

RESOLUTION NO. 16-0048

A RESOLUTION OF THE MANHATTAN BEACH CITY
COUNCIL ADOPTING THE 2017 CONFLICT OF INTEREST
CODE OF THE CITY OF MANHATTAN BEACH

THE MANHATTAN BEACH CITY COUNCIL HEREBY RESOLVES:

SECTION 1. The Council City hereby adopts the 2017 Conflict of Interest Code of the City attached hereto and incorporated herein by this reference.

SECTION 2. Adoption of this Resolution and the 2017 Conflict of Interest Code for the City supersedes all the previously approved Conflict of Interest Codes for the City.

SECTION 3. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED and ADOPTED September 20, 2016.

Ayes:

Noes:

Abstain:

Absent:

Tony D'Errico, Mayor

ATTEST:

Liza Tamura City Clerk

2017
CONFLICT OF INTEREST
OF THE
CITY OF MANHATTAN BEACH, CALIFORNIA

SECTION 100. PURPOSE. Pursuant to the provisions of Government Code Sections 87300, et seq., the City of Manhattan Beach ("City") hereby adopts this Conflict of Interest Code ("Code"). The provisions of the Code supplement Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions contained in Government Code Sections 82000 et seq. and regulations adopted by the Fair Political Practices Commission are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

It is the purpose of this Code to provide for the disclosure of assets and income of designated employees of the City which may be materially affected by their official actions, and, in appropriate circumstances, to provide that designated employees should be disqualified from acting in order that conflicts of interest may be avoided.

SECTION 200. DESIGNATED POSITIONS. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. DISCLOSURE STATEMENTS. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned on Exhibit "B".

SECTION 400. PLACE AND TIME OF FILING.

(a) All designated employees required to submit a statement of financial interest shall file the original with the City Clerk.

(b) A designated employee required to submit an initial statement of financial interest shall submit the statement within 30 days after the effective date of this Code.

(c) All individuals appointed, promoted or transferred to designated positions shall file initial statements within 30 days after assuming office.

(d) Annual statements shall be filed by April 1 by all designated employees. Such statements shall cover the period of the preceding calendar year.

(e) Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

However, a designated employee who resigns his or her position within 45 days following initial appointment is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the City of Manhattan Beach or receive or become entitled to receive any form of payment by virtue of being appointed to the position.

SECTION 500. CONTENTS OF DISCLOSURE STATEMENTS. Disclosure statements shall be made on forms supplied by the City Clerk, and shall contain the following information:

(a) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

(1) A statement of the nature of the investment or interest;

(2) The names of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment, or interest in real property, exceeds \$10,000, and whether it exceeds \$100,000. This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(b) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

(1) The name and address of each source of income aggregating \$250 or more in value, or \$25 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source was greater than \$1,000, and whether it was greater than \$10,000;

(3) A description of the consideration, if any, for which the income was received; and

(4) In the case of a gift, the amount or value and the date on which the gift was received.

(c) Contents of Business Entity Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(1) The name, address, and general description of the business activity of the business entity; and

(2) In the case of a business entity, the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000 during a calendar year, and if that person from whom the business entity received payments was doing business with the agency or expecting to do business with the agency.

(d) Initial Statement:

The first report filed by an employee appointed to a designated position shall disclose any reportable investments and interest in real property.

(e) Acquisition or Disposal during Reporting Period:

If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

SECTION 600. DISQUALIFICATION. Designated employees shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally on:

(a) any reportable investment or interest in real property;

(b) any reportable source of income other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value received within 12 months prior to the time the decision is made; or

(c) any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

CONFLICT OF INTEREST CODE FOR THE CITY OF MANHATTAN BEACH

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (**2 California Code of Regulations Section 18730**) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

Therefore, the terms of **2 California Code of Regulations Section 18730** and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions, and establishing disclosure requirements, shall constitute the conflict of interest code for the City of Manhattan Beach.

Individuals holding designated positions shall file their statements with the City Clerk's Office, pursuant to **Section 5 of the Model Code**, which will retain the statements and make the statements available for public inspection and reproduction. (**Gov. Code Section 81008**).

EXHIBIT "A"

COMMUNITY DEVELOPMENT DEPARTMENT:

Community Development Director	1,2,3
Building Administrator Building Official	1,2,3
Senior Building Inspector	1,2,3
Planning Manager	1,2,3
Senior Planner	1,2,3
Senior Plan Check Engineer	1,2,3
Senior Management Analyst	1,2,3
Associate Planner	1,2,3
Principal Building Inspector	1,2,3
Building Inspector	1,2,3
Principal Plan Check Engineer	1,2,3
Code Enforcement Officer	1,2,3

FINANCE DEPARTMENT:

Controller	1,2,3
Revenue Services Manager	1,2,3
General Services Manager Purchasing Manager	1,2,3
General Services Coordinator Buyer	1,2,3
Information Systems Manager (Position moved to Information Technology Department)	1,2,3

FIRE DEPARTMENT:

Fire Chief	1,2,3
Fire Battalion Chief	1,2,3
Fire Marshal/Captain	1,2,3
Fire Inspector	1,2,3

HUMAN RESOURCES DEPARTMENT:

Human Resources Director	1,2,3
Risk Manager	1,2,3
Senior Human Resources Analyst Human Resources Manager	1,2,3

INFORMATION TECHNOLOGY DEPARTMENT:

Information Technology Director	1,2,3
Information Technology Manager	1,2,3
Geographic Information Systems Analyst	1,2,3

MANAGEMENT SERVICES:

Assistant City Manager	1,2,3
City Clerk	1,2,3
Economic Development Manager	1,2,3
Senior Deputy City Clerk	1,2,3
Management Analyst	1,2,3

PARKS AND RECREATION DEPARTMENT:

Parks and Recreation Director	1,2,3
Recreation Services Manager	1,2,3
Cultural Arts Manager	1,2,3

POLICE DEPARTMENT:

Police Chief	1,2,3
Police Captain	1,2,3

PUBLIC WORKS DEPARTMENT:

Public Works Director	1,2,3
Utilities Manager	1,2,3
City Engineer	1,2,3
Principal Civil Engineer	
Water Supervisor	1,2,3
Wastewater/Electrical Supervisor	1,2,3
Facilities Supervisor	1,2,3
Maintenance Supervisor	1,2,3
Maintenance Superintendent Manager	1,2,3
Equipment Maintenance Supervisor	1,2,3
Environmental Programs Manager	1,2,3
Management Analyst	1,2,3
Senior Management Analyst	1,2,3

BOARDS/COMMISSIONS:

Cultural Arts Commission	1,2,3
Parking and Public Improvements Commission	1,2,3
Parks and Recreation Commission	1,2,3
Library Commission	1,2,3

MISCELLANEOUS: ~~Consultants (as designated by the City Manager)~~

Traffic Engineer	1,2,3,4
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OFFICIALS WHO MANAGE PUBLIC INVESTMENTS:

It has been determined that the positions listed below manage public investments and will file the Form 700 statement of economic interests:

Finance Director	1,2,3,5
Finance Subcommittee Members	1,2,3,5

CONSULTANTS:

With respect to consultants, the City Manager shall determine in writing if a particular consultant performs a range of duties requiring disclosure hereunder. That determination shall include a description of the consultant's duties and a statement of the extent of disclosures requirements. A copy of that determination shall be filed with the City Clerk and a copy forwarded to the City Council.

NOTE: City Council, City Manager, City Attorney, City Treasurer, and Planning Commissioners are required to submit disclosure statements pursuant to state law **(California Government Code Sections 87200, et. seq.)**

EXHIBIT "B"

Category 1.

Persons in this category shall disclose all interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Category 2.

Persons in this category shall disclose all investments. Investment means any financial interest in, business position in, or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds \$1,000. The term "investment" does not include a time or deemed deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of individuals include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.

Category 3.

Persons in this category shall disclose all income received from any source located or doing business within the jurisdiction or expecting to do business within the jurisdiction. Income received from a public agency need not be disclosed. Income of persons in this category also includes a pro rata share of any income of any business entity located or doing business within the jurisdiction in which the person or spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.

Category 4.

Persons in this category shall disclose all income from and investments in business that manufacture or sell supplies of the type utilized by the Department in which the person is employed.

Category 5.

Persons in this category shall disclose all investments in and income from all banks, savings and loan associations, insurance companies, investment companies, stockbrokers, title companies, financial consultants, data processing firms or consultants.