

RESOLUTION NO. 22-121

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

WHEREAS, by Resolution No. 95-08, pursuant to the Political Reform Act of 1974 (California Government Code Section 81000 et seq.), the City Council adopted the City of Emeryville Conflict of Interest Code ("Code"); and

WHEREAS, the City's Code incorporates by reference the terms of Title 2 of the California Code of Regulations section 18730 (attached as Appendix A), and any amendments to it that have been duly adopted by the Fair Political Practices Commission, and contains appendices designating officials and employees and establishing disclosure categories, as shown below; and

WHEREAS, the designated positions, and the disclosure categories required for each position are set forth in Appendix B, "Designated Positions"; and the established disclosure categories are set forth in Appendix C, "Disclosure Categories"; and

WHEREAS, subsequent to the adoption of the City's Code by Resolution No. 95-08, said Code was updated and amended by the following Resolutions:

No. 96-204	No. 08-203	No. 20-89;
No. 99-37	No. 10-183	
No. 00-208	No. 11-138	
No. 02-202	No. 12-212	
No. 04-200	No. 14-165	
No. 06-222	No. 16-25	
No. 07-61	No. 18-116	

and

WHEREAS, upon biennial review of the existing Code, it has been deemed necessary to bring the Code up to date by adding and deleting positions, correcting position titles, and revising disclosure categories assigned to designated positions/employees as needed; now, therefore, be it; and

RESOLVED, by the City Council of the City of Emeryville that the City Council of the City of Emeryville hereby amends the City of Emeryville Conflict of Interest Code and adopts the amended City of Emeryville Conflict of Interest Code, attached as Appendices A, B, and C, in its entirety.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 6, 2022, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez, and Welch
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

DocuSigned by:

John Bauters

C73885B9E-2C9458...

MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Sheri Hartz

FB79608EAB6A48E

CITY CLERK

DocuSigned by:

John Kennedy

7C924002D656467

CITY ATTORNEY

CITY OF EMERYVILLE
CONFLICT OF INTEREST CODE

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 California Code of Regulations Section 18730) that 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, the standard code 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 regulation and the attached Appendix [or Appendices], designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the City of Emeryville ("City").

Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Upon receipt of the statements for those designated in the Political Reform Act as 87200 filers (i.e. mayors and city council members, city managers, city attorneys, city treasurers, and members of planning commissions), the City shall make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by the City.

APPENDIX B

DESIGNATED POSITIONS

(Updated on ~~September 1, 2020~~ September 6, 2022)

The following designated position classifications are required to file Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended, and are hereby included in the City of Emeryville's Conflict of Interest Code. Please note that the City Manager, City Attorney, and City Treasurer file pursuant to Government Code section 87200 so are not included in the City's Conflict of Interest Code.

DEPARTMENT	CLASSIFICATION	DISCLOSURE CATEGORY
City Manager's Office	City Manager	1
	Assistant City Manager*	1
	Assistant to the City Manager*	2, 3, 4
	City Clerk	2, 3, 4
	Deputy City Clerk	2, 3, 4
Information Technology	Information Technology Director	2, 3, 5
	Information Systems Analyst I	5
	Information Systems Analyst II	5
City Attorney	Assistant City Attorney	1
	Deputy City Attorney*	1
Finance	Finance Director	1
	Finance Supervisor*	2, 4
	Senior Accountant*	2, 4
	Accounting Manager*	2, 4
	Accounting Supervisor*	2, 4
	Accountant*	2, 4
Human Resources	Human Resources Director	5
	Human Resources Manager*	5
	Management Analyst*	5

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Community Development	Community Development Director	1
	Deputy Director of Community Development	1
	Chief Building Official	2, 3, 5
	Principal Planner	2, 3, 5
	Senior Planner*	2, 3, 5
	Building Permit Technician/Plan Checker	2, 3, 5
	Senior Building Inspector*	2, 3, 5
	Building Inspector	2, 3, 5
	Economic Development & Housing Manager*	1
	Community & Economic Development Coordinator I*	1
	Community & Economic Development Coordinator II	1
	Associate Planner	2, 3, 5
	Assistant Planner	2, 3, 5
	Management Analyst	2, 3, 5
Public Works	Public Works Director	2,3,4
	Senior Civil Engineer	2,3,5
	Associate Civil Engineer	2,3,5
	Project Manager	2,3,5
	Public Works Operations and Facilities Manager	2,3,4
	Environmental Programs Supervisor	5
	Environmental Program Technician	5
	Management Analyst	2, 3, 4
Police	Police Chief	2, 3, 5
	Police Captain	2, 3, 5
	Police Lieutenant	2, 3, 5
	Police Services Manager	5

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Community Services	Community Services Director	2, 3, 5
	Recreation Manager	5
	Child Development Center Manager	5
	Child Development Center Assistant Manager	5
	Recreation Supervisor	5
OTHER	CLASSIFICATION	DISCLOSURE CATEGORY
City Council	Mayor	1
	Vice Mayor	1
	Council Members	1
City Council Acting As Successor Agency	Chair	1
	Vice Chair	1
	Agency Members	1
	Executive Director	1
	General Counsel	1
	Assistant General Counsel	1
	Deputy General Counsel*	1
	Secretary	5
Management of Emeryville Services Authority	Chair	1
	Vice Chair	1
	Agency Members	1
	Executive Director	1
	General Counsel	1
	Assistant General Counsel	1
	Deputy General Counsel*	1
	Secretary	5
Public Finance Authority	Chair	1
	Vice Chair	1
	Agency Members	1
	Executive Director	1
	General Counsel	1
	Assistant General Counsel	1
	Deputy General Counsel*	1
	Secretary	5
Community Development Commission of Emeryville	Chair	1
	Vice Chair	1
	Agency Members	1
	Executive Director	1

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	General Counsel	1
	Assistant General Counsel	1
	Deputy General Counsel*	1
	Secretary	5
Housing Advisory Committee	Members	2, 6
Public Art Committee	Members	2, 6
Consultants	Consultants	2, 6

* Positions that are no longer filled, but are still included in the City's classification schedule

** Planning Commissioners that also serve on Advisory Commissions/Committees are not designated in the Conflict of Interest Code since they file a Statement of Economic Interests pursuant to Government Code Section 87200.

CITY OF EMERYVILLE CONFLICT OF INTEREST CODE

APPENDIX C DISCLOSURE CATEGORIES

~~September 1, 2020~~ [September 6, 2022](#)

Category 1: Persons in this category shall disclose all investments, real property, personal income, business entity income, and business positions. The report shall contain the information as described in the sections of the Fair Political Practices Standard Conflict of Interest Code (2 Cal. Code. Regs. Section 18730) entitled “Investment and Real Property Disclosure”, “Personal Income Disclosure”, and “Business Entity Income Disclosure”, Business Position Disclosure”.

Category 2: Persons in this category shall disclose all investments, business positions, and income from sources located in or doing business in the City.

Category 3: Persons in this category shall disclose all investments, business positions, and sources of income of the type which engage in land development, construction or the acquisition or sale of real property as well as any interests in real property located within the jurisdiction, including property located within a two mile radius of any property owned or used by the City.

Category 4: Persons in this category shall disclose all investments and business positions in business entities as well as personal and business entity income from sources that manufacture, sell or provide, supplies, materials, books, machinery, equipment, or services of the type used (*or provided*) by the City. Examples of business entities that provide “services” are consultants, architects, artists/artisans, construction contractors, auditors, childcare facilities, landscape, and janitorial firms.

Category 5: Persons in this category shall disclose all investments and business positions in business entities as well as personal and business entity income from sources that manufacture, sell or provide, supplies, materials, books, machinery, equipment, or services of the type used (*or provided*) by the person’s department. Examples of business entities or sources that provide “services” are consultants, architects, artists/artisans, construction contractors, auditors, childcare facilities, and maintenance firms.

Category 6: Persons in this category shall disclose all investments and business positions in business entities as well as personal and business entity income from sources that manufacture, sell or provide, supplies, materials, books, machinery, equipment, or services of the type used (*or provided*) to carry out the scope of authority of the person’s Advisory Commission/Committee/Taskforce or service contract with the City. Examples of business entities or sources that provide “services” are consultants, architects, artists/artisans, construction contractors, auditors, childcare facilities, and maintenance firms.