



CITY COUNCIL AGENDA STATEMENT



December 18, 2018

File ID: 18-0522

TITLE

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MODIFYING THE APPENDIX TO THE LOCAL CONFLICT OF INTEREST CODE TO AMEND THE LIST OF OFFICIALS, CANDIDATES AND DESIGNATED EMPLOYEES WHO ARE REQUIRED TO FILE PERIODIC STATEMENTS OF ECONOMIC INTERESTS AND THE DISCLOSURE CATEGORIES FOR SAID FILERS, AND DESIGNATING THOSE FILERS AS "LOCAL AGENCY OFFICIALS" FOR PURPOSES OF AB 1234, THEREBY REQUIRING THEM TO PARTICIPATE IN MANDATED ETHICS TRAINING

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

The Political Reform Act requires every local agency to periodically review its Conflict of Interest Code to determine whether amendments are needed. The proposed resolution adopts an amended appendix to the City's Conflict of Interest Code, listing the officials and designated employees of the City who are required to file periodic statements of economic interests and the disclosure categories under which each such official and designated employee is required to file, as well as requiring those designated officials and employees to complete biennial ethics training, pursuant to AB 1234.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

On March 21, 2000, the Council adopted Ordinance No. 2807, adopting by reference the standardized conflict of interest code contained in Title 2 of the California Code of Regulations, Section 18730, and any amendments thereto that are adopted by the Fair Political Practices Commission. The ordinance requires

that the Council set forth by resolution the officials and designated employees who are required to file statements of economic interests and the disclosure categories under which each such official and designated employee shall file.

The City Clerk and the City Attorney have performed a review of the code in conformance with Political Reform Act requirements. Each department director provided input regarding the level of decision-making authority employees have in their respective departments. With that input, along with various title changes that have occurred since the last update, it has been determined that the appendix to the Code requires amendments.

Several positions that are currently vacant and unfunded were not deleted since they remain on the City's classification plan and should be designated to file statements of economic interest. Adoption of the proposed resolution amends the appendix to the local Conflict of Interest Code accordingly.

The resolution also specifies that all employees designated as filers under the City's Conflict of Interest Code are "designated employees" for purposes of AB 1234 and, as such, are required to participate in mandatory ethics training.

In addition to reviewing the list of filers the City Clerk and City Attorney also reviewed the City's disclosure categories provided for in Municipal Code section 2.02.030. No changes to the category descriptions are recommended at this time.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Adoption of this item supports the City's goal of providing responsible public service and fostering public trust through an open and ethical government.

CURRENT-YEAR FISCAL IMPACT

Adoption of the resolution will have no impact on the general fund.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact.

ATTACHMENTS

1. Exhibit A - Revised list of designated filers

Staff Contact: Kerry Bigelow