

RESOLUTION NO. 2009-8-087_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RESCINDING ITS PREVIOUS CONFLICT OF INTEREST CODE AND ADOPTING A CONFLICT OF INTEREST CODE FOR THE CITY OF CALISTOGA TO ADD THE POSITION TITLES OF AQUATICS AND RECREATION MANAGER, COMMUNITY RESOURCES COMMISSION, THE CALISTOGA BICYCLE ADVISORY COMMITTEE, AND THE CALISTOGA POOL ADVISORY COMMITTEE AND THE HOUSING ELEMENT UPDATE COMMITTEE AND TO REMOVE INACTIVE POSITIONS ~~SENIOR PLANNER, DIRECTOR OF COMMUNITY RESOURCES, BUILDING OFFICIAL, FIRE-BUILDING CODE BOARD OF APPEALS~~

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 foreseeable 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 Regulation~~s~~- 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 Aquatics and Recreation Manager, Community Resources Commission, the Calistoga Bicycle Advisory Committee, and the Calistoga Pool Advisory Committee and the Housing Element Update Committee ~~Senior Planner, Director of Community Resources, Building Official, Fire-Building Code Board of Appeals~~ position titles members are not presently listed in the City of Calistoga Conflict of Interest Code, therefore an amendment reflecting the additions and position title

53 revision to the Designation Positions (Appendix A) shall be submitted to the code
54 reviewing body; and

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

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59 **NOW, THEREFORE, BE IT RESOLVED THAT:**

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61 **Section 1** Resolution No. ~~2006-059-2008-087~~ adopted ~~July 5, 2006~~ October 7,
62 2008 is hereby rescinded.

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64 **Section 2.** The terms of 2 California Code of Regulations, Section 18730 and
65 any and all amendments to it adopted by the Fair Political Practices Commission, as
66 well as the attached Appendices A & B in which officials and employees are designated
67 and disclosure categories are set forth, are hereby incorporated by reference. This
68 Resolution, together with Appendices A & B which include the position of Senior Civil
69 Engineer, Assistant Planner, and Police Lieutenant shall constitute the Conflict of
70 Interest Code of the City of Calistoga.

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

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

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

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82 **PASSED, APPROVED, AND ADOPTED** this ~~7th day of October 2008~~ 17th day
83 of March 2009, by the following vote of the Calistoga City Council.

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86 **AYES:** ~~_____ Vice Mayor Dunsford, Councilmembers Slusser, Garcia, Kraus~~
87 ~~_____ and Mayor Gingles~~
88 **NOES:** ~~_____ None~~
89 **ABSTAIN/ABSENT:** ~~_____ None~~

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92 **JACK GINGLES, Mayor**

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96 **ATTEST:**
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99 **SUSAN SNEDDON, City Clerk**

APPENDIX A

DESIGNATED POSITIONSDisclosure
Categories

106	Administrative Analyst	3, 4, 5, 6
107	Administrative Services Coordinator	5, 6
108	Assistant Planner	3, 4, 5, 6
109	Associate Civil Engineer	1, 2
110	Associate Planner	3, 4, 5, 6
111	Bicycle Advisory Committee	1, 2
112	Building-Fire Code Board of Appeals	1, 2
113	Building Inspector	3, 4, 5, 6
114	Building Official	3, 4, 5, 6
115	<u>Calistoga Housing Element Update Committee</u>	<u>1, 2</u>
116	Calistoga Pool Advisory Committee	1, 2
117	City Clerk	1, 2
118	City Engineer /Public Works Director/ <u>City Engineer</u>	1, 2
119	Community Resources Commission	1, 2
120	Consultants*	1, 2
121	Deputy City Clerk/Administrative Analyst	1, 2
122	Director of Community Resources	1, 2
123	Director of Planning/Building	1, 2
124	Emergency Program Coordinator/Admin Analyst	3, 4, 5, 6
125	Fire Chief	1, 2
126	Maintenance Superintendent	3, 4, 5, 6
127	Plant Superintendent	3, 4, 5, 6
128	Police Chief	1, 2
129	Police Lieutenant	1, 2
130	Recreation Superintendent	5, 6
131	Senior Civil Engineer	1, 2
132	Senior Planner	3, 4, 5, 6
133	Senior Account Clerk	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~~City Manager
3. ~~City Manager~~Planning Commission
4. ~~City Treasurer~~
5. City Attorney
6. 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.