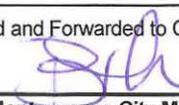




## STAFF REPORT

**Date:** January 20, 2015  
**To:** Bryan H. Montgomery, City Manager  
**From:** Libby Vreonis, City Clerk/Paralegal  
**Cc:** William R. Galstan, Special Counsel  
**Subject:** Adopt a Resolution Amending Section 2.9.008(a) of the Oakley Municipal Code Regarding the City's Conflict of Interest Code

Approved and Forwarded to City Council:

  
Bryan Montgomery, City Manager

### FOR CONSIDERATION AT THE OAKLEY CITY COUNCIL MEETING ON 01/27/15

#### Summary and Recommendation

Section 2.9.002 of the Oakley Municipal Code (known as the City's Conflict of Interest Code) provides for the disclosure of assets and income of designated employees of the City which may be materially affected by their actions and, in appropriate circumstances, to provide that designated employees should be disqualified from acting in an order that would create a conflict of interest. Section 2.9.006 provides disclosure categories that designated employees are subject to. Section 2.9.008(a) provides a list of designated employees and their respective disclosure categories. The Political Reform Act requires local government agencies to review its conflict of interest code biennially. The last review was performed in July 2014; however, as new positions were approved thereafter, staff recommends the City Council consider adding the following approved job classifications to Section 2.9.008(a) to provide clarity in the Code:

#### Job Classification

#### Disclosure Category

- |                            |                |
|----------------------------|----------------|
| • Management Analyst       | 3, 4 & 5       |
| • Code Enforcement Manager | 1, 2, 3, 4 & 5 |

Staff also recommends amending the following job classifications as currently listed to include revised job titles for positions where the duties have remained the same (the disclosure categories will not change):

- Recreation Manager (change to Recreation Manager/Website Coordinator)
- Accounting Technician (change to Senior Accounting Technician)

Section 2.9.008(a) of the Oakley Municipal Code is attached with these proposed changes (highlighted in red).



In January 2014, the City Council added Section 2.9.008(c) to the Oakley Municipal Code to allow future changes to job classifications and disclosure categories to be made by resolution. Therefore, staff recommends the City Council adopt a resolution with the proposed aforementioned amendments.

### **Fiscal Impact**

There are no significant fiscal impacts associated with the proposed amendment to the Code beyond the normal staff time and copy costs needed to distribute, collect and file the required disclosure statements.

### **Background Information**

The overarching purpose of the California Political Reform Act is to help ensure that a public officer or employee, in the course of his or her official duties, is not involved in making, or participating in the making of, decisions which may foreseeably have a material effect on any financial interest of the employee. To that end, Government Code Sections 87300, *et seq.*, require every local agency to promulgate a Conflict of Interest Code which contains (1) a specific listing of the positions within the City which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest, and (2) for each such position, the specific types of investments, business positions, interests in real property and sources of income which are reportable. All such designated employees are required to file an annual Form 700 Statement of Economic Interest.

In developing a disclosure list for the conflict of interest code, a "Designated Employee" is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making, or participation in the making, of governmental decisions which may foreseeably have a material effect on any financial interest. Making a governmental decision means the person: (1) votes on a matter; (2) appoints a person; (3) obligates or commits the City to any course of action; or (4) enters into any contractual agreement on behalf of the City. Participating in the making a decision means the person: (1) negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or (2) advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

It should be stressed that being listed as a designated employee (or not) does not relieve an individual from following any and all state statutes or FPPC regulations concerning conflicts of interest. This action is only an attempt by the City to appropriately notify the public of potential areas where a conflict may foreseeably arise as these individuals carry out their normal City duties.



### **Conclusion**

Staff recommends that the City Council adopt the proposed resolution.

### **Attachments**

1. Existing Section 2.9.008(a) of the Oakley Municipal Code with proposed changes (highlighted in red);
2. Resolution of the City Council of the City of Oakley Amending Section 2.9.008(a) of the Oakley Municipal Code Regarding the Conflict of Interest Code.

**2.9.008 Designated employees.**

a. The persons holding the following listed positions are designated employees. Officers, employees, and independent contractors holding these positions are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest. Therefore, these persons are subject to the disclosure categories as listed below:

Designated Employee	Disclosure Categories
<u>Accounting Technician</u>	<u>Categories 3 and 5</u>
Assistant to the City Manager	Categories 3 and 5
Assistant Engineer	Categories 2, 4 and 5
Associate Engineer	Categories 2, 4 and 5
Associate Planner	Categories 2, 4 and 5
Building Inspectors	Categories 2 and 5
Capital Projects Coordinator	Categories 2, 4 and 5
Chief Building Official	Category 1
Chief of Police	Category 1
City Clerk	Category 1
City Engineer / Public Works Director	Category 1
City Surveyor	Category 1
<u>Code Enforcement Manager</u>	<u>Categories 1, 2, 3, 4 and 5</u>
Code Enforcement Officer	Categories 2, 3 and 4
Code Enforcement Officer/Building Inspector	Categories 2, 3, 4 and 5
Community Program Coordinator	Category 4
Development Manager	Categories 2, 4 and 5
Economic Development Coordinator	Categories 1, 3, 4 and 5
Human Resources Administrator	Categories 4 and 5
<u>Management Analyst</u>	<u>Categories 3, 4 and 5</u>
Network Manager	Categories 4 and 5

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Designated Employee	Disclosure Categories
Paralegal	Categories 2, 3 and 5
Parks and Landscape Supervisor	Categories 2, 4 and 5
Permit Center Manager	Categories 2, 4 and 5
Project Manager	Categories 2 and 4
Public Works Inspector	Categories 2 and 5
Recreation Manager / <u>Website Coordinator</u>	Category 1
Recreation Supervisor	Category 1
Recreation Technician	Categories 4 and 5
<u>Senior Accounting Technician</u>	<u>Categories 3 and 5</u>
Senior Engineer	Categories 2, 4 and 5
Senior Planner	Categories 2, 4 and 5
Stormwater Coordinator	Categories 2 and 5

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RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
APPROVING AMENDING SECTION 2.9.008(a) OF THE OAKLEY MUNICIPAL  
CODE REGARDING THE CONFLICT OF INTEREST CODE**

**BE IT RESOLVED** that Section 2.9.008(a) of the Oakley Municipal Code is hereby amended as set forth in the attached Exhibit "A", and is hereby approved by the Oakley City Council.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 27th of January, 2015 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

\_\_\_\_\_  
Doug Hardcastle, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

**2.9.008 Designated employees.**

a. The persons holding the following listed positions are designated employees. Officers, employees, and independent contractors holding these positions are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest. Therefore, these persons are subject to the disclosure categories as listed below:

<b>Designated Employee</b>	<b>Disclosure Categories</b>
Assistant to the City Manager	Categories 3 and 5
Assistant Engineer	Categories 2, 4 and 5
Associate Engineer	Categories 2, 4 and 5
Associate Planner	Categories 2, 4 and 5
Building Inspectors	Categories 2 and 5
Capital Projects Coordinator	Categories 2, 4 and 5
Chief Building Official	Category 1
Chief of Police	Category 1
City Clerk	Category 1
City Engineer / Public Works Director	Category 1
City Surveyor	Category 1
Code Enforcement Manager	Categories 1, 2, 3, 4 and 5
Code Enforcement Officer	Categories 2, 3 and 4
Code Enforcement Officer/Building Inspector	Categories 2, 3, 4 and 5
Community Program Coordinator	Category 4
Development Manager	Categories 2, 4 and 5
Economic Development Coordinator	Categories 1, 3, 4 and 5
Human Resources Administrator	Categories 4 and 5
Management Analyst	Categories 3, 4 and 5
Network Manager	Categories 4 and 5
Paralegal	Categories 2, 3 and 5

<b>Designated Employee</b>	<b>Disclosure Categories</b>
Parks and Landscape Supervisor	Categories 2, 4 and 5
Permit Center Manager	Categories 2, 4 and 5
Project Manager	Categories 2 and 4
Public Works Inspector	Categories 2 and 5
Recreation Manager / Website Coordinator	Category 1
Recreation Supervisor	Category 1
Recreation Technician	Categories 4 and 5
Senior Accounting Technician	Categories 3 and 5
Senior Engineer	Categories 2, 4 and 5
Senior Planner	Categories 2, 4 and 5
Stormwater Coordinator	Categories 2 and 5