



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt a Resolution Approving Year 2012 Amendments to Conflict of Interest Code (Government Code Section 87306.5)
MEETING DATE: October 3, 2012
PREPARED BY: Deputy City Attorney

RECOMMENDED ACTION: Adopt a resolution approving Year 2012 Amendments to Conflict of Interest Code (Government Code Section 87306.5).

BACKGROUND INFORMATION: The City Council must periodically review and, if necessary, update the City's Conflict of Interest Code pursuant to California Government Code Section 87306.5. The attached resolution makes changes based on conditions occurring since the last update adopted by the Council in 2010. The attached resolution was published in draft form to begin the 45-day public comment period on the proposed changes. The majority of the changes made since 2010 reflect little more than title changes of positions, the addition of new positions or the deletion of positions eliminated in the 2011/2012 and 2012/2013 budgets, and comments received from staff. No comments to the proposed resolution were received from members of the public. The following additional changes have been made to the draft resolution approved by Council on August 15, 2012.

- Correction of a typographical error: Electric Utility Department position should be listed as: Customer Service & Program Manager (not Manager, Customer Service & Programs).
- The following positions, eliminated after adoption of the 2010 Conflict of Interest Code, were inadvertently included in the August 15, 2012 draft and have therefore been eliminated: Youth Commission Coordinator (Parks, Recreation and Cultural Services Department) and Fleet & Facilities Manager (Public Works Department).
- The following commissions are not required to file Statements of Economic Interest, because the members do not receive reimbursement for expenses or compensation for service; therefore, they have been eliminated from the City's Conflict of Interest Code: Lodi Senior Citizens Commission and Lodi Area Youth Commission.

As required by statute, the final version of the resolution is now brought back to the City Council for final approval.

FISCAL IMPACT: None.
FUNDING: None required.



Janice D. Magdich
Deputy City Attorney

APPROVED: 

Konradt Bartlam, City Manager

RESOLUTION NO. 2012-160

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION NO. 2010-185 THEREBY AMENDING CITY
OF LODI CONFLICT OF INTEREST CODE

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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. 2010-185 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 October 3, 2012.

Dated: October 3, 2012

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I hereby certify that Resolution No. 2012-160 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 3, 2012, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi, and Mayor Mounce
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None



Randi Johl
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 700:

<u>Department:</u>	<u>Position:</u>	<u>Disclosure Category:</u>
City Manager	City Manager Deputy City Manager/Internal Services Director Management Analyst/Communications Specialist Management Analyst/Risk Manager Senior Programmer/Analyst	* 1 1 1 3, 4, 6
City Attorney	City Attorney Deputy City Attorney	* 1
City Clerk	City Clerk Assistant City Clerk	1 1
Community Development	Community Development Director Junior\Assistant\Associate Planner Building Official Building Inspector 111 Neighborhood Services Manager Junior/Assistant Plans Examiner /Engineer	1 1 1 2,3, 6,7 1 1
Electric Utility	Electric Utility Director Electric Operations Superintendent Electric Engineering Manager Customer Service & Program Manager Distribution Planner Senior Power Engineer Rates and Resources Manager Electric Utility Rate Analyst Construction/Maintenance Supervisor Electric Materials Technician	1 1 1 5 3,5,7 1 5,7 5 5
Fire	Fire Chief Fire Division Chief \ Operations Fire Battalion Chief \ Training Fire Battalion Chief	1 1 5 5
Internal Services/Human Resources	Human Resources Manager Management Analyst	1 2,8
Internal Services/Financial Services	Financial Services Manager Accountant Supervising Accountant	2,3,4,8 2,3,4 2,3,4

Internal Services/Budget	Supervising Budget Analyst Management Analyst Purchasing Technician	2,3,4,8 2,3,4,8 4
Internal Services/Information Systems	Information Systems Manager Network Administrator Senior Programmer/Analyst	1 5 3,4,6
Library	Library Services Director Library Services Manager	1 5
Parks, Recreation and Cultural Services	Parks, Recreation and Cultural Services Director Park Superintendent Park Project Coordinator Recreation Superintendent Recreation Manager Community Center Manager Stage Technician Building Services/Event Coordinator	1 1 2,3,5 2,3,5,7 2,3,5,7 2,3,5,7 5 5
Police	Police Chief Police Captain Management Analyst Community Improvement Officer III Animal Services Supervisor	1 1 2,3,4 2,3,5,7 5
Public Works	Public Works Director Management Analyst Transportation Manager Junior Assistant Associate Planner (Transportation) City Engineer/Deputy Public Works Dir. Construction Project Manager Senior Civil Engineer Fleet Services Supervisor Facilities Supervisor Deputy Public Works Director – Utilities Streets and Drainage Superintendent Water/Wastewater Superintendent Wastewater Plant Superintendent Senior Storekeeper	1 2,3,5,7 1 2,3,5,7 1 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7 1 2,3,5,7 2,3,5,7 2,3,5,7 2,3,5,7

Boards and Commissions	Members of the Planning Commission	2,3,4,6,7,8
	Members of the Recreation Commission	2,3,4,6,7,8
	Members of the Site Plan and Architectural Review Committee	2,3,4,6,7,8
	Members of the Library Board of Trustees	2,3,4,6,7,8
	Members of the Lodi Improvement Committee	2,3,4,6,7,8
	Members of the Lodi Arts Commission	2,3,4,6,7,8
	Members of the Lodi Animal Advisory Commission	2,3,4,6,7,8
Consultants		
Community Development	CDBG Program Administration(Contract Consultant – PMC)	3,4,6
	Interwest Consulting Group (Contract Plan Check Services)	3,4,6
	Bureau Veritas (Contract Plan Check Services)	3,4,6
	AECOM	3,4,6
	Raney Planning and Management, Inc.	3,4,6
Electric Utility	Matt Foskett Consulting LLC	1
Internal Services/Human Resources	York Insurance Service Group	3,4,6,8
	DB Claims Services Group, Inc.	3,4,6,8
Police	People Assisting the Lodi Shelter (PALS)	2,5
Public Works	West Yost & Associates	1
	Treadwell & Rollo	1
	Harris & Associates	3,4,7

* Exempt from Political Reform Act of 1974, but required to file a statement of economic interest 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.

APPENDIX B

DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income, including loans, gifts, and travel payments, from all sources wherever located; and interests in real property located within the jurisdiction of the City of Lodi or within two (2) miles of the boundaries of the City of Lodi or within two (2) miles of any land owned or used by the City of Lodi.
2. Investments and business positions in business entities, and all sources of income, including loans, gifts, and travel payments, from all sources.
3. Interests in real property located within the jurisdiction of the City of Lodi or within two (2) miles of the boundaries of the City of Lodi or within two (2) miles of any land owned or used by the City of Lodi.
4. Investments and business positions in business entities, and sources of income from entities, including loans, gifts, and travel payments, from sources providing supplies, services, materials, equipment or machinery of the type used by the City of Lodi.
5. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources providing supplies, services, materials, equipment or machinery of the type used by the designated position's division or department.
6. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the City of Lodi during the previous two (2) years, or have a claim pending with the City of Lodi.
7. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to: licenses, utility permits, and vendor permits.
8. 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 involving the City of Lodi.