

RESOLUTION NO. 61-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING THE CITY OF PACIFICA'S CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES AND REPEALING RESOLUTION NO. 50-2020

WHEREAS, pursuant to California Government Code commencing with Section 87300, the City Council is required to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, pursuant to Government Code Section 87302, the Conflict of Interest Code shall provide for specific enumeration of the positions within the City, other than those specified in Government Code Section 87200, which involve the making or participation in the making of decisions which may foreseeably have material effect on any financial interest and for each such enumerated position, the specific types of investments, business position interests in real property and sources of income which must be reported; and

WHEREAS, the Political Reform Act of 1974, (Government Code Section 8100 et seq.) requires state and local government agencies to adopt a Conflict of Interest Code and the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Sections 18730) that 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 a hearing the standard code may be amended by the FPPC to conform to amendments in the Political Reform Act. The terms of 2 California Code of Regulations section 18730, and any amendments to it duly adopted by the FPPC, may be incorporated by reference into a local agency's conflict of interest code; and

WHEREAS, Council approved a Conflict of Interest Code by Resolution No. 16-79 which has been amended from time to time to conform to amendments by approving Exhibit "A" and disclosure categories for certain designated positions with the City of Pacifica; and

WHEREAS, approval of this resolution supersedes and repeals Resolution No. 50-2020 which approved the last Conflict of Interest amendment; and

WHEREAS, it has been determined that the attached Exhibit A accurately sets forth those positions which should be designated, and Exhibit B the categories of financial interests which should be made reportable for each position; and

WHEREAS, the Political Reform Act requires review of the Conflict of Interest Code every two (2) years to determine whether it is accurate or whether it should be amended; and

WHEREAS, the City desires to update its current Conflict of Interest Code to revise the list of designated positions and disclosure categories.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pacifica that Exhibit A and Exhibit B attached hereto and incorporated by reference and the terms of 2 California Code of Regulations section 18730, as may be amended, shall constitute the City of Pacifica's Conflict of Interest Code.

BE IT FURTHER RESOLVED that individuals holding designated positions identified in Exhibit A shall file Statements of Economic Interests (Form 700) with the City Clerk, to whom the City Council hereby designates the authority to carry out the duties of the Filing Officer, in the manner identified by the City Clerk. Statements of Economic Interest shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the City of Pacifica.

BE IT FURTHER RESOLVED that the effective date of this amendment shall be the date this Resolution is adopted by the City Council and approval of this Resolution supersedes and repeals Resolution No. 50-2020, which approved the last Conflict of Interest amendment.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 26th day of September 2022, by the following vote:

AYES, Councilmembers: Beckmeyer, Bier, Bigstyc, O'Neill, Vaterlaus.


NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.

ABSTAIN, Councilmembers: n/a.



Mary Bier (Oct 4 2022 08:45 PDT)
Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

EXHIBIT A

<u>Designated Positions</u>	<u>Reportable Economic Interest Category Nos. (See Exhibit B)</u>
City Council member	*
Planning Commission member	*
City Attorney	*
City Manager	*
City Clerk	*
Assistant City Attorney	1
Assistant City Manager	1
Chief Financial Sustainability Officer	1
Deputy Finance Director	1
Human Resources Manager	4(a)
Economic Development Manager	1
Deputy City Clerk	1
Planning Director	1
Deputy Director of Planning	1
Senior Planner	1
Associate Planner	1
Assistant Planner	1
Management Analyst II	1
Chief Building Official/Building Inspector	1
Code Enforcement Officer	1
Director of Public Works	1
Deputy Director of Public Works - Waste Water	1
Deputy Director of Public Works/City Engineer -Field Services & Engineering	1
Engineering Manager – Wastewater	1
Public Works Project Manager	1
Senior Civil Engineer	1
Associate Civil Engineer	1
Assistant Civil Engineer	4(a)
Senior Project Engineer – Waste Water	4(a)
Field Services Manager	1
WasteWater Treatment Plant Operations Manager	4(a)
WasteWater Treatment Plant Collections System Mgr.	4(a)
Public Works Superintendent	4(a)

Parks Supervisor	4(a)
Motor Pool Supervisor	4(a)
Police Chief	1
Police Captain	1
Fire Chief	1
Deputy Fire Chief	1
Paramedic Coordinator	4(a)
Director of Parks, Beaches & Recreation	1
Recreation Manager	4(b)
Recreation Supervisor	4(b)
Child Care Supervisor	4(b)
Senior Services Supervisor	4(b)
Information Systems and Technology Manager	4(a)
Members of the Parks, Beaches & Recreation Commission	1
Members of the Emergency Preparedness & Safety Commission	1
Consultants / New Positions	**

* Individuals holding these positions are listed for informational purposes only. They are not covered by this code, but are required to file under Government Code Section 87200 et. Seq.

** Individuals providing services as a Consultant as defined in Title 2 California Code of Regulations sections 18700.3 and 18734 or in a new position as defined in Regulation 18734 that make or participate in making governmental decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

If the new position or consultant performs limited duties, the agency may tailor the disclosure requirements to the duties performed. The City Manager (or designee) may determine in writing that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement.

- a. Not later than ten (10) days after the final approval of a newly created position, the department manager (or designee) shall submit to the Clerk a completed Fair Political Practices Commission Form 804 (Agency Report of New Positions), or subsequent form, which identifies the classification and disclosure categories. The City Manager (or designee) will review the department's recommendation and make the final determination. The City Manager (or designee) determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
- b. Not later than ten (10) days after an authorized City representative has signed a consultant contract, the department manager (or designee) shall submit to the Clerk a completed Fair Political Practices Commission Form 805 (Agency Report of

Consultants), or subsequent form, which identifies the consultant and disclosure categories. The City Manager (or designee) will review the department's recommendation and make the final determination. The City Manager (or designee) 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

DISCLOSURE CATEGORIES

1) **Full Disclosure**

All interests in real property located within the jurisdiction, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

2) **Full Disclosure (excluding interests in real property)**

All investments, business positions and sources of income, including gifts, loans and travel payments.

3) **Interests in Real Property**

All interests in real property located in the jurisdiction.

4) **General Contracting Categories (Two models)**

Note: The first model can be used for an individual who contracts for the entire agency. The second model is for an individual who has contracting authority for a specific department.

(a) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of Pacifica.

(b) All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the employee's department or area of authority.

5) **Regulatory, Permit or Licensing Agency**

All investments, business positions and income, including gifts, loans and travel payments, from sources that either contract to provide education or training required by the City of Pacifica to qualify for or maintain a license, or entities that provide education or training services which courses or curricula are approved by the City of Pacifica.

6) **Grant/Service Providers/Agencies that Oversee Programs**

All investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the City of Pacifica.










For Signature: ResolutionNo61-2022_ConflictOfInterestCodeUpdate2022-Approved

Final Audit Report

2022-10-04

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