



# City Council Meeting Staff Report

Meeting Date: January 28, 2025

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**Subject:** Council Consideration and Adoption of Resolution Approving Updated Conflict of Interest Code Provisions Concerning Architectural and Engineering Services Administration and Procurement for Federally and State-Funded Transportation Projects

**Prepared By:** Jennifer Buckman – City Attorney  
Dane H. Schilling – City Engineer  
Heidi Provencher – Coastland Engineering

**Recommendation:** Staff recommends that the Wheatland City Council consider adoption of a resolution adding additional provisions to the City's Conflict of Interest Code related to administration and procurement of architectural and engineering services for federally and state-funded transportation projects. The new provisions have been reviewed by the City Attorney, City Manager, and City Engineer for compliance with local, state, and federal law.

**Discussion:** On September 24, 2024, the City reviewed and adopted the *City of Wheatland Standardized Conflict of Interest Code for Designated Employees*. This action was in accordance with the 2024 Biennial Notice. The City's existing Conflict of Interest Code designates those positions, in addition to the positions mandated by law under Government Code Section 87200, that: (1) 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 therefore (2) must disclose on appropriate Fair Political Practices Commission (FPPC) forms all the disclosure information that is required by his or her Assigned Disclosure Category.

In addition to these requirements that are imposed under state law by Government Code sections 87100, et seq., the Federal Highway Administration also requires the City to have a conflict of interest code that complies with the language of 23 CFR 172.7(b)(4) in order to qualify to receive federal-aid funding for projects such as the Wheatland Road Complete Streets Project.

The City Engineer and the City Attorney have therefore proposed additional language to be added to the Conflict of Interest Code so that it complies with this federal regulation. The additional provisions will apply to all employees involved in the administration or procurement of architectural and engineering services for federally and state-funded transportation projects. Among other things, this new section of the Conflict of Interest Code will prohibit employees who work on those projects from soliciting or accepting gratuities, favors, or anything of monetary value from a consultant or subconsultant who works on, or proposes to work on, those projects.

## **Fiscal Impact:**

If the City does not adopt a federally compliant conflict of interest statement, the City may be ineligible to receive certain federal or state funds.

**Attachments:**

1. 2024 Conflict of Interest Code with proposed changes annotated.
2. Resolution with proposed updated Conflict of Interest Code.