

Chapter 2.12

CONFLICT OF INTEREST CODE

2.12.010 Purpose.

A. The Political Reform Act of 1974 (Government Code Sections 81000 et seq., "Act" herein), requires the City to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard model Conflict of Interest Code, and amendments thereto by the Fair Political Practices Commission in accordance with the Act. [Ord. 611, 710, 721, 748, 776, 791, 818, 870]

B. This Chapter shall be known as the "Conflict of Interest Code" of the City.

C. Nothing in this Chapter is intended to modify or abridge the provisions of the Act commencing with Government Code Section 87100, which is applicable to all public officials of the City and directs that no public official of the City shall make, participate in the making, or in any way attempt to use their official position to influence a City decision in which the official knows, or has reason to know, that he or she has a financial interest as defined by the Act.

D. Nothing in this Chapter is intended to modify or abridge the provisions of the Act commencing at Government Code Section 87200, which requires the Mayor, members of the City Council, City Manager, City Attorney, City Treasurer, and members of the Planning Commission to file a financial disclosure statement using Form 700.

E. This Chapter intends to designate those public officials of the City who are involved in City decisions, and to require designated officials to disclose those financial interests (using Form 700) which could foreseeably be affected, in a material manner, by a City decision made by the official in the performance of the official's responsibilities.

2.12.015 Amendment and Review.

A. Amendment

1. Changed Circumstances. Changed circumstances include, but not are limited to, the following: the creation of new positions which must be designated pursuant to this Chapter and relevant changes in the duties assigned to existing positions. [Government Code Section 87306, Subdivision (a)]

2. Amendment Due to Changed Circumstances. Within ninety days after the changed circumstances necessitating the amendment to this Chapter become apparent, the City Manager shall submit a proposed amendment to the City Council. [Gov. Code Section 87306, Subdivision (a)]

3. Manner of Amendment. This Chapter shall be amended only by introduction and adoption of an ordinance by the City Council at a duly noticed public meeting. [Gov. Code Section 87311] [Ord. 818]

B. Biennial Review.

1. No later than July 1 of each even-numbered year, the City Manager shall review this Chapter. [Gov. Code Section 87306.5, Subdivision (a)]

2. If a change in this Chapter is necessitated by changed circumstances, it shall be amended pursuant to Subsection A of this Section. [Gov. Code Section 87306.5, Subdivision (a)]

3. If no change in this Chapter is required, the City Manager shall submit a written statement to that effect to the City Council no later than October 1 of the same year. [Gov. Code Section 87306.5, Sub-division (b)] [Ord. 710]

2.12.020 Definitions Incorporated. Unless otherwise indicated, the definitions of the Act, regulations, and amendments thereto, and binding judicial opinions thereon, are incorporated herein, and this Chapter shall be interpreted in a manner consistent with such definitions.

2.12.030 Standard Code.

A. By this reference, 2 California Code of Regulations, Section 18730, the Standard Conflict of Interest Code, is incorporated herein together with each and every amendment thereto duly adopted by the Fair Political Practices Commission.

B. The filing officer shall maintain three copies of the Standard Conflict of Interest Code for public review.

2.12.040 Filing Officer. The City Clerk is the filing officer of the City.

2.12.050 Disclosure Categories.

A. Category 1 - Business Position/Investment Interests. The designated employee or designated City representative shall report each City-related business entity in which the designated employee holds a business position, or has a direct or indirect investment worth more than \$2,000. [Ord. 870]

B. Category 2 - Real Property Interests. The designated employee or designated City representative shall report each interest in real property located within the jurisdiction of the City in which the designated employee has a direct or indirect interest worth more than \$2,000. [Ord. 870]

C. Category 3 - Income Interests. The designated employee or designated City representative shall report all income of the designated employee from any City-related source aggregating \$500.00 or more. Additionally, the designated employee or designated City representative shall report the receipt of all gifts from any City-related source valued at \$50.00 or more during the reporting period. [Ord. 676, 776, 818, 870]

D. Category 4 - More Inclusive Reportable Interests. The designated employee or designated City representative shall report all income, investments and business positions in business entities, as described in Categories 1 and 3, including those contracting with or selling to the City or which foreseeably could so contract with or sell to the City; and all income and interests in real property as described in Category 2. [Ord. 676, 776, 870]

E. Category 5 - City-related Income Interests. The designated employee shall disclose all income interests of the employee's spouse who is employed by the City.

2.12.060 Department Positions. The following are the designated positions within City departments together with the required Disclosure Category. Designated employees shall file their statements with the City of Del Mar which will make the statements available for public inspection and reproduction (Government Code Section 81008). Statements for all designated employees will be retained by the City of Del Mar. [Ord. 649, 676, 710, 721, 748, 776, 791, 818, 847, 870]

<u>Position</u>	<u>Disclosure Category</u>
A. Office of the City Manager	
1. Assistant City Manager	4
2. Assistant to the City Manager	4
3. Assistant Management Analyst	4
4. Exec. Asst. to City Manager & City Council	4
B. Office of the City Clerk and Information Systems	
1. City Clerk/Information Systems Director	4
2. Deputy City Clerk	4
3. Computer Operations Manager	4
C. Office of the City Engineer	
1. City Engineer	4
2. Assistant City Engineer	4
3. Project Manager	4
D. Office of City Attorney	
1. Assistant City Attorney	4
E. Office of Law Enforcement	
1. Sheriff's Captain	4
F. Fire Department	
1. Fire Chief	4
2. Deputy Fire Chief	4
3. Battalion Chief	4
4. Fire Marshal	4
5. Fire Captain	4

- G. Community Services/Lifeguard Department
 - 1. Chief Lifeguard & Comm.Services Director 4
 - 2. Deputy Chief Lifeguard & Deputy Director 4
 - 3. Park Ranger Peace Officer 4

- H. Finance Department
 - 1. Finance Director 4
 - 2. Accounting Manager 4
 - 3. Finance Officer 4
 - 4. Senior Accountant 4

- I. Planning Department
 - 1. Planning/Community Development Director 4
 - 2. Planning Manager 4
 - 3. Principal Planner 4
 - 4. Senior Planner 4
 - 5. Associate Planner 4
 - 6. Assistant Planner I/II 4
 - 7. Planning Technician 4
 - 8. Code Enforcement Officer I/II 4
 - 9. Clean Water Program Manager 4

- J. Public Works Department
 - 1. Public Works Director 4
 - 2. Deputy Public Works Director 4
 - 3. Maintenance Superintendent 4

- K. Such other positions as may be designated by resolution of the City Council, from time to time.

2.12.070 Boards, Commissions and Committees. The following are the designated City representative positions on Boards, Commissions, and Committees, together with the required disclosure categories. [Ord. 676, 721, 818, 847, 870]

<u>Name of Entity</u>	<u>Disclosure Category</u>
A. Design Review Board	4
B. Finance Committee	4
C. Housing Element Advisory Committee	4
D. San Dieguito Lagoon Preservation Committee	4
E. Traffic Parking Advisory Committee	4
F. Sustainability Advisory Board	4
G. Parks and Recreation Committee	4
H. Del Mar Representative to the San Diego County Water Authority	4
I. Members of Boards, Committees or Commissions designated by resolution Of the City Council, from time to time.	4

2.12.080 Consultants

A. "Consultant" shall include any natural person who provides, under contract, information, advice, recommendations, or counsel to the City, provided, however, that "consultant" shall not include a person who:

1. Conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation, or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and

2. Possesses no authority with respect to any City decision beyond the rendition of information, advice, recommendation, or counsel.

B. Disclosure Category.

Position

Disclosure Category

Consultant

4 [Ord. 676]

C. Limitation to the Disclosure Category. The City Manager may determine that a particular consultant, although in a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination shall be included in the contract by which the consultant is hired by the City. 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.