

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Kathy Flamson, City Clerk
DATE: March 1, 2016
SUBJECT: Resolution rescinding Resolution No. 2014-018 and updating the City of Calistoga Conflict of Interest Code

APPROVAL FOR FORWARDING:



Michael T. Kirn, Interim City Manager

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ISSUE: Consideration of a Resolution to rescind Resolution No. 2014-018 and to adopt a revised Conflict of Interest Code.

RECOMMENDATION: Adopt Resolution.

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

The proposed revisions to the existing Code are to delete the Community Resources Commission, as it is no longer a viable entity from and add Administrative Services Technician and Deputy Public Works Director to the list of Designated Positions that make/participate in making governmental decisions. Also, a proposal of changing the title Senior Account Clerk to Senior Accounting Assistant and Plant Superintendent to Utility Systems Superintendent in keeping with the recent Koff Study implementations. Appendix A in the attached draft Resolution lists the "Designated Positions Disclosure Category".

FISCAL IMPACT: None

October 7, 2008

Subject: Resolution rescinding Resolution No. 2006-059 and updating the City of Calistoga
Conflict of Interest Code

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ATTACHMENTS:

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1. Draft Resolution

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2. Resolution No. 2014-018

RESOLUTION NO. 2016-XXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING RESOLUTION 2014-018 AND ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF CALISTOGA.**

WHEREAS, pursuant to California Government Code commencing with Section 87300, the City Council is required to adopt and promulgate a Conflict of Interest Code; 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 position interests in real property and sources of income which must be reported; and

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

WHEREAS, the City of Calistoga has previously incorporated by reference the FPPC's standard conflict of interest code in the City's Conflict of Interest Code; and

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

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

WHEREAS, the Community Resources Commission is no longer a viable entity; and

WHEREAS, the Administrative Services Technician and Deputy Public Works Director position titles are not presently listed in the City of Calistoga Conflict of Interest Code and the title Senior Account Clerk has been changed to Senior Accounting Assistant and Plant Superintendent has been changed to Utility Superintendent, therefore an amendment reflecting the additions and position title revisions to the Designation Positions (Appendix A) shall be submitted to the code reviewing body; and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Resolution No. 2014-018 adopted March 4, 2014, is hereby rescinded.

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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 shall constitute the Conflict of Interest Code of the City of Calistoga.

Section 3. Designated committee members 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 **1st day of March, 2016** by the following vote of the Calistoga City Council.

AYES:
NOES:
ABSTAIN:
ABSENT:

CHRIS CANNING, Mayor

ATTEST:

KATHY FLAMSON, City Clerk

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APPENDIX A

DESIGNATED POSITIONS

**Disclosure
Categories**

Active Transportation Advisory Committee	1, 2
Administrative Analyst	3, 4, 5, 6
Administrative Analyst/Deputy City Clerk	3, 4, 5, 6
Administrative Services Technician	5, 6
Associate Planner	3, 4, 5, 6
Building-Fire Code Board of Appeals	1, 2
Building Official	3, 4, 5, 6
Calistoga Pool Advisory Committee	1, 2
City Clerk	1, 2
Consultants*	1, 2
Deputy Public Works Director	1, 2
Director of Planning/Building	1, 2
Fire Chief	1, 2
Maintenance Superintendent	3, 4, 5, 6
Planning & Building Manager	1, 2
Police Chief	1, 2
Public Works Director/City Engineer	1, 2
Recreation Services Manager	5, 6
Senior Accounting Assistant	5, 6
Senior Civil Engineer	1, 2
Senior Planner	3, 4, 5, 6
Utility Systems Superintendent	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.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING RESOLUTION 2012-014 AND ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF CALISTOGA.

WHEREAS, pursuant to California Government Code commencing with Section 87300, the City Council is required to adopt and promulgate a Conflict of Interest Code; 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 position interests in real property and sources of income which must be reported; and

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

WHEREAS, the City of Calistoga has previously incorporated by reference the FPPC's standard conflict of interest code in the City's Conflict of Interest Code; and

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

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

WHEREAS, the Bicycle Advisory Committee has been renamed the Active Transportation Committee, therefore an amendment reflecting the change in name to the Designation Positions (Appendix A) shall be submitted to the code reviewing body; and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Resolution No. 2012-014 adopted March 6, 2012, 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 shall constitute the Conflict of Interest Code of the City of Calistoga.

Section 3. Designated committee members 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 4th day of March, 2014 by the following vote of the Calistoga City Council.

AYES: Councilmembers Barnes, Kraus and Lopez-Ortega, Vice Mayor Dunsford and Mayor Canning

NOES: None

ABSTAIN: None

ABSENT: None



CHRIS CANNING, Mayor

ATTEST:



KATHY FLAMSON, Deputy City Clerk

APPENDIX A

DESIGNATED POSITIONS

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Active Transportation Committee	1, 2
Administrative Analyst	3, 4, 5, 6
Administrative Analyst/Deputy City Clerk	3, 4, 5, 6
Associate Planner	3, 4, 5, 6
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
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** 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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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.

