



**CITY *of* CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE: AUGUST 12, 2010**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: GWEN PEIRCE, CMC, CITY CLERK**

**SUBJECT: ADOPTION OF RESOLUTION NO. 2010-1256, APPROVING AN AMENDED CONFLICT OF INTEREST CODE FOR CERTAIN CITY DEPARTMENTS, COMMISSIONS, AND BOARDS PURSUANT TO THE POLITICAL REFORM ACT OF 1974.**

**MEETING**

**DATE: AUGUST 25, 2010**

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**SUMMARY RECOMMENDATION:**

That Council adopt Resolution No. 2010-1256, approving an amended Conflict of Interest Code for certain City departments, commissions, and boards pursuant to the Political Reform Act of 1974.

**BACKGROUND:**

The Political Reform Act requires each local agency to adopt a Conflict of Interest Code for City staff, commissioners, and boardmembers who make or participate in the making of government decisions. The City Council last updated the Conflict of Interest Code on August 13, 2008. Since that time, several organizational and personnel changes have occurred which now compels the City Council to review the Code and make the appropriate amendments.

## **DISCUSSION:**

Positions which are identified under the City's Code must file the Fair Political Practices Commission's (FPPC) Form 700 - Statement of Economic Interest. This form is filed with the City Clerk's Office on an annual basis and provides information regarding the designated individual's financial interests within the City's boundaries. It also includes a provision that triggers the application of gift prohibitions and other regulations.

The California Government Code specifies what types of positions should be designated as required filers. Specifically, it states, "A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on his or her financial interest. 'Designated employee' does not include any unsalaried member of any board or commission which serves a solely advisory function." (*Government Code Section 82019.*) The FPPC therefore recommends that employees who are "solely clerical, ministerial, or manual positions" and "unsalaried members of boards or commissions that are solely advisory" not be designated in the City's Conflict of Interest Code. The FPPC further recommends eliminating any positions in the Code that fall under those categories. To that end, the new Code reflects the deletion of the Environmental Commission because their role has been deemed advisory. Due to their decision-making abilities, the only two Commissions that remain in the City's Conflict of Interest Code are the Library Commission and Historic Preservation Commission (the Planning Commission is regulated by the State to file). Since all of the other City Commissions are considered advisory, it is recommended that they not be included in the new Code.

The new Code reflects a title change for one position and the addition of one position in the Administrative Services Department: Administrative Services Director and City Clerk. Also, the new Code includes the addition of three positions in the Community Development Department: Planning Assistant, Permit Center Coordinator and Building Assistant. While these positions are not new to the organization, it was decided that their ability to grant over the counter approvals for permits warrants their designation as required filers. The final staff changes to the Code are in the Public Works Department: 1) the deletion of a title that is non-existent, Deputy Public Works Director; 2) the addition of a new position, the Assistant Landscape District Manager; and 3) the addition of an existing position that should be designated as a required filer, Environmental Services Manager.

**REQUESTED ACTION:**

Adopt Resolution No. 2010-1256, approving an amended Conflict of Interest Code for certain City departments, commissions, and boards pursuant to the Political Reform Act of 1974.

**ATTACHMENTS:**

Resolution No. 2010-1256

Redlined version of Resolution No. 2010-1256