

RESOLUTION NO. 22-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUSA AMENDING THE CONFLICT OF INTEREST CODE

WHEREAS the Political Reform Act of 1974 (Govt. Code § 81000 et seq.) requires every local government agency to adopt and promulgate a Conflict of Interest Code ("Code"); and

WHEREAS the City desires to adopt their formal Conflict of Interest Code in a Resolution, and to update such Code; and

WHEREAS Title 2, Section 18730 of the California Code of Regulations contains the terms of a Model Conflict of Interest Code developed by the Fair Political Practices Commission ("FPPC") that agencies can adopt by reference, which may be amended from time to time by the FPPC after public notice and hearing to conform to amendments in the Political Reform Act; and

WHEREAS the City may adopt by reference the terms of the FPPC's Model Conflict of Interest Code, and amendments thereto, as set forth in the California Code of Regulations, as the City's Conflict of Interest Code; and

WHEREAS, adopting the Model Conflict of Interest Code will meet the statutory requirements for adopting such a code and save the City time and resources by minimizing the actions required to keep the Code in conformity with the Political Reform Act;

WHEREAS, pursuant to Government Code Section 87302, the Conflict of Interest Code must specifically enumerate the positions within the City, other than those specified in Government Code Section 87200, that involve the making or participating in making decisions that may foreseeably have a material effect on any financial interest, and, for each such enumerated position, the Conflict of Interest Code must state the specific types of investments, business positions, interests in real property and sources of income that are reportable.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA DO HEREBY RESOLVE:

Section 1: Adoption of Model Conflict of Interest Code.

A. The Model Conflict of Interest Code set forth in Title 2, Section 18730 of the California Code of Regulations and any amendments to it duly adopted by the FPPC are hereby incorporated by reference, and including the attached Exhibit A in which public officials and employees are designated and Exhibit B in which disclosure categories are set forth, shall constitute the Conflict of Interest Code of the City of Colusa and the Colusa Entities.

B. The designated officials, employees and consultants as set out in Exhibit A, shall be subject to the provisions of the Conflict of Interest Code and their disclosure categories.

Section 2. Annual Disclosure Statements

Persons holding designated positions shall file an annual statement no later than April 1st of each year. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year; provided however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.

Section 3. Filing Officer

The City Clerk is the filing official for Council Members, the City Manager, the City Attorney, Planning Commissioners and City Treasurer, Finance Director or other public officials managing public investments. For the persons holding these positions, the City Clerk accepts the filing, retains a copy and forwards the original to the Fair Political Practices Commission in Sacramento. For all other persons holding designated positions, the City Clerk is the filing officer and retains the statements. The City Clerk shall make the statements available for public inspection and reproduction.

Section 4: New Officials, Employees and Consultants.

Following adoption of the Code, any newly designated officials, employees, and consultants shall comply with the Conflict of Interest Code for the City within thirty (30) days.

Section 5: Effective Date.

This Resolution shall be effective immediately.

Passed and adopted this 4th day of October, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:.

THOMAS REISCHE, MAYOR

Attest:

Shelly Kittle, City Clerk

Exhibit “A”
Conflict of Interest Code
Designated Positions

Designated Persons.

The positions listed herein are designated positions for purposes of this chapter. Persons holding these positions as designated public officials, employees and consultants are deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest.

Officials/Position Name	Disclosure Category
Commissions/Committees	
City Council	1
Planning Commission	1
Heritage Preservation Commission	3, 4
Parks, Trees, Recreation Commission	1, 3, 4
Loan Committee	3, 4
Administrative Services	
City Clerk	1
City Manager	1
Economic Development Director Grant Writer	1
Finance	
City Treasurer	1
Director of Finance	1
Administrative Office Manager	1
Planning	
Planning Director	1
Community Development Manager	1
Senior Planner	1
Police	
Police Chief	1
Fire	
Fire Chief	1
Building Inspector	2
Public Works	
Public Works/Utilities Administrator	1
Street/Parks Superintendent	1
Utilities Superintendent	1
Consultants	1

EXHIBIT “B”

Conflict of Interest Disclosure Categories

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employees must disclose for each disclosure category to which he or she is assigned.

Designated Employees Each Category Must Report

Category 1—Officials and employees whose duties are broad and indefinable:

Investments, business positions, 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 any property owned or used by the agency.

Category 2—Officials and employees whose duties involve contracting or purchasing:

Investments, business positions, and source of income of the type which: provide services, supplies, materials, machinery, or equipment of the type utilized by the agency.

Category 3—Officials and employees with regulatory powers:

Investments, business positions, and sources of income of the type which are subject to the regulatory, permit, or licensing authority of the agency.

Category 4—Officials and employees whose decisions may affect real property interests:

Investments, business positions, and sources of income of the type which engage in land development, construction, or the acquisition or sale of real property. Interests in real property located within the jurisdiction, including property located within a two-mile radius of any property owned or used by the agency.

Disclosure by Consultants

For purposes of this code, “consultant” shall have the same meaning as stated in 2 CCR 18700.3, which is the following:

An individual who, pursuant to a contract with a state or local government agency:

(1) Makes a governmental decision whether to:

(A) Approve a rate, rule, or regulation;

(B) Adopt or enforce a law;

(C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;

(E) 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;

(F) Grant agency approval to a plan, design, report, study, or similar item;

(G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(2) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18704(a) and (b) 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 Section 87302.

Disclosure Requirements for Designated Consultants. If a natural person is a "consultant" as defined above and has not been designated as exempt from disclosure requirements pursuant to this section, and such person has been deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest, such consultant shall provide such disclosure as the city manager deems appropriate in light of the services provided by said consultant.

Consultants Exempt from Disclosure Requirements. 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. Any such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements, in any. The city manager may also determine whether a particular contract consultant constitutes a "consultant" as the term is defined in the Political Reform Act and regulations promulgated thereunder. The city manager's determination is a public record and shall be retained for public inspection in the same manner and in the same location as other filings required by the conflict of interest code.