



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** September 13, 2016

From: La Vonda M-Pearson, Town Clerk **Item No:** 13
Town Clerk's Office

Subject: RESOLUTION NO. 2016-28 OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2014-44, AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT BY REFERENCE TO THE STANDARD CONFLICT OF INTEREST CODE SET FORTH IN SECTION 18730 OF THE REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION AS AMENDED

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt Resolution No. 2016-28.

SUMMARY:

The Political Reform Act requires that local government agencies "Code Reviewing Body", i.e. the Town Council must, no later than July 1st of each even-numbered year, notify each Town agency to review its Conflict of Interest Code.

On July 12, 2016, the Town Council received notice of the Town's intent to conduct a review of its conflict of interest code to determine if it is accurate. The Town Manager has reviewed the code as directed by the Town Council at that meeting and has recommended that the various changes be made to include additional designated employees/members to this code. The amended list is attached to this document as the Appendix.

ATTACHMENTS:

1. Resolution No. 2016-28
2. Conflict of Interest Code (Amended)

RESOLUTION NO. 2016-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, APPROVING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Town of Apple Valley (the "Town"), and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Town Council adopted a Conflict of Interest Code (the "Code") which was amended on November 18, 2014, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the Town have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Town's Code; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Town Council of, the proposed amended Code was provided to each affected designated position and was publicly posted for review at the offices of the Town; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Town Council on September 13, 2016, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, California, as follows:

Section 1. The Town Council does hereby approve and adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Town Clerk and available to the public for inspection and copying;

Section 2. The said amended Conflict of Interest Code shall become effective at the time of its adoption and approval.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 13th day of September, 2016.

Barb Stanton, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

CONFLICT OF INTEREST CODE OF THE TOWN OF APPLE VALLEY

(Amended ~~November 18, 2014~~ September 13, 2016)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 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 it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page with Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories shall constitute the Conflict of Interest Code of the **Town of Apple Valley** (the "**Town**").

All Officials and Designated Positions required to submit a statement of economic interests shall file their Statement of Economic Interest with the **Town Clerk** as the Town's Filing Officer. The **Town Clerk** shall make and retain a copy of all statements filed by the Mayor, members of the Town Council, the Town Manager, the Town Attorney, the Town Treasurer/Assistant Town Manager, and members of the Planning Commission and forward the originals of such statements to the Fair Political Practices Commission. The **Town Clerk** shall retain the originals of the statements for all other Officials and Designated Positions and shall make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code section 81008).

APPENDIX

CONFLICT OF INTEREST CODE OF THE TOWN OF APPLE VALLEY

(Amended ~~November 18, 2014~~September 13, 2016)

PART “A”

The Mayor, Members of the Town Council and Planning Commission, the Town Manager, the Town Attorney, the Town Treasurer, and all other Town Officials who manage public investments as defined by 2 Cal. Code of Regs. § ~~48704~~18700.3(b), are NOT subject to the Town’s Conflict of Interest 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 officials who manage public investments.¹ These positions are listed here for informational purposes only.

Controller

Financial Consultant

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</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Director, Community Development	1, 2
Assistant Director, Economic Development & Housing	1, 2
Assistant Planner	1, 2
Assistant Town Manager	1, 2
Associate Planner	1, 2
Building Official	2, 3, 6, 7
Code Enforcement Manager	6
Community Development Director	6
Deputy Town Engineer	2, 3, 6, 7
<u>Director of Animal Services</u>	<u>6</u>
Director of Human Resources and Risk Manager	4, 6
Director of Public Works	2, 3, 6
Event Coordinator	1
Finance Manager	5
Ground Services Supervisor	6
Housing Programs Supervisor	2, 3, 6
<u>Human Resources Analyst</u>	<u>6</u>
Human Resources <u>Payroll</u> Coordinator	6
Human Resources Manager	6
Information Systems Supervisor	6
Information Systems Technician	6
Marketing & Public Affairs Officer	1

DESIGNATED POSITIONS
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Parks & Recreation Manager	2, 6
Principal Planner	1, 2
Public Works Manager	2, 3, 6
<u>Public Services Manager</u>	<u>6</u>
Recreation Supervisor	6
Senior Planner	1, 2
Special Projects Manager	6
Town Attorney (not filing under Gov Code § 87200)	1, 2
Town Clerk	6
Town Engineer	2, 3, 6, 7

MEMBERS OF BOARDS,

COMMITTEES AND COMMISSIONS

Parks & Recreation Commission	1, 2
Traffic Committee	1, 2
Consultants and New Positions ²	

² Individuals providing services as a consultant as defined in FPPC Reg. [18704.18700.3\(a\)](#) or in a new position created since this Code was last approved that makes or participates in making decisions, shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Town Manager may determine in writing 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 Sec. 82019; FPPC Regulations 18219 and 18734). The Town 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 Sec. 81008.)

APPENDIX PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Position must disclose for each disclosure category to which he or she is assigned.³ ~~Such economic interests~~ "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 Town.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the Town.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Town.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the Town.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in banking, savings and loan, or other financial institutions or insurance companies.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type utilized by the Town.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit, or division.

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are subject to the regulatory, permit, or licensing authority of the Designated Position's department, unit, or division.

³ This 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 of the position. (Reg. 18730.1)