

Chapter 2.32

Conflict of Interest

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Section 2.32.010 Adoption of Conflict of Interest Code

Pursuant to the requirements and authority of the Political Reform Act of 1974, California Government Code Section 81000, et seq., the provisions of Section 18730 of Title 2 of the California Code of Regulations are incorporated herein and adopted by reference as the Conflict of Interest Code of the City of Vista.

(Prior Code 2-40; Ord. No. 89-47, Amended 1/8/90; Ord. No. 94-17, Amended, 08/09/94)

Section 2.32.020 Filing Requirements

All persons required to file a financial disclosure statement pursuant to the Conflict of Interest Code adopted under Section 2.32.010 above shall file such statements with the City Clerk of the City of Vista at such times and in the manner prescribed by the provisions of the Conflict of Interest Code. Pursuant to Section 87500 of the Government Code, the City Clerk shall make and retain a copy and forward the original of the financial disclosure statements of the Mayor, City Council Members, Candidates for Mayor or for City Council Member, City Manager, City Attorney, Members of the Planning Commission, and City Treasurer, to the Fair Political Practices Commission. The City Clerk shall retain the originals of financial disclosure statements of other public officials who manage public investments and all other financial disclosure statements filed pursuant to this chapter.

(Prior Code 2-41; Ord. No. 89-47, Amended 1/8/90; Ord. No. 94-17, Amended, 08/09/94; Ord. No. 96-14, Amended, 07/23/96; Ord. No. 98-9, Amended, 10/13/98)

Section 2.32.030 Designated Employees

A. From time to time, and not later than July 1 of each even-numbered year in accordance with Section 87306.5 of the Political Reform Act of 1974, the City Council shall direct the City Manager to review the Conflict of Interest Code and to submit any changes required to the code in accordance with Sections 87302 and 87303 of the Act. Upon receiving the results of such review, the City Council may adopt any changes required to the Conflict of Interest Code by ordinance, or may establish or amend the listing of designated employees who are subject to the requirements of this chapter by resolution, each approved in the manner provided for under law. The persons holding the positions enumerated in the list of designated employees adopted by resolution are "designated employees" within the meaning of the Conflict of Interest Code adopted pursuant to this chapter, and shall file disclosure statements for each of the disclosure categories as defined in Section 2.32.040 below.

B. In addition to those persons holding the positions enumerated in the resolution adopted by the City Council pursuant to Subdivision A of this section, every consultant employed by the City, the Community Development Commission, the Vista Joint Powers

Financing Authority, the Industrial Development Authority, or any other City agency, is a designated employee for purposes of this chapter and shall be required as a condition of employment to file a financial disclosure statement under the broadest disclosure category, except as follows: upon petition, the City Manager may determine in writing that the scope of services to be provided by any consultant or the level of participation in any decision is necessarily limited and that such consultant is not subject to the requirements of the City's Conflict of Interest Code, or the disclosure category for such consultant shall be a narrower category. The City Manager's written determination shall include a description of the consultant's duties and, based upon that description, a statement of the basis for finding an exemption or such narrower disclosure category. The written determination of the City Manager is public record and shall be filed in the Office of the City Clerk in the same manner as required for financial disclosure statements.

(Prior Code 2-42; Ord. No. 89-47, Amended 1/8/90; Ord. No. 94-17, Amended, 08/09/94; Ord. No. 96-14, Amended, 07/23/96)

Section 2.32.040 Disclosure Categories

As used in Section 2.32.020, disclosure categories are as follows:

Category 1: Investments and business positions in business entities and sources of income.

Category 2: Interests in real property.

Category 3: Investments and business positions in business entities, interests in real property, and sources of income subject to the regulatory, permit or licensing authority of the department, board, commission, or City agency.

Category 4: Investments and business positions in business entities, and sources of income which engage in land development, construction, acquisition or sale of real property.

Category 5: Investments and business positions in business entities, and sources of income of the type which, within the past two years, have contracted with the designee employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

Category 6: Investments and business positions in business entities, and sources of income of the type which, within the past two years, have contracted with the City, or a City agency, to provide services, supplies, materials, machinery or equipment.

(Prior Code 2-43; Ord. No. 89-47, Amended 1/8/90; Ord. No. 96-14, Amended, 07/23/96)

Section 2.32.050 Exemptions

A. Pursuant to Section 87100.1 of the Political Reform Act of 1974, a registered professional engineer or a licensed land surveyor who renders professional services as a consultant, either directly or through a firm in which he or she is employed or is a principal, is not required to file a financial disclosure statement under this chapter where the consultant renders professional engineering or land surveying services independently of the control and direction of the City and does not exercise public agency decision making authority as a contract City Engineer or surveyor pursuant to Sections 6703 or 8703 of the Business and Professions Code. However, this exemption shall not apply to that portion of the work performed by any registered professional engineer or licensed land surveyor in connection with any recommendation of the formula to spread costs of an assessment district if:

1. The engineer has received income of \$250.00 or more for such professional services within 12 months prior to the creation of an assessment district; and

2. The district includes other parcels in addition to those parcels for which the engineer received the income. The recommendation of the actual formula for spreading an

assessment does not include preliminary site studies, preliminary engineering plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information utilized in applying the formula.

B. Notwithstanding any other provisions of this code, designated youth representatives appointed by the City Council to any City commission or committee shall be exempt from any requirement for filing financial disclosure statements. In appointing youth representatives to various City commissions, it is the express purpose and intent of the City Council to provide opportunities for participation in local government and educational experience for young people of the community. Such youth representatives shall not be considered as designated employees for the purposes of the Political Reform Act of 1974, or of this chapter.

(Ord. No. 94-17, Enacted, 08/09/94)