

RESOLUTION NO. 20-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES, CONSULTANTS, BOARDS, COMMITTEES AND COMMISSIONS FOR THE CITY OF HERCULES

WHEREAS, provisions of the Political Reform Act requires local agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2, Division 6, California Code of Regulations section 18730, which contains the terms of a model conflict of interest code which meets the requirements of the Political Reform Act; and

WHEREAS, Title 2 California Code of Regulations 18730 has been incorporated by reference in the City's Conflict of Interest Code; and

WHEREAS, the City of Hercules last amended its Conflict of Interest Code by Resolution No. 16-100 adopted by the City Council on October 25, 2016; and

WHEREAS, after a review of the designated positions and disclosure categories, it has been determined that the Code should be amended to add the position of Planning Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules as follows:

1. That the terms of Title 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC shall, along with Exhibit A – 2020 Conflict of Interest Code for the City of Hercules, which are attached and incorporated herein by reference, in which members, employees, and consultants are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Hercules; and
2. All designated members, employees, and consultants of the City of Hercules set forth on Exhibit A – 2020 Conflict of Interest Code shall file Statements of Economic Interest with the City Clerk of the City of Hercules; and
3. Resolution Number 18-060 is repealed by the adoption of this resolution which shall control over prior versions.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 13th day of October, 2020, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Roland Esquivias, Mayor

ATTEST:

Lori Martin
Administrative Services Director/City Clerk

**2020 CONFLICT OF INTEREST CODE FOR THE
CITY OF HERCULES**

The Political Reform Act, Government Code Section 81000, et. Seq., requires state and local agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted regulation, California Code of Regulations Title 2, Section 18730, which contain the term of a standard Conflict of Interest Code. It can be incorporated by reference. Therefore the terms of California Code of Regulations Title 2, Section 18730 and any amendments to it and duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which employees and consultants are designated and disclosure obligations are set forth, constitute the City of Hercules Conflict of Interest Code.

Designated employees and consultants shall file Statements of Economic Interests with the City Clerk by the appropriate deadline. Statements of Economic Interest are public records pursuant to Government Code Section 81008 and can be reviewed and or copied during business hours at City Hall, located at 111 Civic Drive, Hercules.

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APPENDIX 1

City of Hercules Conflict of Interest Code

DESIGNATED POSITIONS PERFORMING DESIGNATED SERVICE BY DEPARTMENT¹

<u>CLASSIFICATION</u>	<u>DISCLOSURE CATEGORIES</u>
<u>Administrative Services</u>	
Administrative Services Director/City Clerk	1, 2, 3, 4
Information Systems Specialist	2, 3
Consultants*	1, 2, 3, 4
Human Resources Administrator	2, 3
Information Systems Administrator	2, 3
<u>Parks & Recreation</u>	
Parks & Recreation Director	1, 2, 3, 4
Recreation Manager	2, 3
Recreation Coordinator	2, 3
<u>Police</u>	
Administrative Specialist	2, 3
Chief of Police	1, 2, 3, 4
Police Commander	2, 3
<u>Planning</u>	
Community Development Specialist	2, 3
Community Development Director	1, 2, 3, 4
Planning Manager	1, 2, 3, 4
<u>Public Works</u>	
Public Works Director/City Engineer	1, 2, 3, 4
Public Works Superintendent	1, 2, 3, 4

*Any individual is a consultant if either of the following apply: 1) The person serves in a staff capacity with the City and in that capacity performs the same or substantially all the same duties for the City that would be performed by a person holding a position specified or that should be specified in the City's Conflict of Interest Code; or 2) The person makes a governmental decision listed in 2 CCR Section 19701(a)(2).

The Administrative Services Director/City Clerk and/or the City Manager and/or the City Attorney may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure obligations in the Conflict of Interest Code. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

¹ Positions covered under Government Code §87200 (City Council, Planning Commission, City Manager, City Attorney, and Finance Director) are not covered by the local Conflict of Interest Code.

APPENDIX 2

DISCLOSURE CATEGORIES

Category 1 – Interests in Real Property

All interests in real property located in whole or in part' within the jurisdiction of the City of Hercules. Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the City of Hercules or within two miles of any land owned or used by the City of Hercules. Interest in real property includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction if the fair market value of the interest is greater than two thousand dollars (\$2,000). Interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own in the aggregate, a direct, indirect or beneficial interest of ten (10) percent or greater. Interest in real property does not include the principal residence of the person making the disclosure.

Category 2 – Investments

All financial interest in excess of \$2,000 held by the individual, his/her spouse or dependent children or securities issued by a business entity if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the City of Hercules or is located in or does business or plans to do business in the City of Hercules, or has done business within the City of Hercules at any time during the two years prior to the time the disclosure statement is made, and a pro rate share of investments or any business entity, mutual fund, or trust in which the person making the disclosure statement or his or her spouse or dependent children owns directly, indirectly or beneficially a ten (10) percent interest or greater, if such business entity, mutual fund or trust has an interest in real property in the City of Hercules or is located in or does business or plans to do business in the City of Hercules, or has done business within the City of Hercules at any time during the two years prior to the time the disclosure statement is made.

Category 3 –Income

All sources of income as defined in the Political Reform Act of 1974, as amended. Not included in this disclosure category is income, other than a gift, received from any source outside the City of Hercules and not doing business within the City of Hercules, not planning to do business within the City of Hercules or not having done business within the City of Hercules during the two years prior to the time the disclosure statement is made.

Category 4 – Business Positions

Any official has an economic interest in any business entity in which he or she is an officer, director, or employee or holds any business position, irrespective of whether he or she has an investment in or receives income from the entity.