



## Legislation Text

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File #: #18-313, Version: 1

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**PREPARED BY:** LYNN TRACY NERLAND

**DATE OF MEETING:** 09/19/16

**SUBJECT:**

REVIEW OF THE CITY OF SAN PABLO'S CONFLICT OF INTEREST CODE

**RECOMMENDATION**

Receive and file the attached 2018 Local Agency Biennial Notice.

**COUNCIL PRIORITY WORKPLAN**

Amendment of the Conflict of Interest Code is a State-mandated legal obligation.

**CEQA Compliance Statement**

This is not a project subject to CEQA.

**BACKGROUND**

The public rightly expects their public officials to make decisions based on the best interests of the City and not their personal interests. To this end, California Government Code §87300 et seq., "The Political Reform Act," requires every public agency to adopt a Conflict of Interest Code. A Conflict of Interest Code designates the positions within an agency which make or participate in making governmental decisions which may foreseeably have a material effect on a personal financial interest (Appendix A). These positions are required to disclose annually their financial interests pursuant to disclosure categories for the specific types of investments, business positions, interests in real property and sources of income (Appendix B). Even if a public official or employee is not on the designated list attached with the Conflict of Interest Code, the individual is still prohibited from making governmental decisions in which the official has a financial interest.

Government Code §87306.5 requires that the City Council notify every local government agency, board and commission within its jurisdiction to review its Conflict of Interest Code and indicate what actions are necessary. The Council must take this action every other year by October 1 and last did so in September 2016 (Resolution 2016-276).

The City is currently undertaking a reclassification study. Once that effort is complete and City positions or titles change, then the City intends to update its Conflict of Interest Code. Doing so now with such changes to come within the year would be an unnecessary duplication of effort. Therefore, unless the City Council directs otherwise, staff will postpone updating the Conflict of Interest Code and will continue to follow the existing Conflict of Interest Code (attached).

**FISCAL IMPACT**

No fiscal impact.

**ATTACHMENTS**

2018 Local Agency Biennial Notice  
City of San Pablo Conflict of Interest Code