ITEM 10.K.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Deborah S. Traffenstedt, Administrative Services Director** DST
BY: **Maureen Benson, Assistant City Clerk** MB

DATE: **September 29, 2009 (CC Meeting of 10/07/09)**

SUBJECT: **Consider Resolution Amending the Conflict of Interest Code of the City of Moorpark and Rescinding Resolution No. 2008-2749**

BACKGROUND AND DISCUSSION

The Political Reform Act, Government Code Section 87300, et seq., requires every state and local government agency to adopt and promulgate a Conflict of Interest Code. The City's Conflict of Interest Code was last amended in September 2008, when the City Council adopted Resolution No. 2008-2749. Since the time of the last update, there has been a revision to the department head title for the Parks, Recreation, and Community Services Department, requiring amendment of the City's Conflict of Interest Code to change the Parks, Recreation, and Community Services Director to Parks and Recreation Director.

Attached is a draft resolution which would rescind Resolution No. 2008-2749 and revise the City's Conflict of Interest Code to include an updated list of Designated Employees and the Disclosure Categories, and incorporates by reference the terms of Title 2, Division 6, California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission (FPPC). The attached resolution includes City and Redevelopment Agency Designated Employees.

The City's Conflict of Interest Code is intended to list all designated positions, even if there is no current employee with that position title. For example, the City currently does not have a Community Development Director; however, that position is included in the City's Classification and Salary Plans and is listed in the attached resolution as a designated position. The City's Conflict of Interest Code does not establish any disclosure obligation for the City Councilmembers, Planning Commissioners, City Manager, City Attorney, and public officials who manage public investments (City Treasurer and Redevelopment Agency Treasurer), as Government Code Section 87200, et seq., requires such disclosure as a matter of state law.

STAFF RECOMMENDATION

Adopt Resolution No. 2009-____.

Attachment: Draft Resolution

RESOLUTION NO. ~~2008-2749~~2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE OF THE CITY OF MOORPARK AND RESCINDING RESOLUTION NO. ~~2007-2621~~2008-2749

WHEREAS, the Political Reform Act, Government Code Section 87300, et seq., requires every state and local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation which contains the terms of a standard model Conflict of Interest Code (Title 2, Division 6, California Code of Regulations, Section 18730), which can be incorporated by reference, and which may be amended by the FPPC to conform to amendments in the Political Reform Act after public notice and hearings conducted by the FPPC pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq.; and

WHEREAS, the City Council has determined that the terms of Title 2, Division 6, California Code of Regulations, Section 18730, and any amendments to it duly adopted by the FPPC, along with the attached Appendices A and B, accurately set forth the City's Conflict of Interest Code, including those positions which should be designated, and the categories of financial interests which should be made reportable; and

WHEREAS, the persons holding the positions listed in Appendix B are designated employees, because it has been determined that those positions make or participate in the making of decisions which may foreseeably have a material effect on financial interests; and

WHEREAS, the City's Conflict of Interest Code does not establish any disclosure obligation for the City Councilmembers, Planning Commissioners, City Manager, City Attorney, and Public Officials who Manage Public Investments (City Treasurer and Redevelopment Agency Treasurer), as Government Code Section 87200 et seq. requires such disclosure as a matter of state law, nor does the City's Conflict of Interest Code include a position which is solely clerical, ministerial or manual, or any unsalaried member of a board or commission which is solely advisory; and

WHEREAS, the City Council has previously designated positions and disclosure categories in Resolution No. ~~2007-2621~~2008-2749, which now needs to be rescinded and an updated Conflict of Interest Code adopted, and the City Council determines that the attached Appendices accurately set forth those positions which should be designated and categories of financial interest which should be made reportable.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The terms of Title 2, Division 6, California Code of Regulations, Section 18730, and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the attached Appendices A and B, in which employees, officials, and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code for the City of Moorpark. If any of the positions listed in Appendix A have a change of title, or if a position is transferred from one City department or office to another, the filing requirement and disclosure category shall remain the same until the next update of the City's Conflict of Interest Code.

SECTION 2. Persons holding designated positions shall file a Statement of Economic Interests pursuant to Section 4 of the Conflict of Interest Code (Title 2, Division 6, California Code of Regulations, Section 18730). The City Clerk shall carry out the duties of Filing Officer for the City Council, which is the Code Reviewing Body.

SECTION 3. Resolution No. ~~2007-2621~~2008-2749 is hereby rescinded.

SECTION 4. The City Clerk shall forward a copy of this resolution to the FPPC.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this ~~1~~7th day of ~~September~~October, ~~2008.~~2009

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk

Attachment: Appendices A and B

APPENDIX A

CITY OF MOORPARK
CONFLICT OF INTEREST CODE
DESIGNATED EMPLOYEES

Designated Positions		Disclosure Category
I.	City Manager's Office	
1.	Administrative Specialist	1
2.	Assistant City Manager	1
3.	Deputy City Manager	1
4.	Management Analyst	1
5.	Senior Management Analyst	1
II.	Administrative Services Department	
1.	Administrative Services Director(City Clerk)	1
2.	Assistant to City Manager/City Clerk	1
3.	Assistant City Clerk	1
4.	Deputy City Clerk I	2
5.	Deputy City Clerk II	2
6.	Human Resources Analyst	3
7.	Human Resources Assistant	3
8.	Human Resources Specialist	3
9.	Information Systems Analyst	4
10.	Information Systems Manager	1
11.	Information Systems Technician I	4
12.	Information Systems Technician II	4
13.	Senior Information Systems Analyst	4
III.	City Engineer/Public Works Department	
1.	Assistant City Engineer	1
2.	Assistant Engineer	1
3.	Assistant Engineer	1*
4.	Associate Civil Engineer	1
5.	Associate Engineer	1*
6.	City Engineer/Public Works Director	1
7.	Civil Engineer	1*
8.	Construction Inspector	1*
9.	Management Analyst	1
10.	Principal Engineer	1*
11.	Public Works Director	1
12.	Public Works Superintendent	1
13.	Public Works Supervisor	1
14.	Senior Civil Engineer	1
15.	Senior Engineer	1*
16.	Senior Maintenance Worker	5
17.	Senior Management Analyst	1
18.	Traffic Engineer	1*

Designated Positions		Disclosure Category
IV.	Community Development Department	
1.	Administrative Services Manager	1
2.	Assistant Planner I	1
3.	Assistant Planner II	1
4.	Associate Planner	1
5.	Building Inspector	1*
6.	Building Official	1*
7.	Code Compliance Technician I	1
8.	Code Compliance Technician II	1
9.	Community Development Director	1
10.	Community Development Technician	1
11.	Construction Administrator	1*
12.	Deputy City Manager	1
13.	Management Analyst	1
14.	Planning Director	1
15.	Planning Manager	1
16.	Principal Planner	1
17.	Senior Building Inspector	1*
18.	Senior Management Analyst	1
19.	Senior Planner	1
V.	Finance Department	
1.	Accountant I	1
2.	Accountant II	1
3.	Administrative Assistant	4
4.	Budget and Finance Manager	1
5.	Finance Director	1
6.	Finance/Accounting Manager	1
7	Senior Account Technician	1
VI.	Parks, Recreation and Community Services Department	
1.	Active Adult Center Coordinator	6
2.	Active Adult Center Supervisor	6
3.	Administrative Specialist	7
4.	Community Services Technician	7
5.	Facilities Technician	5
6.	Landscape/Parks Maintenance Superintendent	1
7.	Maintenance Supervisor	5
8.	Management Analyst	1
9.	Parks and Facilities Supervisor	5
10.	Parks and Landscape Manager	1
11.	Parks~~,~~ and Recreation ~~and Community Services~~ Director	1
12.	Recreation/Community Services Manager	1
13.	Recreation Coordinator I	8
14.	Recreation Coordinator II	8
15.	Recreation Coordinator III	8
16.	Recreation Leader IV	8
17.	Recreation Specialist	8
18.	Recreation Supervisor	8
19.	Senior Maintenance Worker	5

20.	Senior Management Analyst	1
21.	Vector/Animal Control Specialist	9

Designated Positions		**Disclosure Category**
VII.	Redevelopment Agency	
1.	Redevelopment Agency Counsel	1*
2.	Redevelopment Agency Consultant	1*
3.	Redevelopment Agency Executive Director	1
4.	Redevelopment Agency Secretary	1
5.	Redevelopment Manager	1
6.	Senior Management Analyst	1

Designated Positions		**Disclosure Category**
VIII.	Moorpark Arts Commission Members	1
IX.	Parks & Recreation Commission Members	1
X.	Redevelopment Project Area Advisory Committee Members	1
XI.	Assistant City Attorney	1*
	Other Designated Consultants	1*

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* The Fair Political Practice Commission Regulation (2 California Code of Regulations Section 18700) defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:
- (i) Approve a rate, rule or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
- (iv) Authorize the agency to enter into, modify or renew a contract provided it is the type of contract which requires agency approval;
- (v) 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;
- (vi) Grant agency approval to a plan, design, report, study or similar item;
- (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity 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.

Consultants shall be included in the list of designated positions and shall disclose pursuant to Category 1, subject to the following limitation:

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.

APPENDIX B

CITY OF MOORPARK
CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES

Category 1

Any investment or interest in real property, any loan, any gift, or any income in which the "designated employee" or spouse has an interest within the jurisdiction of the City of Moorpark, as defined in this Code; and any investments in business entities or income from sources which provide supplies, equipment or services of the type utilized by the department or division for which the Designated Employee is assigned.

***Disclosure by Consultants**

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1, subject to the following limitation:

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 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.

Category 2

Any investment in, or interest from, as defined by the Code, any person or business entity which provides services, goods or equipment involving municipal elections, printing services, records management, or preparation of minutes or transcripts.

Category 3

Any investment in, or income from, as defined by the Code, any person or business entity which provides human resources and risk management related services, goods or equipment, including but not limited to recruitment, testing, selection or placement, temporary staffing, and insurance and other benefit programs.

Category 4

Any investment in, or income from, as defined by the Code, any person or business entity which provides services, goods or equipment involving purchasing of supplies, equipment, or services, including but not limited to installation, maintenance or repair of City equipment such as telephones, copiers, and computers, and purchasing of City office and computer supplies, software and equipment.

Category 5

Any investment in, or income from, as defined by the Code, any person or business entity which provides parks, recreation, building construction and maintenance supplies, engineering, or public works related services, goods, or equipment, including but not limited to maintenance of parks, landscaping, City-owned facilities/buildings, streets, and other public right-of-way.

Category 6

Any investment in, or income from, as defined by the Code, any person or business entity which provides services, goods, or equipment for seniors, including but not limited to contract instructor services, and recreation and special event services and supplies.

Category 7

Any investment in, or income from, as defined by the Code, any person or business entity which provides public transit, solid waste, recycling, or household hazardous waste related services, goods or equipment, including but not limited to bus and taxi services, solid waste franchise services, and household hazardous waste cleanup type services.

Category 8

Any investment in, or income from, as defined by the Code, any person or business entity which provides parks and recreation related services, goods, or equipment, including but not limited to contract instructor services, recreation and special event services and supplies, playground equipment, day care and teen event services and supplies.

Category 9

Any investment in, or income from, as defined by the Code, any person or business entity which provides vector and/or animal control related services, goods, or equipment.