

RESOLUTION NO. 87-49

A RESOLUTION OF THE CITY OF EL PASO DE ROBLES  
APPROVING THE CONFLICT OF INTEREST CODE FOR  
THE PROJECT AREA COMMITTEE OF THE CITY OF EL  
PASO DE ROBLES

WHEREAS, on March 3, 1987, the City Council of the City of El Paso de Robles approved the formation of an Advisory Project Area Committee in connection with the proposed Paso Robles Redevelopment Project; and

WHEREAS, the Fair Political Practices Commission has issued an opinion concluding that members of project area committees for redevelopment agencies are "public officials" who are subject to the conflict of interest provisions of the Political Reform Act; and

WHEREAS, a duly noticed public hearing was held for the Conflict of Interest Code proposed for the Project Area Committee in accordance with the requirements of the Political Reform Act of 1974; and

WHEREAS, the City Council of the City of El Paso de Robles has considered the Code as to its conformity with the spirit and intent of said Act.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does resolve as follows:

SECTION 1. The Conflict of Interest Code of the Project Area Committee of the City of El Paso de Robles is hereby adopted.

SECTION 2. Each designated employee named within the Code shall file with the City Clerk within thirty (30) days hereof of a statement disclosing investments and interests in real property and shall annually thereafter file similar statements along with statements disclosing income, all as defined in said Code.

SECTION 3. The City Clerk of the City of El Paso de Robles shall certify to the passage and adoption of this Resolution and the same shall thereupon take effect and be enforced.

APPROVED AND ADOPTED, this 4th day of August, 1987.

  
Mayor Nick Russell

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
CITY OF EL PASO DE ROBLES

} SS.

I, JERRY BANKSTON, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing RESOLUTION No. 87-49 was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 4th day, of August 19 87, by the following vote:

AYES: Dolan, Ovitt, Cousins, Russell

NOES: None

ABSENT: None

Dated this 7th day of August, 19 87

Jerry Bankston  
City Clerk and Ex-Officio Clerk of the City Council,  
City of El Paso De Robles, State of California.

CONFLICT OF INTEREST CODE  
OF THE  
PROJECT AREA COMMITTEE  
OF THE  
CITY OF EL PASO DE ROBLES

Section 100. Purpose. Pursuant to the provisions of Government Code Sections 87300, et seq., the PROJECT AREA COMMITTEE of the City of El Paso de Robles for the Paso Robles Redevelopment Project hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

SECTION 200. Designated Positions. The positions listed on Exhibit are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth on exhibit "B." Each designated employee shall file an Initial Statement disclosing that employee's interest in investments and real property, and thereafter an annual statement disclosing said employee's interest in investments, real property and income designated as reportable under the category to which the employee's position is assigned on Exhibit "B."

SECTION 400. Place and Time of Filing.

(a) All designated employees required to submit a Statement of Economic Interests shall file the original with the Secretary of the Committee, who shall make and retain a copy and forward the original to the City Clerk.

(b) A designated employee required to submit an Initial Statement of Economic Interests shall submit the statement within thirty (30) days after the effective date of this Code.

(c) Merit service employees appointed, promoted or transferred to designated positions shall file an Assuming Office Statement within thirty (30) days after date of assuming the designated position.

(d) All other employees appointed, promoted or transferred to designated positions shall file an Assuming Office Statement not less than thirty (30) days after assuming the designated position, unless an earlier assumption of position is required by emergency circumstances, in which case the statement shall be filed within thirty (30) days thereafter.

(e) Annual Statements shall be filed during the months of July by all designated employees. Such statements shall cover the period of the preceding calendar year.

(f) A Leaving Office Statement shall be filed within thirty (30) days after leaving office.

(g) A designated employee required to file a Statement of Economic Interests with any other agency, which is within the same territorial jurisdiction and whose disclosure requirements are identical, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate statement.

SECTION 500. Form for Statements of Economic Interests.  
Statements of Economic Interests shall be made on forms supplied by the Fair Political Practices Commission, which forms shall be made available by the Secretary of the Commission.

SECTION 600. Definitions.

Gift

(a) "Gift" means, except as provided in subdivision (b), any payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(b) The term "gift" does not include:

(1) Informational material such as books, reports, pamphlets, calendars or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material";

(2) Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

(3) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph;

(4) Campaign contributions required to be reported under Sections 84100-84400 of the Government Code.

(5) Any devise or inheritance.

### Income

(a) "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this Code.

(b) "Income" also does not include:

(1) Campaign contributions required to be reported under Sections 84100-84400 of the Government Code.

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization.

(3) Any devise or inheritance.

(4) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or governing agency.

(5) Dividends, interest or any other return on a security which is registered with the Securities and Exchange Commission of the United States government.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(A) Used to purchase, refinance the purchase of, or for improvements to, the principal residence of filer; or

(B) The balance owed does not exceed Ten Thousand Dollars (\$10,000).

(9) Any loan from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed Ten Thousand Dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

### Interest in Real Property

"Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the city owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is One Thousand Dollars (\$1,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater.

### Investment

"Investment" means 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 or other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code. No asset shall be deemed an investment unless its fair market value equals or exceeds One Thousand Dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the commission.

SECTION 700. Disqualification. Designated employees shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to

influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, within the Redevelopment Project Area on:

(a) Any reportable investment;

(b) Any interest in real property;

(c) Any reportable source of income, other than loans by a commercial lending institution in the regular course of business, aggregating Two Hundred Fifty Dollars (\$250) or more in value provided to, received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made;

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating Two Hundred Fifty Dollars (\$250) or more in value provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.



EXHIBIT "A"

Designated Employees

Categories

Members of Project Area Committee  
Paso Robles Redevelopment Project Area

1, 2, 3

## EXHIBIT "B"

### Category 1.

Persons in this category shall disclose all interests in real property within the City. Real property shall be deemed to be within the City if the property or any part of it is located within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.

### Category 2.

Persons in this category shall disclose all investments.

### Category 3.

Persons in this category shall disclose all income, including loans, aggregating \$250 or more received during the reporting period, received from any one source located or doing business within the City or expecting to do business within the City. Gifts aggregating \$50 or more received during the period from any one source located inside or outside the City shall be disclosed. Income received from a public agency need not be disclosed.

### Category 4.

Persons in this category shall disclose all income from and investments in business that manufacture or sell supplies of the type utilized by the Commission.

### Category 5.

Persons in this category shall disclose all investments in and income from all banks, savings and loan associations, insurance companies, investment companies, stockbrokers, title companies, financial consultants, data processing firms or consultants.