



Legislation Text

File #: CIC-5, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Quinn Barrow, City Attorney

Alexandria Latragna, Management Analyst

SUBJECT:

Consider Adopting a Conflict of Interest Code for the Manhattan Beach Capital Improvement Corporation (City Manager Moe and City Attorney Barrow).

ADOPT RESOLUTION NO. CIC-9

RECOMMENDATION:

Staff recommends that the Board of Directors of the Manhattan Beach Capital Improvements Corporation adopt a conflict of interest code for the Manhattan Beach Capital Improvement Corporation.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

California law requires every local agency to adopt a COIC identifying the positions in the agency that have the authority to make or participate in government decisions, as well as the financial interests that must be reported on the California Form 700 by the individuals who occupy those positions. Agencies are required to amend their COIC when changed circumstances make amendments necessary.

The purpose of the Form 700 and a COIC is twofold: first, it is used as a tool to help officials in government avoid financial conflicts of interest by identifying potential pitfalls; second, the form and code are used to preserve the public's trust in the governmental decisions that are made on their behalf.

A COIC is made up of the following three components:

1. Incorporation Section:

This section designates where the Form 700s are filed and retained, and must reference California Code of Regulations Section 18730, which provides the rules for disqualification procedures, reporting financial interests, and references the current gift limit.

2. List of Designated Positions:

The Code must list all positions that make or participate in making decisions that “may foreseeably have a material effect on any financial interest.” This covers all employees, officers, and may include volunteers on boards and commissions.

3. *Disclosure Categories:*

A disclosure category identifies the types of financial interests officials must disclose on their Form 700. Each disclosure category must be narrowly tailored to the financial interests affected and potential decisions that the official may be involved in.

DISCUSSION:

A COIC is mandated to reflect the agency’s current structure and identify all officials and employees who should be filing a Form 700. To ensure that they remain current and accurate, each local agency is required to review the COIC in even-numbered years. The attached resolution amending the City’s COIC is in compliance with that effort.

The City of Manhattan Beach created the Manhattan Beach Capital Improvements Corporation to facilitate issuance of debt for improvements to the water and wastewater system, the Police/Fire Facility, Metlox, and the Marine Avenue Sports Fields. As it is a separate legal municipal corporation, state law requires that it have a separate conflict of interest code to identify positions that make or participate in making decisions. The City Council will adopt the attached COIC tonight after the Corporation adjourns.

PUBLIC OUTREACH:

After analysis, staff determined that public outreach was not required for this issue.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT:

1. Resolution No. CIC-9