



CITY COUNCIL AGENDA REPORT

Meeting Date: July 7, 2022

From: Ingrid Padilla, City Clerk

Subject: Adoption of a Revised Conflict of Interest Code to Include the Assistant City Manager, the Communications Manager, and the Assistant Fire Marshal and Deleting Park and Recreation Commission

Community Goal/Result

Community Building - Brisbane will honor the rich diversity of our city (residents, organizations, businesses) through community engagement and participation

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

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. Currently, the City has identified 37 City staff positions, as well as the Park and Recreation Commission, that are subject to the Act.

On June 2, 2022, staff recommended that the City Council revise the City's Conflict of Interest Code by adding the recently created classification of Communications Manager as a listed position and consider revising the Code to add three of the Council created Committees.

After discussion, Council concluded that adding the Committees to the Conflict of Interest Code was not warranted and, moreover, that the Park and Recreation Commission should be deleted from the list. Council agreed that the Communications Manager should be added and it was brought to Council's attention that two other recently created classifications—Assistant City Manager and the Assistant Fire Marshal—should also be added to the list. Staff is now returning this item to the City Council for final action.

Discussion

Attached is a resolution adopting a revised Conflict of Interest Code for designated positions including the Assistant City Manager, Communications Manager, and the Assistant Fire Marshal. The Park and Recreation Commission has been deleted from the list and those members will no longer be required to file Form 700 nor will the conflict of interest rules and regulations apply to that Commission.

Attachment: Resolution adopting a revised Conflict of Interest Code

Ingrid Padilla

Ingrid Padilla, City Clerk

Clayton L. Holstine

Clay Holstine, City Manager

RESOLUTION NO. 2022-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 employees and other advisory bodies with 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 positions within the City of Brisbane; and

Whereas, employees who are in those designated positions 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 which designated positions along with their disclosure categories, are set forth, are hereby adopted as the Conflict of Interest Code for the City of Brisbane.

Section 2. Employees in the designated position 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.

Coleen Mackin, Mayor

I hereby certify that the foregoing Resolution No. 2022-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on July 7, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas McMorrow, City Attorney

APPENDIX A

Designated Positions	Disclosure Category
Administrative Management Analyst	All Categories
Administrative Services Director	All Categories
Assistant City Manager	All Categories
Assistant Fire Marshal	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 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
Harbormaster	All Categories
Information Technology & Systems Administrator	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
Special Counsel	All Categories