

RESOLUTION NO. 2023-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING AMENDMENT TO THE CONFLICT-OF-INTEREST CODE
TO REVISE THE LIST OF DESIGNATED POSITIONS

WHEREAS, the Fair Political Practices Commission (FPPC) authorizes municipalities to determine and designate positions required to file Statement of Economic Interests (Form 700); and

WHEREAS, the City Council of the City of Marina (City) desires that elected and appointed officials and designated employees be prohibited from making, participating in the making, or attempting to use their positions to influence a governmental decision in which they know or have reason to know they have a financial interest; and

WHEREAS, at the regular meeting August 19, 2008, the City Council adopted Resolution No. 2008-185, approving amendments to the City's Conflict of Interest Code (Code) to revise the list of designated positions; and

WHEREAS, the Political Reform Act requires every local government agency to review its Code biennially to ensure the Code reflects current staffing, and submit an amended Code if necessary; and

WHEREAS, the City's Code has not been updated since August 19, 2008; and

WHEREAS, the City has authorized promotions and established new positions that make financial decisions which should be included in the list of designated positions for the filing of Form 700s; and

WHEREAS, this Resolution shall supersede Resolution No. 2008-185; and

WHEREAS, the City determined the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15378.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina

1. The foregoing recitals are adopted as findings of the City Council as though fully set forth herein.
2. The Council approves amendment to the Conflict-of-Interest Code ("Exhibit A").
3. Resolution 2008-185 is hereby rescinded.
4. This Resolution shall be effective immediately.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 16th day of May 2023, by the following vote:

AYES: COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**CITY OF MARINA
CONFLICT OF INTEREST CODE**

DISCLOSURE CATEGORIES

General: Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of incomes, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the City of Marina.

Category 1: An appointed board, committee, or commission member, or a designated City employee or consultant in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments from third parties (not the City) within the City of Marina jurisdiction.

Category 2: An appointed board, committee, or commission member, or a designated City Employee or consultant, who does not participate in decisions involving real property must report investments, business positions in business entities, and sources of income, including receipts of gifts, loans, and travel payments from third parties (not the City) within the City of Marina's jurisdiction.

Category 3: Designated positions in this category must report investments, business positions in business entities, and income, including receipts of gifts, loans, and travel payments, from sources that provide information technology and telecommunications goods, products or services, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services.

Category 87200: An officer designated in Government Code §87200 is required to file full disclosure of all categories pursuant to the Political Reform Act. Refer to Government Code §§87200-87210.

LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

POSITIONS

DISCLOSURE CATEGORIES

Mayor and Councilmembers	87200
Planning Commissioners	87200
City Manager	87200
City Attorney	87200
Finance Director	87200
Candidates for Mayor and Council	87200

POSITIONS

DISCLOSURE CATEGORIES

Accounting Services Manager	1
Airport Services Manager	1
Assistant City Manager	1
Chief Building Inspector	1
Chief Building Official	1
City Clerk	1

POSITIONS**DISCLOSURE CATEGORIES**

Commission/Committee/Board Members*	2
Design Review Board	
Economic Development Commission	
Public Works Commission	
Recreation & Cultural Services Commission	
Tree Committee	
Community Development Director	1
Consultants and Contractors**	1
Economic Development Coordinator	2
Engineering Services Manager	2
Fire Chief	1
Fire Division Chief	1
Fire Captains	2
Fire Lieutenant	2
Financial Analyst	1
Human Resources and Risk Manager	1
Planning Services Manager	1
Police Commanders	1
Police Chief	1
Police Lieutenants	2
Public Works Superintendent	1
Public Works Director	1
Recreation Leaders	2
Recreation & Cultural Services Director	1
Senior Planner	1

* COMMISSION/COMMITTEE/BOARD MEMBERS: Commission/Committee/Board members appointed by the City Council shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code.

** CONSULTANTS: Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements as described in **Disclosure Category 1**. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of the disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as set forth in this Resolution.

NOTE: City Council Members, the City Manager, City Attorney, Planning Commissioners, City Treasurer, Finance and all City Officials (including employees and consultants) who manage public investments shall not be considered designated positions herein so long as those individuals are required to file Disclosure Statements pursuant to Government Code Section 87200 et seq. or successors thereto.

RESOLUTION NO. 2008-185

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING AMENDMENT TO THE CONFLICT OF INTEREST CODE
TO REVISE THE LIST OF DESIGNATED POSITIONS

WHEREAS, the Fair Political Practices Commission (FPPC) authorizes municipalities to determine and designate positions required to file Statement of Economic Interest/Conflict of Interest Statements, and;

WHEREAS, on October 16, 2007, the City Council adopted Resolution No. 2007-240, approving amendments to the Conflict of Interest Code to revise the list of designated positions, and;

WHEREAS, since the adoption of Resolution No. 2007-240, it was determined that the position of Police Chief was not included when the position of Community Services Director/Public Safety Director was eliminated

WHEREAS, there have been promotions and new positions established that make financial decisions which should be included in the list of designated positions for the filing Statement of Economic Interest/Conflict of Interest Statements.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve amendment to the Conflict of Interest Code ("Exhibit A").

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 19th day of August 2008, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Ford, Gray, McCall, Wilmot

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Gerald J. Wilmot, Mayor

ATTEST:

Anita Sharp, Administrative Assistant

APPENDIX A

<u>Designated Position</u>	<u>Designated Category</u>
Accounting Services Manager	1
Airport Commission Members	1
Airport Director	1
Airport Operations Manager	1
<i>Airport Services Manager</i>	<i>1</i>
Assistant City Manager	1
Building Director	1
Chief Building Inspector	1
<i>Chief Building Official</i>	<i>1</i>
City Clerk	1
Commission/Committee/Board Members*	1
Design Review Board Members	
Economic Development Commission Members	
Economic Development Commission Loan Board Members	
Public Works Commission Members	
Recreation and Cultural Services Commission Members	
Tree Committee Members	
Airport Commission Members	
Redevelopment Agency Members	1
Community Development Director	1
<i>Consultants and Contractors**</i>	<i>1</i>
Development Services Director	1
Economic Development Coordinator	1
Economic Redevelopment Manager	1
Engineering Services Manager	1
Financial Analyst	1

APPENDIX A (Contd.)

Fire Chief	1
Fire Captain	1
<i>Fire Lieutenant</i>	<i>1</i>
<i>Fire Division Chief</i>	<i>1</i>
Grants Manager	1
Human Resources and Risk Management Director	1
<i>Marina Small Business Incubator/Technology Cluster Manager</i>	<i>1</i>
<i>Marina Small Business Incubator/Technology Cluster Director</i>	<i>1</i>
<i>Marina Small Business Incubator/Technology Cluster Assistant Director</i>	<i>1</i>
Management Analyst	1
<i>Housing Program Coordinator</i>	<i>1</i>
<i>Parks Maintenance Supervisor</i>	<i>1</i>
Personnel/Risk Manager	1
Planning Project Manager	1
Planning Services Manager	1
<i>Police Captain</i>	<i>1</i>
<i>Police Chief</i>	<i>1</i>
<i>Police Lieutenants-Adjutant</i>	1
<i>Project Manager -/Planner</i>	<i>1</i>
Public Safety Commanders (Fire & Police)	1
<i>Public Safety Sergeants</i>	<i>1</i>

APPENDIX A (Contd.)

<i>Public Works Superintendent</i>	<i>1</i>
<i>Public Works Supervisor</i>	<i>1</i>
<i>Recreation Leaders</i>	<i>1</i>
Recreation Program Coordinator	1
Real Property Coordinator	1
Recreation and Cultural Services Director	1
Redevelopment Agency Members	1
Senior Planner	1
Strategic Development Center Director	1
Streets & Building Superintendent	1

*COMMISSION/COMMITTEE/BOARD MEMBERS: Commission/Committee/Board members appointed by the City Council shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code.

**CONSULTANTS: Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements as described in Appendix B. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of the disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as set forth in this Resolution.

NOTE: City Council Members, the City Manager, City Attorney, Planning Commissioners, City Treasurer, Finance and all City Officials (including employees and consultants) who manage public investments shall not be considered designated positions herein so long as those individuals are required to file Disclosure Statements pursuant to Government Code Section 87200 et seq. or successors thereto.

APPENDIX B**DISCLOSURE CATEGORIES****General Provisions:**

When a member, officer, employee or consultant who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business with the jurisdiction if it owns real property within the jurisdiction.

When a designated member, officer, employee or consultant who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction:

When a designated member, officer, employee or consultant who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole, or in part, within or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by the City.

When a designated member, officer, employee or consultant who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in California, plan to do business in California, or have done business in California within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction is that area within the legal boundaries of the City of Marina.

Disclosure Category:

A member, officer, employee or consultant holding a position assigned to Disclosure Category 1 shall, in the manner described above, report:

- (a) All investments in business entities and sources of income in the jurisdiction;
- (b) Interests in real property in the jurisdiction that were acquired by, leased or otherwise used by the City of Marina.
- (c) His or her status as director, officer, partner, trustee, employee or holder of a management position in any business entity within the jurisdiction.

August 12, 2008

Item No. **8f(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 19, 2008

**RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO.
2008-, AMENDING CITY CONFLICT OF INTEREST CODE**

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2008-, amending City Conflict of Interest Code.

BACKGROUND:

The Fair Political Practices Commission (FPPC) authorizes municipalities to determine and designate positions required to file Statement of Economic Interest/Conflict of Interest Statements.

At the regular meeting of October 16, 2007, the City Council adopted Resolution No. 2007-240, approving amendments to the City's Conflict of Interest Code to revise the list of designated positions.

ANALYSIS:

When the position of Community Services Director/Public Safety Director was eliminated and the Police Chief position was created, the updated position and title were not included in Resolution No. 2007-240.

In addition, there have been promotions and new positions established that make financial decisions that should be included in the list of designated positions for the filing Statement of Economic Interest/Conflict of Interest Statements.

By adopting the proposed resolution, the *new positions (noted in bold italics)* will be appropriately included in the Conflict of Interest Code ("EXHIBIT A").

FISCAL IMPACT:

None

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Joy P. Junsay
City Clerk
City of Marina

REVIEWED/CONCUR:

Anthony J. Altfeld
City Manager
City of Marina

NOTED FOR FISCAL IMPACT:

Richard B. Standridge, CPA
Interim Finance Director
City of Marina

May 5, 2023

Item No. **10f(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of May 16, 2023

**CONSIDER ADOPTING RESOLUTION NO. 2023-, AMENDING CITY
CONFLICT OF INTEREST CODE**

RECOMMENDATION:

It is recommended that the City Council:

1. Adopting Resolution No. 2023-, amending the City's Conflict of Interest Code.

BACKGROUND:

The Fair Political Practices Commission (FPPC) authorizes municipalities to determine and designate positions required to file the Statement of Economic Interests (Form 700), and what interests must be disclosed.

At the regular meeting August 19, 2008, the City Council adopted Resolution No. 2008-185, approving amendments to the City's Conflict of Interest Code (Code) to revise the list of designated positions. ("EXHIBIT B")

The Political Reform Act requires every local government agency to review its Code biennially. The City's Code has not been updated since August 19, 2008. The City Council is the reviewing body for the City.

ANALYSIS:

There have been substantial changes in the City's organizational structure since the last Code was approved. Promotions and new positions that make financial decisions have been established and should be included in the list of designated positions for the filing Form 700s.

By adopting the proposed resolution, the ***new positions (noted in bold italics)*** will be appropriately included in the City's Conflict of Interest Code, and the strikethrough text will be eliminated ("EXHIBIT A").

FISCAL IMPACT:

None

CONCLUSION:

This request is submitted for City Council consideration and action.

Respectfully submitted,

Layne Long
City Manager
City of Marina