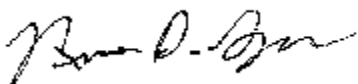


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Amanda Davis, Deputy City Clerk
DATE: March 6, 2012
SUBJECT: Resolution rescinding Resolution No. 2009-017 and updating the City of Calistoga Conflict of Interest Code

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

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2 **ISSUE:** Consideration of a Resolution to rescind Resolution No. 2009-017 and
 3 to adopt a revised Conflict of Interest Code.

4

5 **RECOMMENDATION:** Adopt Resolution.

6

7 **BACKGROUND/DISCUSSION:** The Political Reform Act requests every local
 8 government agency to review its conflict-of-interest code biennially. No later than
 9 the end of each even numbered year, each agency must submit to the code
 10 reviewing body (City Council) a memorandum indicating whether or not an
 11 amendment is necessary.

12

13 The proposed revision to the existing Code is to add the existing position
 14 classifications of Recreation Services Manager, Administrative Analyst/Deputy
 15 City Clerk, and the Planning & Building Manager to the list of designated
 16 positions that make/participate in making governmental decisions. Appendix B in
 17 the attached draft Resolution lists the "Designated Positions Disclosure
 18 Category".

19

20 **FISCAL IMPACT:** None

21

22 **ATTACHMENTS:**

- 23 1. Draft Resolution

24

1
2 **RESOLUTION NO. 2012-XXX**

3
4 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF**
5 **NAPA, STATE OF CALIFORNIA, RESCINDING ITS PREVIOUS CONFLICT OF**
6 **INTEREST CODE AND ADOPTING A CONFLICT OF INTEREST CODE FOR THE**
7 **CITY OF CALISTOGA TO ADD THE POSITION TITLES OF RECREATION**
8 **SERVICES MANAGER, ADMINISTRATIVE ANALYST/DEPUTY CITY CLERK,**
9 **PLANNING & BUILDING MANAGER AND TO REMOVE INACTIVE POSITIONS**

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11
12 **WHEREAS**, pursuant to California Government Code commencing with Section
13 87300, the City Council is required to adopt and promulgate a Conflict of Interest Code;
14 and

15
16 **WHEREAS**, pursuant to Government Code Section 87302, the Conflict of
17 Interest Code shall provide for specific enumeration of the positions within the City,
18 other than those specified in Government Code Section 87200, which involve the
19 making or participation in the making of decisions which may foreseeable have material
20 effect on any financial interest and for each such enumerated position, the specific
21 types of investments, business position interests in real property and sources of income
22 which must be reported; and

23
24 **WHEREAS**, the Fair Political Practices Commission (“FPPC”) has adopted a
25 regulation (Fair Political Practices Commission, Title 2, Div 6, California Code of
26 Regulations Section 18730), which contains the terms of a standard conflict of interest
27 code, which can be incorporated by reference and which may be amended by the FPPC
28 to conform to amendments in the Political Reform Act; and

29
30 **WHEREAS**, the City of Calistoga has previously incorporated by reference the
31 FPPC’s standard conflict of interest code in the City’s Conflict of Interest Code; and

32
33 **WHEREAS**, incorporation by reference of the terms of the aforementioned
34 regulation and amendments thereto in the Conflict of Interest Code of the City of
35 Calistoga will save the Calistoga City Council time and money by minimizing the actions
36 required of that body to keep its code in conformity with the Political Reform Act; and

37
38 **WHEREAS**, the Political Reform Act requires review of the Conflict of Interest
39 Code every two (2) years to determine whether it is accurate or whether it should be
40 amended; and

41
42 **WHEREAS**, the Recreation Services Manager, Administrative Analyst/Deputy
43 City Clerk, and the Planning & Building Manager position titles are not presently listed in
44 the City of Calistoga Conflict of Interest Code, therefore an amendment reflecting the
45 additions and position title revision to the Designation Positions (Appendix A) shall be
46 submitted to the code reviewing body; and

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48 **WHEREAS**, the City desires to update its current Conflict of Interest Code to
49 revise the list of designated employees and disclosure categories.

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NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1 Resolution No. 2009-017 adopted March 17, 2009 is hereby rescinded.

Section 2. The terms of 2 California Code of Regulations, Section 18730 and any and all amendments to it adopted by the Fair Political Practices Commission, as well as the attached Appendices A & B in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference. This Resolution, together with Appendices A & B, which include the positions of Recreation Services Manager, Administrative Analyst/Deputy City Clerk, and the Planning & Building Manager, shall constitute the Conflict of Interest Code of the City of Calistoga.

Section 3. Designated employees shall file Statements of Economic Interests (Form 700) with the City Clerk, to whom the City Council hereby designates the authority to carry out the duties of the Filing Officer.

Section 4. The effective date of this Code shall be the date this Code is originally approved and adopted by the City Council.

Section 5. Statements of Economic Interest shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the City of Calistoga.

PASSED, APPROVED, AND ADOPTED this 6th day of March, 2012 by the following vote of the Calistoga City Council.

AYES:
NOES:
ABSTAIN/ABSENT:

JACK GINGLES, Mayor

ATTEST:

AMANDA DAVIS, Deputy City Clerk

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APPENDIX A

DESIGNATED POSITIONS

**Disclosure
Categories**

Administrative Analyst	3, 4, 5, 6
Administrative Analyst/Deputy City Clerk	3, 4, 5, 6
Aquatics and Recreation Manager	3, 4, 5, 6
Associate Planner	3, 4, 5, 6
Bicycle Advisory Committee	1, 2
Building-Fire Code Board of Appeals	1, 2
Building Official	3, 4, 5, 6
Calistoga Pool Advisory Committee	1, 2
City Clerk	1, 2
Community Resources Commission	1, 2
Consultants*	1, 2
Director of Planning/Building	1, 2
Fire Chief	1, 2
Maintenance Superintendent	3, 4, 5, 6
Planning & Building Manager	1, 2
Plant Superintendent	3, 4, 5, 6
Police Chief	1, 2
Public Works Director/City Engineer	1, 2
Recreation Services Manager	5, 6
Senior Account Clerk	5, 6
Senior Civil Engineer	1, 2
Senior Planner	3, 4, 5, 6

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GOVERNMENT SECTION 87200 FILERS

The following positions are not covered by this Conflict of Interest Code because they file under Government Code Section 87200** and, therefore, are listed for informational purposes only:

1. City Council
2. Planning Commission
3. City Manager
4. City Attorney
5. Administrative Services Director/City Treasurer

Individuals holding one of these positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has categorized incorrectly. The Fair Political Practices Commission makes the final determination as to whether or not a position is covered by Government Code Section 87200.

* The City Manager may determine in writing that a particular consultant, although a “designated employee,” 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 Code. 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’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.

** Government Code Section 87200 is applicable to “members of planning commissions, . . . mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities and other public officials who manage public investments”

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APPENDIX B

DISCLOSURE CATEGORIES

The “designated employee” disclosing investments and sources of income need only disclose investments in businesses and sources of income which do business in the City of Calistoga (City), plan to do business in the City or have done business in the City within the past two years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City.

When a “designated employee” is disclosing interests in real property, the employee need only disclose the interest in real property which is located in whole or part within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

Category 1: All investments and sources of income.

Category 2: All interests in real property.

Category 3. All investments, interests in real property, and sources of income subject to the regulatory, permit, or licensing authority of the department.

Category 4: Investments in business entities and business positions and sources of income which engage in land development, construction, or the acquisition or sale of real property.

Category 5: Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the City of Calistoga to provide services, supplies, materials, machinery, or equipment.

Category 6: Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the designated employee's department to provide services, supplies, materials, machinery, or equipment.