer, Assistant City</del>	<del>1, 2 &amp; 3</del>
Engineer, Capital Projects	1, 2 & 3
Engineer, City	1, 2 & 3
<del>Fire Battalion Chief, Administration</del>	<del>2 &amp; 3</del>
<del>Fire Battalion Chief, Operations</del>	<del>2 &amp; 3</del>
<del>Librarian, Adult Services</del>	<del>2 &amp; 3</del>
Librarian, Children's	2 & 3
<del>Librarian, Reference Services</del>	<del>2 &amp; 3</del>
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
<b>Manager, Water Conservation Program</b>	<b>1, 2 &amp; 3</b>
<b>Manager, Storm Water</b>	<b>1, 2 &amp; 3</b>
<del>Planner, Assistant</del>	<del>1, 2 &amp; 3</del>

Planner, Associate	1, 2 & 3
Planner, City	1, 2 & 3
<del>Police Captain</del>	<del>1, 2 &amp; 3</del>
Police Lieutenant	2 & 3
Superintendent, Maintenance Services	1, 2 & 3
Supervisor, Fleet, <del>Building &amp; Maintenance</del>	2 & 3
Supervisor, Parks	2 & 3
<del>Supervisor, Streets</del>	<del>2 &amp; 3</del>
<b>Tech</b> Supervisor, Wastewater	2 & 3
<b>Tech</b> Supervisor, Water	2 & 3
Advisory Body – <del>Promotion Coordinating Committee</del> <b>Tourism Collaboration Committee</b>	4
Advisory Body – Travel Paso Robles Alliance (Hotelier BID)	4
<del>Advisory Body – Citizens' Airport Advisory Committee</del>	<del>4</del>
Consultants <sup>1</sup>	1

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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, 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.

**RESOLUTION NO. 14-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. 11-008 on February 1, 2011, adopting an amended Conflict of Interest Code; and

WHEREAS, on June 3, 2014 the City Council directed the review of the City's Conflict of Interest Code as part of its Biennial review; and

WHEREAS, after conducting such a review, City staff filed a Biennial Notice in the City Clerk's Office which determined that amendments to the Conflict of Interest Code were necessary; 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 and Advisory Committees identified in its Conflict of Interest Code in Exhibit "A" of said Resolution No. 08-002 should be amended to eliminate and/or add certain employee positions and to modify certain committee reporting requirements for who is to file a statement of economic interests pursuant to Title 2 of the California Code of Regulations, Section 18730; and

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 16<sup>th</sup> day of December 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Steven W. Martin, Mayor

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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

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Director of Public Works	1, 2 & 3
Director of Library/Recreation Services	1, 2 & 3
Assistant City Manager	1, 2 & 3

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#### **Staff**

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Building Inspector	1, 2 & 3
Building Inspector, Senior	1, 2 & 3
Building Official, Deputy	1, 2 & 3
Building Official, Chief	1, 2 & 3
City Clerk	1, 2 & 3
Coordinator, Administrative Services	2 & 3
Coordinator, Airport Services	1, 2 & 3
Coordinator, HR Specialist	2 & 3

Coordinator, Recreation Marketing	2 & 3
Coordinator, Tourism	2 & 3
Coordinator, Volunteer	2 & 3
Engineer, Capital Projects	1, 2 & 3
Engineer, City	1, 2 & 3
Fire Battalion Chief	2 & 3
Librarian, Children's	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
Manager, Water Conservation Program	1, 2 & 3
Manager, Storm Water	1, 2 & 3
Planner, Associate	1, 2 & 3
Planner, City	1, 2 & 3
Police Lieutenant	2 & 3
Superintendent, Maintenance Services	1, 2 & 3
Supervisor, Fleet	2 & 3
Supervisor, Parks	2 & 3
Tech Supervisor, Wastewater	2 & 3
Tech Supervisor, Water	2 & 3

Advisory Body – Tourism Collaboration Committee	4
Advisory Body – Travel Paso Robles Alliance (Hotelier BID)	4
Consultants <sup>1</sup>	1

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## **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 worth \$2,000 or more<sup>2</sup> in or income of \$500 or more<sup>3</sup> 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 more<sup>2</sup> in or income of \$500 or more<sup>3</sup> 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 more<sup>2</sup> in or income of \$500 or more<sup>3</sup> 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 more<sup>2</sup> in or income of \$500 or more<sup>3</sup> 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) Investments<sup>2</sup> 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) Investments<sup>2</sup> in, and income from business entities involved in activities intended to promote the general tourism of the TPRA or City of Paso Robles.

<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 her 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 period covered by the statement.