

## **RESOLUTION NO. 18-164 C.S.**

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

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

WHEREAS, amendments to the Political Reform Act, Government Code sections 81000, et. seq., have in the past and foreseeably will in the future require conforming amendments to be made in Conflict of Interest Codes adopted and promulgated pursuant to its provisions;

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code section 11370, et. seq.;

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

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, as it may be amended from time to time by the Fair Political Practices Commission, along with the attached Exhibit "A" in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for all departments and agencies of the City of Monterey.


3. The FPPC's 2018 Local Agency Biennial Notice is attached as Exhibit "B" to the resolution, declaring that the City Council has reviewed the most recently previous adopted Conflict of Interest Code and determined that this amendment is required.
4. Designated officials and employees shall file statements of economic interests with the City Clerk, who will make the statements available for public inspection and reproduction.
5. In completing statements of economic interest, all designated officials and employees must disclose all investments and business positions in business entities within the City of Monterey's jurisdiction, sources of income from entities within the City of Monterey's jurisdiction, and interests in real property located within the City of Monterey's jurisdiction.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 18<sup>th</sup> day of September, 2018, by the following vote:

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

APPROVED:

ATTEST:

  
\_\_\_\_\_  
Mayor of said City

  
\_\_\_\_\_  
City Clerk thereof



**City of Monterey  
Conflict of Interest Code**

**DISCLOSURE CATEGORIES**

- I = Original Form 700 filed in the City Clerk's Office, Monterey
- II = Original Form 700 filed with Fair Political Practices Commission (FPPC), Sacramento and a copy filed in City Clerk's Office, Monterey

**REQUIREMENTS BY CATEGORY**

**Category I Definition:**

An appointed board, committee, or commission member or a designated City employee in this category must report 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. See FPPC Form 700 for more details.

**Category II Definition:**

An elected official, appointed commissioner, or a designated City employee in this category must report investments and business positions in business entities, and income, including gifts, loans, and travel payments from (3rd parties (not the City) within the City of Monterey's jurisdiction that:

- (A) Are, or were, during the previous two years a "candidate," "public official," "committee," "lobbyist," "lobbying firm," or "lobbyist employer" within the meaning of the Political Reform Act, or file periodic reports pursuant to Government Code Sections 86114 and 86116; or
- (B) Are attorneys that represent persons described in Category 2A in matters directly related to their status as described in Category 2A; or
- (C) Are committee treasurers; or
- (D) Were the subject of a complaint to, investigation by, or enforcement action of, the Commission, that was acted upon or participated in by the filer during the period covered by the statement.

**For other FPPC Form 700 Filers & Disclosure Statuses:**

See Government Code Section 87200.

CITY OF MONTEREY CONFLICT OF INTEREST CODE – DESIGNATED FILERS 2018

**POSITIONS REQUIRED TO FILE**

<b><u>POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Mayor and Councilmembers	II
Planning Commissioners	II
City Manager	II
City Attorney	II
Finance Director	II
 <b><u>DEPARTMENT/POSITION</u></b>	 <b><u>DISCLOSURE CATEGORY</u></b>
<b><u>CITY ATTORNEY'S DEPARTMENT</u></b>	
Assistant City Attorney	I
Deputy City Attorney II	I
 <b><u>CITY MANAGER'S DEPARTMENT</u></b>	
Administrative Analyst (2)	I
Assistant City Manager	I
Conference Center General Manager	I
Director of Sales and Events	I
 <b><u>COMMUNITY DEVELOPMENT DEPARTMENT</u></b>	
Associate Planner	I
Building Plans Examiner / Inspector	I
Building Technician	I
Chief of Inspection Services / Building Official	I
Code Compliance Coordinator	I
Community Development Director	I
HCD Coordinator - Projects & Programs	I
Housing and Community Development Manager	I
Principal Planner (1)	I
Senior Associate Planner (2)	I
 <b><u>FINANCE DEPARTMENT</u></b>	
Assistant Finance Director	I
Finance Analyst (2)	I
Senior Accountant (2)	I
Senior Administrative Analyst	I
 <b><u>FIRE DEPARTMENT</u></b>	
Assistant Fire Chief	I
Deputy Fire Marshal	I
Division Chief (3)	I
Fire Chief	I
Senior Administrative Analyst	I
 <b><u>HUMAN RESOURCES</u></b>	
Benefits Manager	I
Employee Relations Manager	I
Human Resources Analyst	I
Human Resources Director	I
Senior Administrative Analyst	I

**INFORMATION RESOURCES DEPARTMENT**

Assistant Director of Information Resources	
Director of Information Resources / City Clerk	
Network Engineer	
Senior Assistant City Clerk	
Systems and Network Administrator	

**LIBRARY DEPARTMENT**

Fund Development Coordinator	
Library Director	
Library Manager	
Museum & Cultural Arts Manager	
Reference and Reader Services Manager	

**PARKS & RECREATION DEPARTMENT**

Administrative Analyst	
Fitness Manager	
Parks and Recreation Director	
Parks Operations Manager	
Recreation & Community Services Manager	
Sports Center Manager	

**PUBLIC WORKS DEPARTMENT**

Administrative Analyst	
Associate Civil Engineer (3)	
Associate Mechanical Engineer	
Capital Programs Coordinator	
City Engineer	
City Traffic Engineer	
Construction Project Manager	
Environmental Regulations Manager	
Fleet and Streets Operations Manager	
General Services Superintendent	
Harbormaster	
Inspector (3)	
Marine Operations Specialist	
Marine Operations Technician	
Parking Superintendent	
Principal Engineer	
Property Manager	
Public Works Director	
Public Works Inspector (3)	
Senior Administrative Analyst (3)	
Senior Engineer (4)	
Streets & Utility Supervisor (2)	
Sustainability Coordinator	
Urban Forester	

**POLICE DEPARTMENT**

Assistant Police Chief	
Police Chief	
Police Lieutenant (3)	
Senior Administrative Analyst	

CITY OF MONTEREY CONFLICT OF INTEREST CODE – DESIGNATED FILERS 2018

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

Appeals Hearing Board Members	
Architectural Review Committee Members	
Ballot Measure Advisory Committee Members	
Building and Housing Appeals Board Members	
Museum and Cultural Arts Commissioners	
Disabled Access Appeals Board Members	
Historic Preservation Commissioners	
Library Board Members	
Measure P Oversight Committee Members	
Monterey Peninsula Regional Water Authority:	
Executive Director	
Legal Counsel	
Members of the Board of Directors	
Members of the Technical Advisory Committee	
Neighborhood Improvement Program Committee Members	
Parks & Recreation Commissioners	
Wireless Subcommittee Members	

**INTERIM AND OUT-OF-CLASS PERSONNEL**

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

**CONSULTANTS**

Consultants	
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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.

## 2018 Local Agency Biennial Notice

Name of Agency: City of Monterey

Mailing Address: 580 Pacific St., Room 6, Monterey CA 93940

Contact Person: Clementine Bonner Klein Phone No. 831-646-3935

Email: bonner@monterey.org Alternate Email: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☒ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☒ Include new positions
- ☐ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) \_\_\_\_\_

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

**Verification** (to be completed if no amendment is required)

*This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

580 PACIFIC ST., ROOM 6, MONTEREY, CA 93940

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**