

City of Piedmont
COUNCIL AGENDA REPORT

DATE: October 1, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Consideration of an Update to the City Council Policy #24 - Conflict of Interest Code

RECOMMENDATION

Approve the attached update to City Council Policy # 24 – Conflict of Interest Code.

BACKGROUND

The Political Reform Act (PRA) requires that each city in the State of California have a Conflict of Interest Code which prohibits certain actions considered conflicts of interest and defines which officers and employees of the City must disclose certain financial details to the public. State law requires periodic reviews of the Conflict of Interest Code by the City Council.

The City first adopted its Conflict of Interest Code in 1980 and revised it in 1988 and 2014. The City Clerk and the City Attorney's office reviewed the current Conflict of Interest Code and have determined that no substantive updates need to be made. However, the titles of two positions have been updated by the Council and these updates need to be reflected in the Conflict of Interest Code.

The only revisions to the code are in Appendix A, on Agenda Report Page 3. The title of Police Support Services Manager has been updated to Police Support Services Commander. The title of City Clerk has been updated to Assistant City Administrator/City Clerk. Added text is indicated in *italics* and deleted text is indicated in ~~strike through~~.

The City Attorney has reviewed and approved the attached amendments to the Conflict of Interest code.

By: John O. Tulloch, Assistant City Administrator/City Clerk

CITY OF PIEDMONT
Policy & Procedure

Policy No. 24
Section: City Council

SUBJECT: Conflict of Interest Code

Policy

It is the intent of the City Council of the City of Piedmont to comply with the requirements of the Political Reform Act of 1974, G.C. Sec. 81000 et seq. and 87300 et seq. requiring certain city employees to file a Statement of Economic Interests form. This policy is adopted to further the City's compliance with the disclosure requirements of the Political Reform Act.

1. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and included as part of the Conflict of Interest Code of the City of Piedmont.
2. Persons holding positions designated in Appendix A and persons required to do so by statute shall file Statement of Economic Interests forms with the City of Piedmont on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State guidelines as identified in Appendix B. Persons holding designated positions and persons required by statute to file a Statement of Economic Interests form shall also report interests for any other related agency positions. The City Clerk will retain custody of the statements and make the statements available for public inspection and reproduction.
3. All designated employees shall be required to file Assuming Office Statements, Annual Statements and Leaving Office Statements within the timeframes specified in state law.
4. Statement of Economic Interests forms will be filed in the City Clerk's office in the manner and at such time as required by the Fair Political Practices Commission.
5. The City Clerk's office shall be responsible for providing appropriate filing forms and notification of filing deadlines and shall maintain a permanent record of all reports received.

Date: July 16, 1980
March 21, 1986 (Revised)
November 17, 2014 (Revised) (Resolution 136-14)

Appendix A
Designated Positions

Designated employees for the City of Piedmont shall be the following:

<u>Designated Employee</u>	<u>Disclosure Categories</u>
City Council	Files under G.C. § 87200
City Administrator	Files under G.C. § 87200
City Attorney	Files under G.C. § 87200
Finance Director	Files under G.C. § 87200
Planning Commission	Files under G.C. § 87200
Police & Fire Pension Board	Files under G.C. § 87200
Building Official	1,2,3,4
<i>Asst. City Administrator / City Clerk</i>	1,2,3,4
City Engineer	1,2,3,4
Deputy City Attorney (General Legal Matters)	1,2,3,4
Director of Public Works	1,2,3,4
Fire Chief	1,2,3,4
Fire Captain	1,2,3,4
Maintenance Supervisor	1,2,3,4
Parks & Project Manager	1,2,3,4
Planning Director	1,2,3,4
Police Chief	1,2,3,4
Police Captain	1,2,3,4
Police Support Services Commander Manager	1,2,3,4
Recreation Director	1,2,3,4
Recreation Supervisor	1,2,3,4
Senior Planner	1,2,3,4

For purposes of this policy, employees who are required to file under G.C. § 87200 are listed for disqualification only.

Appendix B

Disclosure Categories

The City Conflict of Interest Code hereby includes the following disclosure categories to achieve consistency with State Law and reflect the required disclosure categories of this Conflict of Interest Code.

Category 1:

Must Report: All investments, interest in real property, income, including gifts, loans, and travel payments, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the City or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to filing the statement.

Category 2:

Must Report:

- A. Investments in any business entity located outside the jurisdiction of the City of Piedmont if the business entity does business with the City on a regular basis and if the designated person occupies a position that has any discretion in recommending with whom such business shall be placed or conducted.
- B. Each source of income that has contracted or in the foreseeable future may contract with the City to provide services, supplies, materials, machinery, or equipment to the City.
- C. His or her status as a director, officer, partner, trustee, employee or any position of management in any business entity defined in subsection A above.

Category 3:

Must Report:

- A. Investments in any business entity which within the last two years, has contracted or in the foreseeable future may contract with the City to provide services, supplies, materials, machinery, or equipment to the City.
- B. Income including gifts, loans, and travel payments from any source which within the last two years, has contracted or in the foreseeable future may contract with the City to provide services, supplies, materials, machinery, or equipment to the City.
- C. His or her status as a director, officer, partner, trustee, employee or any position of management in any business entity which within the last two years has contracted or in the foreseeable future may contract with the City to provide services, supplies, materials, machinery, or equipment to the City.

Category 4:

Must Report: Income including gifts, loans, and travel payments received by a designated employee from any labor organization or employee organization which represents employees employed by the City and which organization negotiates with the City as a representative of the employees of the City regarding wages, compensation, hours of work, working conditions, or other terms and conditions of employment.