

## **RESOLUTION NO. 20-140 C.S.**

### **A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY**

#### **AMENDING THE MONTEREY CONFLICT OF INTEREST CODE TO UPDATE THE LIST OF THOSE POSITIONS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTEREST (FPPC FORM 700)**

WHEREAS, the Political Reform Act, Government Code sections 81000, et. seq., requires local government agencies to adopt and promulgate conflict of interest codes;

WHEREAS, 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 hearings, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act;

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and amendments to it, saves the City time and money by minimizing the actions required to keep the Conflict of Interest Code in conformity with the Political Reform Act;

WHEREAS, a designated employee is anyone within the City of Monterey who is an officer, employee, committee member or consultant who is designated in the Code because the position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest (Cal. Govt. Code § 82019);

WHEREAS, the term "designated employee" does not include public officials specified in Government Code § 87200, e.g. City Councilmembers, Planning Commissioners, City Manager, City Attorney, Finance Director, nor does it include a position which is solely clerical, ministerial or manual;

WHEREAS, the City Council has previously designated employees, officers and disclosure categories in Resolution No. 18-164 which now needs to be revised. The City Council determines the attached Exhibit A accurately sets forth those updated positions that should be designated and categories of financial interest which should be made reportable; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY:

1. All previously adopted resolutions approving various separate Conflict of Interest Codes are hereby rescinded and superseded.
2. 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 along with the attached Exhibit A designating positions and establishing disclosure categories constitute the Conflict of Interest Code for all departments and agencies of the City of Monterey (City).
3. Individuals holding designated positions shall file Statements of Economic Interest (FPPC Form 700) pursuant to the City's Conflict of Interest Code. The City Clerk shall carry out the duties of the Filing Officer for the City Council, who is the code reviewing body. The FPPC approved the City's e-disclosure system and provided the City with a SAN number, thus allowing electronic submission of Form 700s. For all 87200 filers, the City Clerk accepts the electronic filing and forwards an electronic original to the FPPC. For all other designated filers, the City Clerk is the Filing Officer and retains the statements in digital format in the City's Netfile system. The City Clerk will make the statements available for public inspection and reproduction. (Cal. Govt. Code § 81008.)

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 15<sup>th</sup> day of September, 2020, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Haffa, Smith, Williamson, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:  
  
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 Mayor of said City


DocuSigned by:  
  
ED8459A4F62C4AA...  
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 City Clerk thereof

EXHIBIT A

**CITY OF MONTEREY  
CONFLICT OF INTEREST CODE**

**DISCLOSURE CATEGORIES**

**General:** Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the City of Monterey.

**Category 1:** An appointed board, committee, or commission member, or a designated City employee or consultant in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments from third parties (not the City) within the City of Monterey's jurisdiction.

**Category 2:** An appointed board, committee, or commission member, or a designated City employee or consultant, who does not participate in decisions involving real property must report investments, business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments from third parties (not the City) within the City of Monterey's jurisdiction.

**Category 3:** Designated positions in this category must report investments, business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from sources that provide information technology and telecommunications goods, products or services, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services.

**Category 87200:** An official designated in Government Code § 87200 is required to file full disclosure of all categories pursuant to the Political Reform Act. Refer to Government Code §§ 87200-87210.

**LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

<b><u>POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Mayor and Councilmembers	87200
Planning Commissioners	87200
City Manager	87200
City Attorney	87200
Finance Director	87200
Candidates for Mayor and Council	87200

<b><u>DEPARTMENT/POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b><u>CITY ATTORNEY'S DEPARTMENT</u></b>	
Assistant City Attorney	1
Deputy City Attorney II	1

## EXHIBIT A

CITY MANAGER'S DEPARTMENT

Administrative Analyst	2
Assistant City Manager	1
City Clerk	2
Conference Center General Manager	2
Director of Sales & Events	2

COMMUNITY DEVELOPMENT DEPARTMENT

Administrative Analyst	1
Associate Planner	1
Building Technician	1
Chief of Inspection Services / Building Official	1
Code Compliance Coordinator	1
Community Development Director	1
Inspector	1
Plans Examiner	1
Principal Planner	1
Property Manager	1
Senior Associate Planner	1
Sustainability Coordinator	1

FINANCE DEPARTMENT

Assistant Finance Director	1
Finance Analyst	2
Revenue Manager	2
Senior Accountant	2

FIRE DEPARTMENT

Assistant Fire Chief	1
Deputy Fire Marshal	1
Division Chief	1
Fire Chief	1
Fire Prevention Plans Exam/Inspector	1
Senior Administrative Analyst	2

HUMAN RESOURCES

Deputy Human Resources Manager	2
Human Resources Analyst	2
Human Resources Coordinator	2
Human Resources Director	2
Risk Specialist	2

INFORMATION RESOURCES DEPARTMENT

Assistant Director of Information Resources	3
Network Engineer	3
Systems and Network Administrator	3

LIBRARY AND MUSEUMS DEPARTMENT

Library Director	1
Library Manager	2
Museums & Cultural Arts Manager	2

## EXHIBIT A

PARKS AND RECREATION DEPARTMENT

Fitness Manager	2
Parks and Recreation Director	1
Park Operations Manager	1
Recreation Supervisor	2
Sports Center Manager	2
Urban Forester	1

POLICE DEPARTMENT

Assistant Police Chief	1
Police Chief	1
Police Lieutenant	1
Senior Administrative Analyst	2

PUBLIC WORKS DEPARTMENT

Administrative Analyst	1
Administrative Services Manager	1
Associate Civil Engineer	1
Associate Mechanical Engineer	1
Capital Programs Coordinator	1
City Engineer	1
City Traffic Engineer	1
Construction Project Manager	1
Environmental Regulations Manager	1
Fleet Manager	1
General Services Superintendent	1
Harbor Coordinator	2
Harbormaster	1
Inspector	1
Parking Superintendent	1
Principal Engineer	1
Public Works Director	1
Public Works Inspector	1
Senior Administrative Analyst	1
Senior Engineer	1
Street Operations Manager	2
Streets and Utility Supervisor	2

APPOINTED MEMBERS OF CITY BOARDS, COMMITTEES & COMMISSIONS

Appeals Hearing Board Members	1
Architectural Review Committee Members	1
Ballot Measure Advisory Committee Members ( <i>when applicable</i> )	2
Building and Housing Appeals Board Members	1
Disabled Access Appeals Board Members	1
Historic Preservation Commissioners	1
Library Board Members	1
Measure P and S Oversight Committee Members	2
Museums and Cultural Arts Commissioners	2
Neighborhood and Community Improvement Program Committee Members	1
Parks and Recreation Commissioners	1

EXHIBIT A

INTERIM AND OUT-OF-CLASS PERSONNEL

Interim personnel in positions listed above	position's disclosure category
Personnel working out-of-class in positions listed above for sixty (60) or more days	position's disclosure category

CONSULTANTS

Consultants	1
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Consultants are defined for reporting purposes as persons who prepare a product or perform services of a general nature and/or on an on-going basis and participate by direct advice to the decision makers. Generally, consultants who prepare a product or perform services for a single specific matter are not the type of consultants required to be covered by a code, whereas consultants who provide more general assistance and advice to a government agency on an on-going basis should be covered.

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

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 in this 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 in the same manner and location as this conflict of interest code.