



## STAFF REPORT

DATE: NOVEMBER 20, 2012  
TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: EILEEN C. GOMEZ, CITY CLERK *ec*  
SUBJECT: CONFLICT OF INTEREST CODE (FORM 700) - AMENDMENT

### RECOMMENDED ACTION

It is recommended that the City Council approve and adopt of the proposed Resolution No. R-75-12, amending the City of Colton's Conflict of Interest Code (Form 700).

### GOAL STATEMENT

The proposed action is pursuant to the requirements set forth in section 87306.5 of the Political Reform Act and placed upon the City Council as the City's code-reviewing body.

### BACKGROUND

In compliance with the Political Reform Act of 1974, the City Council established the City's Conflict of Interest Code (code) in 1976. In 1988, the City council adopted and enacted Regulation No. 18730, the State's Standard Model Conflict of Interest Code. Through the years, as mandated by law, the City has reviewed and amended its Code. The City Clerk is responsible for the compilation of information and update of the Code, subject to final approval by the City Council.

### ISSUES/ANALYSIS

Following a survey and input from the City's Department Directors, the City Clerk conferred with the Human Resources Department and the City Attorney and it was determined that there were sufficient changes to the organization to warrant an amendment to the code.

### FISCAL IMPACTS

No direct fiscal impact, however staff time will need to be dedicated to managing and reporting required under the new rules.

### ALTERNATIVES

1. Provide alternative direction to staff.

**ATTACHMENTS**

1. Appendix - Exhibit "A" - Conflict of Interest Code
2. Appendix - Exhibit "B" - Disclosure Categories
3. Resolution No. R-75-12

**APPENDIX**

**EXHIBIT "A"**

**CONFLICT OF INTEREST CODE**

# CONFLICT OF INTEREST CODE OF THE CITY OF COLTON

(Amended November 20, 2012)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regs. Section 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **City of Colton** (the "**City**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **City Clerk** as the City's Filing Officer. The **City Clerk** shall make and retain a copy of all statements filed by the Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney and the City Treasurer, and forward the originals of such statements to the Fair Political Practices Commission. The **City Clerk** shall retain the original statements of all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

# **APPENDIX**

## **CONFLICT OF INTEREST CODE**

### **OF THE**

### **CITY OF COLTON**

(Amended November 20, 2012)

### **EXHIBIT "A"**

The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and all other City Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18701(b), are NOT subject to the City's Code but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)]

### **OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that the positions listed below are Other City Officials who manage public investments.<sup>1</sup> These positions are listed here for informational purposes only.

Management Services Director

Financial Consultant

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<sup>1</sup> Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Analyst	5
Assistant City Manager	1, 2
Assistant Director, Utility Services-Electric	2, 3, 5
Assistant Public Works Director	2, 3, 5
Associate Engineer	2, 3, 5
Associate Library Manager	5
Associate Planner	2, 3, 5
Building Inspector	6
Business License Officer	5, 6
Chief Deputy City Clerk	5
City Attorney (not filing under Gov. Code 87200)	1, 2
City Engineer	2, 3, 5
Code Enforcement Officer	6
Community Child Care Administrative Assistant	5
Community Child Care Manager	5
Community Services Director	2, 3, 5
Deputy Finance Director	4
Development Services Director	1, 2
Electric Utility Associate Engineer	2, 3, 5

**DESIGNATED POSITIONS'**  
**TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES**  
**ASSIGNED**

Electric Utility Inspector	6
Electric Utility Systems Designer	2, 3, 5, 6
Electrical Systems Engineer	2, 3, 5
Engineering Assistant	2, 3, 5
Engineering Manager	2, 3, 5
Equipment Maintenance Manager	5
Fire Battalion Chief	5
Fire Captain	5
Fire Chief	5
Fire Marshal	5, 6
Fire Safety Specialist	5, 6
Electric Utility - Director	2, 3, 5
Human Resources Analyst	5
Human Resources Manager	5
Human Service Manager	5
Information Systems Coordinator	5
Information Systems Manager	5
Lead Wastewater Utility Operator	5
Library Administrative Coordinator	5
Library Assistant II	5
Library Manager	5

**DESIGNATED POSITIONS'**  
**TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES**  
**ASSIGNED**

Literacy Coordinator/Branch Supervisor	5
Maintenance Supervisor	5
Planning Manager	2, 3, 5
Police Captain	2, 3, 5
Police Chief	5
Police Lieutenant	5
Procurement Contract Specialist	4
Production Supervisor	5
Project Manager (ALL)	2, 3, 5
Public Works & Utility Services Director	2, 3, 5
Public Works Inspector	6
Purchasing & Customer Service Manager	4
Records Manager	5
Recreation Services Manager	5
Redevelopment Manager	1, 2
Senior Energy Services Specialist	2, 5
Senior Planner	2, 3, 5, 6
Streets/Parks Manager	2, 3, 5
Substation Superintendent	5
Transmission & Distribution Superintendent	5
Utilities Financial Analyst (ALL)	5

**DESIGNATED POSITIONS'**  
**TITLE OR FUNCTION**

**DISCLOSURE CATEGORIES**  
**ASSIGNED**

Wastewater Utilities Manager	2, 3, 5
Water Utilities Manager	2, 3, 5

**MEMBERS OF BOARDS,**  
**COMMITTEES & COMMISSIONS**

Code Enforcement & Housing Advisory Appeals Board	2, 3, 5
Colton Public Financing Authority	1, 2
Colton Utility Authority	1, 2
Community Facilities District Commission	2, 3, 5
Design Review Committee	1, 2
Historic Preservation Commission	2, 3, 5
Library Board	2, 3, 5
Oversight Board to Successor Agency	1, 2
Parks & Recreation Foundation & Designee	1, 2
Successor Agency	1, 2

Consultants and New Positions <sup>2</sup>

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<sup>2</sup> Individuals serving as a consultant as defined in FPPC Reg 18701 or in a new position must file under the broadest disclosure set forth in this Code subject to the following limitation:

The City Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. 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.

**APPENDIX**  
**EXHIBIT “B”**  
**DISCLOSURE CATEGORIES**

## **EXHIBIT "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned.<sup>3</sup>

Category 1: All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, that do business or own real property within the jurisdiction of the City.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the City.

Category 3: All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the City.

Category 4: All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the City.

Category 5: All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated position's department, unit or division.

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<sup>3</sup> This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

**RESOLUTION NO. R-75-12**

**APPROVING AND ADOPTING AN AMENDED  
CONFLICT OF INTEREST CODE PURSUANT TO THE  
POLITICAL REFORM ACT OF 1974**

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**RESOLUTION NO. R-75-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF COLTON, APPROVING AND ADOPTING AN  
AMENDED CONFLICT OF INTEREST CODE PURSUANT  
TO THE POLITICAL REFORM ACT OF 1974.**

**WHEREAS**, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the City of Colton (the "City"), and which requires all public agencies to adopt and promulgate a conflict of interest code; and

**WHEREAS**, the City Council adopted a Conflict of Interest Code (the "Code"), which was amended on December 21, 2010, in compliance with the Act; and

**WHEREAS**, subsequent changed circumstances within the City have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the City's Code; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the City being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by the City Council of, the proposed amended Code was provided to each affected designated employee and was publicly posted for review; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the City Council on November 20, 2012, at which all present were given an opportunity to be heard on the proposed amended Code.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** The City Council does hereby approve and adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the City Clerk and available to the public for inspection and copying during regular business hours;

**SECTION 2.** The said amended Conflict of Interest Code shall become effective thirty (30) days after the date of its adoption and approval.

**SECTION 3.** The City Clerk shall certify to the adoption of this Resolution.

**SECTION 4.** This Resolution shall become effective immediately upon its adoption.

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**PASSED, APPROVED AND ADOPTED** this 20th day of November, 2012.

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SARAH S. ZAMORA, Mayor

ATTEST:

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EILEEN C. GOMEZ, CMC  
City Clerk

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STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss.  
CITY OF COLTON )

I EILEEN C. GOMEZ, City Clerk of the City of Colton, do hereby certify that the foregoing Resolution No. R-76-12 was duly and regularly adopted by the City Council of the City of Colton at a regular meeting thereof on the 20<sup>th</sup> day of November, 2012 and that the same was passed and adopted by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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Eileen C. Gomez, City Clerk