

RESOLUTION NO. 92 -4087

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SAN MARCOS AMENDING ITS
1988 CONFLICT OF INTEREST CODE BY
ADOPTING A 1992 CONFLICT OF INTEREST
CODE

WHEREAS, the City Council of the City of San Marcos has been designated as the Code Reviewing Body for the City by the Fair Political Practice Commission; and

WHEREAS, the City Council has adopted a 1988 Conflict of Interest Code for the City, its various Boards and Commissions and city personnel; and

WHEREAS, legislation has been passed requiring local agencies to amend their Conflict of Interest Codes no later than July 1 of each even-numbered year, and

WHEREAS, the City Council is required to direct every local agency which has adopted a Conflict of Interest Code to review its Conflict of Interest Code and if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code in accordance with Government Code Section 87302 a) and 87303 to the City Council as Code Reviewing Body; now

THEREFORE, BE IT RESOLVED that the City Council of the City of San Marcos hereby adopts an amended Code by adopting the attached 1992 Conflict of Interest Code and Appendix I; and hereby directs the City Clerk of the City of San Marcos to file a Local Agency Biennial Report with the Fair Political Practice Commission identifying changes in the Code.

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PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos this 25th day of August, 1992 by the following roll call vote:

AYES: COUNCILMEMBERS: HARRIS, LOSCHER, PRESTON, LOSCHER
THIBADEAU

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE


LEE B. THIBADEAU, MAYOR OF
THE CITY OF SAN MARCOS


SHEILA A. KENNEDY, CITY CLERK
OF THE CITY OF SAN MARCOS

**LOCAL CONFLICT OF INTEREST CODE
OF THE CITY OF SAN MARCOS, CALIFORNIA
(1992 Amendment)**

SECTION I: AUTHORITY

This Code is adopted pursuant to the provisions of the Political Reform Act of 1974 and the implementing regulations adopted pursuant thereto. This Code shall be referred to as the San Marcos Local Conflict of Interest Code.

SECTION II: APPLICATION

The following agencies of the City have adopted this Conflict of Interest Code: The City Manager on behalf of all departments of the City; the Redevelopment Commission; the Traffic Safety Commission; the Community Services Commission; the Industrial Development Authority; the Public Facilities Authority; the Mobilehome Rent Review Commission; and the Planning Commission Alternates. Each agency adopting this Code adopts all provisions thereof except those portions of the appendix not applicable to said agency. Any portion of this Code may be amended by any agency acting independently of any other agency and such amendment shall be effective only as to the agency adopting it.

SECTION III: ADOPTION/INCORPORATION OF 2 CAL.CODE OF REGS. § 18730 BY REFERENCE

The provisions of 2 Cal. Code of Regs. § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the appendices attached hereto, in which officials and employees are designated and disclosure categories are set are hereby incorporated by reference and constitute the San Marcos Local Conflict of Interest Code for the following departments and agencies of the City: City Manager on behalf of City staff and all departments of the City under the general direction of the Manager, the San Marcos Redevelopment Agency, the Traffic Safety Commission, Community Services Commission, the Industrial Development Authority, the Public Facilities Authority, the Mobilehome Rent Review Commission and the Planning Commission Alternates.

SECTION IV: DISCLOSURE REQUIREMENTS

Pursuant to Section 4(c) of § 18730, all designated employees shall file statements of economic interests with the City Clerk to whom the Council and Redevelopment Agency hereby delegate the authority to carry out the duties of the filing officer.

SECTION V: JURISDICTION

For the purpose of this Code, the term "jurisdiction" means the City of San Marcos, California.

SECTION VI: EFFECTIVE DATE

This code shall be effective _____, 1992, the day following its approval by the code reviewing body, the City Council of the City of San Marcos, California.

**APPENDIX 1
TO THE LOCAL CONFLICT OF INTEREST CODE
OF THE CITY OF SAN MARCOS, CALIFORNIA**

The positions and categories within the City listed in this appendix are "designated positions." Any person whose position with the City is a designated position, is a designated employee. Designated employees shall disclose in the manner provided in the local Conflict of Interest Code of the City of San Marcos, those financial interests which are within the categories represented by the letter(s) following the listing position. The letters correspond to the Subsections of § 7 of 2 Cal.Code of Regs. § 18730 (copy attached), and represent the following disclosures:

"A", investment and real property disclosures; "B", person income disclosure; "C", business entity disclosures; and, "D", business position disclosure. Where reference is made to Government Code § 87200 disclosure may be made in the manner required by Government Code § 87200 - 87210, inclusive on forms provided by the Fair Political Practices Commission but shall be filed with the City Clerk.

Disclosure Categories

Designated Positions:

Boards, Commissions & Committees:

Redevelopment Agency	Government Code § 87200
Traffic Safety Commission	A,C,D
Community Services Commission	A,C,D
Industrial Development Authority	Government Code § 87200
Public Facilities Authority	Government Code § 87200
Mobilehome Rent Review Commission	Government Code § 87200
Planning Commission Alternates	Government Code § 87200

City Staff:

City Clerk	A,B,C
Deputy City Clerk	A,B,C
Deputy City Treasurer	A,B,C
Assistant City Manager	A,B,C
Deputy City Manager	A,B,C
Director of Developmental Services	A,B,C
Assistant Director of Development Services	A,B,C
Director of Community Services	A,B,C

Assistant Director of Community Services	A,B,C
Director of Finance	A,B,C
Assistant Director of Finance	A,B,C
Director of Planning	A,B,C
Assistant Director of Planning	A,B,C
Director of Public Works	A,B,C
Assistant Director of Public Works	A,B,C
Director of Building	A,B,C
Assistant Director of Building	A,B,C
Assistant to the City Manager	A,B,C
Director of Engineering/Capital Improvements	A,B,C
Director Engineering/Current Development/City Engineer	A,B,C
Senior Civil Engineer(s)	A,B,C
Associate Civil Engineer(s)	A,B,C
Traffic Engineer(s)	A,B,C
Associate Planner(s)	A,B,C
Assistant Planner(s)	A,B,C
Plan Check Engineer	A,B,C
Code Compliance Officer(s)	A,B,C
Chief Building Inspector	A,B,C
Building Inspector(s)	A,B,C

Fire Protection District:

Fire Chief	A,B,C
Deputy Fire Chief	A,B,C
Division Fire Chief(s)	A,B,C
Fire Inspector(s)	A,B,C

Consultants:

Any natural person employed, under contract, with an agency to provide consulting services shall report according to categories A, B, C and D as specified in Consultant's contract with the City. Consultants performing services which would be provided by City Staff, ie, City Engineer, Building Official, etc. shall report according to the category corresponding to the City staff position and additionally shall

report category D interests. When a contract for consulting services is with a company, corporation or partnership, the natural person, or persons, principally responsible for the work shall be deemed to be the consultant for the purposes of this provision. A consultant does not include any person who both:

- a) Conducts research and arrives at conclusions with respect to his or her renditions of information, advice, recommendations or counsel independent of control and direction of the Agency or of any Agency official, other than normal control monitoring; and
- b) Possesses no authority with respect to any Agency decisions beyond rendition of information, advice, recommendation or counsel.
- c) Consulting services shall not include the performance of maintenance, public works, or similar services.

The City Manager, or his or her designee, 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 a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. 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.