

RESOLUTION NO. 2020-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 AND DISCLOSURE CATEGORIES AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

The Fullerton City Council does hereby resolve:

1. That the City Council modifies the City of Fullerton Conflict of Interest Code, including the Designated Positions and Disclosure Categories, initially adopted by City Council Resolution No. 8703 and last updated by Resolution No. 2018-50, to reflect changes since the last update.
2. That the City Council approves the revised Conflict of Interest Code, attached hereto, including Designated Positions and Disclosure Categories.
3. That pursuant to Section 2 of the Conflict of Interest Code of the City of Fullerton, the City Council, as the Code-reviewing body, hereby instructs all persons occupying a Designated Position to file an annual Statement of Economic Interest with the City Clerk as required, as well as assuming and leaving office statements.
4. That adoption of this resolution replaces the Resolution No. 2018-50 including the Conflict of Interest Code Appendix and Disclosure Categories.

PASSED, APPROVED AND ADOPTED ON _____, 2_____.

Mayor

ATTEST:

City Clerk

Date

CONFLICT OF INTEREST CODE CITY OF FULLERTON

SECTION 1: Conflict of Interest Code – Adopted

The Political Reform Act (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 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. The Fair Political Practices Commission may amend the standard code to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix "A" designating positions and Appendix "B" establishing disclosure requirements, shall constitute the Conflict of Interest Code of the City of Fullerton, which is considered the "agency" within the purview of this code. The Conflict of Interest Code of the City of Fullerton so adopted amends and replaces any Conflict of Interest Code of the City of Fullerton previously in effect.

SECTION 2: Conflict of Interest – Statements

Individuals holding designated positions shall file statements of economic interests with the City Clerk, who shall be and perform the duties of the filing officer for the City of Fullerton. The City Clerk will make statements available for public inspection and reproduction (Government Code Section 81008). Upon receipt of statements from individuals holding positions identified in Government Code Section 87200, the City Clerk shall make and retain copies and forward original statements to the Fair Political Practices Commission. The City Clerk shall retain all other statements.

SECTION 3: Savings Clause

Any change provided for in this Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code, nor shall it affect any prosecution, suit or proceeding pending or any judgement rendered in connection with any other Conflict of Interest Code.

CITY OF FULLERTON CONFLICT OF INTEREST

APPENDIX A DESIGNATED POSITIONS*

| <u>DESIGNATED POSITION</u> | <u>DISCLOSURE CATEGORY/IES</u> |
|--|--------------------------------|
| | |
| <u>Administration</u> | |
| Assistant City Clerk | 6 |
| Assistant to the City Manager / Economic Development Manager | 1,2 |
| City Clerk / Clerk Services Manager | 3,6 |
| Deputy City Clerk | 6 |
| <u>Deputy City Manager</u> | <u>1, 2</u> |
| | |
| <u>Administrative Services</u> | |
| Budget Analyst | 6 |
| Buyer | 6 |
| <u>Buyer I</u> | <u>6</u> |
| <u>Buyer II</u> | <u>6</u> |
| <u>Chief Information Officer</u> | <u>1,2</u> |
| Director of Administrative Services | 1,2 |
| Fiscal Services Manager | 3,5,6,7 |
| Information Technology Manager | 6 |
| Information Systems Project / Programmer Manager | 6 |
| Network Specialist | 6 |
| Purchasing Manager | 6 |
| Revenue Manager | 3,5,6,7 |
| Revenue and Utility Services Manager | 3,5,6,7 |
| Utility Services Supervisor | 5,6 |
| | |
| <u>Community Development</u> | |
| Assistant Planner | 3,4,6 |
| Associate Plan Check Engineer | 3,4,6 |
| Associate Planner | 3,4,6 |
| Building Inspector Trainee | 3,4,6 |
| Building Inspector I | 3,4,6 |
| Building Inspector II | 3,4,6 |
| Building Inspector III | 3,4,6 |
| Building Permit Supervisor | 3,4,6 |
| Building and Safety Manager | 3,4,6 |
| Building Official / Plan Check Engineer | 3,4,6 |
| <u>Code Enforcement Manager</u> | <u>3,4,6</u> |
| Code Enforcement Officer | 3,4,6 |
| Code Enforcement Officer Trainee | 3,4,6 |
| Code Enforcement Supervisor | 3,4,6 |
| <u>Deputy Director of Community and Economic Development</u> | <u>1,2</u> |
| <u>Director of Community Development</u> | <u>1,2</u> |
| <u>Director of Community and Economic Development</u> | <u>1,2</u> |

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|--|--------------------|
| Housing and Community Rehabilitation Inspector | 3,4,6,7 |
| <u>Housing and Homeless Resources Manager</u> | <u>3,4,6,7</u> |
| <u>Housing Manager</u> | <u>3,4,6,7</u> |
| Housing and Neighborhood Services Manager | 3,4,6,7 |
| Housing Programs Assistant | 3,4,6,7 |
| Plan Check Engineer | 3,4,6 |
| Plan Check Specialist – Fire | 3,4,6 |
| Planning Manager | 3,4,6 |
| Senior Building Inspector | 3,4,6 |
| Senior Code Enforcement Officer | 3,4,6 |
| Senior Planner | 3,4,6 |
| | |
| <u>Fire</u> | |
| Battalion Chief | 2,3,6 |
| Deputy Chief | 3,6 |
| Division Chief | 2,3,6 |
| Environmental Compliance Specialist | 2,3,6 |
| Fire Chief | 1,2 |
| Fire Marshal / Deputy Chief - Administration | 2,3,6 |
| Fire Marshal / Division Chief – Administration | 2,3,6 |
| Fire Prevention Inspector | 2,3,6 |
| Fire Prevention Specialist Series | 2,3,6 |
| Fire Protection Analyst | 2,3,6 |
| Hazardous Materials Specialist I / II | 2,3,6 |
| Hazardous Materials Specialist Trainee | 2,3,6 |
| | |
| <u>Human Resources</u> | |
| Director of Human Resources | 1,2 |
| Human Resources Manager I / II | 6 |
| Human Resources / Risk Management Analyst | 6 |
| Risk Manager | 6 |
| | |
| <u>Library</u> | |
| Library Director | 1,2 |
| Library Division Manager – Adult Services | 6,7 |
| Library Division Manager – Children’s Services | 6,7 |
| Library Division Manager – Technical Services | 6,7 |
| | |
| <u>Parks and Recreation</u> | |
| Director of Parks and Recreation | 1,2 |
| Events Specialist | 6,7 |
| Parks Project Specialist | 6,7 |
| Parks Project Manager | 6,7 |
| Parks and Recreation Manager | 6,7 |
| Parks and Recreation Supervisor I / II | 6,7 |
| | |
| <u>Police</u> | |
| Police Captain | 2,3 |
| Police Chief | 1,2 |
| Police Communications Supervisor | 2,3 |
| Police Lieutenant | 2,3 |
| Police Sergeant – Communications | 2,3 |
| Police Technical Services Manager | 2,3 |
| | |
| <u>Public Works</u> | |

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| Airport Manager | 6 |
| Building & Facilities Superintendent | 6 |
| <u>City Engineer / Assistant Director of Public Works</u> | <u>1,2</u> |
| Civil Engineer | 4,6 |
| Construction Inspector | 3,6 |
| Construction Inspector – Water | 3,4,6 |
| Director of Public Works | 1,2 |
| <u>Director of Engineering</u> | <u>1,2</u> |
| Equipment Superintendent | 6 |
| Landscape Superintendent | 6 |
| <u>Manager – Building and Facilities and Sewer Divisions</u> | <u>3,4,6</u> |
| <u>Manager – Landscape and Street Divisions</u> | <u>3,4,6</u> |
| Maintenance Services Manager | 6 |
| Principal Civil Engineer | 3,4,6 |
| <u>Principal Civil Engineer – Water</u> | <u>3,4,6</u> |
| Principal Construction Inspector | 3,4,6 |
| Public Works Analyst | 4,6 |
| Real Property Agent | 4,6 |
| Senior Civil Engineer | 3,4,6 |
| <u>Director of Maintenance Services</u> | <u>1,2</u> |
| <u>Senior Traffic Engineering Analyst</u> | <u>4,6</u> |
| Sewer Superintendent | 6 |
| Source Control Inspector | 6 |
| Street Superintendent | 6 |
| <u>Water Engineering and Systems Manager</u> | <u>6</u> |
| Water Superintendent | 6 |
| <u>Water System Manager</u> | <u>6</u> |
| Water System Manager / Assistant City Engineer | 3,4,6 |
| | |
| | |
| <u>Various Departments</u> | |
| Administrative Analyst I / II | <u>6, 7</u> |
| Senior Administrative Analyst | 6 |
| Project Manager I | 6 |
| Project Manager II | 6 |
| | |
| <u>Commission / Committee / Board Members</u> | |
| <u>Energy & Resource Management Committee</u> | <u>6</u> |
| Investment Advisory Committee | 5,6 |
| Library Board of Trustees | 6,7 |
| Transportation and Circulation Commission | 3,4,6 |
| <u>Citizens' Infrastructure Review Committee</u> | <u>4,6</u> |
| Community Development Citizens' Committee | 6,7 |
| <u>Design Review Committee</u> | <u>3,4,6</u> |
| Parks and Recreation Commission | 6,7 |
| Infrastructure and Natural Resources Advisory Committee | 4,6 |
| Active Transportation Committee | 4,6,7 |

CONSULTANTS

The City Manager, or designee, shall determine in writing on a case-by-case basis whether a particular consultant is required to comply with disclosure requirements. If the City Manager, or designee, determines that, pursuant to the Conflict of Interest Code, a

particular consultant must comply with disclosure requirements, the City Manager, or designee, shall complete a Fair Political Practices Commission Form 805 (Consultants) and forward the completed Form 805 to the City Clerk. The City Clerk will forward a copy of the completed Form 805 to the consultant and inform the individual consultant of their filing obligations. . The City Manager's, or designee's, determination is a public record and available for public inspection. The City Clerk's Office will keep all Form 805 (Consultants) on file in accordance with the City's Records Retention Schedule. ~~and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.~~

GOVERNMENT CODE SECTION 87200 FILERS

City Council Members
City Council Candidates
City Attorney
City Manager
City Treasurer
Planning Commissioners

These positions file in accordance with requirements contained in California Government Code Section 87200.

NEWLY CREATED / TEMPORARY POSITIONS

The Director overseeing the Human Resources department, or designee, shall determine when a newly created position will make or participate in making governmental decisions on behalf of the City and assign a disclosure category conforming to the position's range of duties. The Director, or designee, will complete a Fair Political Practices Commission Form 804 (New Positions) and file the completed Form 804 (New Positions) with the City Clerk at the time the City creates the position.

APPENDIX B DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income or real property, which the Designated Individual must disclose for each disclosure category to which s/he is assigned.

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| Category 1 Broad Disclosure – Income | All investments, business positions and sources of income including gifts, loans and travel payments from sources doing business in the jurisdiction of the City or plan to do business within the jurisdiction of the City within the next year or have done business with the jurisdiction of the City within the past two years. |
| Category 2 Broad Disclosure - Property | All interest in real property located in whole or in part within the jurisdiction, including property located within a two-mile radius of any property owned or used by the City. |
| Category 3 Disclosure Related to Licensing / Permitting | All investments, business positions and income, including gifts, loans and travel payments, from sources subject to the regulatory, permit or licensing authority of the designated individual's department, will be subject to such authority in the next year or have been subject to such authority within the past two years within the designated individual's area of authority. |
| Category 4 Disclosure Related to Land / Property | All investments, business positions and sources of income, including gifts, loans and travel payments from entities which engage in land development, construction or the acquisition or sale of real property within the jurisdiction of the City, plan to engage in such activities within the jurisdiction of the City within the next year or have engaged in such activities within the jurisdiction of the City within the past two years or have an interest in real property within the designated individual's area of authority. |
| Category 5 Disclosure Related to Banking / Finance | All investments, business positions and sources of income from business entities that are banking, savings and loan or other financial institutions within the designated individual's area of authority. |
| Category 6 Purchasing / Contracting | All investments, business positions and sources of income, including gifts, loans and travel payments, from, business entities that provide leased facilities, services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the City within the past two years within the designated individual's area of authority. |
| Category 7 Disclosure Related to Grants / Service Providers | All investments, business positions and income, including gifts, loans and travel payments or income from a nonprofit organization, if the source is of the type to receive grants and other monies from or through the City and within to the designated individual's area of authority. |