



Meeting Date: 02 / 14 / 2012

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Stephen Fischer, Asst. City Attorney

Agenda Item No. **I-1**

Reviewed By: City Manager *[Signature]*

City Attorney *SMF* Finance *[Signature]*

Other (Specify)

DATE: February 6, 2012

TO: City Council

FROM: Alan Holmberg, City Attorney *AH*
City Attorney

SUBJECT: Update of Conflict of Interest Code

RECOMMENDATION

That City Council Adopt a resolution repealing the current conflict of interest standards and adopting new conflict of interest code to reflect appropriate levels of disclosure and changes in authorized classifications.

DISCUSSION

The Political Reform Act requires the City to review and amend its conflict of interest codes when necessary to add or delete designated positions and revise disclosure categories. The conflict of interest code must be reviewed every two years. In consultation with Fair Political Practices Commission staff, the City Attorney's Office has revised the former conflict of interest standards format to directly incorporate the model conflict of interest code adopted by the FPPC.

The City Attorney's Office also reviewed with department managers and the Human Resources Director the positions designated in Appendix I for filing Statements of Economic Interest. As recommended by FPPC staff, Appendix I has been updated to assign each designated position to appropriate disclosure categories that reflect job duties and responsibilities. Attached to this report is a redline version of Appendix I showing the changes to the list of designated employees.

FINANCIAL IMPACT

None.

Attachment #1 - Conflict of Interest Code Appendix I Redline

Attachment #2 - Resolution Adopting Conflict of Interest Code

**EXHIBIT A
CITY OF OXNARD
CONFLICT OF INTEREST CODE**

**APPENDIX I
LIST OF DESIGNATED POSITIONS AND
APPLICABLE DISCLOSURE CATEGORIES**

[**Bold** indicates added text; ~~strikethrough~~ indicates deleted text]

A. DISCLOSURE CATEGORY 1:

POSITION	DISCLOSURE CATEGORY
<u>Elected Officials, Boards and Commissioners, Contractors Consultants and Temporary Employees Acting Positions</u>	
Mayor	As required by State law
Councilmember	As required by State law
Community Development Commissioner	
Consultant / New Position	1, 2 ¹
Arts in Public Places Committee Member	
Downtown Design Review Committee Member	1, 2
Finance Authority Board Member	1, 2
Hearing Officer	1, 2
Housing Authority Commissioner	1, 2
Planning Commissioner	As required by State law
Library Board Member	
Mobilehome Park Rent Review Board Member	2, 6
Performing Arts Center Corporation Board of Directors Member	5, 6
Redevelopment Agency Commissioner	
Temporary Employees Performing Duties of Designated Acting Positions	
	Subject to same disclosure requirements as position performed
 <u>City Attorney's Office</u>	
City Attorney	As required by State law

¹ In accordance with 2 Cal. Code Regs. §18734(b), consultants and newly created positions shall file under the broadest disclosure category in the agency's conflict-of-interest code until the agency amends its code to reflect the position, provided, however, that the City Manager, in consultation with the City Attorney, may determine that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements.

Assistant City Attorney	1, 2
Deputy City Attorney	1, 2
Law Office Manager	5

City Clerk's Office

City Clerk	5
Assistant City Clerk	5

City Treasurer's Office

City Treasurer	As required by State law
Assistant City Treasurer	As required by State law
	(manages public investments)
Revenue Account Manager	6

City Manager's Office

City Manager	As required by State law
Assistant City Manager	1, 2
Deputy City Manager	1, 2
Special Assistant to City Manager	1, 2
Facilities Maintenance Supervisor	5
Facilities Services Manager	5
Fleet Services Manager	5
Fleet Services Supervisor	5
Geographic Information Systems Coordinator	5
Legislative Affairs Manager	1, 2
Maintenance Services Manager	2, 3, 5
Management Analyst III	4
Network Services Coordinator	5
Parks Maintenance Supervisor	5
Parks Manager	2, 3, 5
Project Manager	2, 3, 4
Public Information Officer	1, 2
Systems Administrator	5
Telecommunications Coordinator	5

Community Development Department

Community Development Director	1, 2
Redevelopment Services Manager	2, 3
Redevelopment Project Manager	2, 3
Management Analyst II	2, 3

Development Services Department

Development Services Director	1, 2
Development Services Manager	1, 2
Planning and Environmental Services Manager	1, 2
Management Analyst II	5
Plan Check Engineer	3, 5, 6
Supervising Civil Engineer	3, 5, 6
Junior Civil Engineer	3, 5, 6
Supervising Building Inspector	3, 5, 6
Deputy Building Official	3, 5, 6
Principal Planner	2, 3, 5, 6
Associate Planner	2, 3, 5, 6
Assistant Planner	2, 3, 5, 6
Junior Planner	2, 3, 5, 6
Project Manager	2, 3, 4, 6

Finance Department

Chief Financial Officer	1,2
Accounting Manager	5
Accounting Manager (Purchasing)	4
Buyer	4
Controller	5
Financial Analyst III	
Financial Services Manager	5, 3
Grants Coordinator	
Management Accountant/Auditor	

Fire Department

Fire Chief	1, 2
Assistant Fire Chief	1, 2
Battalion Chief	5, 6
CUPA Coordinator	5, 6
EMS Coordinator	5
Disaster Preparedness Coordinator	5

Housing Department

Housing Director	1, 2
Accounting Manager	1
Grants Coordinator	5
Housing Contract Administrator	4
Housing Financial Officer	

As required by State law
(manages public investments)

Housing Program Manager	6
Housing Program Supervisor	6
Housing Maintenance Superintendent	5
Housing Maintenance Supervisor	5
Housing Modernization Superintendent	5
Housing Rehabilitation Program Manager	2, 3
Housing Engineer	3, 5
Homeless Assistance Program Coordinator	5, 6
Compliance Services Manager	1, 2
Management Analyst I/II/III	3

Human Resources Department

Human Resources Director	1, 2
Human Resources Manager	5
Recruitment Supervisor	5
Workers' Compensation Manager	5

Library Department

Library Director	1
Library Services Supervisor	5
Library Circulation Supervisor	5
Library System Analyst	5
Management Analyst I	5

Recreation and Community Services Department

Leisure & Recreation Superintendent	1, 2
Management Analyst III	5, 6
Recreation Supervisor	5, 6
Community Services Manager	5, 6
Management Analyst I/II	5, 6

Police Department

Police Chief	1, 2
Assistant Police Chief	1, 2
Police Commander	5
Police Financial Manager	5
Code Compliance Manager	6
Community Affairs Manager	5

Public Works Department

Public Works Director	1, 2
Utility Services Manager	1, 2

Design and Construction Services Manager	1, 2
Administrative Services Manager	5
Traffic Engineer	1, 2
Management Analyst II/III	5
Water Programs Manager	5
Water Resources Manager	2, 5, 6
Solid Waste Superintendent/ Special Assistant to City Manager	5, 6
Construction & Maintenance Engineer	1, 2
Streets Maintenance Supervisor	5
Recycling Manager	5
Streets Manager	5
Public Works Construction Manager	5
Chief Operator	5
Wastewater Operations Manager	5
Wastewater Maintenance Manager	5
Technical Services Manager	6

~~B. DISCLOSURE CATEGORIES 2 THROUGH 8~~

None

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD UPDATING THE CONFLICT OF INTEREST CODE
AND REPEALING RESOLUTION 13,756

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

WHEREAS, the Fair Political Practices Commission has adopted a regulation entitled, Title 2, Division 6 of the California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code. The terms of Section 18730 can be incorporated by reference, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act.

NOW THEREFORE, the Council of the City of Oxnard resolves that:

1. This resolution, along with the terms of Title 2, Division 6 of the California Code of Regulations, Section 18730, which have been adopted by the Fair Political Practices Commission and are incorporated herein by reference, and the list of designated positions and disclosure categories set forth in Appendices I and II attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein, constitute the Conflict of Interest Code of the City of Oxnard.

2. The City Clerk is the filing official for the Mayor, Councilmembers, Planning Commissioners, City Manager, City Attorney, City Treasurer, and all other City officials who manage public investments as defined by Title 2, Division 6 of the California Code of Regulations, Section 18701(b). For the persons holding these positions, the City Clerk accepts the filing, retains a copy, and forwards the original to the Fair Political Practices Commission in Sacramento. For all other persons holding designated positions, the City Clerk is the filing officer and retains the statements. The City Clerk will make the statements available for public inspection and reproduction as described in Government Code Section 81008.

3. When City positions are created, deleted, or retitled, the filing officer has authority to designate the positions as being subject to the code and designate the reporting category, or remove the positions accordingly.

4. On or before March 1 of each year the City Clerk shall make copies of the Conflict of Interest Code, 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.

5. Guidelines.

(A) Purpose. The Guidelines set forth herein are in addition to those required by the Political Reform Act and Section 18730, and are for the purpose of providing guidance to persons to avoid situations involving an actual or apparent violation of the Political Reform Act, this Conflict of Interest Code, 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 Political Reform Act or this Conflict of Interest Code 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.

6. This resolution shall take effect March 1, 2012, and repeals Resolution No. 13,756.

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

AYES:

NOES:

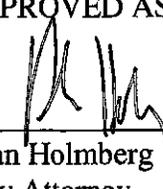
ABSENT:

Dr. Thomas E. Holden
Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez
City Clerk



Alan Holmberg
City Attorney

**EXHIBIT A
CITY OF OXNARD
CONFLICT OF INTEREST CODE**

**APPENDIX I
LIST OF DESIGNATED POSITIONS AND
APPLICABLE DISCLOSURE CATEGORIES**

POSITION	DISCLOSURE CATEGORY
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Elected Officials, Boards and Commissioners, Consultants and Acting Positions

Mayor	As required by State law
Councilmember	As required by State law
Consultant / New Position	1, 2 ¹
Downtown Design Review Committee Member	1, 2
Finance Authority Board Member	1, 2
Hearing Officer	1, 2
Housing Authority Commissioner	1, 2
Planning Commissioner	As required by State law
Mobilehome Park Rent Review Board Member	2, 6
Performing Arts Center Corporation Board of Directors Member	5, 6
Acting Positions	Subject to same disclosure requirements as position performed

City Attorney's Office

City Attorney	As required by State law
Assistant City Attorney	1, 2
Deputy City Attorney	1, 2
Law Office Manager	5

City Clerk's Office

City Clerk	5
Assistant City Clerk	5

¹ In accordance with 2 Cal. Code Regs. §18734(b), consultants and newly created positions shall file under the broadest disclosure category in the agency's conflict-of-interest code until the agency amends its code to reflect the position, provided, however, that the City Manager, in consultation with the City Attorney, may determine that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements.

City Treasurer's Office

City Treasurer	As required by State law
Assistant City Treasurer	As required by State law (manages public investments)
Revenue Account Manager	6

City Manager's Office

City Manager	As required by State law
Assistant City Manager	1, 2
Deputy City Manager	1, 2
Special Assistant to City Manager	1, 2
Facilities Maintenance Supervisor	5
Facilities Services Manager	5
Fleet Services Manager	5
Fleet Services Supervisor	5
Geographic Information Systems Coordinator	5
Legislative Affairs Manager	1, 2
Maintenance Services Manager	2, 3, 5
Management Analyst III	4
Network Services Coordinator	5
Parks Maintenance Supervisor	5
Parks Manager	2, 3, 5
Project Manager	2, 3, 4
Public Information Officer	1, 2
Systems Administrator	5
Telecommunications Coordinator	5

Community Development Department

Community Development Director	1, 2
Redevelopment Services Manager	2, 3
Redevelopment Project Manager	2, 3
Management Analyst II	2, 3

Development Services Department

Development Services Director	1, 2
Development Services Manager	1, 2
Planning and Environmental Services Manager	1, 2
Management Analyst II	5
Plan Check Engineer	3, 5, 6
Supervising Civil Engineer	3, 5, 6
Junior Civil Engineer	3, 5, 6

Supervising Building Inspector	3, 5, 6
Deputy Building Official	3, 5, 6
Principal Planner	2, 3, 5, 6
Associate Planner	2, 3, 5, 6
Assistant Planner	2, 3, 5, 6
Junior Planner	2, 3, 5, 6
Project Manager	2, 3, 4, 6

Finance Department

Chief Financial Officer	1, 2
Accounting Manager	5
Accounting Manager (Purchasing)	4
Buyer	4
Controller	5
Financial Services Manager	5, 3

Fire Department

Fire Chief	1, 2
Assistant Fire Chief	1, 2
Battalion Chief	5, 6
CUPA Coordinator	5, 6
EMS Coordinator	5
Disaster Preparedness Coordinator	5

Housing Department

Housing Director	1, 2
Accounting Manager	1
Grants Coordinator	5
Housing Contract Administrator	4
Housing Financial Officer	As required by State law (manages public investments)
Housing Program Manager	6
Housing Program Supervisor	6
Housing Maintenance Superintendent	5
Housing Maintenance Supervisor	5
Housing Modernization Superintendent	5
Housing Rehabilitation Program Manager	2, 3
Housing Engineer	3, 5
Homeless Assistance Program Coordinator	5, 6
Compliance Services Manager	1, 2
Management Analyst I/II/III	3

Human Resources Department

Human Resources Director	1, 2
Human Resources Manager	5
Recruitment Supervisor	5
Workers' Compensation Manager	5

Library Department

Library Director	1
Library Services Supervisor	5
Library Circulation Supervisor	5
Library System Analyst	5
Management Analyst I	5

Recreation and Community Services Department

Leisure & Recreation Superintendent	1, 2
Management Analyst III	5, 6
Recreation Supervisor	5, 6
Community Services Manager	5, 6
Management Analyst I/II	5, 6

Police Department

Police Chief	1, 2
Assistant Police Chief	1, 2
Police Commander	5
Police Financial Manager	5
Code Compliance Manager	6
Community Affairs Manager	5

Public Works Department

Public Works Director	1, 2
Utility Services Manager	1, 2
Design and Construction Services Manager	1, 2
Administrative Services Manager	5
Traffic Engineer	1, 2
Management Analyst II/III	5
Water Programs Manager	5
Water Resources Manager	2, 5, 6
Solid Waste Superintendent	5, 6
Construction & Maintenance Engineer	1, 2
Streets Maintenance Supervisor	5
Recycling Manager	5

Streets Manager	5
Public Works Construction Manager	5
Chief Operator	5
Wastewater Operations Manager	5
Wastewater Maintenance Manager	5
Technical Services Manager	6

**EXHIBIT B
CITY OF OXNARD
CONFLICT OF INTEREST CODE**

**APPENDIX II
DISCLOSURE CATEGORIES**

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the City.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the City.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in development, construction, appraisal, or the acquisition or sale of real property within the jurisdiction of 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, supplies, materials, machinery, vehicles or equipment of a type utilized by the City.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit, or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are subject to the regulatory, permit, or licensing authority of the designated position's department, unit, or division.