



Town Council Agenda Report

Date: September 22, 2020 Item No. 2

To: Honorable Mayor and Town Council

Subject: APPROVAL OF RESOLUTION NUMBER 2020-50 OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2018-48 AND APPROVING AN AMENDED 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

From: Douglas Robertson, Town Manager

Submitted by: La Vonda M-Pearson, Director of Government Services

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt Resolution Number 2020-50 - 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.

SUMMARY:

The Political Reform Act requires that local government agencies "Code Reviewing Body", i.e. the Town Council must notify each Town agency to review its Conflict of Interest Code each even-numbered year.

On June 9, 2020, 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 various changes be made to include additional designated positions to this code and removal of obsolete positions per the Apple Valley Classification Plan. The amended list is attached to this document as the Appendix.

RESOLUTION NO. 2020-50

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 October 9, 2018, 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 22, 2020, 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.

ADOPTED by the Town Council of the Town of Apple Valley, California, at a regular meeting thereof held this 22nd day of September 2020.

Scott Nassif, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

CONFLICT OF INTEREST CODE
OF THE
TOWN OF APPLE VALLEY

(Amended September 22, 2020)

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 September 22, 2020)

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. § 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 TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
Administrative Analyst I and II	6
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
Director of Animal Services	6
Director of Business Dev. and Communications	6
Director of Government Services	6
Director of Public Works	2, 3, 6
Emergency Services Officer	6
Event Coordinator	1
Finance Analyst	5
Finance Manager	5
Ground Services Supervisor	6
Housing & Community Dev. Specialist I and II	2, 3, 6

DESIGNATED POSITIONS
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Housing Programs Supervisor	2, 3, 6
Human Resources Analyst	6
Human Resources Manager	6
Human Resources Payroll Coordinator	6
Innovation and Technology Officer	6
Innovation and Technology Supervisor	6
Innovation and Technology Specialist	6
Innovation and Technology Technician	6
Maintenance Supervisor	6
Parks & Recreation Manager	2, 6
Planning Manager	1, 2
Principal Planner	1, 2
Public Works Manager	2, 3, 6
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
-------------------------------	------

Consultants and New Positions ²

² Individuals providing services as a consultant as defined in FPPC Reg. 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 “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)