



MEMORANDUM

TO: CITY COUNCIL

FROM: KELLY WETMORE, DIRECTOR OF LEGISLATIVE AND INFORMATION SERVICES/CITY CLERK

SUBJECT: CONSIDERATION OF A RESOLUTION AMENDING THE APPENDIX OF DESIGNATED POSITIONS SUBJECT TO THE CITY'S CONFLICT OF INTEREST CODE

DATE: OCTOBER 23, 2018

SUMMARY OF ACTION:

Approval of an amended appendix of designated positions subject to the City's Conflict of Interest Code.

IMPACT TO FINANCIAL AND PERSONNEL RESOURCES:

There are no direct fiscal impacts as a result of the proposed action. Due to a reduction in the number of filers designated in the Conflict of Interest Code, there will be a reduction in staff time associated with notifying, processing, and tracking Assuming, Annual, and Leaving Office Statement of Economic Interest forms (Form 700).

RECOMMENDATION:

It is recommended that the City Council adopt a Resolution amending the appendix of designated positions subject to the City's Conflict of Interest Code to remove members of disbanded advisory bodies.

BACKGROUND:

The California Political Reform Act requires cities and other local government agencies to adopt a Conflict of Interest Code. The City has adopted the Fair Political Practices Commission's (FPPC) model Conflict of Interest Code ("Code"). The Code includes an appendix of designated positions, which are positions that make or participate in the making of decisions that may foreseeably have a material effect on their financial interests, as defined in State law and FPPC regulations.

Under the Political Reform Act, local agencies are required to review their Conflict of Interest Code biennially to determine whether the Code is accurate, or if revisions are needed due to organizational changes, including the creation of new positions, elimination of positions, position title changes, and/or relevant changes in the duties

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assigned to existing positions. On April 24, 2018, the Council conducted the biennial review and adopted Resolution No. 4849 amending the City's Conflict of Interest Code for designated positions.

ANALYSIS OF ISSUES:

On August 28, 2018, the City Council adopted Ordinance No. 695 disbanding the Parks and Recreation Commission, Traffic Commission and the Historical Resources Committee. As a result, it is recommended that the Council adopt the proposed Resolution amending the appendix of designated positions subject to the City's Conflict of Interest Code to remove the following positions:

- Parks and Recreation Commission Member
- Traffic Commission Member
- Historical Resources Committee Member

ALTERNATIVES:

The following alternatives are provided for the City Council's consideration:

1. Adopt the Resolution amending the appendix of designated positions in the Conflict of Interest Code;
2. Do not adopt the Resolution; or
3. Provide direction to staff.

ADVANTAGES:

Adoption of the proposed Resolution will provide for an updated and current appendix of designated positions required to file statements of economic interests.

DISADVANTAGES:

There are no identified disadvantages related to adoption of the proposed Resolution.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING THE LIST OF DESIGNATED POSITIONS SUBJECT TO THE CITY'S CONFLICT OF INTEREST CODE

WHEREAS, the City of Arroyo Grande adopted the Fair Political Practices Commission's model Conflict of Interest Code, incorporating by reference the terms of Title 2 of the California Code of Regulations, Sections 18730 et seq., which contain the terms of a Standard Conflict of Interest Code; an Appendix of Designated Positions listing employees, officials, and consultants who make or participate in the making of decisions that may foreseeably have a material effect on their economic interests, and an Appendix of Disclosure Categories assigned to the Designated Positions; and

WHEREAS, pursuant to Government Code Section 87307, an agency may at any time amend its Conflict of Interest Code when necessitated by organizational changes, including the creation of new positions, elimination of positions, position title changes, and/or relevant changes in the duties assigned to existing positions; and

WHEREAS, on August 28, 2018, the City Council adopted Ordinance No. 695 disbanding the Parks and Recreation Commission, Traffic Commission and Historical Resources Committee; and

WHEREAS, the City Council desires to amend and update its Conflict of Interest Code by removing the members of the Parks and Recreation Commission, Traffic Commission and Historical Resources Committees from the Appendix of Designated Positions subject to the City's Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

1. The "Appendix of Designated Positions" is hereby amended as set forth in Exhibit "A", attached hereto and incorporated herein by this reference, to remove the members of the Parks and Recreation Commission, Traffic Commission and Historical Resources Committee.

BE IT FURTHER RESOLVED that the terms of 2 California Code of Regulations Sections 18730 et seq., duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and with the attached Exhibits "A" & "B" shall constitute the Conflict of Interest Code of the City of Arroyo Grande.

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution No. 4849 adopted April 24, 2018.

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On motion by Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this 23rd day of October, 2018.

JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

JAMES A. BERGMAN, CITY MANAGER

APPROVED AS TO FORM:

HEATHER WHITHAM, CITY ATTORNEY

CONFLICT OF INTEREST CODE
FOR THE CITY OF ARROYO GRANDE

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

Therefore, the terms of Title 2 of the California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, and along with the attached appendices, Exhibit "A" and Exhibit "B", in which positions are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Arroyo Grande, which is considered the "agency" within the purview of this code.

Designated employees, committees, commissions, boards, and consultants shall file statements of economic interests with the City Clerk of the City of Arroyo Grande, who shall be and will perform the duties of filing officer for the City of Arroyo Grande and who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Upon receipt of the statements of those positions designated in Government Code Section 87200 (members of the City Council and Planning Commission, City Manager, City Attorney, and City Treasurer), the City Clerk shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Statements of all other designated positions will be retained by the City Clerk in accordance with State law.

EXHIBIT "A"
APPENDIX OF DESIGNATED POSITIONS

The following positions entail the making or participation in the making of decisions which may foreseeably have a material effect on financial interests:

<u>Designated Position:</u> ²	<u>Disclosure Category:</u>
City Engineer	1, 2, 3
Capital Improvement Project Manager	1, 2, 3
Associate Engineer	1, 2, 3
Assistant Engineer	1, 2, 3
Senior Engineer	1, 2, 3
Building Official	1, 2, 3
Building and Fire Safety Inspector	1, 2, 3
Police Chief	1, 2, 3
Police Commander	1, 2, 3
Director of Public Works	1, 2, 3
Utilities Manager	1, 3
Public Works Manager	1,3
Public Works Supervisor	1, 3
Director of Administrative Services	1, 2, 3
Director of Recreation Services	1, 2, 3
Accounting Manager	1, 3
Director of Legislative and Information Services/City Clerk	1, 3
Information Technology Manager	1, 3
Human Resources Manager	1, 3
Director of Community Development	1, 2, 3
Planning Manager	1, 2, 3
Associate Planner	1, 2, 3
Assistant Planner	1, 2, 3
Executive Assistant/Deputy City Clerk	1, 3
Assistant City Attorney	1, 2, 3
Deputy City Attorney	1, 2, 3
Architectural Review Committee Member	1, 2, 3
Downtown Parking Advisory Board Member	1, 2, 3
Historical Resources Committee Member	1, 2, 3
Parks and Recreation Commission Member	1, 2, 3
Traffic Commission Member	1, 2, 3
Tourism Business Improvement District Board Member	1, 2, 3
Successor Agency Board Member	1, 2, 3
Consultants ³	Determined on case by case basis
Exempt Officials ⁴	1, 2, 3

² In the event that State law or regulations regarding the filing of Conflict of Interest Statements should be amended, this Exhibit shall be changed to include the designated position and category of each official as required by said amendment.

³ Consultants: An individual is a consultant if the person serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by a person holding a position specified or that should be specified in the City's Conflict of Interest Code. The City Manager and/or the City Attorney may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described herein. 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 and/or the City Attorney'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.

⁴ Exempt Officials include the Mayor, Members of the City Council, candidates for City offices, Members of the Planning Commission, City Manager, City Attorney, and City Treasurer who are all otherwise required to file disclosure statements pursuant to State Law.

EXHIBIT “B”

APPENDIX OF DISCLOSURE CATEGORIES

**CATEGORIES OF DISCLOSURE FOR
DESIGNATED POSITIONS**

The following shall be the categories of disclosure covered by this Policy:

1. Investments

California Fair Political Practices Committee (“FPPC”) Form 700,
Schedules A-1 and A-2

2. Interests in Real Property

FPPC Form 700, Schedule B

3. Income & Business Positions

FPPC Form 700, Schedule C, D, and E

The officials and employees covered by this policy shall each disclose the categories 1, 2, and 3 as designated herein above set forth.