



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 6, 2022

TO: Adam Politzer, Interim City Manager

FROM: Sheri Hartz, City Clerk

SUBJECT: Resolution Of The City Council Of The City Of Emeryville Approving The 2022 Amendment Of The City Of Emeryville Conflict Of Interest Code

RECOMMENDATION

Staff recommends the City Council approve the above-entitled resolution revising the City's Conflict of Interest Code, with the amended Code taking effect upon approval. The City is required by State law to complete a biennial review of its Code by December 31, 2022 and amend the Code as necessary.

DISCUSSION

A local agency's Conflict of Interest ("COI") Code is a listing of employee positions, consultants and advisory committee members for whom it has been determined that, within the scope of their duties, they either make or participate in making governmental decisions that may foreseeably have a material effect on any financial interest they may have, and thus, that they are required to disclose their financial interests. The COI Code must reflect the current structure of the organization and properly identify the titles of those who should be filing Statements of Economic Interest (FPPC Form 700). The COI Code tells the designated filers which financial interests they must disclose and helps provide transparency in local government as required under the Political Reform Act.

To ensure that the COI Code remains current and accurate, each agency is required to review its COI Code at least every other year, with local agencies reviewing and amending, if necessary, in even-numbered years. State law requires that all changes be submitted to the code reviewing body, in this case the City Council, for approval as an amendment to the COI Code.

The Three Components of a Conflict of Interest Code

1. **Incorporation Section (Terms of the Code)** - This section designates where the Form 700s are filed and retained (i.e., the agency or the FPPC). This section also must reference Regulation 18730, which provides the rules for disqualification

procedures, reporting financial interests, and references the current gift limit. (Appendix A)

2. **List of Designated Positions** - The code must list all agency positions that involve the making or participation in making of decisions that “may foreseeably have a material effect on any financial interest.” This covers agency members, officers and employees, and it may include volunteers on a committee if the members make or participate in making government decisions. (Appendix B)
3. **Detailed Disclosure Categories** - A disclosure category is a description of the types of financial interests that officials in one or more job classifications must disclose on their Form 700 filings. The categories must be tailored to the financial interests affected and must not require public officials to disclose private financial information that does not relate to their public employment. (Appendix C)

The City Council last amended the Conflict of Interest Code September 1, 2020. Staff has reviewed the positions covered by the Conflict of Interest Code with the City Attorney and department heads to ensure that the appropriate positions are covered. The COI Code is amended to reflect the following actions are taken, if needed:

1. Add new position classifications that should be incorporated into the code.
2. Delete titles of positions within departments that were subject to the code, but upon examination of duties within the department should not be subject to the code.
3. Delete titles of positions that have been eliminated.
4. Update the titles of positions subject to the code that have been revised.

If additional new or revised classifications, deemed likely to be subject to the Code, are established before the next formal adoption of a revised Code, the City is required to file a Form 804 Agency Report (sample attached) for those new/revised classifications. Staff in those new/revised classifications will be required to complete a Form 700, reporting the disclosure requirement reflected on the Form 804, even if the Code itself has not been formally revised to incorporate the positions.

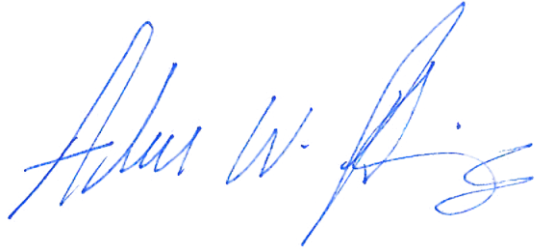
The proposed new City of Emeryville Conflict of Interest Code is attached to this report with changes tracked for easy identification.

FISCAL IMPACT

There is no fiscal impact.

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Adam Politzer, Interim City Manager

ATTACHMENTS:

1. Draft Resolution
2. Appendix A
3. Appendix B - Redline
4. Appendix C
5. Form 804