

RESOLUTION 2024-109

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING
THE CITY OF SAN PABLO'S CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act (California Government Code Section 81000 *et. seq.*) requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate and up-to-date or, alternatively, that the Code must be amended; and

WHEREAS, as a result of such review, Appendix "A" of the Code must be amended to revise titles of existing positions, include new positions, and delete positions that have been abolished.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby adopts an amended Conflict of Interest Code, a copy of which is attached and incorporated by reference;

BE IT FURTHER RESOLVED that the City Clerk is directed to provide the necessary disclosure forms to those employees holding the Designated Positions listed in Appendix "A" of the amended Conflict of Interest Code who have not filed an annual statement this year, or who have additional categories of disclosure, in order for these employees to file the disclosure forms within thirty (30) days;

BE IT FURTHER RESOLVED that the City Clerk is directed to provide the necessary disclosure forms annually to all designated employees and officials, as well as those who are otherwise legally required to complete the forms pursuant to Government Code Section 87200; and

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

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ADOPTED this 5th day of August, 2024, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, and Ponce
NOES:	COUNCILMEMBERS:	
ABSENT:	COUNCILMEMBERS:	Cruz
ABSTAIN:	COUNCILMEMBERS:	

ATTEST:

APPROVED:

/s/ Dorothy Gantt
Dorothy Gantt, City Clerk

/s/ Patricia Ponce
Patricia Ponce, Mayor

CONFLICT OF INTEREST CODE

CITY OF SAN PABLO

SECTION 1: Conflict of Interest Code

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations §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 to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations §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 A** in which officials and employees are designated and **Appendix B** in which disclosure categories are set forth, constitute the Conflict of Interest Code of the City of San Pablo. The Conflict of Interest Code of the City of San Pablo so adopted amends and replaces any Conflict of Interest Code of the City of San Pablo previously in effect.

SECTION 2: Conflict of Interest Code - Statements

Persons holding designated positions shall file Statements of Economic Interests pursuant to the City' Conflict of Interest Code. The City Clerk shall carry out the duties of Filing Officer for the City Council, who is the Code Reviewing Body. The FPPC approved the City's electronic disclosure system, *DisclosureDocs*, and provided the City of San

Pablo with SAN number 012400504-STH-0504 for the electronic submission of Form 700s by designated filers. All designated filers shall file their *Form 700 Statements of Economic Interests* via the City's electronic disclosure system. For all Government Code §87200 filers, the City Clerk accepts the electronic filing and forwards a digital original to the FPPC. For all other designated filers, the City Clerk is the Filing Officer and retains the statements in digital format. The City Clerk shall make the statements available for public inspection and reproduction upon request. Government Code §81008.

SECTION 3: Savings Clause

Any change provided for in this Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other conflict of interest code; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered in connection with any other conflict of interest code.

APPENDIX A

City of San Pablo Conflict of Interest Code

The following is a listing of those persons who are required to submit Statement of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

LIST OF PUBLIC OFFICIALS REQUIRED TO FILE FORM 700 (PER GOVERNMENT CODE §87200)

Mayor
City Council
City Manager
City Attorney
City Treasurer
Administrative Services Director (includes Finance Director duties)
Planning Commissioners

NOTE: All of the above are category 1 filers.

LIST OF DESIGNATED POSITIONS

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Accounting Manager	4, 8
Administrative Clerk I/II (Community Development)	3, 5, 8
Assistant City Clerk	3, 4, 8
Assistant City Manager	1
Assistant/Associate Engineer	3, 4, 5, 8
Assistant/Associate Planner	3, 4, 5, 8
Building Inspector	3, 5, 8
Chief Building Official/Plan Checker	1

Chief of Police	1
City Clerk	1
City Representative to Gaming Commission Per Municipal Services Agreement	1
Community Development Director	1
Community Services Coordinator I/II	4
Community Services Director	1
Community Services Manager	6
Community Services Supervisor	4
Consultants*	1
Economic Development and Housing Manager	1
Engineering Aide	3, 8
Engineering Technician	3, 4, 5, 8
Environmental Program Analyst	3, 4, 5, 8
Environmental Programs Manager	3, 4, 5, 8
Executive Assistant to the City Manager	4
Human Resources/Risk Manager	1
Information Technology Administrator	6
Information Technology Manager	6
Information Technology Supervisor	6
Maintenance and Operations Superintendent	3, 4
Maintenance Supervisor	4
Management Analyst	3, 4, 5, 8

Permit Technician	3, 5, 8
Planning Aide	3, 5, 8
Planning Manager	1
Police Captain	1
Police Lieutenant	3, 4, 8
Police Sergeant (Code Enforcement)	3, 4, 8
Police Support Services Manager	3, 4
Public Works Director / City Engineer	1
Public Works Inspector	3, 4, 5, 8
San Pablo Community Foundation Grants Review Committee	1
Senior Administrative Clerk	4
Senior Building Inspector	3, 5, 8
Senior Civil Engineer	3, 4, 5, 8
Senior Environmental Program Analyst	3, 4, 5, 8
Senior Management Analyst	3, 5, 6, 8
Senior Permit Technician	3, 5, 8
Senior Public Works Inspector	3, 4, 5, 8

*Under FPPC regulation 18701, "Consultant" means an individual who, pursuant to a contract with the City or Agency: (A) Makes a governmental decision whether to:

(i) Approve a rate, rule, or regulation; (ii) Adopt or enforce 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 that requires agency approval; (v) Grant agency approval to a contract that requires agency approval and to 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 participates in making a governmental decision as defined in regulation 18702.2 or 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 City's Conflict of Interest Code under Government Code section 87302.

Based on the recommendations of department staff, the City Manager shall determine on a case by case basis whether an individual hired as a consultant meets these criteria and, if so, such individual shall be considered a designated employee under this code.

APPENDIX B

City of San Pablo Conflict of Interest Code

MASTER LIST OF DISCLOSURE CATEGORIES

Financial interests are reportable only if located in the jurisdiction, or if the business entity is doing business or planning to do business in the jurisdiction or has done business in the jurisdiction at any time during the two years prior to the filing of the statement.

Certain types of financial interests need not be disclosed (example, principal place of residence) and certain thresholds exist for reportable investments or income. A complete description of interests which need not be reported are explained in the filing forms.

"Unit" as used in this text means the particular department, board, commission, office or entity using the disclosure category.

Disclosure Category

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| 1 | All investments and business positions in business entities, sources of income and interests in real property. |
| 2 | Investments and business positions in business entities, and all sources of income. |
| 3 | Interests in real property. |
| 4 | Investments and business positions in business entities and sources of income from business entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit. |
| 5 | Investments and business positions in business entities and income from sources engaged in construction, development, engineering, real estate development or appraisal, architectural design or related fields. |
| 6 | Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the City. |

- 7 Investments and business positions in, and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, job classification studies and salary surveys.
- 8 All investments and business positions in business entities, and sources of income, which are subject to the regulatory, permit or licensing authority of the employees' unit.