

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

RESOLUTION NUMBER 2008-62 OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2002-43, 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

Summary Statement:

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

On June 10, 2008, 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 employees/members to this code. The amended list is attached to this document as Appendix A.

Recommended Action:

Adopt Resolution Number 2008-62.

Proposed by: La Vonda M-Pearson, Town Clerk **Item Number** _____

T. M. Approval: _____ **Budgeted Item** Yes No N/A

RESOLUTION NO. 2002-43

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING RESOLUTION 98-61 WHICH ADOPTED A 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.

WHEREAS, the Political Reform Act, Government Code Sections 81000, et. Seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code, and which can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act; and

WHEREAS, incorporation by reference of the terms of the aforementioned regulation and future amendments to it in the conflict of interest code will save the Town time and money by minimizing the actions required to keep the conflict of interest code or codes in conformity with the Political Reform Act; and

WHEREAS, Resolution No. 98-61 incorporated the terms of the standard conflict of interest code and it is appropriate to amend said Resolution, including Appendix A and B, in its entirety, to read as set forth herein;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. 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 and along with the attached Appendix A and B in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code for all members and employees as herein designated, of the Town of Apple Valley.

2. Members of the Town Council, the Town Manager, the Town Attorney, Town Treasurer, Assistant Town Manager of Finance and Administration, members of the Planning Commission, and pursuant to Section 5(A) of the Standard Code, other designated employees, including but not limited to members of other boards and commissions holding designated positions, and having a disclosure category which requires the filing of a Statement of Economic Interest, shall file their Statement of Economic Interest with the Town Clerk, to whom the Town Council hereby delegates the authority to carry out the duties of the Filing Officer. Upon receipt of the statements of the members of the Town Council, the Town Manager, the Town Attorney, Town Treasurer/Assistant Town Manager, Finance and Administration, and the members of the Town Planning Commission, the Town Clerk shall

make and retain a copy of each and forward the original of each of these statements to the Fair Political Practices Commission. The statements for all other designated employees shall be retained by the Town Clerk on behalf of the Town.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of November 2008.

MAYOR

Attest:

LA VONDA M-PEARSON, CMC, TOWN CLERK

APPENDIX A

CONFLICT OF INTEREST CODE (Resolution No. 2008-62)

<u>DESIGNATED EMPLOYEES/MEMBERS</u>	<u>DISCLOSURE CATEGORY</u>
Town Clerk	1
Assistant Town Manager	1
Assistant Town Attorney	1
Assistant Director of Economic Development	1
Assistant Director of Community Development	1
Director of Municipal Services	1
Town Engineer	1
Town Building Official	1
Community Services Manager	1
Municipal Services Manager	1
Administrative Services Manager	1
Consultant	4

APPENDIX B

DISCLOSURE CATEGORIES

1. Must report financial interests in all categories of the Statement of Economic Interest, subject to such limitations, as are prescribed in the Political Reform Act and the model code.

(Persons not listed in this Code and not required to file Disclosure Statements under Section 82200 and following of the Government Code need not file Statement of Economic Interest, as they are not deemed to be designated employees.)

(Persons who are already required to file disclosure statements under Section 87200 and following of the Government Code, are, therefore, not also listed in this Code to avoid duplication, and no other or additional disclosure requirements are imposed by this Code.)

4. Consultants are listed in this category. They must report financial interests in all categories required by Disclosure Category No. 1, subject to the following limitation: The Town Manager may determine in writing that a particular consultant, although a “designated employee” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described herein. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

EXPANDED STATEMENTS: A person holding two or more positions that must file more than one Statement of Economic Interest form, may copy schedules from the first report and attach the subject schedules which have reportable interest to an Original cover sheet and summary sheet. An original signature must be included on each original cover sheet and summary sheet.