

OAKLEY



CALIFORNIA

Agenda Date: 10/25/2016
Agenda Item: 3.8

STAFF REPORT

Date: October 25, 2016
To: Bryan H. Montgomery, City Manager
From: Libby Vreonis, City Clerk

Approved and Forwarded to City Council:

A handwritten signature in blue ink, appearing to read 'BHM', written over a horizontal line.

Bryan H. Montgomery, City Manager

SUBJECT: Adopt a Resolution Amending Section 2.9.008(a) of the Oakley Municipal Code Regarding the City's Conflict of Interest Code

Background

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.

The City's Conflict of Interest Code is provided in Section 2.9.002 of the Oakley Municipal Code which 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 and 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 and update was performed in January 2015. Staff recommends the City Council consider adding the following approved job classifications and related disclosure categories to Section 2.9.008(a) for positions added since the last update:

<u>Job Classification</u>	<u>Disclosure Category</u>
• Parks and Landscape Maintenance Division Manager	3, 4 & 5
• Parks and Landscape Maintenance Foreman	5
• Planning Manager	1
• Police Lieutenant	5
• Police Sergeant	5
• Recreation and Events Coordinator	4 & 5
• Streets Maintenance Foreman	5

Staff also recommends amending the following positions set forth in Section 2.9.008(a) to reflect changes to position titles or to omit non-active positions:

- Associate Planner (omit, position not active)
- Capital Projects Coordinator (omit, position not active)
- Chief Building Official (change to Building Official)
- Code Enforcement Officer/Building Inspector (omit; already listed as separate positions)
- Development Manager (omit, position not active)
- Economic Development Coordinator (change to Economic Development Manager)
- Human Resources Administrator (change to Human Resources Manager)
- Parks and Landscape Supervisor (omit, position not active)
- Recreation Supervisor (omit, position not active)
- Recreation Technician (omit, position not active)

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.

Staff Recommendation

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 to include the additional job classifications and related disclosure categories.

Attachments

1. 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. Existing Section 2.9.008(a) of the Oakley Municipal Code with proposed changes (highlighted in red)

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 25th of October, 2016 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

EXHIBIT A

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
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 <u>Manager</u>	Categories 1, 3, 4 and 5
Human Resources Administrator <u>Manager</u>	Categories 4 and 5
Lieutenant	Categories 2, 3 & 4
Management Analyst	Categories 3, 4 and 5
Network Manager	Categories 4 and 5
Paralegal	Categories 2, 3 and 5
Parks and Landscape Maintenance Division Manager	Categories 3, 4 and 5
Parks and Landscape Maintenance Foreman	Category 5

Parks and Landscape Supervisor	Categories 2, 4 and 5
Permit Center Manager	Categories 2, 4 and 5
Planning Manager	Category 1
Police Lieutenant	Category 5
Police Sergeant	Category 5
Project Manager	Categories 2 and 4
Public Works Inspector	Categories 2 and 5
Recreation and Events Coordinator	Categories 4 & 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
Streets Maintenance Foreman	Category 5