

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: September 6, 2016
To: Honorable Mayor and Honorable City Councilmembers
From: City Manager Larry McLaughlin
City Clerk Mary Gourley
Subject: Approval of Direction to City Staff to Amend the Conflict of Interest Code
Recommendation: That the City Council Approve by Minute Order the 2016 City of Sebastopol Conflict of Interest Code As Amended
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost: N/A
Amount: \$0

INTRODUCTION: This item is to request that the City Council approve by Minute Order the 2016 City of Sebastopol Conflict of Interest Code As Amended.

BACKGROUND:

The Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, that the code must be amended. The Political Reform Act requires many state and local public officials and employees to disclose certain financial holdings. Once the determination has been made whether or not the code requires an amendment, a notice must be submitted to the code reviewing body no later than October 1st of even numbered years.

In accordance with Government Code § 87306.5, no later than July 1st of each even-numbered year, the City Council shall direct staff to conduct a biennial review of the City's Conflict of Interest Code, and if a change in the Code is required because of changes in changed circumstances, submit an amended Conflict of Interest Code in accordance with subdivision (a) of § 87302 and § 87303 to the City Council no later than October 1st of the same year.

Under the Political Reform Act, all public agencies are required to adopt a conflict of interest code and make amendments as needed A code designates positions required to file FPPC Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interests to be reported.

DISCUSSION:

In accordance with Government Code § 87306.5, at the June 7, 2016 City Council Meeting, you directed the City Clerk and City Attorney to: 1) review the City of Sebastopol Conflict of Interest Code as it applies to

designated employees, Planning Commission, Design Review Board, and consultants and 2) return to the City Council with recommendations no later than October 1st.

Review of the Conflict of Interest Code consists of: (1) Evaluating the City's organizational structure to determine if any changes have occurred since the last review that would necessitate adding or deleting positions in order to accurately reflect all the positions that make or participate in the making of governmental financial decisions; and, (2) any changes that may need to be incorporated into the designated disclosure categories.

Staff has reviewed the present conflict of interest code and has found that it requires updating due to the position change of the Engineering Director/Assistant to the City Manager to Engineering Manager.

Pursuant to law, the position that is to be added to the list of designated persons has received notice of this intended action.

Recommendation: Staff recommends that the Mayor and Council approve by Minute Order the 2016 City of Sebastopol Conflict of Interest Code As Amended.

Attachments:

Notice of Intent to Amend Code
Current Conflict of Interest Code

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL APPROVING
the Biennial Conflict of Interest Code Applicable to Designated Employees Pursuant
to the Political Reform Act of 1974

WHEREAS, The Political Reform Act requires local government agencies to adopt and promulgate a conflict of interest code, and to conduct a review of the code every two years; and

WHEREAS, It requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, that the code must be amended; and

WHEREAS, In accordance with Government Code § 87306.5, at the June 7, 2016 City Council Meeting, the City Council directed the City Clerk and City Attorney to: 1) review the City of Sebastopol Conflict of Interest Code as it applies to designated employees, Planning Commission, Design Review Board, and consultants and 2) return to the City Council with recommendations no later than October 1st; and

WHEREAS, City staff has reviewed the Code and found an amendment to the Conflict of Interest Code is required at this time as shown in Attachment A.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sebastopol City Council has determined that the amendment to the Code is approved as listed in Attachment A.

IN COUNCIL DULY PASSED this 6th day of September, 2016.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

City of Sebastopol City Council:

VOTE

VOTING AYE:

VOTING NO:

ABSENT:

ABSTAIN:

Approved:

SARAH GLADE GURNEY
Mayor, City of Sebastopol

ATTEST: _____
Mary C. Gourley, MMC, City Clerk

APPENDIX A
 CITY OF SEBASTOPOL
 CONFLICT OF INTEREST CODE

The persons occupying the following positions are designated employees for the purposes of this Conflict of Interest Code and shall disclose their financial interests in accordance with the disclosure categories set forth herein and are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974.

POSITION	DISCLOSURE CATEGORY
Building Official	1
City Clerk	1
City Engineer	1
Engineering Director/ Assistant to the City Manager	1
Engineering Manager	1
Fire Chief	1
Planning Director	1
Police Chief	1
Public Works Superintendent	1
Traffic Engineer	1
Design Review Board	1
Successor Agency	1
Successor Agency to the Former Sebastopol Community Development Agency (OVERSIGHT BOARD)	1
Consultants*	

* Consultant means an individual who, pursuant to a contract with a State or local government agency:

- (A) Makes a governmental decision whether to:
 - (i) Approve a rate, rule or regulations;
 - (ii) Adopt or enforce a law;
 - (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval order, or similar authorization or entitlement;
 - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
 - (v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
 - (vi) Grant agency approval to a plan, design, report, study or similar item
 - (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

- (B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest code under Government Code Section 87302.

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 described in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extend 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.

Underline: Added since last Code Update
~~Strike through:~~ Position Deleted since last Code Update

APPENDIX B

CITY OF SEBASTOPOL CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES

All designated employees shall disclose their financial interests in accordance with the categories set forth in Appendix "A"

Category 1:

Persons designated in this category shall disclose: All investments, business positions in, and income from sources located in or doing business in the jurisdiction. Interests in real property located in the jurisdiction, including property located within a two mile radius of the jurisdiction or of any property owned by used by the agency. Income shall include gifts, loans, and travel payments.

2016 Local Agency Biennial Notice

Name of Agency: City of Sebastopol

Mailing Address: 7120 Bodega Avenue

Contact Person: Mary Gourley, MMC, City Clerk Phone No. 707-823-1153

Email: mgourley@cityofsebastopol.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.

September 6, 216

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 3, 2016**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

NOTICE OF INTENT TO AMEND A CONFLICT OF INTEREST CODE

Notice is hereby given that the City Council of the City of Sebastopol has scheduled a Public Hearing to consider amendments to the City of Sebastopol's Conflict of Interest Code pursuant to Government Code Section 87300, 87302 and 87306.

A written comment period has been established commencing July 5, 2016 and ending on August 8, 2016. No public hearing will be held on this matter unless any interested person requests a public hearing no later than 15 days prior to the close of the written public comment period.

The City of Sebastopol has prepared a written explanation of the reasons for the designations and the disclosure responsibilities.

The intent is to make additions and clarifications to the Code to accurately reflect current job title. A copy of the code is at the City of Sebastopol City Hall, City Clerk's Office, 7120 Bodega Avenue, Sebastopol, CA. To request a copy, please contact the City Clerk at (707) 823-1153.

A copy of the staff report will be available for public review by or before the Thursday before the City Council meeting at the office of the City Clerk, 7120 Bodega Avenue, and also on the City of Sebastopol Web Site at www.ci.sebastopol.ca.us.

Dated: July 5, 2016


Mary Gourley, MMC, City Clerk