

CITY OF SAND CITY

RESOLUTION SC 20-60, 2020

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY AMENDING
CHAPTER 2.20.070 CONFLICT OF INTEREST CODE OF THE SAND CITY MUNICIPAL
CODE REGARDING IDENTIFICATION OF DESIGNATED EMPLOYEES AND
DISCLOSURE CATEGORIES APPENDIX "A"

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 *et. seq.*, have in the past and foreseeably will in the future require state and local government agencies to adopt and promulgate Conflict of Interest Codes; and

WHEREAS, Chapter 2.20.070 of the Sand City Municipal Code presently incorporates by reference the standard Conflict of Interest Code adopted by Regulation of the California Fair Political Practices Commission (FPPC) and set forth at 2 California Code of Regulations Section 18730 that contains the terms of a standard conflict of interest code which can be incorporated by reference and which may be amended by the FPPC; and

WHEREAS, the FPPC authorizes an agency wholly within a county to determine and designate positions required to file Statement of Economic Interest; and

WHEREAS, a designated employee is an officer, employee member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest; and

WHEREAS, certain positions should be assigned full disclosure (all investments, interests in real property, sources of income and business positions) because the position makes decisions that affect a wide range of interests; and

WHEREAS, alternatively, other positions whose decision-making is limited should only be assigned to disclosure of investments, sources of income and business positions in entities that could be affected by purchases that position would make; and

WHEREAS, the FPPC advises that employees should only disclose economic interests that relate to their job and that the disclosure category assignments must adequately differentiate between positions; and

WHEREAS, Chapter 2.20.070 of the Sand City Municipal Code contains a list of designated positions of officials, committee members, and employees of the City of Sand City who are required to file financial disclosure forms under the City's Conflict of Interest Code and the disclosure category for each such official, committee member, and employee as reflected in APPENDIX "A" List of Designated Positions (Attachment 1); and

Sand City Resolution SC 20-60, 2020

WHEREAS, said Appendix A-List of Designated Positions (Attachment 1) contains the listing of designated positions which has been reviewed, and this review has disclosed that they should be amended to reflect current conditions; and

WHEREAS, the City of Sand City has determined that the proposed action is not a project per CEQA (California Environmental Quality Act) Guidelines, section 15060(c)(3) and as defined by CEQA Guidelines section 15378, as it has no direct impact or significant effect upon the environment, and that the update is not subject to CEQA.

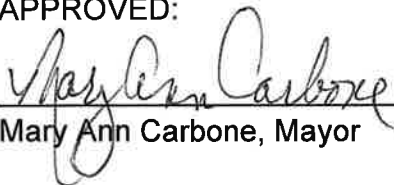
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sand City that:

1. All previously adopted amendments approving various separate Conflict of Interest Codes are hereby superseded following Council adoption of said resolution.
2. The Acting City Clerk is hereby authorized to update Section 2.20.070 Appendices with the attached amended Appendix A, Conflict of Interest Code-2020 Update attached hereto as (Attachment 1) to the Sand City Municipal Code.
3. The City Manager is hereby authorized to sign and verify the 2020 Local Agency Biennial Notice (Attachment 2).

PASSED AND ADOPTED by the City Council of the City of Sand City this 1st day of September, 2020, by the following vote:

AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:



Mary Ann Carbone, Mayor

ATTEST:



Connie Horca, Acting City Clerk

APPENDIX "A"

City of Sand City
Conflict of Interest Code- 2020 Update

LIST OF DESIGNATED POSITIONS

Date: August 13, 2020

<u>POSITION</u>	<u>DISCLOSURE CATEGORY</u>
Mayor and Council Members	1,2
City Manager	1,2
City Attorney	1,2

Department: Administration

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Acting City Clerk	1
City Clerk	1
Administrative Assistant I/II	1
Art Committee Members	1
Consultants*	1
Finance/HR Specialist	1

Department: Planning & Inspection

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Community Development	1
Building Official	1
Assistant Planner	1
City Planner	1
Consultants*	1
Design Review Committee (DRC) Members	1

APPENDIX "A"

**City of Sand City
Conflict of Interest Code**

LIST OF DESIGNATED POSITIONS

Department: Police

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Police Chief	1
Police Sergeant	1
Police Records Coordinator	1
Police Commander	1

Department: Public Works

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Public Works Supervisor	1
Public Works Director	1
Public Works City Engineer	1
Consultants*	1

* Consultants 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 limitations.

The City Manager or his/her designee 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 in this section. Such written determination, identifiable through FPPC Form 805, (Agency Report of Consultants) shall include a description of the consultant's firm name, address and brief description of the general purpose of the contract, and based upon that description, a statement of the extent of disclosure requirements. The City Manager or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

APPENDIX "B"

LIST OF DISCLOSURE CATEGORIES

CITY OF SAND CITY CONFLICT OF INTEREST CODE

General Provisions:

When a member, officer, employee or consultant who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income that do business in the jurisdiction, plan to do business in the jurisdictions, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business with the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, employee or consultant who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction.

When a designated member, officer, employee or consultant who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole or in part within the boundaries of Sand City.

When a designated member, officer, employee or consultant who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in Sand City, plan to do business in Sand City, or have done business in Sand City within the past two years.

Description of Disclosure Categories

Following are disclosure categories consisting of types of financial interest which have been determined may foreseeably be affected materially by decisions made, participated in, or influenced by certain employees designated in Appendix "A". These financial interests must be reported by the designated employee in accordance with the provisions of this code.

Disclosure Category 1 (Real Property within Jurisdiction):

A member, officer, employee or consultant holding a position assigned to Category 1 shall, in the manner described above report a) all investments in business entities and sources of income in the jurisdiction; b) interests in real property in the jurisdiction that were acquired by, leased or otherwise used by Sand City; and c) his or her status as director, officer, partner, trustee, employee or holder of a management position in any business entity within the jurisdiction.

Disclosure Category 2 (All investments and Sources of Income):

An employee holding a position assigned to Disclosure Category 2 shall in the manner described

above shall report all investments and business positions in business entities, sources of income and financial interests of any type of or in business entities which provide services, supplies, materials, machinery, or equipment of the type utilized by Sand City, as it relates to the duties of the employees position.

Disclosure Category 3 (Management Positions):

Designated employees must report all business positions where the employer does business, plans to do business or has done business within the past two years in the City.

Disclosure Category 4 (General Contracting):

Designated Employees must report all investments in business entities, sources of income and business positions where the business entity or source of income contracts, plans to contract or has contracted within the past two years with the City to provide services, supplies, materials, machinery or equipment.

Disclosure Category 5 (Special Contracting):

Designated employees must report all investments in business entities, sources of income contracts, plans to contract or has contracted within the past two years with the designated employee's department to provide services, supplies, materials, machinery or equipment.

Description of Consultants

Commission Regulation 18700 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
 - (i) Approve a rate, rule or regulation;
 - (ii) Adopt or enforce a law;
 - (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (v) Grant City approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (vi) Grant agency approval to a plan, design, report, study, or similar item;
 - (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

- (B) 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 an individual holding a position specified in the agency's Conflict of Interest Code.

With respect to Consultants performing work for the City of Sand City, the City Manager may determine, in writing that a particular Consultant is hired to perform

a range of duties that are limited in scope, and thus the Consultant is not required to comply with the disclosure requirements. The determination shall be retained by the City Clerk as filing officer. Nothing herein excuses any Consultant from any other provision of this Code.

2020 Local Agency Biennial Notice

Name of Agency: City of Sand City
Mailing Address: 1 Pendergrass Way
Contact Person: Aaron Blair Phone No. 831-394-3054 ex. 212
Email: aaron@sandcityca.org Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

9/2/2020

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.