



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** September 12, 2022
FROM: Matthew Bronson, City Manager
PREPARED BY: Wendi Sims, City Clerk
David P. Hale, City Attorney
SUBJECT: Biennial Review of Conflict of Interest Code

RECOMMENDATION

Adopt the Resolution amending the City's Conflict of Interest Code.

BACKGROUND

The Political Reform Act of 1974 as amended requires every local government agency to review its Conflict of Interest Code by October 1st of even-numbered years and determine whether it is up-to-date or in need of revision. The Conflict-of-Interest Code sets out those job classifications within the City that are decision-making positions, but are not among those positions mandated by state law to file Statements of Economic Interests (Form 700) pursuant to Government Code Section 87200. The positions mandated by state law to file Statements of Economic Interests are City Council, City Manager, City Attorney, City Treasurer, and Planning Commissioner. These public officials file their Form 700s electronically utilizing the Fair Political Practices Commission's (FPPC's) online filing option.

The City Council determines, with input from staff, what other job classifications entail the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest (Government Code Section 82019). Such designated positions would then be included in the City's Conflict of Interest Code. Individuals identified as holding those positions would be required to file Statements of Economic Interests directly with the City Clerk. There is no electronic online filing option for these designated positions.

The City's Conflict of Interest Code was last updated in August 2018 as staff was not able to complete this review in 2020 and some positions have been added since 2018. Individuals in newly created positions that make or participate in making governmental decisions have been required to file a Statement of Economic Interest with the City Clerk (FPPC Regulation 18734) until the formal update of the City's Conflict of Interest Code.

In order to ensure the City's Conflict of Interest Code is current, the following changes are necessary for the list of designated employees and advisory bodies by positions:

City Employees / Advisory Bodies:

Revise:

- Assistant Administrative Services Director to "Finance Manager"
- Planner I/II to "Assistant Planner/Associate Planner"

Explanation:

Job class revised in 2022
Job class revised in 2018

Add:

- Management Analyst-Public Works
- Deputy City Manager

Job class added in 2022

Job class added in 2021

Delete:

- Accountant
III

Reclassified as Accounting Tech I, II,

FISCAL IMPACT

There is no significant fiscal impact from this action.

ALTERNATIVES

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

1. Approve the proposed changes to the City's Conflict of Interest Code and adopt the Resolution;
2. Provide alternative direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

Attachments

1. Draft Resolution regarding Conflict of Interest Code for the City of Grover Beach, Exhibit A - designated employees / classifications, added job classifications denoted with double underline, deleted job classifications denoted with strikeout
Exhibit B - disclosure categories

RESOLUTION NO. 22-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH,
CALIFORNIA, ADOPTING A REVISED STANDARDIZED CONFLICT OF
INTEREST CODE FOR DESIGNATED FILERS**

WHEREAS, the Political Reform Act of 1974, California Government Code Sections 87300 et. seq., requires that governmental entities in the State of California adopt and promulgate Conflict of Interest Codes; and

WHEREAS, said Act requires that local governmental entities include within the provisions of Conflict-of-Interest Codes certain employees, commissioners, and committee members who make or participate in the making of decisions which may foreseeably have a material effect on financial interests; and

WHEREAS, a Conflict of Interest Code adopted pursuant to the Political Reform Act consists of two basic parts, which are: (1) the body of the code which contains the basic provisions including the manner of reporting financial interests and the procedure for filing Statements of Economic Interests, and (2) the Appendix of the Code which lists the positions of designated filers of the agency and the corresponding disclosure categories for each position; and

WHEREAS, California Code of Regulations, Section 18730 et. seq., contains provisions for the body of the Conflict-of-Interest Code which are applicable to all agencies; and

WHEREAS, incorporating Section 18730 et. seq., by reference as the body of the City of Grover Beach's Conflict of Interest Code would mean that all changes to the financial disclosure provisions of the Political Reform Act and Section 18730 et. seq., would automatically be a part of the City's Code; and

WHEREAS, the City's Code would always be up-to-date and in compliance with the law;
and

WHEREAS, the Fair Political Practices Commission gives notice of all changes to Section 18730 et. seq., and the City would be given an opportunity to comment on the changes before adoption by the Commission; and

WHEREAS, certain job classifications within the City of Grover Beach have been added and others deleted which require the Conflict of Interest Code to be amended; and

WHEREAS, the City Council has determined that the attached Appendix, contained in "Exhibit A" and "Exhibit B", accurately sets forth those classifications which should be designated and categories of financial interest which should be disclosed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Grover Beach as follows:

1. The terms of Title 2 California Code of Regulations, Section 18730 et. seq., duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and with the attached Appendix shall constitute the Conflict-of-Interest Code of the City of Grover Beach.

2. Persons holding designated job classifications as set forth in "Exhibit A" and disclosure categories as set forth in "Exhibit B" shall file Statements of Economic Interests (Form 700) with the City Clerk of the City of Grover Beach pursuant to Title 2 California Code of Regulations, Section 18730(a), Section 4.

Upon motion of Council Member, seconded by Council Member, and on the following roll-call vote, to wit:

AYES:	Council Members –
NOES:	Council Members –
ABSENT:	Council Members –
ABSTAIN:	Council Members –

the foregoing Resolution was **PASSED, APPROVED**, and **ADOPTED** this 12th day of September, 2022.

****DRAFT****

JEFF LEE, MAYOR

ATTEST:

WENDI B. SIMS, CITY CLERK



City of Grover Beach

CONFLICT OF INTEREST CODE

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 Cal. Code of Regulations, Section 18730) which contains the terms of a standard conflict of interest code, and 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, Division 6, 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 Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict-of-interest code of the City of Grover Beach.

Designated employees shall file statements of economic interests with the City Clerk of the City of Grover Beach who will make the statements available for public inspection and reproduction (Gov. Code Section 81008).

Upon receipt of the statements of the City Council, Planning Commission, City Manager, City Attorney, and City Treasurer/Finance Director, the agency shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Statements of all other designated employees will be retained by the City Clerk.

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**APPENDIX - EXHIBIT A
LIST OF DESIGNATED EMPLOYEES PER POSITION**

<u>Designated Employee / Board or Committee Member of the City</u>	<u>Disclosure Category</u>
1. Financing Authority Board Members	A, B, C
2. Police Chief	A, B, C
3. Administrative Services Director	A, B, C
4. Community Development Director	A, B, C
5. Public Works Director/City Engineer	A, B, C
6. <u>Deputy City Manager</u>	A, B, C
7. Fire Chief (contract services)	A, B, C
8. Parks and Recreation Program Director	A, B, C
9. Senior Engineer	A, B, C
10. Capital Improvement Project Manager	A, B, C
11. Police Commander	A, B, C
12. Battalion Chief (contract services)	A, B, C
13. Senior Planner	A, B, C
14. Economic Development Specialist	A, B, C
15. City Clerk	A and C
16. Finance Manager	A and C
17. Accountant (reclassified as Accounting Tech I, II, & III)	A and C
18. Information Technology Specialist	A and C
19. Management Analyst/Human Resources	A and C
20. Associate Engineer	A, B, C
21. Building Official (contract services)	A, B, C
22. Assistant/Associate Planner	A, B, C
23. <u>Management Analyst/Public Works</u>	A, B, C
24. Administrative Analyst (Confidential)	A, B, C
25. Code Compliance Officer	A, B, C
26. Engineering Technician	A, B, C
27. Parks, Recreation & Beautification Commission	A, B, C
28. Traffic Committee	B only
29. Citizen Oversight Committee Members	A, B, C
30. City Engineer	A, B, C
31. Assistant City Attorney (contract services)	A, B, C
32. Consultants ¹	Determined on case-by-case basis

¹Consultants 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: The City Manager may determine 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 section. 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
CATEGORIES OF DISCLOSURE FOR
DESIGNATED EMPLOYEES

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

- A. Investments**
Schedules A-1 and A-2
- B. Interests in Real Property**
Schedule B
- C. Income & Business Positions**
Schedule C, D, and E

The officials and employees covered by this policy shall each disclose the categories A, B, and C as designated herein above set forth.