

RESOLUTION NO. R20-30

**RESOLUTION OF THE CITY OF PALOS VERDES ESTATES APPROVING THE
BIENNIAL CONFLICT OF INTEREST CODE APPLICABLE TO DESIGNATED
EMPLOYEES PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

WHEREAS, The Political Reform Act requires certain City officials, specified in section 87200 of the California Government Code, to file economic disclosure forms (“Form 700”) and abstain from making or participating in making governmental decisions which have a reasonably foreseeable material effect on an economic interest; and

WHEREAS, The Political Reform Act also requires the City to adopt a local conflict of interest code that enumerates specific City positions other than those specified in Government Code section 87200 which involve making or participating in making decisions which have a reasonably foreseeable material effect on an economic interest, and to designate for each position the specific types of investments, business positions, interests in real property and sources of income which are reportable based on the scope of the decision-making authority of the position; and

WHEREAS, The Political Reform Act requires local government agencies to adopt and promulgate a conflict of interest code, and to conduct a review of the code every two years; and

WHEREAS, It requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, that the code must be amended; and

WHEREAS, In accordance with Government Codes 87306.5, at the June 9, 2020 City Council Meeting, the City Council directed the City Clerk in coordination with the City Manager and City Attorney to:

- 1) Review the City of Palos Verdes Estates Conflict of Interest Code to determine if changes to the code are needed; and
- 2) Directed the City Manager to review and add all consultants; and

WHEREAS, City staff has reviewed the Code and found that amendments are required to be made to the Conflict of Interest Code; and

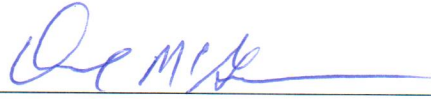
WHEREAS, The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference; and

WHEREAS, Attachment A to this resolution and a part of it, designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the City of Palos Verdes Estates; and

WHEREAS, designated employees shall file statements of economic interests with the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code, § 81008.) Statements for all designated employees will be retained by the City Clerk.

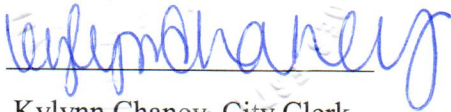
NOW, THEREFORE, BE IT RESOLVED, that the City of Palos Verdes Estates City Council has determined that Code is approved as listed in Attachment A and all resolutions previous to or in conflict with this resolution are hereby rescinded.

PASSED, APPROVED AND ADOPTED this 8th day of September, 2020.



David McGowan, Mayor

ATTEST:



Kylynn Chaney, City Clerk

APPROVED AS TO FORM:



Christi Hogin, City Attorney

ATTACHMENT A
CONFLICT OF INTEREST CODE OF
THE
CITY OF PALOS VERDES ESTATES

The Political Reform Act (Gov Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted 2 Cal. Code of Regulations section 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **City of Palos Verdes Estates (the "City")**.

All officials, and designated positions required to submit a statement of economic interests shall file their statements with the **City Clerk** as the City's Filing Officer. The **City Clerk** shall make and retain a copy of all statements filed by Officials listed in Government Code Section 87200, and forward the originals of such statements to the Fair Political Practices Commission. The **City Clerk** shall retain the originals of the statements of all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

Attachment A APPENDIX

CONFLICT OF INTEREST CODE OF THE CITY OF PALOS VERDES ESTATES

PART "A"

The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and all other City Officials who manage public investments as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the City's Code but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are Other City Officials who manage public investments.¹ These positions are listed here for informational purposes only.

Finance Director

¹ Individuals holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

**DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE**

<u>DESIGNATED POSITIONS' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
Police Chief	2, 3, 4
City Engineer	1, 2, 3, 4
Director of Public Works	1, 2, 3, 4
City Planning and Building Director	1, 2, 3, 4
Assistant to the City Manager	1, 2, 3, 4
City Clerk/ Executive Assistant	3, 4
City Code Enforcement Officer	3, 4
Planning Manager	1, 2, 3, 4
City Planner	3, 4
Urban Forester	3, 4
<u>Consultants and New Positions²</u>	5
City Building Official	1, 2, 3, 4
City Geologist	1, 2, 3, 4
Principal Contract Consulting Manager	1, 2, 3, 4
Assistant City Attorney	1, 2, 3, 4
 <u>MEMBERS OF BOARDS, COMMITTEES AND COMMISSIONS</u>	
Parklands Committee	1, 2, 3, 4
Traffic Safety Committee	1, 2, 3, 4
Investment Policy Advisory Committee	1, 2, 3, 4
Finance Advisory Committee	1, 2, 3, 4
Law Enforcement Services Special Tax Oversight Committee	2, 3, 4

² Individuals serving as a consultant as defined in FPPC Reg 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation: The City Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to designate a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code§82019; Reg.18734) The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov.Code§81008)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic investments that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the City.

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located 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 agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

CATEGORY 3

Person in this category shall disclose all income (including gifts, loans and travel payments) and business positions.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned this disclosure category.

CATEGORY 5

Individuals who perform under contract the duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interest in the categories assigned to that designated position.

In addition, individual who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the agency which could affect financial interest shall be required to file Statements of Economic Interests, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the City Manager. (See footnote "2" in Part A for clarification.)

³This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

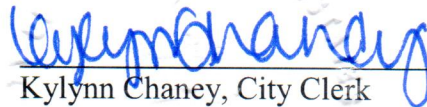
I, Kylynn Chaney, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R20-30** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 8th day of September, 2020, by the following vote:

AYES: COUNCILMEMBERS: McGowan, Kemps, Davidson, Lozzi

NOES: COUNCILMEMBERS: Kao

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBER: None


Kylynn Chaney, City Clerk