



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: November 18, 2008

SUBJECT: Resolution to Amend Conflict of Interest Code

Report in Brief

As per law, every two years each Governmental Agency is required to ascertain if their adopted Conflict of Interest Code is current. If not, the Code must be revised prior to the end of calendar year to allow for the Code to be in place at the beginning of each even-numbered year.

Staff recommends that the City Council adopt Resolution No. _____, a "Resolution of the City Council of the City of Woodland Amending the Conflict of Interest Code for Designated Positions and Incorporating by Reference the Fair Political Practices Commission Standard Model Conflict of Interest Code".

Background

The Conflict of Interest Code specifies which designated positions, including City employees and certain Board and Commission Members, must file Statements of Economic Interest disclosing investments, interests in real property, income, loans, etc. This listing was expanded considerably in September 1992 from the original eleven positions which were listed in the 1981 Code. In the 1992 Code there were twenty-five additional City employee positions added to the listing and nineteen additional Board and Commission members, plus various consultants.

In 1996, the following changes were made to the Conflict of Interest Code: (1) the positions of Accountant and Human Resources Manager were added; (2) the position of Parks and Recreation Director was changed to Parks, Recreation and Community Services Director; (3) the positions of Deputy Parks and Recreation Director and Police Services Manager were deleted.

In 1998 the changes included: (1) deletion of Accountant and Accounting Manager positions; (2) the positions of Assistant Finance Director, Information Systems Manager and Water Pollution Control Manager were added; (3) the position of City Clerk/Secretary to the City Council was changed to City Clerk/Administrative Assistant to the City Council.

In 2000, the changes recommended were: (1) addition of the positions of Deputy Director of Public Works, Engineering/City Engineer; Deputy Director of Public Works, Operations and Maintenance; Infrastructure Operations and Maintenance Manager; Senior Management Analyst; Building Inspector II; Engineering Technicians I/II/III; Junior Engineer; Pretreatment Specialist; and Transportation Engineer; (2) deletion of the positions of Street Superintendent and Utilities Superintendent; (3) changing the titles of Public Works Director/City Engineer to Public Works Director and City Clerk/Administrative Assistant to the City Council to City Clerk; (4) move the City Treasurer from that designated by Government Code Section 87200 as an elected official to that of a designated employee as this position was deemed as appointed by the November 7, 2000 election.

In 2004, the changes recommended were: (1) changing the title of Fire Division Chief to Assistant Fire Chief, Equipment Services Manager to Fleet and Facilities Manager, Water Pollution Control Manager to Environmental Services Manager, (2) addition of the positions of Chief Building Official and Fire Battalion Chief, and Members of the Manufactured Homes Fair Practices Commission. The positions of Pretreatment Specialist, Librarian I/II and Children's Librarian were deleted and the positions of Information Services Administrator, Senior Building Inspector and Transportation Engineer were added.

In 2006, the changes recommended are changing the Associate Civil Engineer title to include Assistant/Associate Civil Engineer, changing the Infrastructure Operations and Maintenance Manager to a Superintendent position title, adding the positions of Office Manager and Planning Manager in the Community Development Department and Recreation Manager in Parks and Recreation.

In 2008, the changes recommended are deletion of the Assistant Fire Chief, addition of the Accountant I/II, Administrative Services Director, Associate/Assistant Planner, Building Inspector I, Plans Checker, Principal Planner, Senior Accountant, Senior Center Manager, and Supervising Building Inspector positions. Also recommended is changing the position title of Recreation Manager to Recreation Superintendent.

Discussion

As the City continues to re-evaluate staffing needs, reorganization and the addition, elimination or change in position titles and/or duties, staff has determined that there is a need to update the list of employees required to complete the Form 700 more often. For the 2009 we are recommending the addition of Finance Officer and Sports Manager to our listing, and the deletion of Assistant Finance Director, Deputy Director of Public Works, Operation and Maintenance, and Environmental Services Manager. As further changes arise, the Council will be asked to adopt a Resolution to affect those changes so that it allows the City to then require completion of the Conflict of Interest Form 700, Statement of Economic Interest.

Also included in the Resolution is Section 18730, et. seq., of the Fair Political Practices Commission (FPPC) regulations which are adopted by reference with the proposed Resolution. These regulations provide a Model Conflict of Interest Code which is revised each time FPPC

makes an amendment. Adopting this regulation by reference eliminates the need for more frequent updates of the City Code. However, should significant changes be necessary, it is planned to submit a revised Resolution to Council to assure continued compliance with the law.

The term “designated employee” does not include public officials specified in Government Code Section 87200 which must also file Statements of Economic Interest. Included among these “87200 positions” are City Council members, Mayors, Planning Commissioners, City Managers, City Attorneys, and elected City Treasurers.

In total, there are approximately 128 public officials who file Statements of Economic Interest with the City Clerk’s office.

Public Notice

Posting of the City Council agenda.

Fiscal Impact

There is no fiscal impact associated with the adoption of the Resolution.

Recommendation for Action

Staff recommends that the City Council adopt Resolution No. _____, a “Resolution of the City Council of the City of Woodland Amending the Conflict of Interest Code for Designated Positions and Incorporating by Reference the Fair Political Practices Commission Standard Model Conflict of Interest Code”.

Prepared by: Sue Vannucci, Director
of Administrative
Services/City Clerk

Mark G. Deven
City Manager

Attachments: Resolution
2008 Conflict of Interest Code Listings

APPENDIX OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

- I. DESIGNATED POSITIONS. The positions listed below are designated positions and the individual occupying each position is deemed to make, or participate in the making of, decisions which may have a material effect on a financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Section II below.

<u>Designated Position</u>	<u>Disclosure Categories</u>
Accountant I/II	1
Administrative Services Director	2, 3
Assistant City Manager	1
Assistant Engineer	2, 3, 4
Assistant Finance Director	1
Assistant/Associate Civil Engineer	2, 3, 4
Assistant/Associate Planner	2, 3, 4
Building Inspector I/II	3, 4
Chief Building Official	3, 4
Chief Plant Operator	2, 3, 4
City Clerk	2, 3
City Treasurer.....	1
Code Compliance Officer I/II	3, 4
Community Development Director	1
Deputy Director of Public Works, Engineering/City Engineer	1

Designated Position

Disclosure Categories

~~Deputy Director of Public Works, Operations and Maintenance~~ 1

Deputy Fire Chief 2, 3

Economic Development Manager 2, 3, 4

Engineering Assistant/Senior Engineering Assistant..... 1

Engineering Technician I/II/III 1

Environmental Compliance Specialist 1

Environmental Resources Analyst 1

~~Environmental Services Manager~~ 2, 3, 4

Finance Director 1

Finance Officer..... 1

Fire Battalion Chief..... 2, 3

Fire Chief 1

Fleet and Facilities Manager 2

Human Resources Analyst 2, 3, 4

Human Resources Manager 2, 3, 4

Information Systems Administrator 2, 3, 4

Information Systems Manager 2, 3, 4

Infrastructure Operations and Maintenance Superintendent 1

Infrastructure Operations and Maintenance Supervisor 1

Junior Engineer..... 2, 3, 4

Librarian III 5

Designated Position

Disclosure Categories

Library Services Director.....	1
Management Analyst I/II	2, 3, 4
Members of the Historical Preservation Commission.....	4
Members of the Library Board	1
Members of the Manufactured Homes Fair Practices Commission	1
Office Manager	2, 3, 4
Parks Planner	2, 3, 4
Parks and Recreation Director	1
Park Superintendent	1
Planning Manager	1
Plans Checker	2, 3, 4
Police Captain.....	2, 3
Police Chief	1
Police Lieutenant	2, 3
Police Records Manager	1
Principal Planner	2, 3, 4
Public Works Director	1
Purchasing Manager	2, 4
Recreation Superintendent	2, 3
Redevelopment Agency Manager.....	2, 3, 4
Senior Accountant.....	1

Designated Position

Disclosure Categories

Senior Building Inspector 2, 3

Senior Center Manager 2, 3, 5

Senior Civil Engineer 2, 3, 4

Senior Management Analyst 2, 3, 4

Senior Planner 2, 3, 4

Sports Manager 2, 3

Supervising Building Inspector 3, 4

Transportation Engineer 2, 3, 4

Water Pollution Control Facility Superintendent 1

Consultant* 1

*Disclosure by Consultants shall be subject to the following limitation:

The City Manager may determine in writing that a particular Consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this Section. Such written determination shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WOODLAND
AMENDING CONFLICT OF INTEREST CODE
FOR DESIGNATED POSITIONS AND
INCORPORATING BY REFERENCE THE FAIR POLITICAL PRACTICES
COMMISSION STANDARD MODEL CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a conflict of interest code; and

WHEREAS, the Fair Political Practices Commission has adopted Regulation 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard model Conflict of Interest Code, that can be incorporated by reference, and that will be amended by the Fair Political Practices Commission to conform to any amendments in the Political Reform Act after public notice and hearing pursuant to the Administrative Procedures Act, Government Code Sections 11370, et seq.; and

WHEREAS, Government Code Section 87306.5 requires each local agency to review its Conflict of Interest Code in each even numbered year and to update the Code as necessary; and

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it as the Conflict of Interest Code of the City of Woodland ("the City") will save the City time and money by minimizing the actions required of the City to keep its Conflict of Interest Code in conformity with the Political Reform Act; and

WHEREAS, the City of Woodland has determined there is a need to amend the City Conflict of Interest Code originally adopted by Resolution 2663 on September 20, 1976, revised by Resolution 2922 on August 15, 1980, Resolution 2968 on February 3, 1981, Resolution 3693 on September 15, 1992, Resolution 4061 on September 15, 1998, Resolution 4242 on December 5, 2000, and Resolution 4400 on November 19, 2002, Resolution 4514 on January 20, 2004, Resolution 4597 on November 16, 2004, Resolution 4678 on September 20, 2005, Resolution 4711 on February 7, 2006, Resolution 4783 on November 28, 2006 and Resolution 4878 on November 27, 2008;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The terms of Cal. Code of Regulations Section 18730, and any amendments to that section which may be duly adopted by the Fair Political Practices

Commission, is hereby adopted by reference as the body of the Conflict of Interest Code of the City of Woodland.

2. The list of designated positions and disclosure categories attached hereto is hereby adopted as the designated positions and disclosure categories referred to in 2 Cal. Code of Regulations Section 18730. The Code has been amended to delete the position of Deputy Director of Public Works, Operations and Maintenance and Environmental Services Manager, and add the positions of Finance Officer and Sports Manager.

3. Members of the City Council, the City Manager, City Attorney, City Treasurer, and Members of the City Planning Commission shall file statements of economic interest with the City Clerk, who shall make and retain a copy and forward the original to the Fair Political Practices Commission, which shall be the filing officer with respect to these statements. All other persons holding designated positions shall file statements with the City Clerk, who shall be the filing officer with respect to those statements.

PASSED AND ADOPTED by the City Council of the City of Woodland this ____ day of _____, 200_____, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Marlin H. Davies, Mayor

ATTEST:

Sue Vannucci, Director of Administrative Services and City Clerk