

RESOLUTION 2022-065

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING AN AMENDED CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially (in even-numbered years) to determine if it is accurate and up-to-date, or, alternatively, that the Code must be amended; and

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero as follows:

SECTION 1. Resolution No. 2020-080, adopted on November 24, 2020, is hereby rescinded.


SECTION 2. That the Conflict of Interest Code attached to this Resolution as Exhibit A be, and hereby is, adopted as the Conflict of Interest Code for the City of Atascadero.

PASSED AND ADOPTED at a regular meeting of the City Council held on the 12th day of July, 2022.

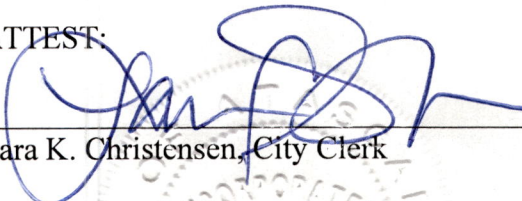
On motion by Council Member Funk and seconded by Mayor Pro Tem Newsom, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

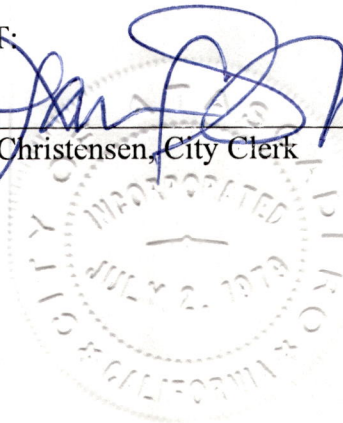
AYES: Council Members Bourbeau, Dariz, Funk, Newsom, and Mayor Moreno
NOES: None
ABSENT: None
ADOPTED: None

CITY OF ATASCADERO


Heather Moreno, Mayor

ATTEST:


Lara K. Christensen, City Clerk



CONFLICT OF INTEREST CODE
OF THE
CITY OF ATASCADERO

The Political Reform Act, Government Code Section 81000, et. seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Atascadero.

Designated employees shall file their statements with the City of Atascadero who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Statements for all designated employees will be retained by the City of Atascadero.

DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

The following positions entail the making or participation in the making of decisions which foreseeably may have a material effect on financial interests:

<u>Designated Position</u> ¹	<u>Disclosure Category:</u>
Administrative Services Director	1
City Clerk	2
Community Development Director	1
Consultants (who make or participate in making of governmental decisions) ²	1
Consultants (who perform the duties of a designated position) ²	Same category as the comparable designated position
Deputy Administrative Services Director	1
Deputy City Manager	1
Deputy Community Development Director	1
Deputy Community Development Director/Chief Building Official/Economic Development Director	1
Deputy Public Works Director	1
Exempt Officials ³	1
Fire Chief	1
Fire Battalion Chief	1
Fire Marshal	3, 4, 6
Information Technology Manager	4, 6
New Positions ⁴	1
Police Chief	1
Police Lieutenant Commander	1
Public Works Director / City Engineer	1
Zoo Director	5, 6
Members of all permanent City Commissions, Boards and Committees not otherwise required to file Conflict of Interest Statements	2
Fire Captain (all specialist designations)	5, 6
Police Sergeant (all designations)	5, 6

¹ In the event that State law or regulations regarding the filing of Conflict of Interest Statements should be amended, this Exhibit shall be changed to include the designated position and category of each official as required by said amendment.

² Consultants (see Definitions) who make or participate in making governmental decisions shall disclose pursuant to the broadest disclosure category in the Code. However, the City Manager may determine in writing that a particular consultant, although a "designated position," 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 the 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's determination is a public record and shall be retained for public inspection by the City Clerk in the same manner and location as this Conflict of Interest Code.

³ Exempt Officials include the Mayor, Members of the City Council, City Treasurer, Members of the Planning Commission, City Manager, and City Attorney, who are all otherwise required to file disclosure statements pursuant to State Law.

⁴ New positions that make or participate in making governmental decisions are required to file under the broadest disclosure category in the City's Conflict of Interest Code. If the new position performs limited duties, the City Manager may tailor the disclosure requirements to the duties performed. If the City Manager provides tailored disclosure, a written description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements must be completed as detailed for Consultants above.

CATEGORIES OF REPORTABLE ECONOMIC INTERESTS

Designated Persons in Category "1" Must Report:

All investments, interests in real property, income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within and subject to the jurisdiction of the City, or if the business entity is doing business or planning to do business in an area subject to the jurisdiction of the City, or has done business within an area subject to the jurisdiction of the City at any time during the two years prior to the filing of the statement.

Designated Persons in Category "2" Must Report:

- (1) All interests in real property which is located in whole or in part within, or not more than two (2) miles outside the jurisdiction of the City.
- (2) Investments in any business entity that, within the last two years, has contracted or in the future foreseeably may contract with the City.
- (3) Income from any source that, within the last two years, has contracted or in the future foreseeably may contract with the City.
- (4) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity that, within the last two years, has contracted or in the future foreseeably may contract with the City.

Designated persons in Category "3" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in development, construction, appraisal, or the acquisition or sale of real property within the jurisdiction of the City.

Designated persons in Category "4" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type utilized by the City.

Designated persons in Category "5" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit, or division.

Designated persons in Category "6" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are subject to the regulatory, permit, or licensing authority of the designated position's department, unit, or division.

DEFINITIONS

CONSULTANTS

(See Title 2 California Code of Regulations, section 18700.3)

Consultants means those individuals who, pursuant to a contract with the City make (not just recommend) governmental decisions such as whether to approve a rate, rule or regulation; to issue, deny suspend, or revoke any permit, license application, certificate or similar authorization; adopt or grant City approval to a plan, design report, study or similar item; adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof; grant approval to a contract or the specifications thereof; or adopt or enforce any law.

Consultants also means those who serve in a staff capacity with the City, and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

Consultants also means those who serve in a staff capacity and participate in the making of a governmental decision by providing information, an opinion, or a recommendation to any governmental decision-maker (including, but not limited to, the City Manager or any other City staff with contracting authority) without significant intervening substantive review.

INCOME

(See Government Code section 82030)

(A) "Income" means (except as provided in subdivision B):

A payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(B) "Income" does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government or a commodity future registered with the Commodity Futures Trading Commission of the United States Government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(a) Used to purchase, refinance the purchase of, or for improvements to, the principal residence of filer; or

(b) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States Government or from the sale of commodities futures

registered with the Commodity Futures Trading commission of the United States Government if the flier sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.