

RESOLUTION NO. 176

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AMADOR ADOPTING A CONFLICT OF INTEREST CODE
APPLICABLE TO THE MEMBERS OF THE CITY COUNCIL
PURSUANT TO THE POLITICAL REFORM ACT OF 1974

BE IT HEREBY RESOLVED by the City Council of the CITY OF
AMADOR as follows:

Section 1. ADOPTION OF CONFLICT OF INTEREST CODE. In
compliance with §87300 of the Government Code, the City Council hereby
adopts this Conflict of Interest Code.

Section 2. APPLICATION OF CODE. This Conflict of Interest
Code shall be applicable to members of the City Council, whether
acting as a Council member or as governing board member or commissioner
of any city agency.

Section 3. DISCLOSURE. Members of the City Council are
required, pursuant to Government Code §87200, to disclose investments,
interests in real property and income. No other or no additional
disclosure requirements are imposed by this Conflict of Interest Code.

Section 4. CIRCUMSTANCES REQUIRING DISQUALIFICATION. Any
member of the City Council, whether acting as a Council member or as
governing board member or commissioner of any city agency, must
disqualify himself or herself from making or participating in the
making of any decisions which will foreseeably have a material financial
effect, distinguishable from its effect on the public generally, on any
economic interest, as defined in Government Code §87103. No member
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.

Section 5. DEFINITIONS. Except as otherwise indicated, the
definitions contained in the Political Reform Act of 1974 (Government
Code §81000) and Regulations adopted pursuant thereto are incorporated
into this Conflict of Interest Code.

Section 6. The City Clerk is directed to forward a certified
copy of this resolution to the Fair Political Practices Commission,

1100 K Street, Sacramento, CA 95814.

THE FOREGOING RESOLUTION was duly passed and adopted by the City Council of the City of Amador, County of Amador, State of California, at a regular meeting of said City Council held on the 12th day of August, 1976, by the following vote:

AYES: Lloyd Smith, Martin Sherrill, Emil Setzer
Peter Daubenspeck III

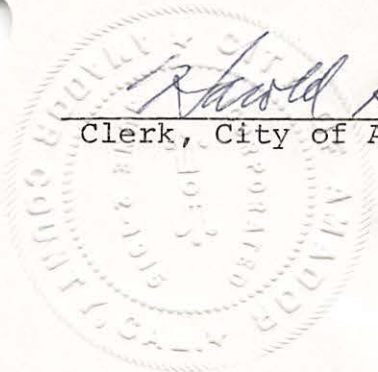
NOES:

ABSENT: Clarence Vaira

Lloyd F. Smith
Mayor, City of Amador

Attest:

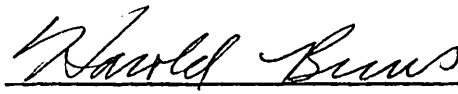
Richard K. Burns
Clerk, City of Amador



CLERK'S CERTIFICATE

I, HAROLD BUUS, Clerk of the City of
Amador, do hereby certify the foregoing to be a full, true
and complete copy of an Resolution adopted by the City Council
of the City of Amador passed at a meeting held on the 12 day
of August, 1976, as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the said City of Amador this _____ day of
August, 1976.



HAROLD BUUS, Clerk

(Seal)



To: City Council

From: Jim Deasy

Conflict of Interest Code must be adopted for the following:

Police Department: Police Chief would be designated employee. Policemen who engage in patrol, custodial, investigative or other line police work are not designated employees. Quare whether the sergeant would hold administrative or policy-making position requiring filing.

Fire Department: Fire Chief would be designated employee. Line Firemen not holding administrative or policy-making positions are not designated employees.

Planning Department: All Planning Officials and employees who exercise judgment with respect to the planning process and/or planning applications at any level are designated employees. This would probably include any Commissioners.

City Street Department: Again, the distinction relates to those holding administrative and policy-making authority.

Included would be the following officers or individuals:

Building Inspector

City Clerk, to the extent she exercises discretion in purchasing, personnel or any other field

City Engineer

City Attorney (though some question where duties limited)

Treasurer

CONFLICT OF INTEREST CODE
FOR THE
OF THE CITY OF AMADOR

Section 1. Introduction. This Conflict of Interest Code is adopted pursuant to the Political Reform Act of 1974.

Section 2. Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding these positions are designated employees and are deemed to make or participate in the making of decisions which may foreseeably have a material effect on a financial interest.

Section 3. Disclosure Statements. A designated employee shall be assigned to one or more of the disclosure categories set forth in Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income designated as reportable under the category to which the employee's position is assigned on Exhibit "B".

Section 4. Place and Time of Filing.

(a) All designated employees required to submit a statement of financial interests shall file the original with the City Clerk.

(b) The said City Clerk, upon receipt of the statement of financial interests, shall make and retain a copy and forward the original to the City Counsel.

(c) A designated employee required to submit a statement of financial interests shall submit an initial statement within 30 days after the effective date of this Code.

(d) All employees appointed, promoted or transferred to designated positions shall file initial statements not less than 10 days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.

(e) Annual statements shall be filed by all designated employees. Such statements shall cover the period of the preceding calendar year.

Section 5. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by and shall contain the following information:

(a) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000.00), and whether it exceeds one hundred thousand dollars (\$100,000.00). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(b) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250.00) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- (2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000.00)

and whether it was greater than ten thousand dollars (\$10,000.00);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name and address of the donor and the amount and the date on which the gift was received.

(c) Contents of Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000.00);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000.00) during a calendar year.

(d) Contents of Management Positions Reports:

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.

(e) Initial Statement:

The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.

(f) Acquisition or Disposal During Reporting Period:

In the case of a statement filed under Section 400(f), if

the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

Section 6. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee, (except sources of gifts less than \$250.00) or any other financial interest as defined in Government Code §87103. No designated employee 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.

Section 7. Manner of Disqualification. A designated employee required to disqualify himself or herself shall notify his or her immediate superior in writing. If none, this notice shall be forwarded to the City Clerk, who shall record the employee's disqualification. Upon receipt of such statement, the supervisor and/or City Council shall immediately reassign the matter to another employee.

In the case of a designated employee who is a member of a Commission, notice shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the Commission. The member shall then refrain from participating and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

Section 8. Definition of Terms. Definition of terms contained in the Political Reform Act of 1974, Government Code §87100, et. seq., and with the definition of identical terms contained in Regulations of the Fair Political Practices Commission, 2 Cal. Adm. Code §§18700-18704.

EXHIBIT "A"

Designated Positions

Disclosure
Category

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated employees in Group "1" must report:

All investment, interests in real property and income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management.

Financial interests are reportable only if located within or subject to the jurisdiction of the commission or if the business entity is doing business or planning to do business in the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

Designated employees in Group "2" must report:

A. Investments in any business entity defined to be an "employer" or an "employment agency" within the meaning of the State Labor Statute.

B. Each source of income, provided that the income was furnished by or on behalf of any person defined to be an "employer", "labor organization", "employment agency", or "joint apprenticeship council" within the meaning of the State Labor Statute.

C. His or her status as a director, officer, partner, trustee, employee, or any position of management in any business entity defined to be an "employer", "employment agency", "labor organization", or "joint apprenticeship council", within the meaning of the State Labor Statute

Designated employees in Group "3" must report:

A. Investments in any business entity which, within the last two

years, has contracted, or in the future foreseeably may contract with the Labor Practices Commission or with the State of California to provide services, supplies, materials, machinery or equipment to the Labor Practices Commission.

B. Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the Labor Practices Commission or with the State of California to provide services, supplies, materials, machinery or equipment to the Labor Practices Commission.

C. His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which, within the last two years, has contracted, or in the future foreseeably may contract with the Labor Practices Commission or with the State of California to provide services, supplies, materials, machinery or equipment to the Labor Practices Commission.

Designated employees in Group "4" must report;

A. Investments in any business entity which, within the last two years has, or in the future foreseeably may contract with the labor Practices Commission or the State of California to provide services or supplies, etc., to the _____ of the Labor Practices Commission.

B. Income from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the Labor Practices Commission or with the State of California to provide services, supplies, materials, machinery or equipment to the _____ of the Labor Practices Commission

C. His or her status as a director, officer, partner, trustee, employee or holder of a position of management in any business entity, which, within the last two years, has contracted, or in the future foreseeably may contract with the Labor Practices Commission or with the State of California to provide services, supplies, materials, machinery or equipment to the _____ of the Labor Practices Commission.