

CITY OF AMADOR
RESOLUTION 207

For adopting Conflict of Interest Codes
which incorporate by reference the
Fair Political Practices Commission's
standard model Conflict of Interest Code

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq.; and

WHEREAS, this body had determined that the attached Appendices accurately set forth those positions which should be designated and the categories of financial interests which should be made reportable;

BE IT NOW THEREFORE RESOLVED THAT:

1. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Codes of the following departments and agencies:

City Engineer
City Attorney
Consultants
Building Official

2. Persons holding designated positions shall file statements of economic interests pursuant to Section 4 of the Conflict of Interest Code.

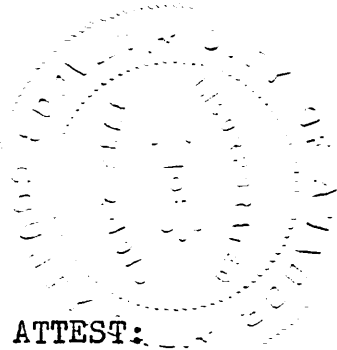
RESOLUTION 207 continued

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 June, 1980, by the following vote:

AYES: Councilmen Daubenspeck, Matich, Hart and Fagundes

NOES: None

ABSENT: None



Lloyd L. Smith
Mayor, City of Amador

ATTEST:

Harold E. Burns
City Clerk, City of Amador

CONFLICT OF INTEREST CODE FOR
CITY OF AMADOR

Section 1. Introduction.

In compliance with the Political Reform Act of 1974, California Government Code Section 81000, et seq., and specifically with Section 87300 et seq., the City of Amador hereby adopts this Conflict of Interest Code which shall be applicable to all designated employees of the agency. The requirements of this Code are in addition to other requirements of the Act such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to any other state or local laws pertaining to conflicts of interest.

Section 2. Definition of Terms.

The definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 3. Designated Employees.

The persons holding positions listed in Appendix A are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 4. Disclosure Statements.

A designated employee shall be assigned one or more of the disclosure categories set forth in Appendix B. It has been determined that the financial interests set forth in a designated employee's disclosure category are the types of financial interests which he or she foreseeably can affect materially through the conduct of his or her office. Each designated employee shall file statements of economic interest disclosing his or her financial interests as required by the applicable disclosure category.

Section 5. Place of Filing.

All designated employees required to submit a statement of economic interests shall file the original with the Amador city clerk who shall be the filing officer, within five days of the filing deadline or five days of receipt in the case of statements filed late.

Section 6. Time of Filing.

(a) Initial Statements. All designated employees employed by the agency on the effective date of this Code shall file statements within thirty days after the effective date of this Code.

(b) Assuming Office Statements. All persons appointed,

promoted or transferred to designated positions after the effective date of the Code, shall file statements within ten days after assuming office.

(c) Annual Statements. All designated employees shall file statements no later than April 1.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

Section 7. Contents of Statements.

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments and interests in real property held on the effective date of the Code.

(b) Assuming Office Statements. Assuming office statements shall disclose any reportable investments and interests in real property held on the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, and income held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(d) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, and income held or received during the period between the closing date of the last statement filed and the date of leaving

Section 8. Manner of Reporting.

Disclosure statements shall be made on forms supplied by F.P.P.C. and shall contain the following information:

(a) Contents of Investment and Real Property Reports.

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

(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 one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(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) 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 one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

(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, a description of the gift, the amount or value of the gift, 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);

(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).

(d) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an

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

Section 9. Disqualification. Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth more than one thousand dollars (\$1,000);

(b) Any real property in which the designated employee had a direct or indirect interest worth more than one thousand dollars (\$1,000);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

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 10. Manner of Disqualification. A designated employee required to disqualify himself or herself shall notify his or her supervisor in writing. This notice shall be forwarded to the city clerk, who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall reassign the matter to another employee. In the case of a designated employee who is a board member or commissioner, notice of disqualification 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 board or commission.

Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 has occurred may be set aside as void pursuant to Government Code Section 91003.

APPENDIX A

<u>Designated positions</u>	<u>Disclosure Category</u>
City Engineer	5 and 6
City Attorney	5 and 6
Consultants*	5 and 6
Building Official	5 and 6

*With respect to Consultants the City Clerk may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in these categories. Such 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 Clerk shall forward a copy of this determination to the Fair Political Practices Commission. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

APPENDIX B

General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

Disclosure Categories

Category 1: All investments and sources of income.

Category 2: All interests in real property.

Category 3: All investments, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department.

Category 4: Investments in business entities and sources of income

engage in land development, construction or the acquisition or sale of real property.

Category 5: Interests in real property located within two miles of any land owned or used by the city.

Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the city to provide services, supplies, materials, machinery or equipment.

Category 7: - Investments in business entities and sources of income of the type which, within the past two years, have contracted with the designated employee's department to provide services, supplies, materials, machinery or equipment.