

DATE SUBMITTED 10/28/2024
 SUBMITTED BY A.O.
 DATE ACTION REQUIRED 11/6/24

COUNCIL ACTION
 PUBLIC HEARING REQUIRED
 RESOLUTION
 ORDINANCE 1ST READING
 ORDINANCE 2ND READING
 CITY CLERK'S INITIALS

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT:	DISCUSSION/ACTION: 1. Approve Resolution No. 2024-58, amending the City of Imperial's Conflict of Interest Code and the list of designated employees.		
DEPARTMENT INVOLVED: City Attorney's Office/City Manager's Office			
BACKGROUND/SUMMARY: The Political Reform Act requires local agencies to adopt a Conflict of Interest Code. This code designates individual positions that make or participate in the making of government decisions and are required to file the Fair Political Practices Commission (FPPC) Form 700 which discloses financial interests they may have within the City of Imperial. State law also requires the City to conduct a biennial review of its Conflict of Interest Code, and make revisions as appropriate. Upon review, it was determined that there have been several changes to the list of designated employees and job descriptions/titles.			
FISCAL IMPACT: NOT TO EXCEED N/A	FINANCE INITIALS	<u>JMS</u>	
STAFF RECOMMENDATION: Adopt Resolution No. 2024-58 and amend the City of Imperial's Conflict of Interest Code and list of designated employees.	DEPT. INITIALS	<u>AO</u>	
MANAGER'S RECOMMENDATION: <u>approve</u>	CITY MANAGER'S INITIALS	<u>OHM</u>	
MOTION:			
SECONDED:	APPROVED <input type="checkbox"/>	REJECTED <input type="checkbox"/>	
AYES:	DISAPPROVED <input type="checkbox"/>	DEFERRED <input type="checkbox"/>	
NAYES:	REFERRED TO:		
ABSENT:			

RESOLUTION NO. 2024-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, AMENDING ITS CONFLICT OF INTEREST CODE AND THE LIST OF DESIGNATED EMPLOYEES

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et seq., requires every state or local government agency to adopt a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has indicated that public officials and designated employees should be designated filers in agency Codes because their positions entail the making or participating in the making of governmental decisions which may foreseeably have a material effect on financial interests; and

WHEREAS, the Political Reform Act of 1974 requires the periodic review and amendment to Local Conflict of Interest Codes, when changed circumstances so require; and

WHEREAS, City staff has conducted the biennial review of the City's Conflict of Interest Code as required by law, and recommends amendments to the Code to reflect the new positions within the City that have resulted from the subsequent reclassification or elimination of positions as a result of the City's substantial reorganizational efforts since the last biennial review in 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES RESOLVE, DETERMINE, AND ORDERS AS FOLLOWS:

SECTION 1. The amended Conflict of Interest Code attached hereto, incorporating by reference the terms of Title 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission and the attached Appendix, in which officials and employees are designated and disclosure categories are set forth, is hereby adopted as the Conflict of Interest Code for the City of Imperial.

SECTION 2. The provisions of all Conflict of Interest Codes and amendments thereto previously adopted for the City of Imperial are hereby superseded.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Imperial on the 6th day of November, 2024.

ROBERT AMPARANO,
Mayor

ATTEST:

KRISTINA SHIELDS,
City Clerk

CERTIFICATION

I, Kristina Shields, City Clerk of the City of Imperial, California, hereby certify that the foregoing Resolution No. 2024-58 was duly adopted at a meeting of the City Council of said City at its meeting held on the 6th day of November, 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this 6th day of November, 2024.

KRISTINA SHIELDS,
City Clerk

CITY OF IMPERIAL
CONFLICT OF INTEREST CODE
Amended November 6, 2024

The Political Reform Act (Government Code Section 8100, et. seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices (FPPC) to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the City of Imperial.

Individuals holding designated positions shall file their statements with the City Clerk's Office, which will retain the statements and make the statements available for public inspection and reproduction. (Government Code Section 81088).

Making a governmental decision means the person:

- Votes on a matter
- Appoints a person
- Obligates or commits his or her agency to any course of action
- Enters into any contractual agreement on behalf of his or her agency.

Participating in making of a decision, means the person:

- Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision
- 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.

Consultant means an individual whom, pursuant to a contract with a local government agency makes a governmental decision whether to:

- Approve a rate, rule, or regulation
- Adopt or enforce a law
- Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, or similar authorization or entitlement
- 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
- Grant agency approval to a plan, design, report, study, or similar item
- Adopt or grant agency approval of policies, standards, or guidelines for the agency or for any subdivision thereof

APPENDIX A

**CITY OF IMPERIAL CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS**

The Following officials shall file periodic statements disclosing certain economic interests, commonly referred to as “700 Forms”, with the Fair Political Practices Commission as required by California Government Code section §87200-87210:

- Mayor
- Council Members
- City Manager
- City Attorney
- Planning Commission/Traffic Commission Member
- Candidate for Elective Office

The positions listed below constitute the list of designated positions required by the City of Imperial Conflict of Interest Code (2 Cal. Code of Regs. Section 18730). The individual occupying each position is deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Appendix B.

Where “Full Disclosure” is indicated, it implies that the disclosure categories are 1,2,3,4 and 5.

POSITION	DISCLOSURE CATEGORY
Accountant	1
Administrative Services Director	Full Disclosure
Assistant to the City Manager	Full Disclosure
Building Inspector	4 and 5
Code Enforcement Officer	4 and 5
Community Development Director	Full Disclosure
Cybersecurity Administrator	Full Disclosure
Engineering/Technician Inspector	Full Disclosure
Finance Manager	Full Disclosure
Fire Chief	Full Disclosure
Fleet and Facilities Supervisor	3
GIS Project Manager	Full Disclosure

Human Resources Manager	1, 3 and 5
Innovation and Technology Director	Full Disclosure
Library Administrator	2 and 3
Literacy Coordinator	1 and 3
Parks and Recreation Director	Full Disclosure
Planner	4 and 5
Police Captain	Full Disclosure
Police Chief	Full Disclosure
Police Sergeant	1,3 and 5
Project Manager	1, 2 and 4
Public Services Director	Full Disclosure
Public Services Foreman	1, 2 and 3
Public Services Manager	1, 2 and 3
Recreation Coordinator	1 and 3
Special Events Coordinator	1 and 3
Water Plant Chief Operator	1,2 and 4
Wastewater Plant Chief Operator	1,2 and 4
BOARDS AND COMMISSIONS	DISCLOSURE CATEGORY
Library Board of Trustees	Full Disclosure
Successor Agency to the Redevelopment Agency	Full Disclosure
Successor Housing Agency to the Redevelopment Agency	Full Disclosure

CONSULTANTS shall be designated on a case-by-case basis, depending upon the nature of their services.

APPENDIX B

DISCLOSURE CATEGORIES

DISCLOSURE CATEGORY 1 - Individuals holding positions requiring disclosure in this category shall disclose as follows:

- Interests in real property located within the jurisdiction including property located within a two miles radius of any property owned or used by the City.
- Investments, business positions, and sources of income from the type which the City is empowered to invest its funds or contracted with the City to provide services, supplies, materials or equipment

DISCLOSURE CATEGORY 2 - Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which:

- Are contractors or subcontractors engaged in the performance of work or services of the type utilized by the City, or
- Which manufacture or sell supplies, material, machinery or equipment of the type utilized by the City.

DISCLOSURE CATEGORY 3 - Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which:

- Are contractors or subcontractors engaged in the performance of work or services of the type utilized by the designated employee's department, or
- Which manufacture or sell supplies, material, machinery or equipment of the type utilized by the designated employee's department.

DISCLOSURE CATEGORY 4 – People holding positions requiring disclosure in this category shall disclose as follows:

- Investments, business positions, and sources of income of the type which engage in land development, construction or the acquisition or sale of real property.

DISCLOSURE CATEGORY 5 – People holding positions requiring disclosure in this category shall disclose as follows:

- Investments, business positions, and sources of income of the type which are subject to the regulatory, permit or licensing authority of the City.