

RESOLUTION NO. 2018-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING THE LOCAL CONFLICT OF INTEREST CODE OF THE CITY OF CARLSBAD

WHEREAS, the city has previously adopted and amended its Local Conflict of Interest Code; and

WHEREAS, provisions of the Political Reform Act of 1974 ("the Act") (Government Code Section 81000 et seq.) require an amendment to said code due to changed circumstances, changed duties or new positions; and

WHEREAS, the City Council is the code reviewing body within the meaning of the Act; and

WHEREAS, the City Clerk has prepared amendments to the Appendix that are required to be incorporated in said code,

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

1. That the above recitations are true and correct.
2. That the attached revised Conflict of Interest Code Appendix (Attachment A) for the combined City Council, City Council as Successor Agency of the Redevelopment Agency, Community Development Commission, Carlsbad Municipal Water District, and Carlsbad Public Financing Authority reflecting the changed circumstances in positions and disclosure categories since the last amendment, is hereby approved with regard to city employees providing services to the City of Carlsbad.

PASSED, APPROVED AND ADOPTED at a Joint Special Meeting of the City Council of the City of Carlsbad, Carlsbad Municipal Water District, Community Development Commission, and Public Financing Authority, and City Council as Successor Agency to the Redevelopment Agency on the 18th day of December, 2018 by the following vote, to wit:

AYES: M. Hall, K. Blackburn, P. Bhat-Patel, C. Schumacher, B. Hamilton.

NOES: None.

ABSENT: None.



MATT HALL, Mayor

ATTEST:



BARBARA ENGLESON, City Clerk



REVISED APPENDIX
CITY OF CARLSBAD
CONFLICT OF INTEREST CODE DESIGNATED POSITIONS

General Provisions

When a designated employee or individual is required to disclose investments, business positions and sources of income, he or she need only disclose investments in business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two (2) years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City. When a designated employee or individual is required to disclose real property he or she need only disclose that which is located in whole or in part, within or not more than two (2) miles outside the boundaries of the City or within two (2) miles of any land owned or used by the City.

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Exhibit "A".

- All designated employees required to submit an initial Statement of Interest Form 700 shall file electronically including electronic signature with the City Clerk within thirty (30) days after the effective date of this resolution. Initial filings shall cover the period of the twelve (12) months prior to the date of the adoption of this Conflict of Interest Code.
- All individuals appointed, promoted, or transferred to a designated position shall file statements within thirty (30) days of assuming office. These "assuming office" statements cover the period of the twelve (12) months prior to the date of assuming office statement.
- When an individual is in an "interim or acting" capacity, they are subject to the same disclosure requirements of the position in which they are filling. An assuming office would be filed.
- Annual statements shall be filed with the City Clerk by April 1 of each year by all designated employees, elected officials, committee/board/commission members or individuals. Such statements shall cover the period of the preceding calendar year.
- Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing financial interests 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.
- Any individual serving in dual roles may file a combined statement by reporting according to their broadest range of disclosure.
- Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal, and civil sanctions as provided in Government Code Sections 81000-91014.

Resource: Title 2, California Code of Regulations, Section 18730 Provisions of Conflict of Interest Codes.

Disclosure Categories

Category 1: Disclose all business entities and non-profit organizations in which investments, business positions (e.g. director, officer, partner, trustee, employee or hold any position of management) and sources of income including gifts, loans and travel payments located in Carlsbad, including property located within a two-mile radius of any property owned or used by the City of Carlsbad.

Category 2: All interests in real property within the jurisdiction of the City.

Category 3: All investments, business positions in business entities, non-profit organizations and sources of income, including gifts, loans and travel payments, interest in real property and sources of income subject to the regulatory, permit or licensing authority of the specific City department.

Category 4: All investments in business entities, non-profit organizations and sources of income, including gifts, loans and travel payments, and sources of income which engage in land development, construction or the acquisition of real property, and interests in real property located in Carlsbad, including property located within a two-mile radius of any property owned or used by the City of Carlsbad.

Category 5: All investments in business entities, non-profit organizations in which investments, business positions (e.g. director, officer, partner, trustee, employee or hold any position of management) and sources of income including gifts, loans and travel payments, and of the type which contracts with the City to provide services, supplies, materials, machinery or equipment to any City department.

Category 6: All investments in business entities and sources of income of the type which contracts with the City to provide to the designated employee's department services, supplies, materials, machinery or equipment to any City department.

Category 7: All investments, positions in business entities, income including gifts, loans and travel payments, and income from non-profit organizations, if the sources is the type that receives grants or other monies from or through the City.

Unlimited Disclosures:

87200 Category are required to file full disclosure of all categories pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code sections 87200, et. seq.

Consultants

The staff person most knowledgeable of the work that a Consultant will be performing shall designate whether or not the Consultant must file a Statement of Economic Interest by marking the appropriate box on the Agreement or Contract cover sheet. When determined that a Consultant is designated and is responsible for disclosure, they shall be required to file a Statement of Economic Interest disclosing reportable interests subject to all disclosure categories.

Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof shall be required to disclose.

Consultants who act in a staff capacity with the City, and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code, shall disclose at the same level as the comparable designated position identified.

LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

Those with the designation of 87200 Filer are required to file full disclosure of all categories pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code sections 87200, et. seq.

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Mayor and City Council Members (87200 Filer)	Unlimited Disclosure
City Treasurer (87200 Filer)	Unlimited Disclosure
City Manager (87200 Filer)	Unlimited Disclosure
City Attorney (87200 Filer)	Unlimited Disclosure
Chief Operations Officer (87200 Filer)	Unlimited Disclosure
Housing Commission Members (87200 Filer)	Unlimited Disclosure
Planning Commission Members (87200 Filer)	Unlimited Disclosure
Director of Administrative Services (87200 Filer)	Unlimited Disclosure
Finance Director (87200 Filer)	Unlimited Disclosure
Members of the Successor Agency of the Carlsbad Redevelopment Agency – Includes Chairman/Members, Executive Director, Counsel, Secretary (87200 Filer)	Unlimited Disclosure
Members of the Public Financing Authority – Includes Chairman/Members, Executive Director, Counsel, Secretary, Treasurer (87200 Filer)	Unlimited Disclosure
Members of the Community Development Commission – Includes Chairman/Members, Executive Director, Counsel, Secretary (87200 Filer)	Unlimited Disclosure
Members of the Carlsbad Municipal Water District Board of Directors – Includes Board Members, Counsel, Secretary (87200 Filer)	Unlimited Disclosure

ADMINISTRATIVE SERVICES (Finance, Human Resources, Information Technology)

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Assistant Finance Director	1,2,5
Human Resources Director	1,2,5
Information Technology Director	1,2,5
Accountant	2,3,4,5
Accounting Supervisor	2,3,4,6
Assistant to the Treasurer	2, 3,7
Associate Contract Administrator	2,3,4,5,6
Business and Analytics Manager	1,2,3,4
Business Intelligence Analyst	2,3,4
Business Systems Specialist	2,3,4,5,6
Buyer/Contract Administrator	2,3,4,5, 6
Finance Manager	1,2,3,5,7
Finance/Payroll/IT Manager	1,2,5
Geographic Information Systems Manager	1,2,6,7
Human Resources Manager	1,2,3,5,6,7

Information Technology Manager	1,2,5,6,7
Information Technology Project Manager	1,2,5,6,7
Senior Management Analyst	1,2,5,6,7
Management Analyst	1,2,6,7
Information Technology Operations Manager	1,2,5,6,7
Project Portfolio Manager	1,2,3,5,6,7
Risk Manager	1,2,3,5,6
Senior Accountant	1,2,4,5
Senior Applications Analyst	2,3,4,5,6
Senior Contract Administrator	2,3,6
Senior Network Engineer	2,3,4,5,6
Senior Program Manager	1,2,5
Senior System Administrator	2,3,4,5,6

COMMUNITY AND ECONOMIC DEVELOPMENT (Housing and Neighborhood Services)

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Assistant Engineer	3,4
Associate Engineer	3,4
Assistant Planner	3,4
Associate Planner	3,4
Building Official	1,2,3,4
Building Inspector I/II	2,3,4
City Planner	1,2,3,4,6
Code Enforcement Officer I/II	2,3
Community and Economic Development Director	1,2,3,4,6,7
Community Relations Manager	2,4
Development Services Manager	1,2,3,4
Engineering Manager	1,2,3,4,5,6
Economic Development Manager	1,2,3,4,6,7
Housing and Neighborhood Services Director	1,2,3,4,6,7
Management Analyst	1,2,6,7
Principal Planner	1,2,3,4,7
Senior Building Inspector	2,3,4
Senior Code Enforcement Officer	1,2,3,4
Senior Engineer	1,2,3,4,5,6
Senior Management Analyst	1,2,6,7
Senior Planner	1,2,3,4,7
Senior Program Manager	1,2,3
Special Projects Manager	1,2,3,4,6,7
Zoning Enforcement Officer	1,2,3,4

LEGISLATIVE SERVICES

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Assistant City Manager	1,2,4
Chief Innovation Officer	1,2,3,4,5,6,7
City Clerk	1,2,6
City Clerk Services Manager	1,2,6
Assistant to the City Manager	1
Records Supervisor	2,3
City Communications Manager	1,2,3,4
Graphic Production Supervisor	2,3,4
Community Relations Manager	2,3,4,6
Real Estate Manager	1,2,6
Senior Assistant City Attorney	1,2,3,4,5
Assistant City Attorney	1,2,3,4,5
Deputy City Attorney	1,2,3,4,5,6

LIBRARY AND CULTURAL ARTS

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Library and Cultural Arts Director	1,2,6,7
Community Arts Coordinator	2,4
Community Relations Manager	2,3,4,6
Cultural Arts Manager	1,2,4,6,7
Deputy Library Director	1,2,6,7
Senior Management Analyst	1,2,6,7
Associate Management Analyst	1,2,6,7
Principal Librarian	1,6

PARKS AND RECREATION

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Parks and Recreation Director	1,2,3,4,6,7
Senior Management Analyst	1,2,6,7
Management Analyst	1,2,6,7
Park Planning Manager	1,2,3,4,6
Park Planner	1,2,3,4,6
Parks/Trees Supervisor	1,2,3
Parks Services Manager	1,2,3,4,6
Parks Superintendent	1,2,3,4,6
Recreation Area Manager	1,2,3
Recreation Services Manager	1,2,3,4,6

PUBLIC WORKS (Transportation, Utilities, Property and Environmental Management and Water District)

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Public Works Director	1,2,3,4,6,7
Transportation Director	1,2,3,4,5,6,7
Utilities Director	1,2,3,4,6,7
Associate Contract Administrator	2,3,6
Associate Engineer	3,4
Engineering Manager	1,2,3,4,5,6
Senior Program Manager	1,2,3,6,7
Contract Administrator	2,3,6
Environmental Manager	1,2,3,6,7
Environmental Specialist I/II/Senior	1,5,6
Facilities Manager	1,2,3,4,5,6
Senior Management Analyst	1,2,5,6,7
Management Analyst	1,2,6,7
Meter Services Supervisor	2,3,4
Municipal Projects Manager	1,2,3,4
Inspector I/II	2,3,4
Public Works Manager	1,2,3,4,5,6
Public Works Superintendent	1,2,3,4,6
Public Works Supervisor	2,3,4,6
Senior Construction Inspector	2,3,4
Senior Contract Administrator	2,3,6
Senior Engineer	1,2,3,4,5,6
Transportation Manager	1,2,3,4,5,6
Utilities Asset Manager	1,2,3,4,6
Utilities Maintenance Planner	1,2,3,4
Utilities Manager	1,2,3,4,5,6
Utilities Supervisor	2,3,4
Warehouse Technician	2,3,6

SAFETY SERVICES - FIRE

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Fire Chief	1,2,3,4,6,7
Assistant Fire Chief	1,2,3,4,6,7
Assistant Fire Marshal	2,3
Deputy Fire Marshall	2,3
Emergency Medical Services (EMS) Manager	1,2,3,4,5,6
Emergency Preparedness Manager	1,2,3,4,7
Fire Division Chief	1,2,3,5,6,7
Fire Battalion Chief	1,2,3,5,6,7
Fire Marshal	1,2,3,4,5,7
Fire Prevention Specialist I/II	2,3,4

SAFETY SERVICES - POLICE

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Police Chief	1,2,6,7
Police Captain	1,2,3,6
Police Communications Manager	2,3
Police Lieutenant	1,2,3,6
Public Safety Information Technology Manager	1,2,5,6,7
Senior Program Manager	2,3

BOARDS/COMMISSIONS/COMMITTEES (Members of Designated Appointed Positions)

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Agricultural Conversion Mitigation Fee Ad Hoc Citizens Advisory Committee	3,4
Arts Commission	3,4,6
Beach Preservation Commission	3,4,6
Board of Library Trustees	3,4,6
Carlsbad Golf Lodging Business Improvement District	3,4
Carlsbad Tourism Business Improvement District	3,4
Historic Preservation Commission	3,4,6
Parks and Recreation Commission	1,2,3,4,6
Senior Commission	3,4,6
Traffic Safety Commission	3,4