



# City of Del Mar

## Conflict of Interest Code

### **INTRODUCTION**

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 ("Code" herein). 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.

Nothing in this Code 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.

Nothing in this Code 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 the Fair Political Practices Commission Statement of Economic Interests (herein referred to as "Form 700").

This Code designates 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.

### **AMENDMENT OF THE CONFLICT OF INTEREST CODE**

Certain changes in circumstances require amendments to the Conflict of Interest Code. Changed circumstances include, but not are limited to, the following: the creation of new positions which must be designated pursuant to this Code and relevant changes in the duties assigned to existing positions. [Government Code Sec. 87306, Subdivision (a)] Within 90 days after the changed circumstances necessitating the amendment to this Code become apparent, the City Manager, or their designee, shall submit a proposed amendment to the City Council. [Government Code Sec. 87306, Subdivision (a)] The Code shall be amended by resolution of the City Council.

## **REVIEW OF THE CONFLICT OF INTEREST CODE**

No later than July 1 of each even-numbered year, the City Manager, or their designee, shall review the Code [Government Code Sec. 87306.5, Subdivision (a)].

If a change in the Code is necessitated by changed circumstances, it shall be amended by resolution of the City Council. If no change in this Code is required, the City Manager or their designee, shall submit a written statement to that effect to the City Council no later than October 1 of the same year [Government Code Sec. 87306.5, Subdivision (b)].

## **STANDARD CODE**

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

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

## **DISCLOSURE CATEGORIES**

**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.

**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.

**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 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 or more during the reporting period.

**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.

## **FORM 700 FILING INFORMATION**

**Filing Officer:** The Administrative Services Director/City Clerk, or their designee, is the filing officer for the City.

**Filing Location:** The Form 700 should be filed with the Administrative Services Department located at the Del Mar Civic Center, 1050 Camino del Mar, Del Mar CA 92014.

**Time of Filing:** All designated persons are required to file an assuming office, annual, and leaving office Form 700.

### ***Type of Filing: Assuming Office, Annual Filing, and Leaving Office***

#### ***Assuming Office***

All persons assuming designated position shall file a Form 700 within 30 days of assuming office.

#### ***Annual Filing***

All designated persons must file a Form 700 by April 1. If April 1 falls on a weekend, the filing deadline will be extended to the next business day.

#### ***Leaving Office***

All persons leaving designated position shall file a Form 700 within 30 days of leaving office.

## **EMPLOYEE FILING POSITIONS**

The following are the designated positions within City departments and 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 Sec. 81008). Statements for all designated employees will be retained by the City of Del Mar.

<b>POSITION</b>	<b>Disclosure Category</b>
<b>Office of the City Manager</b>	
City Manager (87200 filer, file with the FPPC)	4

Assistant City Manager	4
Management Analyst (series position)	4
Environmental Sustainability/Special Projects Manager	4
Park Ranger Peace Officer	4
<b>Administrative Services Department</b>	
Administrative Services Director	4
Management Analyst (series position)	4
Information Technology Manager	4
<b>Office of City Attorney</b>	
City Attorney (87200 filer, file with the FPPC)	4
<b>Fire Department</b>	
Fire Captain	4
<b>Community Services/Lifeguard Department</b>	
Community Services Director/Chief Lifeguard	4
Deputy Community Services Director/Deputy Chief Lifeguard	4
<b>Finance Department</b>	
Finance Director/Treasurer (87200 filer, file with the FPPC)	4
Finance Officer	4
Senior Accountant	4

<b>Planning Department</b>	
Planning/Community Development Director	4
Planning Manager	4
Principal Planner	4
Senior Planner	4
Associate Planner	4
Assistant Planner I/II	4
Management Analyst (series position)	4
Code Enforcement Officer I/II	4
<b>Public Works Department</b>	
Public Works Director	4
Deputy Public Works Director	4
Maintenance Superintendent	1,3
Facilities Supervisor	1,3

### **BOARDS, COMMISSIONS AND COMMITTEES**

The following are the designated City representative positions on Boards, Commissions, and Committees, together with the required disclosure categories.

<b>NAME OF ENTITY</b>	<b>Disclosure Category</b>
City Council (87200 filer, file with the FPPC)	4
Planning Commission (87200 filer, file with the FPPC)	4

Design Review Board	4
Finance Committee	4
Del Mar Representative to the San Diego County Water Authority	4
Members of Boards, Committees or Commissions designated by resolution of the City Council, from time to time.	*

\* As designated by resolution of the City Council.

**CONSULTANT**

*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>POSITION</b>	<b>Disclosure Category</b>
Consultants	**

\*\* Consultants shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager may determine in writing that a particular consultant or new position, 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. Nothing herein excuses any such consultant from any other provision of this conflict of interest code.