



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of October 13, 2020

TO: Members of the City Council

SUBMITTED BY: Lori Martin, Administrative Services Director/City Clerk

SUBJECT: Conflict of Interest Code Biennial Review

RECOMMENDED ACTION: Adopt a Resolution amending the City's Conflict of Interest Code for designated employees, consultants, boards, committees and commissions for the City of Hercules.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact as a result of this item.

DISCUSSION:

The Political Reform Act of 1974 requires that cities and other local agencies adopt Conflict of Interest Codes and that these codes require disclosure of financial interests of certain employees, consultants, boards, commissions and committees, if these persons are likely to be involved in decision-making that could affect their own financial interests.

All public employees must comply with the State's general conflict of interest laws by abstaining from influencing or making decisions that would affect their own financial interests. Additionally, employees who hold positions designated in the City's Conflict of Interest Code must disclose specified types of financial interests on annual financial disclosure statements that are filed with the City Clerk. Government Code Section 87309(c) states that the Code may not be approved if it "fails to adequately differentiate between designated employees with different powers and responsibilities." With that in mind the City's Conflict of Interest Code includes varying disclosure categories.

The City's Conflict of Interest Code does not list the City Council, Planning Commission, City Manager, City Attorney or Treasurer (Finance Director) as these positions are required under Government Code §87200 to report to the Fair Political Practices Commission (FPPC). No other commissions are required to report under the City's Conflict of Interest Code as they are advisory to the City Council only.

The City Council last amended the Conflict of Interest Code on September 11, 2018, by Resolution No. 18-060. State law requires every local governmental agency to periodically review its Conflict of Interest Code to determine if it is up to date. After a review of the City's Code, it has been determined that 4 position titles need to be amended. The position of Cable/Communications Technician amended to Information Systems Specialist and Planning Director amended to Community Development Director, and Permit Technician to Community Development Specialist, and Human Resources Specialist to Human Resources Administrator. Recommendations for any additions to the list are underlined and any deletions are shown with ~~striketrough~~.

ATTACHMENTS:

1. Resolution with Exhibit "A" – 2020 Conflict of Interest Code
2. Local Agency Biennial Notice