Meeting Date: 03/04/08

ACTION	TYPE OF ITEM
❑ Approved Recommendation	■ Info/Consent
❑ Ord. No(s).	❑ Report
❑ Res. No(s).	❑ Public Hearing (Info/consent)
❑ Other	❑ Other _____

Prepared By: Gary L. Gillig GG Agenda Item No. I-3

Reviewed By: City Manager City Attorney GG Finance SW Human Resources Director Other

DATE: February 21, 2008

TO: City Council

FROM: Gary L. Gillig
City Attorney

SUBJECT: **Update of Conflict of Interest Standards**

RECOMMENDATION

That City Council adopt a resolution repealing the current conflict of interest standards and adopting new conflict of interest standards to reflect changes in authorized classifications.

DISCUSSION

The City's conflict of interest standards are updated annually to reflect changes in authorized classifications made in conjunction with adoption of the Fiscal Year 2007/08 budget.

The proposed resolution makes the following changes to the classifications listed in Appendix I of the conflict of interest standards:

City Manager's Office: Deletes Management Analyst III; Adds Special Assistant to City Manager.

Library Department: Adds Library Services Supervisor.

Recreation and Community Services Department: Deletes Management Analyst III; Adds Community Services Manager and Management Analyst I/II.

FINANCIAL IMPACT

None.

Attachment 1 - Resolution Adopting Conflict of Interest Standards

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD REPEALING AND ADOPTING CONFLICT OF INTEREST STANDARDS

1. All previously adopted resolutions establishing the City's conflict of interest standards governing former employees, current employees, public officials and their financial interests disclosure requirements are hereby repealed.

2. The attached CITY OF OXNARD CONFLICT OF INTEREST STANDARDS are hereby adopted, including the list of designated persons and applicable disclosure categories contained in Appendices I and II.

3. On or before March 15 of each year the City Clerk shall make copies of the Conflict of Interest Standards and Appendices I and II, together with copies of applicable forms and instructions, and shall transmit them to all persons known or expected to be required to file Annual Statements of Economic Interests. The City Clerk shall make reasonable efforts to encourage such persons to file such Statements by the April 1 deadline and to prepare such Statements in proper form. The City Clerk shall make other types of forms and information available as needed for statements other than the Annual Statements of Economic Interests.

4. The City Clerk shall file in the City Clerk's records the original of all Statements of Economic Interests for designated persons except City Councilmembers and Planning Commissioners, the Mayor, City Manager, City Attorney and City Treasurer, as to whom the City Clerk shall file the original with the Fair Political Practices Commission and shall file a copy in the City Clerk's records.

PASSED AND ADOPTED this ____ day of February 2008, by the following vote:

AYES:

NOES:

ABSENT:

_____
Dr. Thomas E. Holden
Mayor

ATTACHMENT NO. 1
PAGE 1 OF 13

ATTEST:

_____
Daniel Martinez
City Clerk

APPROVED AS TO FORM:

Gary Gillig 02-21-08
Gary L. Gillig
City Attorney

CITY OF OXNARD
CONFLICT OF INTEREST STANDARDS

Section 1. Incorporation by Reference.

The definitions contained in the Political Reform Act of 1974 (Government Code Section 81000, et seq.) ("the Act"), the regulations of the Fair Political Practices Commission ("FPPC") implementing the Act (2 Cal. Code of Regs. Section 18100 et seq. and in particular Section 18730) ("Regulations"), and any amendments to the Act or Regulations, are hereby incorporated by reference into these Conflict of Interest Standards ("Standards").

Section 2. Designated Persons.

(A) The persons holding classifications listed in Appendix I are designated persons for purposes of these Standards. The City Council has determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on their financial interests.

(B) Any consultant deemed to be a public official under the Act shall be a designated person within Disclosure Category I unless another category is determined to be appropriate by the City Attorney.

Section 3. Disclosure Categories.

(A) These Standards do not establish any disclosure obligation for those designated persons who are also specified in Government Code Section 87200 if they are designated in these Standards in that same capacity or if the geographical jurisdiction of the City is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Government Code Sections 87200 et seq. Such persons are covered by these Standards for disqualification purposes only.

(B) With respect to all other designated persons, the disclosure categories set forth in Appendix II specify which kinds of financial interests are reportable. Such a designated person shall disclose in his or her Statement of Economic Interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Appendix I. The City Council has determined that the financial interests set forth in a designated person's disclosure categories are the kinds of financial interests which he or she foreseeably may affect materially through the conduct of the duties of his or her office and/or classification.

Section 4. Statements of Economic Interest: Place of Filing.

All designated persons required to file Statements of Economic Interests shall file their Statements with the City Clerk. Upon receipt of the Statements of Economic Interests, the City Clerk shall file the Statements in the City Clerk's records except for City Councilmembers and Planning Commissioners, the Mayor, City Manager, City Attorney and City Treasurer, as to whom the City Clerk shall file the originals of these Statements with the FPPC and a copy in the City Clerk's records. Such latter Statements shall be forwarded to the FPPC within five days after the filing deadline or five days after receipt in the case of Statements filed late.

Section 5. Statements of Economic Interests: Time of Filing.

(A) Assuming Office Statements. All persons assuming designated classifications after the effective date of these Standards shall file Statements of Economic Interests within thirty days after assuming the designated classifications.

(B) Initial Statements. All persons already in a position that is added to these Standards as a designated classification shall file Statements of Economic Interests within thirty days after the date that the classification is so added.

(C) Annual Statements. All designated persons shall file Statements of Economic Interests no later than April 1 of each year.

(D) Leaving Office Statement. All persons who leave designated classifications shall file Statements of Economic Interests within thirty days after leaving the designated classification.

Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Assuming Office Statements. Assuming Office Statements shall disclose any reportable investments, interests in real property and business positions held by the person on the date of assuming office, and income received by the person during the twelve months before assuming office.

(B) Contents of Initial Statements. Initial Statements shall disclose any reportable investments, interests in real property and business positions held by the person on the date that his or her position was added to these Standards as a designated classification, and income received by the person during the twelve months before such date.

(C) Contents of Annual Statements. Annual Statements of Economic Interests shall disclose any reportable investments, interests in real property, income and business positions held or received by the person during the previous calendar year; provided, however, that the period covered by a person's first annual Statement shall begin on the date of assuming office.

(D) Contents of Leaving Office Statements. Leaving Office Statements shall disclose reportable investments, interests in real property, income and business positions held or received by the person during the period between the closing date of the last Statement filed and the date of leaving a designated classification.

Section 7. Manner of Reporting.

Statements of Economic Interests shall be submitted on forms prescribed by the FPPC and supplied by the City Clerk.

Section 8. Prohibition on Receipt of Honoraria.

(A) No designated person shall accept any honorarium, as defined in section 89501 of the Government Code.

(B) This section shall not limit or prohibit payments, advances or reimbursements for travel and related lodging and subsistence authorized by section 89506 of the Government Code.

Section 9. Prohibition on Receipt of Gifts.

No designated person shall accept any gifts with a total value of more than $390 in a calendar year from any single source. Subdivision (f) of section 89503 of the Government Code shall apply to this section.

Section 10. Disqualification.

(A) No designated person shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she has a financial interest, as defined in Section 87103 of the Government Code, which it is reasonably foreseeable may be affected materially by the decision.

(B) No designated person shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated person who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this Section.

Section 11. Manner of Disqualification.

When a designated person determines that he or she should not make a governmental decision because he or she has a disqualifying financial interest in the decision, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the official record of that body. In the case of a designated person who is a department head, this determination and disclosure shall be made in writing to his or her appointing authority. In the case of other designated persons, this determination and disclosure shall be made in writing to the person's supervisor.

Section 12. Guidelines.

(A) Purpose. The Guidelines in this Section are in addition to those required by the Act and Regulations and are for the purpose of providing guidance to persons to avoid situations involving an actual or apparent violation of the Act, the Regulations, these Standards or other laws.

(B) General Conduct. City officials and employees are expected to perform their duties in the best interests of the public rather than their own private interests. Public and private interests may conflict or coincide. In either case, the conduct expected of an official or an employee should include full disclosure of the private interest and possibly refraining from participating in the matter, depending upon the nature of the private interest. A frank and realistic identification of private interests which may be affected by a public decision is essential to the integrity of the process. Whether action such as disclosure and abstention is required once an interest has been identified is a matter of judgment when the Act, Regulations or these Standards do not require disclosure and/or abstention. City officials or employees should not timidly refrain from exercising their duties because of every remote or imagined conflict or effect on their private interests but should withdraw when their interest is substantial.

Section 13. Assistance of the FPPC and City Attorney.

Any designated person who is unsure of his or her duties under these Standards may request assistance from the FPPC or from the City Attorney.

Section 14. Violations.

These Standards have the force and the effect of law. Designated persons violating any provision of these Standards are subject to the administrative, criminal and civil sanctions provided in the Act and Regulations. In addition, a decision in relation to which a violation of the disqualification provisions of these Standards, the Act, or the Regulations has occurred may be set aside as void pursuant to Government Code Section 91003.

APPENDIX I:
LIST OF DESIGNATED PERSONS AND APPLICABLE DISCLOSURE CATEGORIES

A. DISCLOSURE CATEGORY 1:

Elected Officials, Boards and Commissioners, Contractors and Temporary Employees

Mayor
Councilmember
Board of Appeals Member
Contract Assistant City Attorney
Community Development Commissioner
Consultant
Arts in Public Places Committee Member
Downtown Design Review Committee Member
Finance Authority Board Member
Hearing Officer
Housing Authority Commissioner
Planning Commissioner
Library Board Member
Mobilehome Park Rent Review Board Member
Performing Arts Center Corporation Board of Directors Member
Redevelopment Agency Commissioner
Temporary Employees Performing Duties of Designated Positions

City Attorney's Office

City Attorney
Assistant City Attorney
Deputy City Attorney
Law Office Manager

City Clerk's Office

City Clerk
Assistant City Clerk

City Treasurer's Office

City Treasurer
Assistant City Treasurer

City Manager's Office

City Manager
Assistant City Manager
Deputy City Manager
Geographic Information Systems Coordinator
Special Assistant to City Manager
Network Services Coordinator
Public Information Officer
Systems Administrator
Telecommunications Coordinator

Community Development Department

Community Development Director
Redevelopment Services Manager
Redevelopment Project Manager
Management Analyst II

Development Services Department

Development Services Director
Development Services Manager
Planning and Environmental Services Manager
Management Analyst III
Plan Check Engineer
Supervising Civil Engineer
Supervising Building Inspector
Deputy Building Official
Principal Planner
Senior Planner
Associate Planner
Assistant Planner
Junior Planner

Finance Department

Finance & Management Services Director
Accounting Manager
Controller
Financial Analyst III
Financial Services Manager
Grants Coordinator
Management Accountant/Auditor

Fire Department

Fire Chief
Assistant Fire Chief
Battalion Chief

Housing Department

Housing Director
Housing Contract Administrator
Housing Financial Officer
Housing Program Manager
Housing Program Supervisor
Housing Maintenance Superintendent
Housing Maintenance Supervisor
Housing Modernization Superintendent
Housing Rehabilitation Program Manager
Housing Engineer
Homeless Assistance Program Coordinator
Compliance Services Manager
Management Analyst II/III

Human Resources Department

Human Resources Director
Human Resources Manager
Human Resources Coordinator
Workers' Compensation Manager

Library Department

Library Director
Library Services Supervisor

Recreation and Community Services Department

Leisure & Recreation Superintendent
Community Facilities Manager
Management Analyst III
Recreation Supervisor
Community Services Manager
Management Analyst I/II

Police Department

Police Chief
Assistant Police Chief
Police Commander
Support Services Manager
Code Compliance Manager
Community Affairs Manager

Public Works Department

Public Works Director
Utility Services Manager
Maintenance Services Manager
Design and Construction Services Manager
Administrative Services Manager
Traffic Engineer
Project Manager
Construction Project Manager
Management Analyst II/III
Water Programs Manager
Water Resources Manager
Water Projects Manager
Solid Waste Superintendent
Construction & Maintenance Engineer
Fleet Services Manager
Parks Manager
Facilities Maintenance Supervisor

Streets Maintenance Supervisor
Parks Maintenance Supervisor
Recycling Manager
Streets Maintenance and Repair Manager

B. DISCLOSURE CATEGORIES 2 THROUGH 8

None

APPENDIX II
DISCLOSURE CATEGORIES

A. DISCLOSURE CATEGORY 1

Disclosure Category 1 is the general category applicable to most City officers, employees, and members of advisory bodies. Persons in this category must complete all schedules (A through E) of Form 700 with respect to the following, except that income from pensions for disability or retirement paid by a governmental entity need not be disclosed:

1. All financial interests, sources of income, investments, and business positions and business entities located within or subject to the jurisdiction of the City.

2. Business entities doing business, planning to do business, or having done business during the prior two years within the City.

3. Any other financial interest, investment, interest in real property, source of income, or business position if the business entity in which the investment or business position is held, the interest in real property, financial interest or source of income may foreseeably be affected materially by any decision made or participated in by the designated person by reason of the City position held.

B. DISCLOSURE CATEGORIES 2 through 8

Disclosure Categories 2 through 8 are specialized categories which limit the disclosure requirements for designated persons. Persons in these categories must complete all schedules (A through E) of Form 700 with respect to the following:

Category 2. All financial interests, sources of income, investments, and business positions and entities which within the last two years have contracted or in the future may foreseeably contract with the City to provide services, supplies, materials, machinery, or equipment to the City.

Category 3. All financial interests, sources of income, investments, and business positions and entities which within the last two years have contracted or in the future may foreseeably contract with the City to provide land clearing, demolition, solid or liquid waste hauling, rubbish collection, sales or rental of cars, trucks, tractors, landfilling equipment, hardware, and auto, truck, tractor, and equipment parts and supplies.

Category 4. All financial interests, sources of income, investments, and business positions and entities which within the last two years have contracted, or in the future may foreseeably contract with the City to provide sales or rentals of cars, trucks, tractors, or landfilling equipment or hardware, or parts and supplies related thereto.

Category 5. All financial interests, sources of income, investments, and business positions and entities which within the last two years have performed, or in the future may foreseeably perform architectural, engineering or design services within the City which would require a City permit.

Category 6. All financial interests, sources of income, investments, and business positions and entities which within the last two years have contracted, or in the foreseeable future may contract with the City to provide services, supplies, materials, machinery or equipment relating to parks or recreation.

Category 7. All financial interests, sources of income, investments, and business positions and entities which within the last two years have contracted, or in the foreseeable future may contract with the City to provide services, supplies, materials, machinery or equipment for the Oxnard Performing Arts Center.

Category 8. All financial interests, sources of income, investments, and business positions and entities which within the last two years have contracted, or in the foreseeable future may contract to sell supplies, machinery, equipment, or services to the Housing Authority.