

AGENDA ITEM



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Accept the Notice of Draft Amendments to Conflict of Interest Code for the 2020 Calendar Year Pursuant to Government Code Section 87306.5

MEETING DATE: November 18, 2020

PREPARED BY: City Attorney

RECOMMENDED ACTION: Accept the Notice of Draft Amendments to Conflict of Interest Code for the 2020 Calendar Year pursuant to Government Code Section 87306.5.

BACKGROUND INFORMATION: The City Council must, as the reviewing body under the California Political Reform Act, review the City's Conflict of Interest Code biennially to determine whether or not an amendment to the Code is necessary. The attached resolution makes draft changes to the Code based on conditions occurring since the last update in 2018. The attached resolution is in draft form and must be published by Council to begin the 45-day public comment period on the proposed changes. A final version of the Code will be brought back to the Council for approval at its January 6, 2021 meeting.

The majority of the changes in the Code reflect little more than title changes of positions, the addition of new positions or the deletion of positions in the 2019/2020 and 2020/2021 budgets. For Council's convenience, the changes to the Code are reflected in underline/strikeout form in the draft resolution attached to this Council Communication.

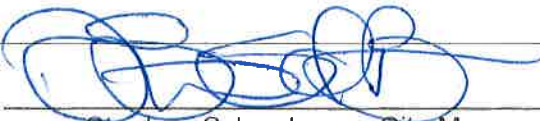
FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.



Janice D. Magdich
City Attorney

Attachment: Resolution Amending City's Conflict of Interest Code - Draft

APPROVED: 

Stephen Schwabauer, City Manager

RESOLUTION NO. 2021-_____

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION NO. 2018-211 THEREBY AMENDING CITY
OF LODI CONFLICT OF INTEREST CODE

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The Political Reform Act of 1974 (Government Code section 81000, 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 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and a hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations 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 officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the City of Lodi.

Designated officials and employees shall file their statements with the City Clerk of the City of Lodi and such statements shall be open for public inspection and reproduction pursuant to Government Code section 81008. Statements for all designated officials and employees will be retained by the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution No. 2018-211 is hereby repealed in its entirety.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Lodi.
3. Persons holding designated positions shall file statements of economic interest pursuant to the provisions of this code.
4. All designated officials and employees shall file their statements of economic interests with the City Clerk of the City of Lodi to whom the City Council hereby delegates the authority to carry out the duties of filing officer.
5. Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal, and civil sanctions as provided in Government Code sections 81000-91014.
6. The effective date of this Resolution shall be _____, 2021.

Dated: _____, 2021

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I hereby certify that Resolution No. 2021-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

JENNIFER CUSMIR
City Clerk

2021-_____

APPENDIX A
DESIGNATED OFFICIALS AND EMPLOYEES

The following is a listing of those persons who are required to submit Statements of Economic Interests (Form 700) pursuant to the Political Reform Act of 1974, as amended:

List of designated positions required to file Form 700:

<u>Department</u>	<u>Position</u>	<u>Disclosure Category</u>
City Manager	City Manager	*
	Deputy City Manager/Internal Services Director	1
	Business Development Manager	1
	Executive Administrative Assistant	2, 3, 4
City Attorney	City Attorney	*
	Deputy City Attorney	1
	Risk Manager	1
	<u>Risk Management Technician**</u>	<u>5</u>
City Clerk	City Clerk	1
	<u>Deputy Assistant</u> City Clerk	1
Community Development	Community Development Director	1
	Junior/Assistant/Associate/City Planner	1
	Building Official	1
	Building Official I/II	2, 3, 6, 7
	Assistant Engineer/Plans Examiner	1
	<u>Administrative Assistant**</u>	<u>5</u>
	<u>Neighborhood Services Manager</u>	<u>1</u>
Electric Utility	Electric Utility Director	1
	Electric Utility Superintendent	1
	Engineering & Operations Manager	1
	Administrative Secretary <u>Assistant**</u>	5
	Senior Power Engineer	3, 5, 7
	<u>Electrical Engineer</u>	<u>3, 5, 7</u>
	Senior Electrical Engineering Technician	3, 5, 7
	Electrical Engineering Technician	3, 5, 7
	Substation/Metering Supervisor	5, 6
	Rates & Resources Manager	1
	Electric Utility Business Analyst	5
	Construction/Maintenance Supervisor	5, 6
	Electric Materials Technician	5
	Electric Distribution Operations Supervisor	5, 6
	Electric Utility Resources Analyst	5
	Troubleshooting Supervisor	5, 6
	Field Services Supervisor	2, 5
<u>Utility Warehouse Supervisor</u>	<u>5, 6</u>	
Fire	Fire Chief	1
	Deputy Fire Chief	1
	Fire Battalion Chief	5
	Management Analyst	2, 3, 4
	Fire Captain**	5

	<u>Administrative Training Officer</u>	<u>2,3,5,7</u>
Internal Services/Human Resources	Human Resources Manager	1, 8
	Management Analyst	2, 8
	<u>Human Resources Technician**</u>	<u>2, 8</u>
Internal Services/Financial Services	Accounting Manager	2, 3, 4, 8
	Revenue Manager	2, 3, 4, 8
	Accountant	2, 3, 4
	Supervising Accountant	2, 3, 4
	Customer Service Supervisor	2, 3, 4
	<u>Administrative Assistant**</u>	<u>5</u>
Internal Services/Budget	Budget Manager	2, 3, 4, 8
	Management Analyst	2, 3, 4, 8
Internal Services/Information Systems	Information Technology Manager	1
	Network Administrator	5
	Senior Programmer/Analyst	3, 4, 6
Library	Library Director	1
	Librarian	2, 3, 5, 7
	Literacy & <u>Volunteer Program</u> Manager	2, 3, 5, 7
	Senior Library Assistant	2, 3, 5, 7
	Library Technician	2, 3, 5, 7
Parks, Recreation and Cultural Services	Parks, Recreation and Cultural Services Director	1
	Parks, Recreation and Cultural Services Deputy Director	1
	Parks Superintendent	1
	Park Project Coordinator	2, 3, 5
	Recreation Superintendent	2, 3, 5, 7
	Recreation Manager	2, 3, 5, 7
	Stage Technician	5
	Building Services Supervisor	5, 7
	Program Coordinator	5, 7
	Park Maintenance Worker III **	5
	Park Supervisor **	5
	Senior Facilities Maintenance Worker **	5
	<u>Administrative SecretaryAssistant**</u>	5
	Management Analyst	2, 3, 4
	Welder/Mechanic**	5
Police	Police Chief	1
	Police Captain	1
	Management Analyst	2, 3, 4
	Community Liaison Officer	2, 3, 5, 7
	Code Enforcement Officer	2, 3, 5, 7
	Animal Services Supervisor	5
	<u>Administrative SecretaryAssistant**</u>	5
	Senior Administrative Clerk	5

Public Works	Public Works Director	1
	Public Works Management Analyst	2, 3, 5, 7
	Transportation Manager	1
	<u>Senior Transportation Planner</u>	<u>2,3,5,7</u>
	<u>Junior Transportation Planner</u>	<u>2, 3, 5, 7</u>
	Junior\Assistant\Associate Planner (Transportation)	2, 3, 5, 7
	<u>Senior Traffic Engineer</u>	<u>2,3,5,7</u>
	City Engineer/Deputy Public Works Director	1
	Compliance Engineer	2, 3, 5, 7
	Construction Project Manager	2, 3, 5, 7
	Senior Civil Engineer	2, 3, 5, 7
	Fleet Superintendent	2, 3, 5, 7
	<u>Facilities Superintendent</u>	2, 3, 5, 7
	Facilities Supervisor	2, 3, 5, 7
	Senior Facilities Maintenance Worker **	2, 3, 5, 7
	Facilities Maintenance Worker **	2, 3, 5, 7
	Public Works Inspector	2, 3, 5, 7
	Utilities Manager	1
	Utilities Superintendent - PW	2, 3, 5, 7
	Wastewater Plant Superintendent	2, 3, 5, 7
	Water Plant Superintendent	2, 3, 5, 7
	<u>Chief Wastewater Plant Operator Operations Supervisor</u>	2, 3, 5, 7
	Lead Electrician	2, 3, 5, 7
	Electrician **	2, 3, 5, 7
	Laboratory Services Supervisor	2, 3, 5, 7
	Parts Clerk	2, 3, 5, 7
	Plant & Equipment Mechanic **	2, 3, 5, 7
	Senior Engineering Technician **	2, 3, 5, 7
	Senior Storekeeper	2, 3, 5, 7
	Street Maintenance Worker III **	2, 3, 5, 7
	Street Maintenance Worker II **	2, 3, 5, 7
	Street <u>Maintenance</u> Supervisor **	2, 3, 5, 7
	Water Treatment Plant Operator III **	2, 3, 5, 7
	Water Services Technician I **	2, 3, 5, 7
	<u>Water Services Technician II**</u>	<u>2, 3, 5, 7</u>
Water/Wastewater Maintenance Worker III **	2, 3, 5, 7	
Water/Wastewater Maintenance Worker II **	2, 3, 5, 7	
Water/Wastewater Supervisor **	2, 3, 5, 7	
Watershed Program Coordinator	2, 3, 5, 7	
Traffic & Sign Making Worker **	2, 3, 5, 7	
Wastewater Plant Operator	2, 3, 5, 7	
Environmental Compliance Inspector	2, 3, 5, 7	
Boards and Commissions	Members of the Planning Commission	* 1
	Members of the <u>Parks and Recreation Commission</u>	2,3,4,6,7,8
	Members of the Site Plan and Architectural Review Committee	2,3,4,6,7,8
	Members of the Library Board of Trustees	2,3,4,6,7,8
	Members of the Lodi Improvement Committee	2,3,4,6,7,8
	Members of the Lodi Arts Commission	2,3,4,6,7,8
	<u>Members of the Personnel Board of Review</u>	<u>2,3,4,6,7,8</u>
	<u>Members of the Measure L Citizens Oversight Committee</u>	<u>2,3,4,6,7,8</u>

Consultants by Dept:		
Community Development	Michael Baker International (Contract CDBG Program Administration, Neighborhood Services, and Planning Services)	3,4,6
	Interwest Consulting Group (Contract Plan Check, <u>Permit Tech and Inspection Services & Planning Services</u>)	3,4,6
	Bureau Veritas (Contract Plan Check, <u>Permit Tech and Inspection Services</u>)	3,4,6
	Stantec Consulting Services (Contract Management Services re Brownfield Grant)	3,4,6
	4Leaf, Inc. (Contract Plan Check, <u>Permit Tech and Inspection Services</u>)	3,4,6
	<u>NJA Architects</u>	<u>3, 4, 6</u>
Electric Utility	<u>Flynn Resource Consulting, Inc.</u>	<u>4</u>
Internal Services/Human Resources	York Insurance Service Group	3,4,6,8
	DB Claims Services Group, Inc.	3,4,6,8
Police	Lodi Shelter PALS	2, 5
Public Works	West Yost & Associates	3,4,6
	RMC Water and Environment	3,4,6
	WGR Southwest	3,4,6
	Stantec	3,4,6
	Mark Thomas and Company	3,4,6
	Terracon	3,4,6
	MV Transportation	3,4,6
	HCS Engineering	3,4,6
	KSN	3,4,6
	Michael Baker International, Inc.	3,4,6
	Petralogix	3,4,6
	Siegfried	3,4,6
	SNG & Associates	3,4,6
	The Reed Group	3,4,6
	WMB	3,4,6
	Carollo Engineering, Inc.	3,4,6
	Interwest Consulting Group, Inc.	3,4,6
Contractor Compliance and Monitoring, Inc.	3,4,6	
<u>NJ Associates, Inc.</u>	<u>3, 4, 6</u>	

* Exempt from Political Reform Act of 1974, but required to file a statement of economic interest pursuant to Government Code section 87200.

** Applicable only to those employees in the position issued a Cal-Card Visa.

Designated Employees are those positions within the city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means an individual who, pursuant to a contract with a state or local governmental agency:

- A. Makes governmental decisions whether to:
 1. approve a rate, rule or regulation;
 2. adopt or enforce a law;
 3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. 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;
 6. grant agency approval to a plan, design, report, study or similar item;
 7. 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 the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agencies Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position" 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. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. The City Manager or his designee'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.

Public Officials Who Manage Public Investments (Specified in Government Code Section 87200):

The positions listed below manage public investments and shall file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only.

1. Members of the Lodi City Council
2. City Manager
3. City Attorney
4. Finance Director
5. Members of the Lodi Planning Commission

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

DISCLOSURE CATEGORIES

1. All investments and business positions in business entities, sources of income, including loans, gifts, and travel payments, from all sources wherever located; and interests in real property located within the jurisdiction of the City of Lodi or within two (2) miles of the boundaries of the City of Lodi or within two (2) miles of any land owned or used by the City of Lodi.
2. Investments and business positions in business entities, and all sources of income, including loans, gifts, and travel payments, from all sources.
3. Interests in real property located within the jurisdiction of the City of Lodi or within two (2) miles of the boundaries of the City of Lodi or within two (2) miles of any land owned or used by the City of Lodi.
4. Investments and business positions in business entities, and sources of income from entities, including loans, gifts, and travel payments, from sources providing supplies, services, materials, equipment or machinery of the type used by the City of Lodi.
5. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources providing supplies, services, materials, equipment or machinery of the type used by the designated position's division or department.
6. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that filed a claim against the City of Lodi during the previous two (2) years, or have a claim pending with the City of Lodi.
7. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to: licenses, utility permits, and vendor permits.
8. Investments and business positions in and income from Union Pension funds that may be affected by the outcome of negotiations involving monetary settlements of employer-employee memorandums involving the City of Lodi.