

CITY OF YUBA CITY
STAFF REPORT

Date: April 7, 2020
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation By: Terrel Locke, Assistant to the City Manager

Summary

Subject: Biennial Review of the City of Yuba City Conflict of Interest Code
Recommendation: Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions
Fiscal Impact: None

Purpose:

A Conflict of Interest Code informs the public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interest (FPPC Form 700).

Background:

The Political Reform Act (Act) prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency must adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose their financial interests as specified in the agency's conflict of interest code.

In accordance with Government Code Section 87306.5, local agencies must conduct a biennial review of its conflict of interest code. The code must contain language that incorporates Fair Political Practices Commission (FPPC) Reg. 18730 or the basic provisions required in Government Code Section 87302. The last review and update was approved by the City Council on June 19, 2018.

Analysis:

Staff has reviewed the Conflict of Interest Code and has determined that amendments to the Code are necessary in order to accurately designate all positions that make or participate in the making of governmental decisions. These are decisions that may foreseeably have a material effect on any financial interest. This amendment is due to personnel classification additions or deletions that have been incorporated in the City's annual budget process as well as City-wide organization changes (Appendix A).

Fiscal Impact:

None.

Alternatives:

Do not approve the amended Conflict of Interest Code and ask Staff to provide further review.

Recommendation:

Adopt a Resolution Amending the City of Yuba City Conflict of Interest Code and list of Designated Positions.

Attachments:

- A. Resolution
- B. Yuba City Conflict of Interest Code

Prepared by:

/s/ Terrel Locke

Terrel Locke
Assistant to the City Manager

Submitted by:

/s/ Diana Langley

Diana Langley
Interim City manager

Reviewed By:

City Attorney

SLC by email

ATTACHMENT A

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
AMENDING THE CITY OF YUBA CITY'S CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act of 1974 (Government Code Section 81000, et seq.) required state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission has adopted regulations (2 Cal. Code of Regs. 18730) which contain the terms of a standard conflict of interest code; and

WHEREAS, after public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

NOW, THEREFORE, the City Council of the City of Yuba City does hereby resolve as follows:

1. That the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Section 18730) and any amendments to the Act are hereby incorporated by reference, and this regulation and the attached Appendix(s) designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the City of Yuba City; and
2. That designated employees shall file their Form 700 statements with the City Clerk's Office, which will make the statements available to public inspection and reproduction (Gov. Code Section 81008).
3. That all previously adopted resolutions approving conflict of interest codes are hereby rescinded.

The foregoing Resolution of the City Council of the City of Yuba City was duly and regularly introduced, passed and adopted at a regular meeting thereof held on this 7th day of April 2020, by the following vote:

Ayes:

Noes:

Absent:

Shon Harris, Mayor

ATTEST:

Terrel Locke, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT B

City of Yuba City Conflict of Interest Code

The Political Reform Act, Government Code Sections 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

The Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings.

Therefore, the terms of Section 18730 and any amendments that are duly adopted by the FPPC are hereby incorporated by reference, as the Conflict of Interest Code of the City of Yuba City along with the attached Appendix(s) in which officials and employees are designated and disclosure categories are set forth.

Designated employees shall file annual FPPC Form 700 Statements of Economic Interests with the City Clerk of the Yuba City and attend required AB1234 Code of Ethics every two years. The City shall make all statements available for public inspection and reproduction, pursuant to Government Section 81008.

Attachments:

- Appendix A: Designated Positions
- Appendix B: Disclosure Categories

**City of Yuba City
Conflict of Interest Code
Designated Positions**

A designated employee is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest. (Government Code Section 82019)

- 1) Making a governmental decision means the person:
 - a. Votes on a matter
 - b. Appoints a person
 - c. Obligates or commits his or her agency to any course of action; or
 - d. Enters into any contractual agreement on behalf of his or her agency

- 2) Participating in making of a decision, means the person:
 - a. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision
 - b. Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision

- 3) Consultant means an individual whom, pursuant to a contract with a state or local government agency 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, or similar authorization or entitlement
 - d. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract
 - e. Grant agency approval to a plan, design, report, study, or similar item
 - f. Adopt or grant agency approval of policies, standards, or guidelines for the agency or for any subdivision thereof

Positions listed in Government Code Section 87200 (i.e. City Council members, Planning Commissioners, City Manager, City Attorney, City Treasurer) are not required to be included in the list of designated positions because persons holding these positions are required to file FPPC Form 700 pursuant to State law.

Officials who manage Investments:

It has been determined that the position listed below manage public investments and will file a statement of economic interests (Form 700) pursuant to Government Code Section 87200:

City Treasurer

Department	Position	Disclosure Category
Administration		
	Assistant City Manager	I
<i>Delete</i>	Deputy City Manager, Economic Development & Public Affairs	I
	City Clerk	II
	Assistant to the City Manager	I
Community Services		
	Community Services Director	I
	Recreation Supervisor I/II/III	IV
	Parks and Grounds Superintendent	II
	Parks Maintenance Supervisor	IV
	Animal Services Manager	II
	Animal Services Supervisor	IV
Development Services		
	Development Services Director	I
	Planning Manager	I
	Assistant Planner	I
	Chief Building Official	I
	Plans Examiner	I
	Code Enforcement Officer	I
	Building Inspector I/II	I
	Administrative Analyst I/II	III/IV
Finance		
	Finance Director	I
	Accounting Manager	II
	Customer Service Manager	III/IV
	Administrative Analyst I/II	II
	Information Technology Manager	I
	Senior Information Technology Analyst	II
Fire		
	Fire Chief	I
	Assistant Fire Chief	I
	Deputy/Division Chief	II
	Fire Marshall	II
	Fire Safety Inspector	II/III
	Fire Battalion Chief	IV
	Administrative Analyst III	IV

Department	Position	Disclosure Category
Human Resources	Human Resources Director	I
Police	Police Chief	I
	Assistant Chief	I
	Police Commander	I
	Administrative Manager	II
	Police Lieutenant	II
	Police Sergeant	IV
Public Works	Public Works Director	I
	Deputy PW Director - Engineering	II
	Deputy PW Director - Utilities	II
	Regulatory Compliance Administrator	II
	Engineer - Senior	II
	Project Manager	II
	Deputy Public Works Director - Maintenance	II
	Director of Engineering - SBFCA	II
Boards & Commissions	Economic Development Commissioner	I
	<i>Delete</i> Redevelopment Agency Oversight Board	II
Consultants	Determined by City Manager (1)	I/II/III/IV
	Redevelopment Attorney	I
	Personnel Attorney	I

(1) Consultants (as defined by FPPC regulation 18700(a)(2)) shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager or designee may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section.

**City of Yuba City
Conflict of Interest Code
Disclosure Categories**

The following disclosure categories set forth the required contents of disclosure statements for officers and employees holding designated positions. An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decisions made or participated in by the designated employee by virtue of the employee's position.

Category I – Full Disclosure

Designated employees assigned to Category I shall report all investments, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the City of Yuba City or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

Category II – Citywide Disclosure: Material & Supplies

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.

Designated employees assigned to Category II shall report:

- a) All investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.
- b) All income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with, the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.
- c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the City.

Category III – Citywide Disclosure: Construction, Building and Real Property

Designated employees assigned to Category III shall report:

- a) Investments in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.
- b) All income from any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.
- c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity licensed to do construction or build within the jurisdiction of the City of Yuba City.
- d) All investment and interests in real property if the property is located within or subject to the jurisdiction of the City of Yuba City.

Category IV - Department Disclosure: Material & Supplies

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 their department/division.

Designated employees assigned to Category IV shall report:

- a) Investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.
- b) Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.
- c) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which within the last two years, has contracted, or in the future foreseeably may contract with the City of Yuba City to provide services, supplies, materials, machinery, or equipment to the department/division.