



Staff Report

File #: 20-1505, **Version:** 1

MEETING DATE:

SEPTEMBER 22, 2020

SUBJECT:

RESOLUTION NO. 2020-8813 - ADOPTION OF AMENDMENTS TO APPENDIX A OF THE SAN MARCOS CONFLICT OF INTEREST CODE

Recommendation

ADOPT a resolution amending Appendix A of the City's Conflict of Interest Code to update the list of designated positions of the City of San Marcos for which Statements of Economic Interests must be filed and the associated disclosure categories

Board or Commission Action

Not Applicable

Relevant Council Strategic Theme

Good Governance

Introduction

The Political Reform Act (PRA) requires every local government agency to adopt and promulgate a conflict of interest code to provide for the filing of Statement of Economic Interests Form 700 by "designated employees" of the agency upon their appointment and annually thereafter. City Council Resolution No. 2018-8553 (Attachment 1) represents the City of San Marcos's current conflict of interest code.

Every local government agency is required to review its conflict of interest code and list of "designated employees" biennially to determine if amendments are necessary. The City Council serves as the code reviewing body for the City of San Marcos conflict of interest code. The 2020 Local Agency Biennial Notice directs governing boards to review and update conflict of interest codes with any needed changes. Staff is recommending adoption of the proposed resolution to implement necessary amendments.

Discussion

City Council Resolution No. 79-1177 adopted the Fair Political Practices Commission's model conflict of interest code and any future amendments promulgated by the California Code of Regulations, Title 2, Section 18730. Appendix A of Resolution No. 2018-8553 represents the current list of "designated employees" that are required to file Statement of Economic Interests Form 700 under the City's conflict of interest code. The Political Reform Act defines a "designated employee" as an officer, employee or consultant whose position entails the making or participation in the making of governmental decisions that may foreseeably have a

material effect on any financial interest. Appendix B of Resolution No. 2018-8553 defines the various categories of financial interests that must be disclosed and are assigned to a particular "designated employee" based upon job duties.

A thorough analysis of job duties has resulted in the conclusion that the City's list of designated filers requires amendments due to changes in position titles, the deletion of positions that do not meet the filing criteria or no longer exist, and the addition of positions for which filing was deemed necessary. The proposed amendments to the list of designated filers are presented in Appendix A of Attachment 2. The disclosure categories for each position have also been updated in Appendix A to reflect the current FPPC model for disclosure. Each designated filer is subject to different levels of disclosure related to their respective job duties, which categories are assigned in Appendix A of Attachment 2, and described and explained in Appendix B of Attachment 2. The revisions to the Appendices which comprise the City's conflict of interest code and its list of designated filers must be adopted by resolution by the code reviewing body or city council.

Please note that positions listed in Government Code Section 87200 (i.e., City Councilmembers, Planning Commissioners, City Attorney, City Manager, and City Treasurer) are not considered "designated employees". These positions are identified and required to file Form 700 under Government Code Section 87200 with the Fair Political Practices Commission via the City Clerk's Department.

Fiscal Impact

No fiscal impact is anticipated as a result of the action recommended by staff.

Attachments:

1. Local Agency Biennial Notice
2. City Council Resolution 2018-8553
3. Resolution - Proposed Amendments to Appendix A of the San Marcos Conflict of Interest Code

Prepared by: Phillip Scollick, City Clerk

Approved by: Jack Griffin, City Manager