

CITY OF HEALDSBURG

RESOLUTION NO. 98-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG, STATE OF CALIFORNIA, RESCINDING RESOLUTION NO. 137-2014 AND ADOPTING A REVISED LOCAL CONFLICT OF INTEREST CODE

WHEREAS, pursuant to the Political Reform Act (Article III of Chapter 7 of the California Government Code, commencing with Section 81000), the City of Healdsburg is required to adopt and promulgate a Conflict of Interest Code (Government Code Section 87300 et seq.); and

WHEREAS, pursuant to Government Code Section 87302, the Conflict of Interest Code shall provide for specific enumeration of the positions within the City, other than those specified in Government Code Section 87200, which involve the making or participation in the making of decisions which may foreseeably have material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property and sources of income which are reportable; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code and may be incorporated by reference in an agency's code and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act; and

WHEREAS, the FPPC has opined that a successor agency and an oversight board should have the same code reviewing body which should be the city council when the city serves as successor agency; and

WHEREAS, incorporation by reference of the terms of the aforementioned section of the California Code of Regulations, and amendments thereto, as the Conflict of Interest Code of the City of Healdsburg will save the City of Healdsburg time and money by minimizing the actions required to keep the Codes in conformity with the Political Reform Act; and

WHEREAS, the Political Reform Act, Government Code Section 87306.5, requires government agencies to conduct biennial reviews of their Conflict of Interest Codes; and

WHEREAS, staff has determined that amendments to the list of designated positions is necessary; and

WHEREAS, the City Council finds that the subject matter of this resolution involves administrative activities of the City that will not result in direct or indirect changes in the environment; therefore, the adoption of this resolutions is not a "project", as defined in the California Environmental Quality Act (CEQA) and does not require environmental review, pursuant to Title 14, Chapter 3, of the California Code of Regulations (CEQA Guidelines), sections 15060(c)(3) and 15378(b)(5).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEALDSBURG DOES HEREBY RESOLVE AS FOLLOWS:

Section 1: As the code reviewing body for the Redevelopment Successor Agency of the City of Healdsburg and its Oversight Board, the City Council has determined that the Successor Agency and Oversight Board (i) are not new agencies for the purposes of the Political Reform Act; (ii) do not require the adoption of separate conflict of interest codes; and (iii) will be covered by the City's Conflict of Interest Code as amended hereto.

Section 2: The terms of 2 California Code of Regulations Section 18730, as amended by Appendix "A" which is incorporated herein, and any amendments to said Section 18730 that are duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix "B" in which public officials and employees are designated and Appendix "C" in which disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Healdsburg, which is considered the "agency" within the purview of this code. The Conflict of Interest Code of the City of Healdsburg so adopted replaces Resolution No. 137-2014 (Conflict of Interest Code of the City of Healdsburg) previously in effect to conform to this newly adopted code.

Section 3: Statements

Public officials and designated filers shall file statements of economic interest with the City Clerk, who shall be and perform the duties of Filing Officer for the City of Healdsburg.

Section 4: Penalty for Failure to file Statement of Economic Interest

As a penalty for failure to file the required Statement of Economic Interest, the City Council of the City of Healdsburg also adopts and incorporates those penalties as provided in the Political Reform Act of 1974 as amended from time to time.

Section 5: Savings Clause

Any change provided for in this Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission or any penalty of forfeiture incurred or accruing under any other Conflict of Interest Code; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other Conflict of Interest Code.

Section 6: Resolutions Rescinded

Resolution No. 137-2014 adopted October 6, 2014 and any other resolutions in conflict herewith are hereby rescinded.

PASSED, APPROVED AND ADOPTED, this 19<sup>th</sup> day of September, 2016, by the following vote:

AYES: Councilmembers: (5) Mansell, McCaffery, Plass, Ziedrich and Mayor Chambers

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None


SO ORDERED:

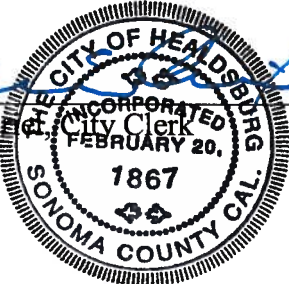
ATTEST:

  
Thomas L. Chambers, Mayor

  
Maria Curiel, City Clerk

I, MARIA CURIEL, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 98-2016 adopted by the City Council of the City of Healdsburg on the 19<sup>th</sup> day of September, 2016.

  
Maria Curiel, City Clerk



## APPENDIX "A" - DEFINITIONS

"Public Official at any level of state or local government" means a member, officer, employee, or consultant of a state or local government agency. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200, including "other public officials who manage public investments" as that term is defined in 2 California Code of Regulations Section 18720.

"Designated Filers" means employees, members and consultants determined by the City of Healdsburg to be persons who "make or participate in the making of decisions which may foreseeably make a material effect on economic interests", under 2 California Code of Regulations, Section 18730(b)(2) Designated Employees.

"Member" shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision making authority. A board or commission possesses decision making authority whenever:

- (A) It may make a final governmental decision;
- (B) It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or
- (C) It makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

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

- (1) Makes a governmental decision whether to:
  - (A) Approve a rate, rule, or regulation;
  - (B) Adopt or enforce a law;
  - (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
  - (D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - (E) 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;
  - (F) Grant agency approval to a plan, design, report, study, or similar item;
  - (G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof; or
- (2) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

**APPENDIX “B” - DESIGNATED FILERS**

**List of Legislative Bodies Required to File Form 700**

| <b><u>Council Boards and Agencies:</u></b>  | <b><u>Disclosure Category</u></b> |
|---|-----------------------------------|
| Redevelopment Successor Agency of the City of Healdsburg                            | 1, 2, 3                           |
| Oversight Board for the Redevelopment Successor Agency<br>of the City of Healdsburg | 1, 2, 3                           |
| <br>  |                                   |
| <b><u>Citizen Boards/Commissions:</u></b>   |                                   |
| Community Housing Committee   | 1, 2, 3                           |
| Parks and Recreation Commission   | 1, 2, 3                           |
| Transportation Advisory Commission  | 1, 2, 3                           |

**List of Designated Filers Required to File Form 700**

| <b><u>Department</u></b>     | <b><u>Designated Filer</u></b>             | <b><u>Disclosure Category</u></b> |
|------------------------------|--|-----------------------------------|
| <b>City Manager’s Office</b> | Assistant City Manager*                    | 1, 2, 3                           |
|                              | City Clerk*                                | 1, 2, 3                           |
|                              | Assistant City Attorney                    | 1, 2, 3                           |
|                              | Community Housing and Development Director | 1, 2, 3                           |
|                              | Administrative Services Manager            | 1, 2, 3                           |
|                              | Housing and Development Analyst            | 1, 2, 3                           |
|                              | Personnel Specialist                       | 4                                 |
| <b>Finance Department</b>    | Finance Manager                            | 1, 2, 3                           |
|                              | Information Systems Coordinator            | 4                                 |
| <b>Community Services</b>    | Community Services Director                | 1, 2, 3                           |
|                              | Parks Superintendent                       | 4                                 |
|                              | Recreation Manager                         | 4                                 |
|                              | Recreation Supervisor                      | 4                                 |
| <b>Utilities Department</b>  | Utilities Director                         | 1, 2, 3                           |
|                              | Principal Engineer                         | 1, 2, 3                           |
|                              | Principal Water/Wastewater Engineer        | 3, 4                              |
|                              | Water/Wastewater Superintendent            | 3, 4                              |
|                              | Water Utility Foreman                      | 3, 4                              |
|                              | Utility Maintenance Foreman                | 3, 4                              |
|                              | Wastewater Utility Foreman                 | 3, 4                              |
|                              | Electric Superintendent                    | 4                                 |
|                              | Conservation Analyst                       | 4                                 |

|   |   |         |
|---|---|---------|
| <b>Fire Department</b>                  | Fire Chief                              | 1, 2, 3 |
|   | Fire Captain                            | 4       |
|   | Fire Engineer                           | 4       |
|   | Fire Inspector                          | 1, 2, 3 |
|   | Fire Marshal                            | 1, 2, 3 |
| <b>Police Department</b>                | Police Chief                            | 1, 2, 3 |
|   | Lieutenant                              | 1, 2, 3 |
| <b>Planning and Building Department</b> | Planning and Building Director          | 1, 2, 3 |
|   | Project Planner (Associate Planner)     | 1, 2, 3 |
|   | Senior Planner                          | 1, 2, 3 |
|   | Building Official                       | 1, 2, 3 |
|   | Assistant Planner                       | 1, 2, 3 |
|   | Building Inspector                      | 1, 2, 3 |
| <b>Public Works Department</b>          | Public Works Director                   | 1, 2, 3 |
|   | City Engineer                           | 1, 2, 3 |
|   | Senior Engineer                         | 1, 2, 3 |
|   | Associate Engineer                      | 1, 2, 3 |
|   | Streets and Storm Drains Superintendent | 3, 4    |
|   | Public Works Inspector                  | 3, 4    |

\*Must also file disclosure statement as Successor Agency support staff.

**Other:**

**Disclosure Category**

Consultants

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\*\* Consultants shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The City Manager or his/her designee may determine in writing that a particular consultant, although a “designated filer,” 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 described 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 or his/her 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. (Gov. Code Section 81008.)

**NOTE:** The following positions are not covered by this Code because they must file under Government Code Section 87200 and are listed herein for informational purposes only:

Mayor  
City Councilmembers  
Planning Commission

City Manager\*  
City Attorney\*  
Finance Director/City Treasurer \*

NOTE: 87200 filers are category 1, 2, 3 filers

**APPENDIX "C"**  
**DISCLOSURE CATEGORIES**

Designated filers must report their interests according to their assigned disclosure category(ies).

Disclosure Category 1

All Interests in real property located in whole or in part within the City of Healdsburg or within two (2) miles of the boundaries of the City of Healdsburg or within two miles of any land owned or used by the City.

Disclosure Category 2

All Investments and business positions in business entities, including parent corporations, subsidiary corporations or otherwise related business entities that provide services, supplies, materials, machinery, or equipment of the type utilized by the City of Healdsburg.

Disclosure Category 3

All Sources of income, including loans, gifts and travel payments from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the City of Healdsburg.

Disclosure Category 4

All Investments and business position in business entities, and income, including loans, gifts and travel payments, from entities that provide services, supplies, materials, machinery, or equipment of the type utilized, purchased or leased by the designated position's division or department.