

RESOLUTION NO. 18-116

Resolution Of The City Council Of The City Of Emeryville Updating And Amending 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. 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	


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.


ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 4, 2018, by the following vote:

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


MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY CLERK


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 AB

DESIGNATED POSITIONS (updated as of ~~April 19, 2016~~ September 4, 2018)

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, **City Council members and Planning Commission members** 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	Assistant City Manager*	1
	Assistant to the City Manager*	2, 3, 4
	City Clerk	2,3,4
	Deputy City Clerk	2,3,4
	Information Systems Manager	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	1
	Accounting Manager*	2,4
	Accounting Supervisor	2,4
	Accountant*	2,4
	Management Analyst*	2,4
Human Resources	Human Resources Director	5
	Human Resources Manager*	5
	Management Analyst*	5
Community Development	Community Development Director	1
	Chief Building Official	2,3,5
	Senior Planner	2,3,5
	Building Permit Technician/Plan Checker	2,3,5

DEPARTMENT	CLASSIFICATION	DISCLOSURE CATEGORY
Community Development continued...		
	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
	Community Preservation Officer*	2,3,5
	Associate Planner	2,3,5
	Assistant Planner	2,3,5
	Management Analyst	2,3,5
Public Works	Public Works Director/ City Engineer	2,3,4
	Senior Civil Engineer	2,3,5
	Associate Civil Engineer	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
	Civilian Commander	2,3,5
	Police Captain	2,3,5
	Police Lieutenant	2,3,5
	Police Services Manager	5
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
	Program Coordinator	5
	Office Assistant II (ECDC only)	5
OTHER	CLASSIFICATION	DISCLOSURE CATEGORY
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
	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 4, 2018

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.

**Agency Report of:
New Positions**

A Public Document

California
Form **804**

1. Agency Name (Also include, Division, Department, or Region (if applicable))

☐ Amendment

Date of Original Filing: _____
(month, day, year)

Agency Contact

Phone Number

Email

2. New Position Information

Position Title/Classification and Job Summary	Assigned Category	OR Disclosure Requirement	Assuming/Start Date (Optional)
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr

3. Verification

I have read and understand FPPC Regulations 18700.3 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.

Signature

Name

Title

(month, day, year)

Comment: (Use this space or an attachment for any additional information.)

Agency Report of: New Positions

California
Form **804**

A Public Document

State and local government agencies may use this form to identify new positions that will make or participate in making governmental decisions on behalf of the agency. An individual in a newly created position must file a Statement of Economic Interests (Form 700) within 30 days of assuming office.

This form identifies the Statement of Economic Interests, Form 700, disclosure requirements for individuals serving in new positions. This form is for the agency's internal use and should be maintained by the agency in the same manner as the agency's conflict of interest code. For more information, refer to the FPPC website www.fppc.ca.gov and Regulations 18700.3 and 18734.

Disclosure Requirements

- Disclosure requirements should conform to the range of duties.
- Alternatively, the agency must require an individual to file under the broadest disclosure category in the agency's conflict of interest code or, if the agency does not have a conflict of interest code, full disclosure.

Full disclosure includes reporting all investments, business positions, and interests in real property held on the date of assuming office and income received during the 12 months immediately preceding assuming office.

When a new position is added, in addition to completing this form, the agency should begin the process to amend the conflict of interest code.

Examples:

An agency added a new data processing manager position. The individual will be assigned the same disclosure category that the agency's other IT staff are assigned.

An agency implemented a new licensing program and a new manager position was added. Because this was a new program, the agency provided a written description of the individual's disclosure requirements which included sources subject to the licensing procedures.

An agency reorganized and changed the duties of several positions listed in the conflict of interest code. This form is not required as positions are not new. The agency should begin to amend its conflict of interest code if the range of authority and types of decisions changed.

An agency changed the titles but not the duties and responsibilities of several positions. This form is not required. The agency must file an amendment to update the conflict of interest code.

Instructions

Part 1

Identify the agency, contact information, and provide the amendment explanation in the comment section when applicable.

Part 2

Identify the new position(s) and describe the position's duties. Identify the disclosure by:

- Assigning an existing category(s) in the agency's code, or
- Writing a disclosure requirement.

Complete if the agency knows the employment date.

Part 3

The agency's conflict of interest code should identify the position that is responsible for the verification.

Example

Agency Report of: New Positions		A Public Document		California Form 804
1. Agency Name (Also include, Division, Department, or Region (if applicable)) CA Joint Powers Authority			<input type="checkbox"/> Amendment	
Agency Contact Smith, Adam Executive Director			Date of Original Filing: _____ (month, day, year)	
Phone Number 555-555-5555			Email adam.smith@cjpa.ca.gov	
2. New Position Information				
Position Title/Classification and Job Summary	Assigned Category	OR	Disclosure Requirement	Assuming/Start Date (Optional)
Data Processing Manager (manages IT Dept)	3			Start 3 / 3 / xx m / d / y
Licensing Director (duty statement attached)			All investments, business positions in business entities, and sources	Start 3 / 8 / xx m / d / y
			of income, including gifts, loans, and travel payments, from entities	Start m / d / y
			that are of the type subject to licensing by the Department or are subject	Start m / d / y
			to regulation by the Department.	Start m / d / y
			(Alternately, attach a written explanation.)	Start m / d / y
				Start m / d / y
3. Verification				
I have read and understand FPPC Regulations 18700.3 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.				
Adam Smith Signature		Adam Smith Name		Executive Director Title
				3-10-XX (month, day, year)
Comment: (Use this space or an attachment for any additional information.)				