



CITY OF LODI

COUNCIL COMMUNICATION

GENDA TITLE: Resolution Amending City Conflict of Interest Code for Various City Boards, Commissions and Designated Employees

MEETING DATE: September 16, 1998

PREPARED BY: City Attorney

RECOMMENDATION: Council consideration and possible adoption of Resolution Amending the List of Boards, Commissions and City Employees and Officers subject to Conflict of Interest Reporting Requirements.

BACKGROUND: The City Council, as the Code reviewing body, under the Political Reform Act must pursuant to California Government Code §87306.5 periodically review and possibly update the City's Conflict of Interest Code. The attached Resolution makes certain changes based on conditions occurring since the last update.

The most significant change that is obvious in looking at the proposed Resolution is that the number of disclosure categories has substantially increased over the previous Code. The reason for the increased number of categories is that while the number of categories have increased, the level of disclosure has decreased since the categories are more discreet in what is to be disclosed. The Fair Political Practices Commission has recommended strongly that the increased number of disclosure categories be incorporated into local Conflict of Interest Codes. Additionally, there have been several title changes due to job descriptions or job titles being altered since the Council adopted the last Code. Examples of that are the Personnel Director is now called the Human Resources Director, the Information Systems Coordinator is now called the Information Systems Manager, and the Librarian is now called the Library Services Director. Additionally, due to the reorganization in the Electric Utility, additional positions have been added to the list of those who must provide disclosure statements.

FUNDING: None required.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____
H. Dixon Flynn -- City Manager

RESOLUTION NO. 98-138

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION NO. 94-151 THEREBY AMENDING CITY OF
LODI CONFLICT OF INTEREST CODE

The political Reform Act of 1974 (Government Code section 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 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. 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. This regulation and the attached appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 94-151 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be September 16, 1998.

Dated: September 16, 1998

I hereby certify that Resolution No. 98-138 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 16, 1998 by the following vote:

Ayes: Council Members – Johnson, Land, Mann, Pennino and Sieglock (Mayor)

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None


Alice M. Reimche
City Clerk

APPENDIX A

DESIGNATED OFFICIALS AND EMPLOYEES

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

List of designated positions required to file Form 730:

| <u>Department:</u> | <u>Position:</u> | <u>Disclosure Category:</u> |
|---------------------------|---|------------------------------------|
| City Manager | City Manager | * |
| | Deputy City Manager | 1 |
| | Assistant to City Manager | 1 |
| | Economic Development Coordinator | 1 |
| | Downtown Coordinator | 1 |
| | Information Systems Manager | 1 |
| | Information Systems Coordinator | 2,3,4,5,8,10,11,15,16 |
| City Attorney | City Attorney | * |
| | Deputy City Attorney | 1 |
| City Clerk | City Clerk | 1 |
| | Deputy City Clerk | 1 |
| Community Center | Community Center Director | 1 |
| | Senior Services Coordinator | 2,3,4,10,11,16 |
| | Arts Coordinator | 2,3,4,10,11,16 |
| Community Development | Community Development Director | 1 |
| | Senior Planner | 1 |
| | Junior Assistant Associate Planner | 1 |
| | Community Improvement Manager | 1 |
| | Chief Building Inspector | 1 |
| | Building Inspector III | 1 |
| | Community Improvement Officer | 2,3,4,6,10,16 |
| Electric Utility | Electric Utility Director | 1 |
| | Electric Utility Management Administrator | 1 |
| | Director Electric Services | 1 |
| | Director Business Planning & Marketing | 1 |
| | Director Engineering & Operations | 1 |
| | Electric Utility Superintendent | 2,3,4,6,7,8,9,10,15,16 |
| | Technical Services Manager | |

| | | |
|----------------------|---|---|
| Finance | Finance Director Accounting Manager Accountant III Purchasing Officer Revenue Manager Senior Storekeeper\Buyer Buyer Data Processing Manager | * 2,3,4,5,13,18 2,3,4,5,15 2,3,4,5,6,10,11,12,15,16,19 9 2,3,4,5,13,18 2,3,10,12,16 2,3,4,10,12,16 2,3,4,5,8,10,11,15,16 |
| Fire | Fire Chief Fire Division Chief \ Operations Fire Division Chief \ Training Fire Battalion Chief Fire Marshall Fire Inspector | 1 2,3,4,6,10,11,12,14,19 2,3,4,6,10,11,12,14,19 2,3,4,6,10,11,12,14,19 1 1 |
| Human Resources | Human Resources Director Risk Manager Human Resources Analyst | 1 1 2,4,14,17,18 |
| Library | Library Services Director | 1 |
| Parks and Recreation | Parks and Recreation Director Parks Superintendent Project Coordinator | 1 1 2,3,4,6,7,8,10,16 |
| Police | Police Chief Police Captain | 1 1 |
| Public Works | Public Works Director City Engineer Senior Civil Engineer Building\Equipment Maintenance Superintendent Street Superintendent Water\Wastewater Superintendent Assistant Water\Wastewater Superintendent Transportation Manager Equipment Maintenance Supervisor Tree Operations Supervisor | 1 1 2,3,4,6,7,8,9,10,15,16 2,3,4,6,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,6,7,8,9,10,15,16 2,3,4,10,11,15,16 2,3,4,10,11,15,16 2,3,4,9,10,11,15,16 |

| | | |
|------------------------|---|---------------------|
| Boards and Commissions | Members of the Planning Commission * | |
| | Members of the Recreation Commission | 2,3,4,6,7,8,9,10,16 |
| | Members of the Site Plan and Architectural Review Committee | 2,3,4,6,7,8,9,10,16 |
| | Members of the Library Board of Trustees | 2,3,4,6,7,8,9,10,16 |
| | Members of the Gang Alternative Project [GAP] | 2,3,4,5,10,11 |
| | Members of the Lodi Eastside Improvement Committee | 2,3,4,5,7,8,9,10,16 |
| | Members of the Lodi Arts Commission | |
| Consultants | | 1 |

* Exempted from Political Reform Act of 1974, but required to file a statement of economic interests pursuant to Government Code section 87200.

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

- A. Makes governmental decisions whether to
 1. approve a rate, rule or regulation;
 2. adopt or enforce a law;
 3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. grant agency approval to a plan, design, report, study or similar item;
 7. 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 the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his 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 shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City

Manager or his designee'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.

Public Officials Specified in Government Code Section 87200: The following positions shall file a statement of economic interests pursuant to Government Code section 87200:

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

APPENDIX B

APPENDIX OF DISCLOSURE CATEGORIES

DEFINITION

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

DISCLOSURE CATEGORIES

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 entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.
5. Investments and business positions in and income from entities which are book outlets, vendors or providers of business services.
6. Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.
7. Investment and business positions in and income from sources engaged in construction or development.
8. Investment and business positions in and income from sources engaged in the construction of public works projects.
9. Investment and business positions in and income from construction firms involved in construction projects subject to acceptance by the City Council.
10. Investment and business positions in and income from business entities of the type to provide bids, supplies, vehicles and equipment.
11. Investment and business positions in and income from entities which provide training, services or facilities of the type utilized by the city.
12. Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities.
13. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums.

14. Investments and business positions in business entities and sources of income which provide medical services or facilities of the type used by the city.
15. Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.
16. Investments and business positions in and income from business entities providing supplies, services, equipment or machinery of the type used by the city.
17. 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, recruiting, job classification studies and salary surveys.
18. Investments and business positions in and income from business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.
19. Investments and business positions in business entities and income from sources which supply or manufacture firefighting or medical equipment or supplies.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
KEITH LAND

Mayor Pro Tempore
ROBERT J. JOHNSON
STEPHEN J. MANN
PHILLIP A. PENNINO

CITY OF LODI

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H. DIXON FLYNN
City Manager

ALICE M. REIMCHE
City Clerk

RANDALL A. HAYS
City Attorney

September 17, 1998

Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

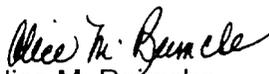
Re: Updated Conflict of Interest Code

Please find attached certified copy of Resolution No. 98-138 entitled, "A Resolution Of The Lodi City Council Repealing Resolution No. 94-151 Thereby Amending City Of Lodi Conflict Of Interest Code".

This Resolution will become effective September 16, 1998.

Should you have any questions regarding this matter, please feel free to contact my office.

Very truly yours,


Alice M. Reimche
City Clerk

AMR/JMP

Attachment