

RESOLUTION NO. 85-13

RESOLUTION AMENDING CITY OF LODI CONFLICT OF
INTEREST CODE TO INCORPORATE BY REFERENCE THE
FAIR POLITICAL PRACTICES COMMISSION'S STANDARD
MODEL CONFLICT OF INTEREST CODE AND ADDING
DESIGNATED POSITIONS OR DESIGNATED EMPLOYEES

WHEREAS, amendments to the Political Reform Act, Government Code Sections 81000, et seq., have in the past and foreseeably will in the future require conforming amendments to be made in Conflict of Interest Codes adopted and promulgated pursuant to its provisions; and

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

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it in Conflict of Interest Codes will save this body time and money by minimizing the actions required of this body to keep the Codes in conformity with the Political Reform Act;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. All previously adopted resolutions approving various separate Conflict of Interest Codes are hereby rescinded.

2. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it 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 Codes for the following departments and agencies:

ADMINISTRATIVE DEPARTMENT
PUBLIC WORKS DEPARTMENT
CITY ATTORNEY'S OFFICE
CITY CLERK'S OFFICE
FINANCE DEPARTMENT
POLICE DEPARTMENT
FIRE DEPARTMENT
COMMUNITY DEVELOPMENT DEPARTMENT
RECREATION COMMISSION
UTILITY DEPARTMENT
PARKS AND RECREATION DEPARTMENT
PLANNING COMMISSION
SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

3. Persons holding designated positions shall file statements of economic interest pursuant to Section 4(C) of the Conflict of Interest Code. Pursuant to Section 4(C) of the Code, all designated employees shall file their statements with the City Clerk to whom the City Council hereby delegates the authority to carry out the duties of filing officer.

4. Resolution No. 84-087 is hereby rescinded.

Dated: January 16, 1985

I hereby certify that Resolution No. 85-13 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 16, 1985 by the following vote:

Ayes: Councilmen - Hinchman, Pinkerton, Reid,
Olson & Snider (Mayor)

Noes: Councilmen - None

Absent: Councilmen - None

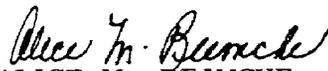

ALICE M. REIMCHE
City Clerk

EXHIBIT "A"
DESIGNATED POSITIONS
OR
DESIGNATED EMPLOYEES

<u>Designated Positions or Designated Employees</u>	<u>Disclosure Category</u>
Public Works Director	1, 2, & 3
Assistant City Engineer	1, 2, & 3
Chief Civil Engineer	2 & 3
Equipment & Building Maintenance Superintendent	2 & 3
Street Superintendent	2 & 3
Water and Wastewater Superintendent	2 & 3
City Attorney	1, 2, & 3
Assistant City Attorney	1, 2, & 3
Administrative Assistant (City Manager's Office)	1, 2, & 3
City Clerk	1, 2, & 3
Finance Director	1, 2, & 3
Assistant Finance Director	2 & 3
Accountant II	2 & 3
Police Chief	2
Fire Chief	2
Fire Administrative Officer	2 & 3
Assistant City Manager	1, 2, & 3
Community Development Director	1, 2, & 3
Assistant Planner	1, 2, & 3
Junior Planner	1, 2, & 3
Associate Planner	1, 2, & 3
Chief Building Inspector	1, 2, & 3
Building Inspector	1, 2, & 3

Exhibit "A" Continued

<u>Designated Positions or Designated Employees</u>	<u>Disclosure Category</u>
Utility Director	1, 2, & 3
Assistant Utility Director	1, 2, & 3
Electrical Engineer	2 & 3
Director of Parks and Recreation	1, 2, & 3
Park Superintendent	2 & 3
Members of the Lodi City Planning Commission	1, 2, & 3
Members of the Recreation Commission	1, 2, & 3
Members of the Site Plan and Architectural Review Committee	1, 2, & 3
Members of the Library Board of Trustees	1, 2, & 3

EXHIBIT "B"

DISCLOSURE CATEGORIES

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated employees in Group "1" must report:

(a) Interests in real property, other than your residence, which is located in whole or in part either within the boundaries of the City, or within two miles of the boundaries of the City, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is greater than \$1,000.00. (Interests in real property of an individual include the share or interest in real property of a business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten per cent interest or greater.)

(b) Investments in or income from persons or business entities engaged in the business of acquisition or disposal of real property within the City.

Designated employees in Group "2" must report:

(a) Investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Lodi to provide services, supplies, materials, machinery or equipment to the City of Lodi.

(b) Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Lodi to provide services, supplies, materials, machinery or equipment to the City of Lodi.

18730. Provisions of Conflict of Interest Codes
(Gov. Code Sections 87300 - 87302)

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87307 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a Conflict of Interest Code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices

the Appendix specify which kinds of financial interests are reportable. Each designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests:
Place of Filing.

The code reviewing body shall instruct all designated employees required to file statements of economic interests pursuant to this Conflict of Interest Code to file in accordance with one of the following procedures:^{2/}

(A) All designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of economic interests of the head of the agency and members of boards or commissions not under a department of state or local government, the agency shall make and retain a copy of each and forward the originals of these statements to the code reviewing body, which shall be the

^{2/} See Government Code Section 81010 and 2 Cal. Adm. Code Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

or transferred to designate positions after the effective date of the Code shall file statements within ten days after assuming office, or if subject to State Senate confirmation, ten days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement

(ii) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(iii) The address or other precise location of the real property;

(iv) A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,^{5/} the statement shall contain:

(i) The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

^{5/} A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

business entity received payment if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Disqualification.

No designated employee shall make, participate in making, or use his or her official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(10) Section 10. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(11) Section 11. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 has occurred may be set aside as void pursuant to Government Code Section 91003.