

**CITY OF CLOVERDALE  
CITY COUNCIL**

**RESOLUTION NO. 083-2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE RESCINDING RESOLUTION  
NO. 006-2018 AND ADOPTING A REVISED LOCAL CONFLICT OF INTEREST CODE**

**WHEREAS**, pursuant to the Political Reform Act (Article III of Chapter 7 of the California Government Code, commencing with Section 81000), the City of Cloverdale is required to adopt and promulgate a Conflict of Interest Code (Government Code Section 87300 et seq.); and

**WHEREAS**, pursuant to Government Code Section 87302, the Conflict of Interest Code shall provide for specific enumeration of the positions within the City, other than those specified in Government Code Section 87200, which involve the making or participation in the making of decisions which may foreseeably have material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property and sources of income which are reportable; and

**WHEREAS**, the Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code and may be incorporated by reference in an agency's code and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act; and

**WHEREAS**, the FPPC has opined that a successor agency should have the same code reviewing body which should be the city council when the city serves as successor agency; and

**WHEREAS**, incorporation by reference of the terms of the aforementioned section of the California Code of Regulations, and amendments thereto, as the Conflict of Interest Code of the City of Cloverdale will save the City of Cloverdale time and money by minimizing the actions required to keep the Codes in conformity with the Political Reform Act; and

**WHEREAS**, the Political Reform Act, Government Code Section 87306.5, requires government agencies to conduct biennial reviews of their Conflict of Interest Codes; and

**WHEREAS**, staff has determined that amendments to the list of designated positions is necessary;  
and

**WHEREAS**, the City Council finds that the subject matter of this resolution involves administrative activities of the City that will not result in direct or indirect changes in the environment; therefore, the adoption of this resolutions is not a "project", as defined in the California Environmental Quality Act (CEQA) and does not require environmental review, pursuant to Title 14, Chapter 3, of the California Code of Regulations (CEQA Guidelines), 15378(b)(5).

The foregoing Resolution No. 083-2020 was duly introduced and adopted by the City Council of the City of Cloverdale at its regular meeting held on the 9<sup>th</sup> day of September 2020 by the following roll call vote:

**AYES:** (5) Councilmember Bagby, Brigham and Cruz, Vice Mayor Turner, and Mayor Wolter  
**NOES:** (0) None  
**ABSTAIN:** (0) None  
**ABSENT:** (0) None

**APPROVED**



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Gus Wolter, Mayor

**ATTEST:**



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Irene Camacho-Werby, City Clerk

Attachments:

Exhibit A – Conflict of Interest Code

## APPENDIX "A" - DEFINITIONS

### **"Public Official at any level of state or local government"**

Means a member, officer, employee, or consultant of a state or local government agency. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200, including "other public officials who manage public investments" as that term is defined in 2 California Code of Regulations Section 18720.

### **"Designated Filers"**

Means employees, members and consultants determined by the City of Cloverdale to be persons who "make or participate in the making of decisions which may foreseeably make a material effect on economic interests", under 2 California Code of Regulations, Section 18730(b)(2) Designated Employees.

### **"Member"**

Shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision making authority. A board or commission possesses decision making authority whenever:

- a. It may make a final governmental decision;
- b. It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or
- c. It makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

### **"Consultant"**

Means an individual who, pursuant to a contract with a state or local government agency:

- I. Makes a governmental decision whether to:
  - a. Approve a rate, rule, or regulation;
  - b. Adopt or enforce a law;
  - c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
  - d. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - e. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  - f. Grant agency approval to a plan, design, report, study, or similar item;
  - g. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof; or
- II. 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.

**Officials Designated to Complete Form 700 and File Original with City Clerk as the City's Filing Official** (\*Must also file disclosure statement as Successor Agency support staff):

**APPENDIX B**

<b>DESIGNATED POSITIONS' TITLE OR FUNCTION</b>	<b>DISCLOSURE CATEGORIES ASSIGNED</b>
Assistant City Manager/ Community Development *	1, 2, 3
Associate Planner	2, 3, 4
Chief of Police	1, 2, 3
City Clerk *	1, 2, 3
Director of Public Works/City Engineer	1, 2, 3
Engineering Technician	2, 3, 4
Finance/Human Resources Management Analyst	2, 3, 4

**OTHER: DISCLOSURE CATEGORY CONSULTANTS**

Consultants \*\*

\*\* Consultants shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The City Manager or his/her designee may determine in writing that a particular consultant, although a "designated filer," 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 written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or his/her designee'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. (Gov. Code Section 81008.)

**GOVERNMENT SECTION 87200 FILERS**

The following positions are not covered by this Conflict of Interest Code because they must file under Government Code Section 87200 and are listed herein for informational purposes only:

- |                     |                   |
|---------------------|-------------------|
| Mayor               | City Attorney*    |
| City Councilmembers | City Manager*     |
| Planning Commission | City Treasurer *  |
|                     | Finance Director* |

**NOTE:** 87200 filers are category 1, 2, 3 filers

## **APPENDIX "C" - DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned. "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the City.

### **Category 1:**

All Interests in real property located in whole or in part within the City or within two miles of any land owned or used by the City.

### **Category 2:**

All Investments and business positions in business entities, including parent corporations, subsidiary corporations or otherwise related business entities that provide services, supplies, materials, machinery, or equipment of the type utilized by the City.

### **Category 3:**

All Sources of income, including loans, gifts and travel payments from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the City.

### **Category 4:**

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the City.