

**RESOLUTION NO. 14-116**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CITY'S CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act of 1974, Government Code section 87100 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 at Title 2 California Code of Regulations section 18730 which contains terms of a standard conflict of interest code; and

**WHEREAS**, the standard conflict of interest code may be adopted by reference by the City; and

**WHEREAS**, the City Council adopted the standard conflict of interest code by Resolution No. 90-200; and

**WHEREAS**, the City Council now desires to amend its Conflict of Interest Code by amending Appendix A that designates the positions required to file conflict of interests disclosure forms.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that:

- 1) Appendix A to the City of Benicia Conflict of Interest Code, adopted by the City Council in Resolution No. 90-200, is amended in its entirety as set forth in the attachment to this resolution.
- 2) All other provisions of the City of Benicia Conflict of Interest Code shall remain in full force and effect.

\* \* \* \* \*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 7<sup>th</sup> day of October, 2014, and adopted by the following vote:

Ayes: **Council Members Campbell, Hughes, Schwartzman, Strawbridge, and Mayor Patterson**

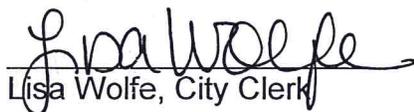
Noes: **None**

Absent: **None**



Elizabeth Patterson, Mayor

Attest:



Lisa Wolfe, City Clerk

10-8-14  
Date

Appendix A

CONFLICT OF INTEREST CODE  
for the  
CITY OF BENICIA  
(Redlined)

<u>DESIGNATED POSITION</u>	<u>DISCLOSURE CATEGORY</u>
<u>ADMINISTRATIVE SERVICES</u> <sup>1</sup>	
<del>Administrative Services Director</del>	<del>1</del>
<u>Assistant City Manager</u>	<u>1</u>
Economic Development Manager I/II	1
Human Resources Director	1
Human Resources Manager	1
IT Analyst II	3
IT Manager	3
Management Analyst	2
Sr. Human Resources Analyst	2
<u>CITY ATTORNEY'S OFFICE</u> <sup>1</sup>	
Deputy City Attorney	1
<u>COMMUNITY DEVELOPMENT DEPARTMENT</u>	
Associate Planner	1
Assistant Planner	1
Building Inspector	5
Building Official	5
Development Services Technician	5
Director	1
<del>Land Use and Engineering Manager</del>	<del>1</del>
Management Analyst	2
Principal Planner	1
Senior Planner	1

---

<sup>1</sup> The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, interests in real property, and income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These "87200 filers" are not designated in the Code.

FIRE DEPARTMENT

Chief	1
<u>Code Enforcement Officer</u>	<u>5</u>
Division Chief	5
Fire Marshal	5

LIBRARY

Library Director	1
Library Manager	2

PARKS and COMMUNITY SERVICES DEPARTMENT

Community Services Superintendent	2
Director	1
Management Analyst	2
Parks and Building Maintenance Superintendent	2

POLICE DEPARTMENT

Chief	1
IT Analyst II	3
Lieutenant	2
Management Analyst	2

PUBLIC WORKS DEPARTMENT

Assistant Public Works Director/Utilities Manager	1
Director	1
Maintenance Superintendent	2
Management Analyst	2
Principal <u>Civil</u> Engineer	2
Senior Civil Engineer	4
Water Plant Superientendent	2
<u>Waste Water Plant Superintendent</u>	<u>2</u>

COMMISSIONS<sup>1</sup>

Design Review Commission	1
Historic Preservation Review Commission	1
Open Government Commission	1

---

<sup>1</sup> The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, interests in real property, and income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These "87200 filers" are not designated in the Code.

CONSULTANTS  
RETIRED ANNUITANTS

See Page 5  
See Page 5

## DISCLOSURE CATEGORIES

The disclosure categories are based upon the Fair Political Practices Commission's Form 700. For example, if you are required to disclose investments and sources of income, you must disclose investments and sources of income that are located in or; doing business in the City, are planning to do business in the City, or that have done business during the previous two years in the City.

Please note the following:

- Gifts are reportable regardless of the location of the donor. For example, a state agency official with full disclosure must report gifts from sources located outside of California. (Designated employees should consult their disclosure categories to determine if the donor of a gift is of the type that must be disclosed.)
- For reporting interests in real property, property is considered to be located within the City's jurisdiction if any part of the property is located in, or within two miles of, the City or if the property is located within two miles of any land owned or used by the City. Property within the City's jurisdiction must be reported as noted.

Please review the individual Fair Political Practices regulations and Form 700 instructions for a detailed explanation of the rules.

### **Category 1**

#### **(Broadest Category)**

Persons in this category must disclose all investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, all interests in real property, and all sources of income (including gifts and loans).

### **Category 2**

#### **(Suppliers, Contractors, Equipment, Etc. Used by Department and Property)**

Persons in this category must disclose all investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the person's Department, and all interests in real property.

### **Category 3**

#### **(Computer Consultants or Equipment Related)**

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide, supply, manufacture or service computer hardware or software of the type utilized by the City.

**Category 4**

**(Transportation Related Services)**

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide transportation services subject to the review or approval of the City and all interests in real property.

**Category 5**

**(Planning, Architectural, Building, Fire Related Inspection or Review and Property)**

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide planning, architectural, building, or fire services including inspection subject to the review or approval of the Public Works Department, Community Development Department or Fire Department, and all interests in real property.

**Consultants**

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1, 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 is limited in scope and thus is not required to file under 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 alternate 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 this Conflict of Interest Code.

**Retired Annuitants**

Retired annuitants who are appointed to positions corresponding to categories listed in this Code shall disclose under that position’s category.