

## RESOLUTION NO. 2013-48

### A RESOLUTION OF THE CITY OF BELL, CALIFORNIA ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE CITY CONTAINING REVISED DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES, AND REPEALING RESOLUTION 2010-30.

**WHEREAS**, the Political Reform Act of 1974, codified in Government Code Section 81000 et seq. (the "Act") requires state and local government agencies to adopt conflict of interest codes;

**WHEREAS**, the Fair Political Practices Commission ("FPPC") has adopted a regulation set forth in Section 18730 of Title 2, Division 6 of California Code of Regulations which contains terms and provisions of a conflict of interest code required under the Act.

**WHEREAS**, Section 18730 of Title 2, Division 6 of California Code of Regulations was adopted by reference by the City pursuant to Resolution No. 98-06, and last amended by Resolution No. 2010-30; and

**WHEREAS**, the Act requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or needs amending; and

**WHEREAS**, a review of the City's current Conflict of Interest Code indicates the need to add and remove certain positions for filing statements of economic interest and amend the disclosure categories; and

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

**SECTION 1. Recitals.** The City Council of the City of Bell finds that the above recitals are true and correct and are incorporated herein by reference as if set forth in full.

**SECTION 2. Repeal.** Resolution 2010-30 is hereby repealed in its entirety.

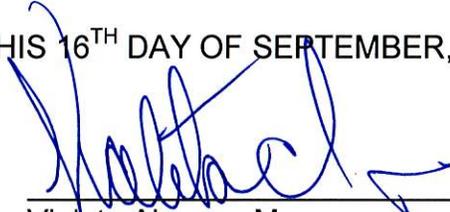
**SECTION 3. Amended Conflict of Interest Code.** Section 18730 of Title 2 of California Code of Regulations, attached as Exhibit "1" to this resolution, and any amendments to it duly adopted by the Fair Political Practices Commission and the attached Appendices "A" and "B", attached hereto and incorporated by reference, are to be adopted to amend the Conflict of Interest Code of the City of Bell.

**SECTION 4. Statement of Economic Interest.** Employees designated in Appendix A shall file statements of economic interest (Form 700) with the City Clerk. The City Clerk shall forward the original Form 700s filed by the Mayor, Members of the City Council, Planning Commissioners, the City Manager, the City Attorney, and the City Treasurer to the Fair Political Practices Commission pursuant to Government Code

Sections 87200 and following. Statements for the City Council, City Manager, and City Attorney will include positions held with the City Council as Successor Agency, Housing Authority, Public Finance Authority, and Oversight Board. The City Clerk shall retain a copy of all statements of economic interests and make them available for public inspection and production in accordance with Government Code Section 81008.

**SECTION 5. Maintenance of Conflict of Interest Code.** The City Clerk shall maintain at all times at least one copy of the City's Conflict of Interest Code for examination by the public and shall cause the filing of such code in the manner required by law.

ADOPTED AND APPROVED THIS 16<sup>TH</sup> DAY OF SEPTEMBER, 2013.

  
\_\_\_\_\_  
Violeta Alvarez, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Aleshire, City Attorney

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Janet Martinez, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council at its regular meeting held on the 16<sup>TH</sup> day of September, 2013, by the following vote:

AYES: Councilmembers Romero, Saleh, Valencia, Mayor Pro Tem Quintana and Mayor Alvarez

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
Janet Martinez, Interim City Clerk

## APPENDIX A

### DESIGNATED EMPLOYEES FOR THE CONFLICT OF INTEREST CODE

A designated employee is anyone within the City who is an officer, employee, member or consultant who is designated in the Code because the position entails the making or participating in the making of decisions which may foreseeably have a material effect on any financial interest of the officer, employee, member or consultant.

The term "designated employee" does not include any public official specified in Government Code Section 87200 nor does it include a position which is solely clerical, ministerial or manual, or any unsalaried member of a board or commission which is solely advisory.

<u>"Designated Employees"</u>	<u>Disclosure Categories</u>
Accounting Manager	1, 2, 3
Administrative Services Officer	1, 2, 3
Assistant City Attorney	1, 2, 3
Assistant City Planner	1, 2, 3
Business Development Coordinator	1, 2, 3, 4
Building Official	1, 2, 3
Chief of Police	1, 2, 3
City Clerk	1, 2, 3, 4
City Planner	1, 2, 3
City Engineer	1, 2, 3
Members of the Successor Agency	1, 2, 3
Members of City Commissions	4
Contracts and Facilities Manager	1, 2, 3
Consultants (see next page)	1, 2, 3, 5
Director of Community Development	1, 2, 3
Director of Community Services	1, 2, 3
Director of Finance*	

Housing Specialist	1, 2, 3
Recreation Supervisor	1, 2, 3, 4
Senior Human Resources Analyst	1, 2, 3
Senior Accounting Manager	1, 2, 3
Senior Code Enforcement Officer	1, 2, 3
Senior Management Analyst	1, 2, 3
Oversight Board	1, 2, 3
Police Captain	1, 2, 3
Police Lieutenant	1, 2, 3
Contract Building Inspector	1, 2, 3
Maintenance Supervisor	1, 2, 3

\*It has been determined that the positions listed below manage public investments and will file a statement of economic interest pursuant to Government Code Section 87200:

Director of Finance

## CONSULTANTS

Commission Regulation 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 City 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. With respect to Consultants performing work for the City of Bell, the City Manager may determine, in writing that a particular Consultant is hired to perform a range of duties that are limited in scope, and thus the Consultant is not required to comply with the disclosure requirements. The determination shall be retained by the City Clerk as filing officer. Nothing herein excuses any Consultant from any other provision of this Code.

## APPENDIX B

### DESCRIPTION OF DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, and real property which the designated employee must disclose for each disclosure category to which he or she is assigned.

#### **Category 1 (Real Property within Jurisdiction):**

Designated employees must report all interests in real property which are located in whole or in part within the City or within two miles outside the boundaries of the City.

#### **Category 2 (All Investments and Sources of Income):**

Designated employees must report all investments and sources of income where the business entity or source of income does business, plans to do business, or has done business within the past two years in the City.

#### **Category 3 (Management Positions):**

Designated employees must report all business positions where the employer does business, plans to do business or has done business within the past two years in the City.

#### **Category 4 (General Contracting):**

Designated employees must report all investments in business entities, sources of income and business positions where the business entity or source of income contracts, plans to contract or has contracted within the past two years with the City to provide services, supplies, materials, machinery or equipment.

#### **Category 5 (Special Contracting):**

Designated employees must report all investments in business entities, sources of income and business positions where the business entity or source of income contracts, plans to contract or has contracted within the past two years with the designated employee's department to provide services, supplies, materials, machinery or equipment.