



Agenda Report

Fullerton City Council

MEETING DATE: SEPTEMBER 18, 2018

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: KENNETH A. DOMER, CITY MANAGER

PREPARED BY: LUCINDA WILLIAMS, CITY CLERK

SUBJECT: BIENNIAL REVIEW AND UPDATE OF CITY OF FULLERTON CONFLICT OF INTEREST CODE

SUMMARY

The Political Reform Act (Act) requires each local agency in California to review its Conflict of Interest Code (Code) at least biennially. Following the 2018 biennial review, Staff recommends minor revisions to the City of Fullerton's Conflict of Interest Code to amend the list of designated positions to delete eliminated positions and include new positions identified as Conflict of Interest (Form 700) filers since the last update of the Code.

RECOMMENDATION

Adopt Resolution No. 2018-XX.

RESOLUTION NO. 2018-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, MODIFYING THE CONFLICT OF INTEREST CODE OF THE CITY OF FULLERTON INCLUDING DESIGNATED POSITIONS AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement/s:

- Fiscal and Organizational Stability.

FISCAL IMPACT

None.

DISCUSSION

The Political Reform Act prohibits a public official from using his or her official position to influence a governmental decision in which he or she has a financial interest. Every state and local agency in California must adopt, and review biennially, a conflict of interest code that identifies all officials and employees within the agency who make or participate in the making of governmental decisions based on the positions they hold.

The individuals in the designed positions must disclose their financial interests as specified in the agency's conflict of interest code. To help identify potential conflicts of interest, the law requires public officials and employees in designated positions in a conflict of interest code to report their financial interests on a Statement of Economic Interests – Form 700 within 30 days of assuming the identified position, annually while holding the position and within 30 days of leaving the position.

The Act requires governmental agencies to review their conflict of interest codes in each even-numbered year. Following this year's review, Staff identified proposed amendments to the Designated Positions described in detail in this report.

Designated Positions – Since the last Code update, Resolution No. 2018-44 deleted the Police Communications Manager position and created a Police Communications Supervisor position with conflict of interest filing obligations.

City Council has made several changes to the structure of the City's boards, commissions and committees including elimination of the Economic Development Commission and creation of the Infrastructure and Natural Resources Committee. City Council also provided direction to create an Active Transportation Committee, which is agendized for formal adoption at this September 18, 2018 City Council meeting.

Per City Council direction, the Citizens' Infrastructure Review Committee and Energy & Resource Management Committee will disband effective December 31, 2018 and Staff will present an agenda item later this year to disband the Design Review Committee. Members of these committees will continue to have Form 700 filing obligations until the committees disband, so these committee members remain on the list of designated filers until that time.

The attached draft resolution reflects these recent changes to the list of designated positions required to file a Conflict of Interest Statement. Should City Council choose to not formalize the creation of the Active Transportation Committee at this meeting, Staff will remove it from the list of designated positions for City Council consideration.

Attachments:

- Attachment 1 – Draft Resolution No. 2018-XX
- Attachment 2 – 2018 Local Agency Biennial Notice