

**CITY COUNCIL OF THE CITY OF SONORA
STAFF REPORT**

MEETING DATE: OCTOBER 1, 2018

TO: CITY COUNCIL

FROM: DOUGLAS L. WHITE, CITY ATTORNEY

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA
APPROVING AN UPDATE TO THE CITY'S CONFLICT OF
INTEREST CODE

RECOMMENDATION:

City of Sonora ("City") staff recommends the Sonora City Council ("City Council") adopt a Resolution approving the updated Conflict of Interest Code provisions.

BACKGROUND:

Pursuant to the Political Reform Act, the City adopted a Conflict of Interest Code ("Code"), which consists of standard provisions contained in Section 18730 of Title 2 of the California Code of Regulations, adopted by the Fair Political Practice Commission. The City's Code also designates City officials, officers, employees, and consultants who make or participate in making governmental decisions. Those in designated positions must disclose their financial interests and disqualify themselves from making, or participating in making, governmental decisions affecting those interests.

Under the Political Reform Act, each local government agency must review its Code biennially on even numbered years to update its standard provisions and designated officials list. Changes are required when the City changes staff positions and duties. The proposed Resolution approves changes to the Code, as recommended by staff after a full analysis of the Code.

DISCUSSION:

The proposed Resolution updates the current Code to include previously undesignated positions and to provide clarification. The positions added as part of this update include City Clerk and Administrative Services Director. The Finance Director designation was replaced with the Administrative Services Director to reflect the change in title. The positions are added to the Code because the positions are actively involved in governmental decisions, such as City contracting or policy development. Under the proposed Resolution, these positions are required to disclose business interests and property interests located within the City.

Under Government Code section 87200, the City Council, Planning Commission, City Attorney, City Administrator, and City Treasurer must file Statements of Economic Interest. The existing

Code does not include any of these positions. The proposed Resolution adds the City Council, Planning Commission, City Administrator, City Attorney, and City Treasurer to the Code for purposes of consistency. These positions are not designated to any disclosure category in the Code and are subject only to the disclosure requirements already established by state law.

The Resolution also adds members serving on the Successor Agency to the City of Sonora Redevelopment Agency to the Code. Individuals serving in those capacities will be required to disclose financial interests. These board members and commissioners are already subject to ethics training and similar City official requirements under state law. Furthermore, the commissions serve in an advisory capacity to the City Council and make policy recommendations.

The following table shows the revised designated officials list, incorporated by the proposed Resolution. The positions added to the Code are bolded.

Designated Positions:	Disclosure Category
Chief of Police	1, 2 and 3
City Clerk	1, 2 and 3
City Engineer	1, 2 and 3
Community Development Director	1, 2, and 3
Consultants	1, 2 and 3
Fire Chief	1, 2 and 3
Parking and Traffic Commission – Board Members	1, 2 and 3
Successor Agency to the City of Sonora Redevelopment Agency – Board Members	Government Code § 87200
Administrative Services Director	Government Code § 87200
City Attorney	Government Code § 87200
City Councilmembers	Government Code § 87200
City Administrator	Government Code § 87200
City Treasurer	Government Code § 87200
Planning Commissioners	Government Code § 87200

OPTIONS:

Review and discuss the current policy and adopt Resolution No. 10-01-2018-__.

FISCAL IMPACT:

Review and approval of the City’s Code has no financial impact.

Attachments:

Resolution No. 10-01-2018-__ Approving an Update to the City’s Conflict of Interest Code, and Exhibit “A” Conflict of Interest Code for the City of Sonora

RESOLUTION 10-01-2018-B

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONORA
CALIFORNIA, APPROVING AN UPDATE TO THE CITY'S CONFLICT
OF INTEREST CODE**

WHEREAS, the state of California requires the City of Sonora ("City") to adopt, promulgate, and amend a Conflict of Interest Code pursuant to the Political Reform Act, Government Code section 87300 *et seq.* (the "Act"); and

WHEREAS, the Act requires each local agency conduct a review of its Conflict of Interest Code every two (2) years; and

WHEREAS, the City has conducted its biennial review required by the Act and determined that revisions to the City's Conflict of Interest Code are necessary to remain in compliance with said Act.

NOW, THEREFORE, BE IT RESOLVED that the City amends its Conflict of Interest Code as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. All the City's previous Conflict of Interest Codes shall be repealed and superseded upon the adoption of this Resolution.

PASSED AND ADOPTED as a Resolution of the City Council of the City of Sonora at a regular meeting held on the 1st day of October 2018, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____
ABSENT: _____

Signed and Dated: October 1, 2018

Jim Garaventa
Mayor of the City of Sonora

ATTEST:

Marijane Cassinetto
Sonora City Clerk

APPROVED AS TO FORM:

Douglas L. White
Sonora City Attorney

EXHIBIT A

**CONFLICT OF INTEREST CODE FOR THE
CITY OF SONORA**

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. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 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 SONORA.

Designated employees shall file statements of economic interests with the agency who will make the statements available for public inspection and reproduction (Government Code Section 81008). Those city officials required to file Form 700 shall submit their statements to the City Administrator or their designee, who shall be and shall perform the duties of the filing officer for the City. Statements for all other designated employees will be retained by the agency.

APPENDIX

*(Designated Employees and Categories Listed by Number and
Required to File a Form 700 with the City Clerk)*

1. Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this Conflict of Interest Code, subject to the following limitation:

The City Administrator 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 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 Administrator’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.

2. Other Designated Positions and Disclosure Categories

Community Development Director:	#1	#2	#3
City Engineer:	#1	#2	#3
Chief of Police:	#1	#2	#3
Fire Chief:	#1	#2	#3
Parking & Traffic Commission Members	#1	#2	#3
Consultant(s) to the Community Development Department:	#1	#2	#3
City Clerk	#1	#2	#3

DISCLOSURE CATEGORIES

- #1 Investments, business positions, and income from sources located in or doing business in the City.
Interests in real property located in the City, including property within a 2-mile radius of any property owned or used by the City.
- #2 Investments, business positions, and sources of income of the type which: provide services, supplies, materials, machinery, or equipment of the type utilized by the City.
- #3 Investments, business positions, and sources of income of the type which: engage in land development, construction, or purchase or sales of real property; and interests in real property located in the City, including property located within a 2-mile radius of property owned or used by the City.

3. Public Officials

The positions below are subject to Government Code section 87200 and will file a Form 700 Statement of Economic Interests:

Administrative Services Director

City Council (Mayor and Council Members)

Planning Commission (Commissioners)

Successor Agency to the City of Sonora Redevelopment Agency (Board Members)

City Administrator

City Attorney

City Treasurer