



CITY COUNCIL AGENDA REPORT

Meeting Date: October 17, 2024

From: Thomas McMorrow, City Attorney and Ingrid Padilla, City Clerk

Subject: Adoption of a Revised Conflict of Interest Code to include New Classifications or Categories of Public Officials

Recommendation:

Adopt the attached resolution revising the City's Conflict of Interest Code

Background

The State's Political Reform Act's conflict of interest prohibitions apply only to certain "public officials" and only to governmental decisions that have a financial effect. The Act applies specifically to members of the City Council and the Planning Commission, city managers, city attorneys and other public officials, such as finance directors and others who manage public investments.

In addition, the Act requires cities to adopt a conflict of interest code and include therein which "other" officials within the a city must comply with the disclosure and disqualification provisions of the Act. The City Council has adopted, via resolution, the City's Conflict of Interest Code. See attached Resolution. Currently, the City has identified 39 classifications or categories of public officials.

City of Brisbane's Conflict of Interest Code

The City's Conflict of Interest Code is adopted by resolution and sets forth those "other" classifications or categories of public officials that are subject to the Act. There are currently 39 such classifications or categories, including the City Clerk, department heads and their deputies, the Police and Fire Chiefs and their command staff. As might be expected, these are classifications/categories where individuals make critical decisions for the City and/or make recommendations to the City Council and its commissions and committees.

The Regulations require cities to review their conflict of interest codes every two years. The City Council last reviewed the City's Conflict of Interest Code in 2022. Persons serving in newly added classifications and categories will be advised that they are subject to the Act and therefore required to file Form 700 that discloses their financial interests, resulting in their disqualification from participating in governmental decisions when those decisions effect their financial interests.

DISCUSSION

Staff recommends that the following classifications and categories below should be added to Appendix A that lists the various classifications and categories subject to the Conflict of Interest Code. Note that individuals are not currently serving in all classifications or categories.

- Human Resources Administrator
- Geographic Information System (GIS) Manager
- Sustainability Manager
- Deputy Fire Marshal
- Human Resources Director
- Legal Counsel

Attached is a resolution adopting a revised Conflict of Interest Code for designated classifications and categories.



Thomas R. McMorrow, City Attorney



Ingrid Padilla, City Clerk



Jeremy Dennis, City Manager

Attachment: Resolution adopting a revised Conflict of Interest Code

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE CITY OF BRISBANE ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR DESIGNATED POSITIONS

Whereas, the Political Reform Act, (Government Code, Section 87100 et seq.) establishes conflict of interest disclosure and disqualification requirements for public officials, including specified employees and decision-making bodies; and

Whereas, the Political Reform Act requires state and local governmental agencies to adopt and promulgate conflict of interest codes for other classifications, other categories of public officials, and other advisory bodies, all of whom have decision making authority; and

Whereas, the Fair Political Practices Commission has adopted Regulations in Title 2, Section 18730 of the California Administrative Code, to implement the provisions of the Political Reform Act and by incorporating by reference the terms of the Regulations it will save time and money by minimizing the actions required of the City Council to keep its Conflict of Interest Code in conformity with the Political Reform Act; and

Whereas, Appendix A to this Resolution sets forth certain designated classifications and categories within the City of Brisbane; and

Whereas, individuals who are in those designated classifications and categories, and members of those designated advisory bodies (of which there are currently none), must file conflict of interest statements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:

Section 1. The provisions of Title 2, Section 18730 of the California Administrative Code, attached as Exhibit 1, are hereby incorporated by reference and, together with the attached Appendix A, in which designated classifications and categories with decision making authority, along with their disclosure categories, are set forth, are hereby adopted as the Conflict of Interest Code for the City of Brisbane.

Section 2. Individuals in the designated classifications and categories shall file with the City Clerk, the City's filing officer, statements of economic interests.

Section 3. All of the resolutions of the City of Brisbane that are in conflict with this Resolution are hereby repealed.

Section 4. This resolution shall be in full force and effect immediately upon its adoption.

Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2024-xx was duly and regularly adopted at a regular meeting of the Brisbane City Council on October 17, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:

A handwritten signature in blue ink, appearing to read 'T. McMorrow', is written above a horizontal line.

Thomas McMorrow, City Attorney

APPENDIX A

Designated Positions	Disclosure Category
Administrative Management Analyst	All Categories
Administrative Services Director	All Categories
Assistant to the City Manager	All Categories
Associate Civil Engineer	All Categories
Associate Planner	All Categories
City Clerk	All Categories
Community Development Director	All Categories
Communications Manager	All Categories
Deputy Fire Marshal	All Categories
Deputy Building Official	All Categories
Deputy City Attorney	All Categories
Deputy City Clerk/Executive Assistant	All Categories
Deputy Finance Director	All Categories
Deputy Fire Chief	All Categories
Deputy Public Works Director	All Categories
Economic Development Director	All Categories
Financial Services Manager	All Categories
Fire Chief	All Categories
Geographic Information System Manager	All Categories
Harbormaster	All Categories
Human Resources Administrator	All Categories
Human Resources Director	All Categories
Information Technology & Systems Administrator	All Categories
Legal Counsel	All Categories
Management Analyst	All Categories
Marina Services Director	All Categories
Parks and Recreation Commissioners	All Categories
Parks and Recreation Director	All Categories
Police Chief	All Categories
Police Commander	All Categories
Principal Analyst	All Categories
Principal Planner	All Categories
Program Manager (San Mateo Countywide NPDES)	All Categories
Public Works Director/City Engineer	All Categories
Public Works Superintendent	All Categories
Public Works Supervisor	All Categories
Recreation Manager	All Categories
Recreation Supervisor	All Categories
Senior Civil Engineer	All Categories
Senior Management Analyst	All Categories
Senior Planner	All Categories
Special Assistant	All Categories