

**REPORT TO MAYOR AND CITY COUNCIL****TO THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS:**

DATE: July 22, 2014

SUBJECT: ADOPTION OF RESOLUTION NO. 14-54 AMENDING CITY OF CONCORD CONFLICT OF INTEREST CODE APPENDIX "A", FOR DESIGNATED EMPLOYEES, BOARDS & COMMISSIONS, AND LOCAL REUSE AUTHORITY**Report in Brief**

The State Political Reform Act, Government Code Section 81000 et seq. requires local agencies such as the City of Concord to adopt a Conflict of Interest Code and to review the Code every even-numbered year, and amend if necessary, to reflect changed circumstances such as the creation of new positions and/or relevant changes in duties assigned to existing positions. The City, Successor Agency, and Local Reuse Authority have served as current Code reviewing bodies as required by Council Resolution No. 81-6601 and Local Reuse Agency Resolution No. 06-1.

Staff recommends that the City Council adopt Resolution No. 14-54 amending the City of Concord's Conflict of Interest Code as shown on the revised Appendix "A;" confirm that the Local Reuse Authority's Conflict of Interest Code established by Resolution LRA 06-1 dated January 10, 2006 remains appropriate.

Background

The State Political Reform Act, Government Code Section 81000 et seq. requires local agencies such as the City of Concord to adopt a Conflict of Interest Code. "Designated employees" are required to file financial disclosure statements with the City Clerk. A "designated employee" is defined in the Conflict of Interest Code to include occupants of employment positions that entail the making, or participation in the making, of decisions that may foreseeably have a material effect on any financial interest of the employee or the employee's family.

The City of Concord adopted its Conflict of Interest Code in 1981 (Resolutions 81-6601). The Local Reuse Authority adopted its Conflict of Interest Code in 2006 by Resolution LRA 06-1.

Discussion

City positions that have been added to Appendix "A" as newly qualifying "designated employees" are italicized for easy reference. Inactive classifications have been removed from Appendix "A," and are identified by strikeout. Some of the identified positions are currently vacant or pending recruitment, or will be held vacant due to the budget deficit.

**AMENDING CITY OF CONCORD CONFLICT OF INTEREST CODE APPENDIX "A",
DESIGNATED EMPLOYEES, BOARDS & COMMISSIONS, AND
LOCAL REUSE AUTHORITY;**

July 22, 2014

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This report also constitutes the written statement to the City Council sitting as the Local Reuse Authority from the Executive Director that no change is required to the Local Reuse Authority's Conflict of Interest Code which was established by Resolution LRA 06-1 dated January 10, 2006.

Fiscal Impact

There is no fiscal impact anticipated.

Public Contact

Posting of the agenda.

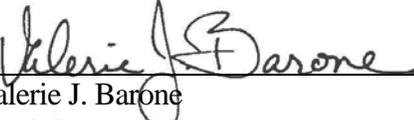
Alternative Courses of Action

Council could decline to adopt the proposed amendments. However, failure to do so would not serve the purposes of the Political Reform Act by requiring disclosure of assets and income of public officials who may be materially affected by their official actions. Such income and assets should be disclosed and, in appropriate circumstances, officials should be disqualified from acting in order that conflicts of interest may be avoided.

Recommendation for Action

Staff recommends the City Council adopt Resolution No. 14-54 amending the City's amended Conflict of Interest Code, and confirm that the Local Reuse Authority's Conflict of Interest Code established by Resolution LRA 06-1 dated January 10, 2006 remains appropriate.

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- Attachment 1: Resolution 14-54 with new Appendix "A" - Designated Employee Classification
- Attachment 2: Local Reuse Authority Conflict of Interest Code
- Attachment 3: Disclosure Categories

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Amending Appendix "A" of Resolution
81-6601, the City of Concord's Conflict of Interest
Code**

Resolution No. 14-54

WHEREAS, under the provisions of the Political Reform Act, Government Code Section 81000 et seq., the City of Concord is required to adopt a local conflict of interest code; and

WHEREAS, said conflict of interest code is to enumerate positions within the City which are involved in the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest of the designated employee by virtue of his or her position; and

WHEREAS, by Resolution 81-6601, the City Council adopted the City's conflict of interest code, and as part of that code adopted Appendix "A" which sets forth the designated employee classifications required to disclose financial interests in investments, interest in real property, and sources of income as may be applicable to each designated position; and

WHEREAS, the Political Reform Act requires the City Council, as the code-reviewing body, to review and amend the conflict of interest code no later than October 1 of each even-numbered year and requires that if a change in the code is necessitated by changed circumstances, the conflict of interest code be amended in accordance with the procedures of the Political Reform Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. Amends Appendix "A" of Resolution 81-6601, attached.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

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1 **PASSED AND ADOPTED** by the City Council of the City of Concord on July 22, 2014, by
2 the following vote:

3 **AYES:** Councilmembers -

4 **NOES:** Councilmembers -

5 **ABSTAIN:** Councilmembers -

6 **ABSENT:** Councilmembers -

7 **I HEREBY CERTIFY** that the foregoing Resolution No. 14-54 was duly and regularly
8 adopted at a regular joint meeting of the City Council of the City of Concord on July 22, 2014.

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11 _____
12 Mary Rae Lehman, CMC
13 City Clerk

14 **APPROVED AS TO FORM:**

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17 _____
18 Mark S. Coon
19 City Attorney

20 Attachment: Appendix A: Revised conflict of interest schedule
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City of Concord
Resolution No. 81-6601
DESIGNATED EMPLOYEE CLASSIFICATIONS

Administrative Analyst	1,2,3,4
Administrative Services Coordinator	2,4
Administrative Services Manager	2,4
Assistant City Attorney	1,2,3,4
Assistant City Engineer	2,3,4
Assistant City Manager	1,2,3,4
Assistant Engineer	2,3,4
Assistant Planner	1,2,3,4
Associate Civil Engineer	1,3
Associate Planner	1,2,3,4
Budget Analyst	1,2,3,4
Budget Officer	1,2,3,4
Building Inspector Supervisor	1,3
Building Inspector	1,3
Camp Director – Camp Concord (contract)	1,2,4
Chief Building Official	1,3
Chief of Police	1,2,4
City Clerk	1,2,3,4
City Engineer	1,2,3,4
Code Enforcement Officer	1,2,3,4
Community Relations Manager	1,2,3,4
Community Services Manager	1,2,3,4
Concord Reuse Project Director	1,2,3,4
Concord Reuse Project Manager	1,2,3,4
Construction Inspection Supervisor	1,3
Construction Inspector	1,3
Contract Engineer	1,2,3,4
Deputy City Attorney	1,2,3,4
Deputy City Clerk	1,2,3,4
Director of Community and Economic Development	1,2,3,4
Director of Community and Recreation Services	1,2,3,4
Director of Finance	1,2,3,4
Director of Human Resources	1,2,3,4
Director of Information Technology	1,2,3,4

Deleted: Assistant to the City Manager 1,2,3,4 ¶

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Business Development Manager 1,2,3,4

Deleted: Director of Community Development 1,2,3,4

Deleted: Director of Planning & Economic Development . . . 1,2,3,4¶

Director of Public Works	1,2,3,4
Downtown Coordinator	2,3
Economic Development Manager	1,2,3,4
Economic Development and Housing Manager	1,2,3,4
Economic Development Specialist	1,2,3,4
Employee Services Manager	2,4
Facilities Maintenance Supervisor	1,2,3,4
Facilities Maintenance Manager	1,2,3,4
Financial Analyst	1,2,3,4
Financial Operations Manager	1,2,3,4
Fleet Manager	2,3,4
Head Golf Professional (contract)	2,4
Housing Manager	1,3
Housing Program Analyst	1,2,3
Housing Rehabilitation Coordinator	1,3
Housing Rehabilitation Specialist	1,3
Human Resource Analyst II	1,2
Human Resource Specialist	1,2
Information Technology Manager	2,4
Infrastructure Maintenance Manager	2,3,4
Neighborhood Services Supervisor	1,2,3,4
Neighborhood Services Manager	1,2,3,4
Neighborhood Services Specialist	1,2,3,4
Parks Manager	2,4
Payroll Specialist	1,2,3,4
Planning Manager	1,2,3,4
Police Captain	1,2,4
Police Records Manager	1,2,4
Principal Planner	1,2,3,4
Printing Services Supervisor	2,4
Parks Manager	1,2,3,4
Parks Program Manager	1,2,3,4
Program Manager	1,2,3,4
Purchasing Agent	4
Recreation Program Coordinator	2,3,4
Senior Administrative Analyst	1,2,3,4
Senior Assistant City Attorney	1,2,3,4

Deleted: Director of Public Works and Engineering 1,2,3,4

Deleted: Program

Deleted: Redevelopment/Housing Manager 1,2,3,4

Senior Building Inspector	1,3
Senior Civil Engineer	1,2,3,4
Senior Construction Inspector	1,3
<u>Senior Financial Analyst</u>	<u>1,2,3</u>
Senior Human Resource Analyst	1,2,3,4
Senior Planner	1,2,3,4
Senior Program Manager	1,2,3,4
Senior Recreation Program Manager	1,2,3,4
Systems and Programming Manager	2,4
Transportation Manager	1,2,3,4
Transportation Program Manager	2,3,4
<u>Treasury Technician</u>	<u>1,2,3,4</u>
Zoning Administrator	1,2,3,4

Deleted: Treasury Manager 1,2,3,4¶

DESIGNATED BOARDS, COMMISSIONS AND COMMITTEES

Appeals Board	1,2,3
Community Services Commission	1,2,3,4
Parks & Recreation Commission	2
Design Review Board	1,2,3
Measure Q Oversight Committee	1,2,3,4
Successor Agency Oversight Board	1,2,3

FILINGS REQUIRED BY GOVT. CODE SECTION 87200

City officials required to file a financial disclosure statement under Government Code §87200, including public officials and employees who manage public investments

City Council	1,2,3,4
Planning Commission	1,2,3,4
City Manager	1,2,3,4
City Attorney	1,2,3,4
City Treasurer	1,2,3,4
Retirement Board	1,2,3,4
Consultants *	1,2,3,4

* As reviewed and identified by City Attorney staff

May 1, 2012

**CITY OF CONCORD LOCAL REUSE AUTHORITY
CONFLICT OF INTEREST CODE
Exhibit B to LRA Resolution 06-1**

DESIGNATED EMPLOYEES/DISCLOSURE CATEGORIES

<i>Department</i>	<i>Classification</i>	<i>Category</i>
CITY OF CONCORD LOCAL REUSE AUTHORITY	Authority Member	1, 2, 3, 4
	Executive Director	1, 2, 3, 4
	Authority Counsel	1, 2, 3, 4
	Finance Officer	1, 2, 3, 4
	Authority Secretary	1, 2, 3, 4
CONSULTANTS*	Consultants	1, 2, 3, 4

*With respect to consultants, the Executive Director 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 comply with the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director shall forward a copy of this determination to the Authority Board. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Public officials and employees who manage public investments are required to file a financial disclosure statement pursuant to Government Code § 87200.

**Statement of Economic Interest
Designated Employees and Public Officials**

DISCLOSURE CATEGORIES

The designated positions listed above are hereby assigned to one or more of the following disclosure categories. Each designated officer or employee shall file an annual statement disclosing that officer's or employee's interest in investments, real property, and income designated as reportable under the category to which the office or position is assigned as follows:

General Rules

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 decision made or participated in by the designated officer or employee or by virtue of the designated officer's or employee's position.

**CATEGORY 1 (Schedules A-1 or A-2, B, C, D, E)
(Schedule F not required)**

Designated officers and employees in Category 1 must report: All interests, investments and/or loans involving real property in the City of Concord, and any real property outside of Concord if it is within two (2) miles (measured in a straight line) from the closest Concord boundary, or any land owned or used by the City.

**CATEGORY 2 (Schedules A-1 or A-2, C, D, E, F)
(Schedule B not required)**

Designated officers and employees in Category 2 must report: All investments in business entities located in the City of Concord, and all sources of income that arise from persons and/or business entities in the City of Concord or doing business in the City.

**CATEGORY 3 (Schedules A-1, A-2, B, C, D, F)
All Schedules required**

Designated officers and employees in Category 3 must report: All investments in business entities and sources of income which engage in land development, construction, building industry, or the acquisition or sale of real property which entities are doing business within the City of Concord

**CATEGORY 4 (Schedules A-1, A-2, C, D, E, F)
(Schedule B not required)**

Designated officers and employees in Category 4 must report: All investments in business entities and sources of income which, within the past two years, have contracted with the City of Concord to provide services, supplies, materials, machinery, or equipment. Included within this category are investments in business entities or sources of income which, within the past two years, have contracted with the designated officers or employees' department to provide services, supplies, materials, machinery, or equipment.

**Statement of Economic Interest
Designated Employees**

Disclosure Categories

The designated positions described in Appendix A are hereby assigned to one or more of the following disclosure categories. Each designated officer or employee shall file an annual statement disclosing that officer's or employee's interest in investments, real property, and income designated as reportable under the category to which the office or position is assigned as follows:

General Rules

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 decision made or participated in by the designated officer or employee or by virtue of the designated officer's or employee's position.

CATEGORY 1 (Schedules A-1 or A-2, B, C, D, E)

Designated officers and employees in Category 1 must report: All interests, investments and/or loans involving real property in the City of Concord, and any real property outside of Concord if it is within two (2) miles (measured in a straight line) from the closest Concord boundary, or any land owned or used by the City.

CATEGORY 2 (Schedules A-1 or A-2, C, D, E)
(Schedule B not required)

Designated officers and employees in Category 2 must report: All investments in business entities located in the City of Concord, and all sources of income that arise from persons and/or business entities in the City of Concord or doing business in the City.

CATEGORY 3 (Schedules A-1 or A-2, B, C, D, E)
(All Schedules required)

Designated officers and employees in Category 3 must report: All investments in business entities and sources of income which engage in land development, construction, building industry, or the acquisition or sale of real property which entities are doing business within the City of Concord.

CATEGORY 4 (Schedules A-1 or A-2, C, D, E)
(Schedule B not required)

Designated officers and employees in Category 4 must report: All investments in business entities and sources of income which, within the past two (2) years, have contracted with the City of Concord to provide services, supplies, materials, machinery or equipment. Included within this category are investments in business entities or sources of income which, within the past two (2) years, have contracted with the designated officer's or employee's department to provide services, supplies, materials, machinery or equipment.