



# City of Chula Vista

## Staff Report

---

**File#:** 16-0468, **Item#:** 5.

---

**..Title**

A. RESOLUTION NO. 2016-242 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

B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.02.030 RELATING TO THE CONFLICT OF INTEREST CODE OF THE CITY OF CHULA VISTA (FIRST READING)

### **RECOMMENDED ACTION**

Council adopt the resolution and place the ordinance on first reading.

### **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. The proposed ordinance amends the disclosure categories to capture all conceivable conflicts of interest for the City's designated employees.

### **ENVIRONMENTAL REVIEW**

#### **Environmental Notice**

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

#### **Environmental Determination**

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that this activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change to 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 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.

Adoption of the proposed ordinance will amend the Municipal Code to incorporate revised filing categories. Since the last amendment of the filing categories, the Fair Political Practices Commission has published additional reference materials for agencies to use in drafting their own agency-specific filing categories. The proposed categories intend to capture all conceivable conflicts of interest for the City's designated employees.

## **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 Councilmember, 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.

---

**File#:** 16-0468, **Item#:** 5.

---

**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. Updated list of designated employees
2. Proposed ordinance changes in strikeout-underline format

*Staff Contact: Kerry Bigelow*