

Lompoc City Council Agenda Item

City Council Meeting Date: August 3, 2010



TO: *Honorable Mayor and City Council Members
Honorable Chair and Agency Board Members*

FROM: *Joseph W. Pannone, City Attorney/General Counsel
jpannone@awattorneys.com*

SUBJECT: *Amendment of City's and Redevelopment Agency's Conflict of Interest Codes*

RECOMMENDATION:

The City Council and the Agency Board respectively adopt Resolution No. 5662(10) and 10-144, amending the City's and Agency's Conflict of Interest Codes that require certain officials and employees to file Statements of Economic Interests; and

The Council and Board accept this memorandum as the report required by Government Code Sections 87306 and 87306.5 for biennial review of the Conflict of Interest Codes of the City of Lompoc and the Lompoc Redevelopment Agency.

DISCUSSION

The Political Reform Act requires governing bodies to review existing Conflict of Interest Codes every two years.

By Resolution No. 3082(82), the City adopted its Conflict of Interest Code to designate the positions whose incumbents are required to file Statements of Economic Interests. As required by law, that list has been regularly reviewed and updated to reflect changes in State law and in the City and Agency's organization.

In the past month, each department and division head has reviewed the existing Code and suggested changes to the list as Exhibit A to the proposed Resolutions, which take the form of two resolutions in one document. To avoid frequent revision, the list includes all positions for which disclosure is required, whether or not the position is occupied or even funded. The list also reflects persons required to disclose economic interests under authority other than based on the Resolutions, so that all disclosure obligations are contained in one document for ease of use.

In addition, some of the lists contained in the current resolution have been consolidated for additional clarity and an updated references to State regulations and non-substantive edits were made.

SUMMARY

Staff requests the Council and Board accept this memorandum as the report for the biennial review of the Conflict of Interest Codes as required by Government Code Sections 87306 and 87306.5, and adopt Resolutions No. 5662(10) and 10-144.



Joseph W. Pannone, City Attorney/
General Counsel

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL/AGENCY BOARD:



Laurel M. Barcelona, City Administrator/
Executive Director

RESOLUTION NO. 5662(10)

**A Resolution Of The Council Of The City Of Lompoc
County Of Santa Barbara, State of California
Amending the City's Conflict of Interest Code
Requiring Incumbents of Certain Positions to File
Statements of Economic Interests**

RESOLUTION NO. 10-144

**A Resolution Of The Board of Directors of the
Lompoc Redevelopment Agency
County Of Santa Barbara, State of California
Amending the Agency's Conflict of Interest Code
Requiring Incumbents of Certain Positions to File
Statements of Economic Interests**

WHEREAS, by Resolution No. 3082(82), the City Council adopted by reference the Fair Political Practices Commission's Standard Model Conflict of Interest Code, in compliance with the Fair Political Practices Act of 1974 (Government Code Sections 81000 et seq., as amended from time to time); and

WHEREAS, the adopted Conflict of Interest Code identified certain positions and offices of the City and of its agencies, boards, commissions, and committees, and required the incumbents of these positions to file Statements of Economic Interests in compliance with State law; and

WHEREAS, the list of persons required to file Statements of Economic Interests has been amended from time to time by City Resolutions No. 4103(91), 4127(92), 4337(94), 4425(95), 4558(96), 4707(98), 4872(00), 5041(02), 5194(04), 5354(06), 5493(08), and by Agency Resolutions No. 84-11, 92-35, 96-45, 03-97, 06-113, and 08-127; and

WHEREAS, the list of those who must file Statements of Economic Interests again requires revision to reflect changes in City organization and to comply with applicable law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC AND THE BOARD OF DIRECTORS OF THE LOMPOC REDEVELOPMENT AGENCY RESOLVE THAT:

SECTION 1. Exhibit A to Resolution No. 5493(08), which designates the persons required to file Statements of Economic Interests, is hereby amended and replaced by the attached Exhibit A, which is incorporated herein by this reference as if fully set forth at this point.

SECTION 2. All other provisions of Resolution No. 3082(82), adopting the Fair Political Practices Commission's Standard Model Conflict of Interest Code, shall remain in full force and effect.

SECTION 3. No provision of this Conflict of Interest Code shall affect or excuse any offense or act committed or omitted, nor any penalty or forfeiture incurred or accruing, under any other conflict of interest code or applicable law, nor any pending prosecution, suit, or proceeding, nor any judgment rendered in connection with any other conflict of interest code or applicable law.

SECTION 4. This Resolution is effective upon its adoption.

The foregoing Resolution was proposed by Councilmember/Boardmember _____, seconded by Councilmember/Boardmember _____, and duly passed and adopted by the Council of the City of Lompoc and the Board of Directors of the Lompoc Redevelopment Agency at their joint meeting on August 3, 2010, by the following electronic vote:

AYE: Councilmember(s)/Agencymember(s):

NO: Councilmember(s)/Agencymember(s):

ABSENT: Councilmember(s)/Agencymember(s):

Michael A. Siminski, Mayor
City of Lompoc
and
President of the Board of Directors of the
Lompoc Redevelopment Agency

ATTEST:

Donna Terrones
City Clerk, City of Lompoc
and
Secretary to the Board of Directors

EXHIBIT A to City Resolution No. 5662(10)
EXHIBIT A to Agency Resolution No. 10-144

CONFLICT OF INTEREST CODE

I. All employees of the City of Lompoc are subject to the gift and honorarium limitations of the California Fair Political Practices Act, as amended, and of the Regulations of the Fair Political Practices Commission, as amended.

II. Individuals occupying the positions listed below will file Statements of Economic Interests in accordance with Government Code Sections 87200-87210, as amended, and California Code of Regulations Title 2, Division 6, Section 18730, as amended. All positions listed herein are included in Disclosure Category I, which requires the incumbents of those positions to fully disclose the personal assets and income described in FPPC Form 700, Statement of Economic Interests.

Accounting and Revenue Manager
Accounting Supervisor
Acquisitions Clerk III
Administrative Aide
Administrative Analyst
Administrative Analyst; Senior Administrative Analyst
Adult Services Librarian
Assistant City Administrator
Assistant City Attorney
Assistant Electrical Utilities Manager
Assistant Planner; Associate Planner
Assistant Public Works Director/City Engineer
Assistant to the City Administrator
Aviation/Transportation Administrator
Battalion Fire Chief
Branch Library Manager
Building Official
Building Technician
Building/Zoning Inspector; Senior Building/Zoning Inspector
Buyer; Buyer/Warehouser
Candidate for Mayor or Councilmember at any election
Chief of Police
City Administrator
City Attorney
City Clerk
City Councilmember
City Treasurer
Civil Engineering Associate
Community Development Director
Community Development Program Manager
Computer Technician
Deputy City Attorney; Senior Deputy City Attorney
Deputy City Clerk
Economic Development Manager
Electrical Utility Engineer; Senior Electrical Utility Engineer; Assistant Electrical Utility Engineer
Electrical Utility Manager
Environmental Coordinator; Senior Environmental Coordinator
Facilities Equipment Maintenance Superintendent
Financial Services Manager
Fire Chief
Fire Marshall
Human Resources Analyst; Senior Human Resources Analyst
Human Resources Director
Information Systems Manager
Library Director
Literacy Coordinator
Management Services Director/Finance Director
Mayor
Parks and Recreation Director
Parks and Urban Forestry Manager
Planning Commissioner
Planning Manager
Planning Technician
Police Captain
Principal Human Resources Analyst

Principal Planner
Public Works Director
Purchasing and Materials Manager
Recreation Manager
Registered Civil Engineer; Senior Registered Civil Engineer
Safety Officer
Solid Waste Superintendent
Street Superintendent
Treasury Staff Supervisor
Utilities Director
Utility Accountant
Utility Accounting Supervisor
Utility Billing Supervisor
Wastewater Superintendent
Water Resources Engineer
Water Superintendent
Wireless Services Administrator
Youth Services Librarian

III. Members of the bodies listed below shall file Statements of Economic Interests in accordance with California Code of Regulations Title 2, Division 6, Section 18730, as amended.

Airport Commission
Beautification Commission
Board of Appeal
Citizens Committee to Oversee the Park Maintenance and City Pool
Assessment District No. 2002-01
Human Services Commission
Library Board of Trustees
Mobilehome Rent Stabilization Board
Parks and Recreation Commission
Public Safety Commission
Senior Commission
Utilities Commission
Youth Commission (Members 18 and older)

IV. Statements of Economic Interests shall be filed in accordance with Redevelopment Agency Resolution Nos. 84-11, 92-35, 96-45, and 03-97; Financing Authority Bylaws adopted on March 3, 1992; and all other applicable authority for the Lompoc Public Financing Authority and the Lompoc Redevelopment Agency. Agency resolutions require that Statements of Economic Interests be filed by the incumbents of the following positions:

Members of the Agency Board of Directors
Agency Executive Director/Deputy Executive Director
Agency General Counsel
Agency Assistant General Counsel
Agency Treasurer
Redevelopment Program Coordinator
Redevelopment Program Manager
Housing Programs Technician

Any Agency or City employee or appointee participating in the formulation or approval of plans or policies for the redevelopment of a project area

V. All City, Agency, Board, and Commission consultants (as defined in 2CCR Section 18701, as amended) shall file Statements of Economic Interests in accordance with California Code of Regulations Title 2, Division 6, Section 18730 and any other applicable laws; provided, however, that the City Administrator/Agency Executive Director may determine in writing a particular consultant has been hired to perform a range of duties that is sufficiently limited in scope so as not to require full compliance with the disclosure requirements of this Section. 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, if any. The determination of the Administrator/Executive Director is a public record and shall be retained for public inspection in the same manner and location as this Resolution.