

CITY COUNCIL RESOLUTION 2016-8253

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN  
MARCOS AMENDING THE CITY'S CONFLICT OF INTEREST CODE  
AND LIST OF DESIGNATED FILERS

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000 et seq., requires every state or local government agency to adopt a Conflict of Interest Code, and to conduct an biennial review of the code and list of designated positions; and

WHEREAS, the City Council has previously adopted the model Conflict of Interest Code promulgated by the Fair Political Practices Commission (FPPC) under California Code of Regulations, Title 2, Section 18730 and all future amendments duly adopted by the FPPC with approval of City Council Resolution 79-1177 adopted on September 14, 1976; and

WHEREAS, Appendix 1 of Resolution 88-2778 representing the list of designated positions required to file statements of economic interests has been revised as a result of subsequent biennial reviews; and

WHEREAS, Resolution No. 92-4087 , Appendix A represents the City's current list of designated positions that are required to file statements of economic interests, and also represents the descriptions of disclosure categories; and

WHEREAS, after conducting a biennial review in of the list of designated positions in 2014 and due to changes in the City's organizational structure, it has been determined that Appendix A of Resolution No. 92-4087 require amendments; and

WHEREAS, after conducting a biennial review of the list of designated positions in 2016 and due to changes in the City's organizational structure, it has been determined that Appendix A of Resolution No. 2014-8006 require amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MARCOS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Pursuant to the Political Reform Act of 1974, Government Code Section 87300 et seq., and Section 18730 of Title 2 of the California Code of Regulations, the City Council adopts the model conflict of interest code promulgated by the Fair Political Practices Commission of the State of California as set forth in Section 18730 of Title 2 of the California Code of Regulations, which model conflict of interest code is incorporated herein by reference, and which, together with the list of designated positions and the disclosure categories applicable to each designated position as set forth in Appendix A and B of this Resolution, collectively constitutes the City of San Marcos's conflict of interest code. As the model conflict of interest code set forth in Section 18730 of Title 2 of the California Code of Regulations is amended from time to time by State law, regulatory action of the Fair Political Practices

Commission, or judicial determination, the portion of the Board's conflict of interest code comprising the model conflict of interest code shall be deemed automatically amended without further action to incorporate by reference all such amendments to the model conflict of interest code so as to remain in compliance therewith. Nothing in this Resolution shall supersede the independent applicability of Government Code Section 87200.

Section 2. The definitions contained in the Political Reform Act of 1974 and in the regulations of the Fair Political Practices Commission, and any amendments to either of the foregoing, are incorporated by reference into this conflict of interest code.


Section 3. The City Council finds and determines that the persons who hold the designated positions set forth in Appendix A, attached to and made part of this resolution, make or participate in the making of decisions which may foreseeably have a material effect on their financial interests, and shall file statements of economic interests pursuant to the requirements of the City of San Marcos conflict of interest code.

Section 4. That persons holding designated positions shall disclose their economic interests according to the assigned disclosure categories set forth in Appendix B, attached to and made part of this resolution.

Section 5. Resolution No. 2014-8006 and prior City Council Resolutions designating the positions of persons required to file Statements of Economic Interests and their assigned disclosure categories are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of San Marcos, California, this 13th day of September, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, ORLANDO, DESMOND  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE

  
James M. Desmond, Mayor  
City of San Marcos

ATTEST:



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Phillip Scollick, City Clerk  
City of San Marcos

## APPENDIX A

<b><u>POSITION/TITLE</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Accounting Manager	1,2
Administrative Services Manager	1,2
Assistant City Manager	1,2
Assistant Community Services Director	1,2
Assistant Planner	3,4,5
Assistant to the City Manager/Fiscal Services Manager	1,2
Associate Engineer	3,4,5
Associate Planner	3,4,5
Building Director	1,2
Building Inspector	3,4,5
Building Official	1,2
Business Process Director / City Clerk	1,2
City Clerk	1,2
City Engineer	1,2
Code Compliance Officer	3,4,5
Communications Officer	1,2
Community & Economic Development Programs Manager	3,4,5
Community Services Director	1,2
Construction Manager	3,4,5
Contracts, Grants & Procurement Manager	1,2
Database Analyst	3,4,5
Deputy City Clerk	3,4,5
Deputy City Engineer	1,2
Deputy City Manager	1,2
Deputy Public Works Director	1,2
Development Services Director	1,2
Economic Development Manager	1,2
EMS Coordinator	3,4,5
Facilities Maintenance Manager	1,2
Finance Director	1,2
Financial Analyst/Debt Administrator Manager	1,2
Fire Battalion Chief	3,4,5
Fire Chief	1,2
Fire Division Chief	1,2
Fire Inspector	3,4,5
Fire Marshal	1,2
Fleet Maintenance Superintendent	3,4,5
GIS Analyst	3,4,5
Housing & Neighborhood Services Director	1,2
Housing Programs Manager	1,2
Housing Programs Specialist	3,4,5
Human Resources/Risk Analyst	3,4,5

Human Resources/Risk Director	1,2
Human Resources/Risk Manager	1,2
Information Systems Manager	1,2
Landscape Inspection Supervisor	3,4,5
Landscape Inspector	3,4,5
Management Analyst	3,4,5
Network Analyst	1,2
Park Maintenance Supervisor	3,4,5
Planning Director	1,2
Planning Manager	1,2
Planning Technician	3,4,5
Principal Building Inspector	3,4,5
Principal Civil Engineer	3,4,5
Principal Planner	3,4,5
Program Manager	1,2
Public Works Director/City Engineer	1,2
Public Works Inspection Supervisor	3,4,5
Public Works Inspector	3,4,5
Public Works Manager	1,2
Public Works Manager - All	1,2
Real Property Services Director	1,2
Real Property Services Manager	1,2
Recreation Supervisor III	3,4,5
Senior Accountant	3,4,5
Senior Civil Engineer	3,4,5
Senior Management Analyst	3,4,5
Senior Planner	3,4,5
Senior Plans Examiner	3,4,5
Senior Services Supervisor	3,4,5
Storm Water Program Manager	1,2
Storm Water Specialist	3,4,5
Street Maintenance Supervisor	3,4,5
Traffic Engineer	3,4,5
Traffic Signal/Lighting Supervisor	3,4,5

#### **BOARDS, COMMISSIONS & COMMITTEES**

#### **DISCLOSURE CATEGORY**

Board Counsel (Planning Commission, Successor Agencies, Fire Protection District, Industrial Development Authority, Public Facilities Authority, Public Financing Authority, Oversight Board)	1,2
Budget Review Committee	1,2
Community Services Commissioner	1,2
Discovery Valley Utility Director	1,2
Executive Director	1,2
Industrial Development Authority Director	1,2
Mobilehome Rent Review Commissioner	1,2
Oversight Board Member	1,2
Public Facilities Authority Director	1,2



San Marcos Community Foundation Board Member	6
San Marcos Fire Protection District Board Member	1,2
San Marcos Public Financing Authority Director	1,2
Secretary or Board Clerk (Successor Agencies, Fire Protection District, Industrial Development Authority, Public Facilities Authority, Public Financing Authority, Oversight Board)	1,2
Successor Agency to the Former Redevelopment Agency Member	1,2
Successor Housing Agency to the Former Redevelopment Agency Member	1,2
Traffic Commissioner	1,2

### **CONTRACT EMPLOYEE**

If a designated position is filled by a contract employee (full or part-time) the contract employee has a filing obligation.

### **CONSULTANTS**

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Department Director, with concurrence by the City Manager, may determine in writing that a particular consultant, although 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 in this section. Such written determination shall include description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director's determination, with concurrence of the City Manager, is public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

### **87200 FILERS**

### **DISCLOSURE CATEGORY**

Mayor	1,2
City Councilmembers	1,2
City Manager	1,2
City Attorney	1,2
City Treasurer	1,2
Planning Commissioners	1,2

## **APPENDIX B**

- Category 1: All investments, business positions and sources of income, including gifts, loans and travel payments.
- Category 2: All interests in real property within the jurisdiction of the City of San Marcos.
- Category 3: All investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the City of San Marcos.
- Category 4: Investments in business entities, business positions and sources of income, including gifts, loans and travel payments which engage in land development, construction or the acquisition or sale of real property.
- Category 5: All investments, business positions and income, including gifts, loans and travel payments, from sources that provide contract or leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City of San Marcos.
- Category 6: All investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the City of San Marcos or non-profit organizations "which are supported by City personnel.