

RESOLUTION NO. 12-25

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND ADOPTING UPDATED CITY OF WHEATLAND CONFLICT OF INTEREST CODE

WHEREAS, on September 24, 2024, the City of Wheatland adopted an updated Conflict of Interest Code for Designated Employees (“Conflict of Interest Code”); and

WHEREAS, in order for the City of Wheatland to be eligible to receive certain federal and/or state funding the Conflict of Interest Code must comply with the language of Code of Federal Regulations 23-172.7(b)(4); and

WHEREAS, on January 28, 2025, the City of Wheatland adopted a revised Conflict of Interest Code complying with federal regulations; and

WHEREAS, the Federal Highway Administration (FHWA) and Caltrans have requested further changes to the Conflict of Interest Code which have been reviewed and recommended by City staff.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Wheatland, State of California, to adopt an updated to the City of Wheatland Conflict of Interest Code (Attachment A) that incorporates additional language to identify the City Manager as the project administrator and language instructing the City to notify Federal Highway Administration and Caltrans Division of Local Assistance of any changes to this policy affecting federally funded contracts.

PASSED AND ADOPTED by the City Council of the City of Wheatland, State of California this 25th day of March 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Angela Teter, Mayor

Lisa Thomason, City Clerk

CITY OF WHEATLAND CONFLICT OF INTEREST CODE

Designated Positions

The following are designated positions within the City of Wheatland which involve or may involve the making or participating in the making of decisions which may foreseeably have a material effect on any financial interest and the specific types of investments, interest in real property, and sources of income which are reportable.

Each listed designated position must disclose on appropriate FPPC forms filed with the City Clerk the disclosure information required by his or her Assigned Disclosure Category.

List of Designated Positions

Assigned Disclosure Categories

City Clerk	2
Public Works Director	2
Planning Director	1, 3
City Engineer	2, 3
City Consultants (Determined by City Manager)*	1, 2, 3
Chief of Police	2

Positions listed in Government Code Section 87200 (i.e. City Councilmembers, Planning Commissioners, City Managers, City Attorneys, City Treasurers, and other public officials who manage public investments, which includes the City Finance Director) are not required to be included in the list of designated positions under the City's code because persons holding these positions are required to file Form 700 pursuant to state law.

Disclosure Categories

Category 1

A designated employee in this category must report all investments, interests in real property, personal income, business entity income, and business positions which he or she is a director, officer, partner, trustee, employer or holds any positions of management. Archive

Category 2

An employee in this category could possibly have a conflict of interest due to an interest in a supplier of goods, materials or services to the City. Investments in any business entity supplying such goods and services to the affected employee's department within the previous on year period are to be disclosed, if the value of such goods or services provided to the City exceeds the sum of \$5,000.00 during the previous twelve (12) month period.

Category 3

This category embraces City consultants providing services to the City relating to land use matters or planning matters. The category includes architectural, engineering, planning or marketing activities to be performed by the consultant for the City. Category 3 designated employees shall be required to disclose only; investments in real property in or within five (5) miles of the City's corporate limits or investments in business entities owning such property; contracts currently outstanding or completed within the last twelve (12) months for any governmental agency within and including Yuba County; and any contracts with any person or entity currently outstanding or completed within the last twelve (12) months concerning land use within the City or within five miles of the city's boundaries.

*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 described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

A consultant (other than City officials who are also consultants) shall be required to make the disclosure required by this Code prior to the award by the City of any contract with such consultant.

Conflict of Interest Provisions for Architectural and Engineering Services Administration and Procurement For Federal and State Funded Transportation Projects

The following provisions of the City's Conflict of Interest Code shall apply to city officials, employees, and those that provide city services for the City of Wheatland, and these provisions shall be implemented on all federally and state-funded transportation projects. In the procurement of contracts for architectural and engineering (A&E) services for projects involving federal-aid highway funds, the City has developed these code provisions to prevent fraud, waste, and abuse. The intent of this section is to comply with federal regulations and the State of California Department of Transportation (Caltrans) Local Assistance Procedures Manual. This section applies to all City employees (including the contract administrator and consultants performing as City staff) engaged in the award and administration of federal-aid highway funded contracts, and is intended to prevent conflicts of interest in accordance with 23 CFR 172.7(b)(4).

I. Local Assistance Procedures Manual (LAPM) Chapter 10

The City shall comply with the procedures contained within Caltrans' Local Assistance Procedures Manual Chapter 10 relating to the procurement and management of engineering services contracts on federally and state funded projects.

II. Contract Administrator

The City Manager shall serve as the Contract Administrator and have authority over advertising, selection, and management of consultant contracts. The City Manager shall also have primary

responsibility for ensuring compliance with the LAPM and associated federal and state regulations related to the procurement and management of consultant services contracts.

Proposing consultants shall disclose any financial, business, or other relationship with the City that may have an impact upon the outcome of a contract or the construction project. Consultants shall also list current clients who may have a financial, business or other interest in the outcome of the contract or the construction project that will follow. Consultants shall disclose any financial, business or other interest in any real property acquired for the project. Consultants shall disclose any financial, business or other interest with any construction company that might submit a bid on the construction project. Any City employee or agent who works in association with a project (procurement, management or administration) shall disclose any direct or indirect financial, business or other personal interest in connection with the contract or construction project. City employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from the consultant or parties to sub-agreements.

Any projects involving federal funds shall comply with the provisions of the Code of Federal Regulation 23 CFR 172.7(b)(4) in addition to all other provisions of the City's conflict of interest code. The City reserves the right to add additional prohibitions relative to real, apparent or potential conflicts of interest that arise.

Violations to this section of the City's Conflict of Interest code shall be subject to penalties to the extent allowed and required by State and local laws.

In the event that a conflict of interest occurs resulting from changes in personnel, contract changes, or other unforeseen conditions, the Contract Administrator shall immediately take steps to remedy the conflict including suspension of work and/or termination of contracts and shall promptly notify in writing Caltrans Division of Local Assistance of the conflict of interest and steps to remedy and resume the work.

It is the intent of these code provisions to ensure the absence of fraud, waste and abuse on federal and state funded transportation projects. As such, these policies will be updated if new regulations are developed but not included in the LAPM. Revisions to these policies will be included in new contracts procured through these policies or will be included by amendment into existing contracts as determined appropriate by the Contract Administrator. The City shall notify FHWA and Caltrans Division of Local Assistance of any changes to this policy affecting federally funded contracts.