

## Chapter 2.12

### CONFLICT OF INTEREST CODE

#### 2.12.010 Purpose.

A. The Political Reform Act of 1974 (Government Code sections 81000 et seq., "Act" herein), requires the City to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of the Standard Conflict of Interest Code and amendments thereto by the Fair Political Practices Commission in accordance with the Act. (Ord. 92-26)

B. This Chapter shall be known as the "Conflict of Interest Code" of the City.

C. Nothing in this Chapter is intended to modify or abridge the provisions of the Act commencing with Government Code Section 87100, which is applicable to all public officials of the City and directs that no public official of the City shall make, participate in the making or in any way attempt to use their official position to influence a City decision in which the official knows, or has reason to know, that he or she has a financial interest as defined by the Act.

D. Nothing in this Chapter is intended to modify or abridge the provisions of the Act commencing at Government Code Section 87200, which requires the Mayor, members of the City Council, members of the Planning Commission, City Manager, City Attorney, City Treasurer, and other public officials who manage public investments to file a financial disclosure statement using Form 721 (Ord. 95-08).

E. This Chapter intends to designate those public officials of the City who are involved in City decisions, and to require designated officials to disclose those financial interests (using Form 730) which could foreseeably be affected, in a material manner, by a City decision made by the official in the performance of the official's responsibilities.

#### 2.12.015 Amendment and Review

##### A. Amendment

1. Changed Circumstances. Changed circumstances includes, but not limited to, the following: the creation of new positions which must be designated pursuant to this Chapter and relevant changes in the duties assigned to existing positions. (GC § 87306, subd. (a).)

2. Amendment Due To Changed Circumstances. Within ninety days after the changed circumstances necessitating the amendment to this Chapter become apparent, the City Manager shall submit a proposed amendment to the City Council. (Gov. Code § 87306, subd. (a).)

3. Manner of Amendment. This Chapter shall be amended by the City Council after a noticed public hearing is held prior to introduction of the proposed amendment. (Gov. Code § 87311.)

B. Biennial Review.

1. No later than July 1 of each even-numbered year, the City Manager shall review this Chapter. (Gov. Code § 87306.5, subd. (a).)

2. If a change in this Chapter is necessitated by changed circumstances, it shall be amended pursuant to subsection A of this section. (Gov. Code § 87306.5, subd. (a).)

3. If no change in this Chapter is required, the City Manager shall submit a written statement to that effect to the City Council no later than October 1 of the same year. (Gov. Code § 87306.5, subd. (b).)

2.12.020 Definitions Incorporated. Unless otherwise indicated, the definitions of the Act, regulations and amendments thereto and binding judicial opinions thereon are incorporated herein, and this Chapter shall be interpreted in a manner consistent with such definitions.

2.12.030 Standard Code.

A. By this reference, 2 California Code of Regulations Section 18730, the Standard Conflict of Interest Code, is incorporated herein together with each and every amendment thereto duly adopted by the Fair Political Practices Commission.

B. The filing officer shall maintain three copies of the Standard Conflict of Interest Code for the public review.

2.12.040 Filing Officer. The City Clerk is the filing officer of the City.

2.12.050 Disclosure Categories.

A. Category 1 - Business Position/Investment Interests. Disclose each City-related, business entity in which the employee/member holds a position or has a direct or indirect business investment worth more than \$1,000.

B. Category 2 - Real Property Interests. Disclose each interest in real property located within the jurisdiction of the City in which the employee/member has a direct or indirect interest worth more than \$1,000.

C. Category 3 - Income Interests. Disclose all income of the employee/member from any City-related source aggregating \$250.00 or more (or \$25.00 or more in the case of gifts) during the reporting period.

D. Category 4 - Less Inclusive Reportable Interests. Disclose all investment and management interests in business entities (as described in Categories 1 and 3) contracting with or selling to the City or which foreseeably could so contract or sell; and all income from a source (as described in Category 2) which sells or contracts with the City or which foreseeably could so sell or contract.

2.12.060 Department Positions. The following are the designated positions within City departments together with the required disclosure category: (Ord. 99-09)

<u>Position</u>	<u>Category</u>
A. All positions as may be designated by resolution of the City Council from time to time.	
B. Finance Department (Ord. 2008-20)	
1. Finance Technician	1, 2, 3
2. Accountant	1, 2, 3
3. Program Assistant	1, 2, 3
4. Finance Manager	1, 2, 3
5. Department Director	1, 2, 3
6. Finance Supervisor	1, 2, 3
7. Management Analyst	1, 2, 3
8. Program Assistant	1, 2, 3
C. City Clerk's Office (Ord. 2008-20)	
1. City Clerk/Director of Legislative Services	1, 2, 3
2. Deputy City Clerk	1, 2, 3
3. Program Coordinator	1, 2, 3

D. Planning and Building (Ord. 2008-20)

- 1. Dept. Administrative Support Coordinator 1, 2, 3
- 2. Planner 1, 2, 3
- 3. Senior Planner 1, 2, 3
- 4. Principal Planner 1, 2, 3
- 5. Code Enforcement Manager 1, 2, 3
- 6. Code Enforcement Officer 1, 2, 3
- 7. Department Director 1, 2, 3
- 8. Program Administrator 1, 2, 3
- 9. Management Analyst 1, 2, 3
- 10. Program Assistant 1, 2, 3
- 11. Program Coordinator 1, 2, 3

E. Parks and Recreation (Ord. 2008-20)

- 1. Department Director 1, 2, 3
- 2. Senior Management Analyst 1, 2, 3
- 3. .50 Management Analyst 1, 2, 3
- 4. Superintendent 1, 2, 3
- 5. Recreation Supervisor 1, 2, 3
- 6. Parks and Beach Supervisor 1, 2, 3
- 7. Recreation Center Manager 1, 2, 3
- 8. Facilities Specialist 1, 2, 3

F. Engineering Services (Ord. 2008-20)

- 1. Department Director 1, 2, 3
- 2. Engineering Specialist 1, 2, 3
- 3. Senior Engineer 1, 2, 3
- 4. Engineer 1, 2, 3
- 5. Senior Management Analyst 1, 2, 3
- 6. Program Administrator 1, 2, 3
- 7. Dept. Administrative Support Coordinator 1, 2, 3
- 8. Program Assistant 1, 2, 3
- 9. Stormwater Environmental Spec. 1, 2, 3

## G. Office of the City Manager (Ord. 2008-20)

1.	City Manager	1, 2, 3
2.	Assistant to the City Manager	1, 2, 3
3.	Department Manager IT	1, 2, 3
4.	Information Technology Project Manager	1, 2, 3
5.	Department Manager HR	1, 2, 3
6.	Human Resources Supervisor	1, 2, 3
7.	Department Manager Risk	1, 2, 3
8.	Executive Secretary	1, 2, 3

## H. Public Works (Ord. 2008-20)

1.	Department Director	1, 2, 3
2.	Assistant District Manager	1, 2, 3
3.	Senior Engineer	1, 2, 3
4.	Engineer	1, 2, 3
5.	Assistant Superintendent	1, 2, 3
6.	Management Analyst	1, 2, 3
7.	Utility and Maintenance Supervisor	1, 2, 3
8.	Superintendent	1, 2, 3
9.	Dept. Administrative Support Coordinator	1, 2, 3
10.	Facilities Specialist	1, 2, 3
11.	Senior Management Analyst	1, 2, 3
12.	Program Coordinator	1, 2, 3

## I. Fire Department (Ord. 2008-20)

1.	Fire Chief	1, 2, 3
2.	Division Chief	1, 2, 3
3.	Senior Management Analyst	1, 2, 3
4.	Fire Marshal	1, 2, 3
5.	Marine Safety Captain	1, 2, 3
6.	Senior Lifeguard	1, 2, 3
7.	Dept. Administrative Support Coordinator	1, 2, 3
8.	Management Analyst	1, 2, 3
9.	Marine Safety Lieutenant	1, 2, 3
10.	Marine Safety Sergeant	1, 2, 3

2.12.070 Boards, Commissions, and Committees. Members of the following Boards, Commissions and Committees occupy designated positions with the following disclosure categories: (Ord. 96-05).

	<u>Position</u>	<u>Category</u>
A.	All members of Boards, Commissions or committees designated by resolution of the City Council, from time to time.	
B.	Parks and Recreation Commission	1, 2, 3
C.	Traffic Commission	1, 2, 3
D.	Encinitas Ranch Golf Authority	1, 2, 3
E.	Commission for the Arts (Ord. 98-12)	1, 2, 3
F.	Environmental Committee (Ord. 2008-20)	1, 2, 3

2.12.080 Consultants. (Ord. 94-18)

A. "Consultant" shall include any natural person who pursuant to a contract with a local government agency, make final government decisions or perform substantially all the same duties for an agency that would otherwise be performed by an individual holding a position specified in the agency's conflict of interest code. However, that "consultant" shall not include a person who:

1. Conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation, or counsel independent of the control and direction of the agency or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and
2. Possesses no authority with respect to any City decision beyond the rendition of information, advice, recommendation, or counsel.

B. Disclosure Category.

<u>Position</u>	<u>Category</u>
Consultant	1, 2, 3

C. Limitation to the Disclosure Category. The City Manager may determine that a particular consultant, although in 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 determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination shall be included in the contract by which the consultant is hired by the City. 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.