

RESOLUTION 2019-038

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 requires every local government agency to review its Conflict of Interest Code ("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, the City Council of the City of San Pablo hereby resolves:

1. That the City Council of the City of San Pablo adopts an amended Conflict of Interest Code, a copy of which is attached and incorporated by reference;

2. 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; and

3. 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.

* * * * *

Adopted this 18th day of March, 2019, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:



Lehy M. Corbin, Deputy City Clerk

APPROVED:



Rich Kinney, 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 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 Fair Political Practices Commission 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

Designated employees shall file their Statements of Economic Interests with the City Clerk, who 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

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 (Building)	3, 8
Administrative Clerk (Planning)	3, 8
Assistant City Manager	1
Assistant/Associate Engineer	3, 4, 5, 8
Assistant/Associate Planner	3, 4, 5, 8
Building Inspector	3, 5, 8
Building Official	1
Chief of Police	1

City Clerk	1
City Representative to Gaming Commission Per Municipal Services Agreement	1
Community & Economic Development Director	1
Community Services Coordinator I/II	4
Community Services Director	1
Community Services Manager	6
Community Services Supervisor	4
Consultants*	1
Deputy City Clerk	3, 4, 8
Engineering Aide	3, 8
Environmental Program Analyst	3, 4, 5, 8
Executive Assistant to the City Manager	4
Human Resources Manager	6, 7
Information Technology Administrator	6
Information Technology Manager	6
Information Technology Supervisor	4
Maintenance and Operations Superintendent	3, 4
Maintenance Supervisor	4
Management Analyst	3, 4, 5, 8
Permit Technician	3, 8
Police Captain	1
Police Lieutenant	3, 4, 8

Police Sergeant (Code Enforcement)	3, 4, 8
Police Support Services Manager	3, 4
Planning Manager	1
Public Works Director / City Engineer	1
Public Works Inspector	3, 4, 5, 8
San Pablo Community Foundation Grants Review Committee	1
San Pablo Economic Development Corporation Board of Directors	1
San Pablo Economic Development Corporation Executive Director	1
San Pablo Economic Development Corporation Program Coordinator	4
San Pablo Economic Development Corporation Controller	4
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, 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

Conflict of Interest Code

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

- 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.