



Folsom City Council Staff Report

MEETING DATE:	9/22/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10527 - A Resolution Repealing Resolution No. 10129 and Designating Conflict of Interest Filing Positions and Disclosure Categories
FROM:	City Clerk's Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council approve Resolution No. 10527 - A Resolution Repealing Resolution No. 10129 and Designating Conflict of Interest Filing Positions and Disclosure Categories.

BACKGROUND / ISSUE

Each local agency is required to declare a Conflict of Interest Code pursuant to Government Code section 87300. The City of Folsom's Conflict of Interest Code is found in Chapter 2.34 of the Folsom Municipal Code. The Political Reform Act requires agencies to review the provisions of their Conflict of Interest Code to determine whether revisions are necessary to update the Conflict of Interest Code.

The appendix of designated positions lists those positions within the City that involve the making, or participation in making, decisions that may affect the financial interest of the employee. Each position is identified by one or more of the disclosure categories, depending upon the function of the position. For example, a position that involves contracting and purchasing duties falls within disclosure category 2.

POLICY / RULE

Section 7.01 of the Charter of the City of Folsom provides that “[t]he use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance adopting and assuring compliance with the laws of the State of California regarding such conflicts....”

Folsom Municipal Code section 2.34.030 et seq. authorizes the City Council to designate by resolution those positions which are deemed to make or participate in the making of decisions which may have a material effect on any financial interest.

The Political Reform Act, Government Code Section 87303 et seq. requires agencies to review the provisions of their Conflict of Interest Code every even-numbered year to determine if revisions are required.

ANALYSIS

Staff reviewed Folsom Municipal Code Chapter 2.34 with departments to determine the need to add or remove positions from the filing obligation. The filing obligation requirement of existing filers was reviewed based on the responsibility of making or participating in the making of decisions that may foreseeably have a material effect on any personal financial interest.

Since the City Council last updated the Conflict of Interest Code, positions have been added, re-assigned, deleted and/or re-titled. Therefore, the appendix of designated positions requires updating. It is important to clarify that while there are many changes to the list of designated filers, no employee-filled designated positions have been removed from the list.

ATTACHMENTS

1. Resolution No. 10527 - A Resolution Repealing Resolution No. 10129 and Designating Conflict of Interest Filing Positions and Disclosure Categories
2. Redline Version of Changes
3. Resolution No. 10129 - A Resolution Repealing Resolution No. 9837 and Designating Conflict of Interest Filing Positions and Disclosure Categories

Submitted,

Christa Freemantle, CMC
City Clerk

ATTACHMENT 1

RESOLUTION NO. 10527

**A RESOLUTION REPEALING RESOLUTION NO. 10129
AND DESIGNATING CONFLICT OF INTEREST FILING POSITIONS
AND DISCLOSURE CATEGORIES**

WHEREAS, the Political Reform Act, Government Code Section 87303 et seq. requires that agencies review biennially in even-numbered years the provisions of their Conflict of Interest Code, which includes designated positions and disclosure categories; and

WHEREAS, persons holding these positions are designated public officials, officials, employees and consultants as defined in Government Code Section 82019 et seq. are deemed to make or participate in the making of decisions which may foreseeably have a material effect on any personal financial interest; and

WHEREAS, Chapter 2.34 of the Folsom Municipal Code pertaining to the Conflict of Interest Code, authorizes the City Council to designate by resolution those positions which should file statements of economic interests; and

WHEREAS, that as a result of the review mandated by Government Code Section 87300 et seq. it has been determined that the current list of designated positions and disclosure categories should be updated:

NOW THEREFORE, BE IT RESOLVED, that Resolution No. 10129, which established the prior list of designated filers and disclosure categories is hereby repealed; and

BE IT FURTHER RESOLVED, that all public officials, officials, elected and appointed officers, persons holding designated positions and consultants that are subject to the filing and disclosure requirements pursuant to Exhibit "A" in accordance to the disclosure categories as set forth in Exhibit "B" shall file their statements of economic interests with the city clerk.

PASSED AND ADOPTED on this 22nd day of September 2020, by the following roll-call vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):
ABSTAIN: Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

EXHIBIT "A"

CITY OF FOLSOM CONFLICT OF INTEREST CODE APPENDIX OF DESIGNATED OFFICIALS/EMPLOYEES

I. Designated Positions.

The positions listed below constitute the list of designated positions required by the City of Folsom's conflict of interest code (Folsom Municipal Code Chapter 2.34). Individuals holding these positions as designated public officials, officials, employees and consultants as defined in Government Code Section 82019 et seq. are deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Exhibit B.

Appendix of Designated Positions	
Appointed Officials/Positions Title	Disclosure Categories
City Attorney's Department	
Assistant City Attorney	1
City Attorney	87200 filer*
Legal Analyst	2, 4
City Clerk's Department	
City Clerk	1
Deputy City Clerk	2
City Council Members	
(City Council Members also file as Public Financing Authority Members)	87200 filers*
City Council Candidates	
	87200 filers*
City Manager's Department	
City Manager	87200 filer*
Communications Director	2

Commission/Committee Members	
Arts and Cultural Commission	3, 4
Historic District Commission	3, 4
Landscaping & Lighting District Advisory Committee	3, 4
Library Commission	3, 4
Parks and Recreation Commission	3, 4
Traffic Safety Committee	3, 4
Utility Commission	3, 4
Community Development Department	
Arborist	3, 4
Assistant Planner	2, 3
Associate Civil Engineer	2, 3
Associate Planner	3
Building Inspector I/II	3, 4
Building Inspector Supervisor	3, 4
Building Official / Building Services Supervisor	1
Code Enforcement Officer I/II	2, 3
Code Enforcement Supervisor	3, 4
Community Development Director	1
Construction Inspector I/II	3, 4
Plan Check Engineer	3, 4
Planning Manager	1
Principal Civil Engineer	1
Principal Planner	3, 4
Senior Building Inspector	3, 4
Senior Civil Engineer	2, 3
Senior Code Enforcement Officer	2, 3
Senior Engineering Technician I/II	1
Senior Planner	3, 4
Environmental and Water Resources Department	
Associate Civil Engineer	2, 3
Director of Environmental/Water Resources	1
PW / Utilities Section Manager	2, 3, 4
Senior Civil Engineer	2, 3
Utility maintenance Supervisor	2, 4
Water Distribution Supervisor	2, 4
Water Management Coordinator	2
Water Treatment Plant Supervisor	2, 4
Wastewater Collection Supervisor	2, 4

Finance Department	
Chief Financial Officer / Finance Director	87200 filer*
Deputy Treasurer	2
Financial Analyst I/II	2
Financial Services Manager	1
Information Systems Manager	2
Revenue / Disbursements Manager	1
Fire Department	
Administrative Assistant	2
Administrative Technician	2
Deputy Fire Marshal	2
Fire Battalion Chief	2
Fire Chief	1
Fire Division Chief	2
Fire Prevention Officer	2
Human Resources Department	
Human Resources Director	1
Senior Management Analyst	2
Library Services	
Library Manager	2
Parks and Recreation Department	
Community and Cultural Services Manager	2, 3
Facilities Maintenance Supervisor	2, 3
Municipal Landscape Services Manager	2, 3
Municipal Landscape Services Supervisor	2, 3
Parks and Recreation Director	1
Parks / Facilities Maintenance Manager	2, 3
Parks Maintenance Supervisor	2, 3
Recreation Supervisor	2, 3
Management Analyst	2, 3
Senior Parks Planner	2, 3
Senior Trails Planner	2, 3
Zoo Manager	2, 3

Planning Commission Members	87200 filers*
Police Department	
Animal Control Officer	2, 4
Police Chief	1
Police Commander	2
Police Lieutenant	4
Public Works Department	
Associate Civil Engineer	2, 3
Construction Inspector I/II	2, 3
Public Works Director	1
Environmental Specialist Supervisor	2, 4
Management Analyst	2
PW / Utilities Section manager	2, 3, 4
Public Works Section Manager (Engineer)	2, 3, 4
Senior Civil Engineer	2, 3
Senior Management Analyst	2, 4
Streets Operations Supervisor	2, 3
Solid Waste / Fleet Manager	2, 4
Traffic Control / Lighting Supervisor	2, 4

* “87200 Filer(s)” refers to filers identified within Government Code section 87200 et seq, This section establishes certain requirements for members of planning commissions, mayors, city managers, city attorneys, city treasurers, members of city councils, other public officials who manage public investments, and candidates for any of these offices to file statements of economic interest disclosing investments, interests in real property (excluding principal or personal residence) and any income received.

EXHIBIT "B"

CITY OF FOLSOM CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

Disclosure Categories

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

Investments and business positions in business entities, and income including loans, gifts, and travel payments 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 City or within two miles of the boundaries of the City.

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

Investments and business positions in business entities and sources of income including those that provide services, supplies, materials, machinery or equipment of the type utilized by the City.

Category 3 – Officials and employees whose decisions may affect real property interests:

Investments and business positions in business entities and income including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the City.

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 City.

Category 4 – Officials and employees with regulatory powers:

Investments and business positions in business entities and sources of income including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division to which the filer is assigned.

Regulations Regarding Gifts

Gifts from outside the agency's jurisdiction shall not be required to be reported if the purpose of disclosure of the gift does not have some connection with or bearing upon the duties of the position. (18730.1, Title 2, Div 6, CA Code of Regulations)

ATTACHMENT 2

EXHIBIT "A"

CITY OF FOLSOM
CONFLICT OF INTEREST CODE
APPENDIX OF DESIGNATED OFFICIALS/EMPLOYEES

I. Designated Positions.

The positions listed below constitute the list of designated positions required by the City of Folsom's conflict of interest code (Folsom Municipal Code Chapter 2.34). Individuals holding these positions as designated public officials, officials, employees and consultants as defined in Government Code Section 82019 et seq. are deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Exhibit B.

Appendix of Designated Positions

Appointed Officials/Positions Title **Disclosure Categories**

City Attorney's Department

Assistant City Attorney 1
City Attorney (87200 Filer)*
Legal Analyst..... 2,4

City Clerk's Department

City Clerk 1
Deputy City Clerk..... 2

City Council Members (87200 Filers)*
(City Council Members also file as Successor Agency Members and Public Financing Authority Members)

City Council Candidates (87200 Filers)

City Manager’s Department

Assistant City Manager 1
City Manager (87200 Filer)*
Communications ~~Manager~~Director 2
~~Deputy City Manager~~ 1

Commissions/Committees

Arts and Cultural Commission Members 3, 4
Historic District Commission Members 3, 4
Landscaping & Lighting District Advisory Committee Members 3, 4
Library Commission Members 3, 4
Parks and Recreation Commission Members 3, 4
Traffic Safety Committee Members 3, 4
Utility Commission Members 3, 4

Community Development Department

Arborist 3, 4
Assistant Planner 2, 3
Associate Civil Engineer 2, 3
Associate Planner 3
Building Inspector I/II 3, 4
Building Inspector Supervisor 3, 4
Building Official / Building Services Supervisor 1
Code Enforcement Officer I/II 2, 3
Code Enforcement Supervisor 3, 4
Community Development Director 1
Construction Inspector I/II 3, 4
Plan Check Engineer 3, 4
Planning Manager 1
Principal Civil Engineer 1
Principal Planner 3, 4
Senior Building Inspector 3, 4
Senior Civil Engineer 2, 3
Senior Code Enforcement Officer 2, 3
Senior Engineering Technician I/II 1
Senior Planner 3, 4

Environmental and Water Resources / Utilities Department

Associate Civil Engineer 2, 3
Director of Environmental/Water Resources 1
PW / Utilities Section Manager 2, 3, 4
Senior Civil Engineer 2, 3
Utility Maintenance Supervisor 2, 4
Water Distribution Supervisor 2, 4
Water Management Coordinator 2
Water Treatment Plant Supervisor 2, 4
Waste-Water Collection Supervisor 2, 4

Finance Department

Chief Financial Officer / Finance Director (87200 Filer)*
Deputy Treasurer 2
Financial Analyst I/II 2
Financial Services Manager 1
Information Systems Manager 2
Revenue / Disbursements Manager 1

Fire Department

Administrative Assistant 2
Administrative Technician 2
Deputy Fire Marshal 2
Fire Battalion Chief 2
Fire Chief 1
Fire Division Chief 2
Fire Prevention Officer 2

Human Resources Department

Human Resources Director 1
Senior Management Analyst 2

Library Services

Library Manager 2

Parks and Recreation

Community and Cultural Services Manager 2, 3
Facilities Maintenance Supervisor..... 2, 3
Municipal Landscape Services Manager..... 2, 3
Municipal Landscape Services Supervisor..... 2, 3
Parks and Recreation Director 1
Parks / Facilities Maintenance Manager..... 2, 3
Parks Maintenance Supervisor 2, 3
~~Recreation Manager~~..... 2
Recreation Supervisor..... 2, 3
~~Senior~~ Management Analyst 2, 3
Senior Parks Planner..... 2, 3
Senior Trails Planner 2, 3
Zoo ~~Supervisor~~Manager 2, 3

Planning Commission..... (87200 Filer)*

Police Department

Animal Control Officer..... 2, 4
Police Chief 1
Police Commander 2
Police Lieutenant 4
~~Police Technical Services Manager~~..... 1

Public Works

Associate Civil Engineer 2, 3
Construction Inspector I/II..... 2, 3
Director 1
Environmental Specialist Supervisor..... 2, 4
Management Analyst..... 2
PW / Utilities Section Manager 2, 3, 4
Public Works Section Manager (~~Transit~~Engineer)..... 2, 3, 4
Senior Civil Engineer 2, 3
Senior Management Analyst..... 2, 4
Streets Operations Supervisor 2, 3
Solid Waste / Fleet Manager..... 2, 4
Traffic Control / Lighting Supervisor..... 2, 4
~~Transit Chief~~..... 2, 4

* "87200 Filer(s)" refers to filers identified within Government Code section 87200 et seq, This section establishes certain requirements for members of planning commissions, mayors, city managers, city attorneys, city treasurers, members of city councils, other public officials who manage public investments, and candidates for any of these offices to file statements of economic interest disclosing investments, interests in real property (excluding principal or personal residence) and any income received.

EXHIBIT "B"

CITY OF FOLSOM CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

Disclosure Categories

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

Investments and business positions in business entities, and income including loans, gifts, and travel payments 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 City or within two miles of the boundaries of the City.

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

Investments and business positions in business entities and sources of income including those that provide services, supplies, materials, machinery or equipment of the type utilized by the City.

Category 3 – Officials and employees whose decisions may affect real property interests:

Investments and business positions in business entities and income including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the City.

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 City.

Category 4 – Officials and employees with regulatory powers:

Investments and business positions in business entities and sources of income including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division to which the filer is assigned.

Regulations Regarding Gifts

Gifts from outside the agency's jurisdiction shall not be required to be reported if the purpose of disclosure of the gift does not have some connection with or bearing upon the duties of the position. (18730.1, Title 2, Div 6, CA Code of Regulations)

ATTACHMENT 3

RESOLUTION NO. 10129

**A RESOLUTION REPEALING RESOLUTION NO. 9837
AND DESIGNATING CONFLICT OF INTEREST FILING POSITIONS
AND DISCLOSURE CATEGORIES**

WHEREAS, the Political Reform Act, Government Code Section 87303 et seq. requires that agencies review biennially in even-numbered years the provisions of their Conflict of Interest Code, which includes designated positions and disclosure categories; and

WHEREAS, persons holding these positions are designated public officials, officials, employees and consultants as defined in Government Code Section 82019 et seq. are deemed to make or participate in the making of decisions which may foreseeably have a material effect on any personal financial interest; and

WHEREAS, Chapter 2.34 of the Folsom Municipal Code pertaining to the Conflict of Interest Code, authorizes the City Council to designate by resolution those positions which should file statements of economic interests; and


WHEREAS, that as a result of the review mandated by Government Code Section 87300 et seq. it has been determined that the current list of designated positions and disclosure categories should be updated:

NOW THEREFORE, BE IT RESOLVED, that Resolution No. 9837, which established the prior list of designated filers and disclosure categories is hereby repealed; and

BE IT FURTHER RESOLVED, that all public officials, officials, elected and appointed officers, persons holding designated positions and consultants that are subject to the filing and disclosure requirements pursuant to Exhibit "A" in accordance to the disclosure categories as set forth in Exhibit "B" shall file their statements of economic interests with the city clerk.


PASSED AND ADOPTED on this 12th day of June 2018, by the following roll-call vote:

AYES: Council Member(s): Morin, Sheldon, Gaylord, Howell, Miklos
NOES: Council Member(s): None
ABSENT: Council Member(s): None
ABSTAIN: Council Member(s): None



Stephen E. Miklos, MAYOR

ATTEST:



Christa Freemantle, CITY CLERK

EXHIBIT "A"

CITY OF FOLSOM
CONFLICT OF INTEREST CODE
APPENDIX OF DESIGNATED OFFICIALS/EMPLOYEES

I. Designated Positions.

The positions listed below constitute the list of designated positions required by the City of Folsom's conflict of interest code (Folsom Municipal Code Chapter 2.34). Individuals holding these positions as designated public officials, officials, employees and consultants as defined in Government Code Section 82019 et seq. are deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Exhibit B.

Appendix of Designated Positions

Appointed Officials/Positions Title	Disclosure Categories
<u>City Attorney's Department</u>	
Assistant City Attorney	1
City Attorney	(87200 Filer)*
Legal Analyst	2, 4
<u>City Clerk's Department</u>	
City Clerk	1
Deputy City Clerk	2
<u>City Council Members</u>	(87200 Filers)*
(City Council Members also file as Successor Agency Members and Public Financing Authority Members)	
<u>City Council Candidates</u>	(87200 Filers)

City Manager's Department

Assistant City Manager..... 1
City Manager(87200 Filer)*
Communications Manager 2
Deputy City Manager..... 1

Commissions/Committees

Arts and Cultural Commission Members 3, 4
Historic District Commission Members 3, 4
Landscaping & Lighting District Advisory Committee Members 3, 4
Library Commission Members 3, 4
Parks and Recreation Commission Members 3, 4
Traffic Safety Committee Members 3, 4
Utility Commission Members..... 3, 4

Community Development Department

Arborist 3, 4
Assistant Planner..... 2, 3
Associate Civil Engineer..... 2, 3
Associate Planner 3
Building Inspector I/II..... 3, 4
Building Official / Building Services Supervisor 1
Code Enforcement Officer I/II..... 2, 3
Code Enforcement Supervisor 3, 4
Community Development Director..... 1
Construction Inspector I/II..... 3, 4
Plan Check Engineer 3, 4
Planning Manager 1
Principal Civil Engineer..... 1
Principal Planner 3, 4
Senior Building Inspector 3, 4
Senior Civil Engineer..... 2, 3
Senior Code Enforcement Officer 2, 3
Senior Engineering Technician I/II..... 1
Senior Planner 3, 4

Environmental and Water Resources / Utilities Department

Associate Civil Engineer..... 2, 3
Director of Environmental/Water Resources..... 1
PW / Utilities Section Manager 2, 3, 4
Senior Civil Engineer..... 2, 3
Utility Maintenance Supervisor 2, 4
Water Distribution Supervisor 2, 4
Water Management Coordinator..... 2
Water Treatment Plant Supervisor..... 2, 4
Waste Water Collection Supervisor 2, 4

Finance Department

Chief Financial Officer / Finance Director(87200 Filer)*
Deputy Treasurer 2
Financial Analyst I/II 2
Financial Services Manager 1
Information Systems Manager 2
Revenue / Disbursements Manager 1

Fire Department

Administrative Assistant..... 2
Deputy Fire Marshal..... 2
Fire Battalion Chief..... 2
Fire Chief 1
Fire Division Chief 2
Fire Prevention Officer 2

Human Resources Department

Human Resources Director 1
Senior Management Analyst..... 2

Library Services

Library Manager 2

Parks and Recreation

Community and Cultural Services Manager2
Facilities Maintenance Supervisor2, 3
Municipal Landscape Services Manager2, 3
Municipal Landscape Services Supervisor2, 3
Parks and Recreation Director1
Parks / Facilities Maintenance Manager2, 3
Parks Maintenance Supervisor.....2, 3
Recreation Manager2
Recreation Supervisor2,
Senior Management Analyst.....2
Senior Parks Planner2, 3
Senior Trails Planner.....2, 3
Zoo Supervisor2

Planning Commission(87200 Filer)*

Police Department

Animal Control Officer2, 4
Police Chief.....1
Police Commander.....2
Police Lieutenant4
Police Technical Services Manager.....1

Public Works

Associate Civil Engineer.....2, 3
Construction Inspector I/II2, 3
Director1
Environmental Specialist Supervisor2, 4
Management Analyst2
PW / Utilities Section Manager2, 3, 4
Public Works Section Manager (Transit).....2, 3, 4
Senior Civil Engineer.....2, 3
Senior Management Analyst.....2, 4
Streets Operations Supervisor.....2, 3
Solid Waste / Fleet Manager.....2, 4
Traffic Control / Lighting Supervisor.....2, 4
Transit Chief.....2, 4

* "87200 Filer(s)" refers to filers identified within Government Code section 87200 et seq. This section establishes certain requirements for members of planning commissions, mayors, city managers, city attorneys, city treasurers, members of city councils, other public officials who manage public investments, and candidates for any of these offices to file statements of economic interest disclosing investments, interests in real property (excluding principal or personal residence) and any income received.

EXHIBIT "B"

CITY OF FOLSOM CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

Disclosure Categories

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Investments and business positions in business entities and sources of income including those that provide services, supplies, materials, machinery or equipment of the type utilized by the City.

Category 3 – Officials and employees whose decisions may affect real property interests:

Investments and business positions in business entities and income including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the City.

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 City.

Category 4 – Officials and employees with regulatory powers:

Investments and business positions in business entities and sources of income including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the department or division to which the filer is assigned.

Regulations Regarding Gifts

Gifts from outside the agency's jurisdiction shall not be required to be reported if the purpose of disclosure of the gift does not have some connection with or bearing upon the duties of the position. (18730.1, Title 2, Div 6, CA Code of Regulations)