

CITY OF SOLANA BEACH CONFLICT OF INTEREST CODE

The Political Reform Act of 1974 (Government Code Sections 81000 et. seq.) requires local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform act.

Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions and establishing disclosure requirements shall constitute the Conflict of Interest Code for the City of Solana Beach.

Individuals holding designated positions shall file their statements with the City Clerk's Office, which will retain the statements and make the statements available for public inspection and reproduction. (Gov. Code Section 81008.)

APPENDIX

Disclosure Categories

Individuals holding designated positions must report their interests according to the following disclosure category(ies) to which their position has been assigned.

Category 1: All Sources

Interests in real property (not including primary residence) located within the City or within two miles of the City; and investments and business positions in business entities, and income, including loans, gifts, and travel payments *from all sources*.

Category 2: Agency Specific

Interests in real property (not including primary residence) located within the City or within two miles of the City; investments and business positions in business entities doing business with the City and/or located in San Diego County; and income, including but not limited to loans, gifts, and travel payments, from sources in San Diego County, and/or from sources outside the County whose economic position may be affected by decisions or recommendations made *by the agency at all levels*.

Category 3: Department Specific

Interests in real property (not including primary residence) located within the City or within two miles of the City; investments and business positions in business entities located in San Diego County; and income, including loans, gifts, and travel payments from sources whose economic position may be affected by the decisions or recommendations made *by the department to which the filer is assigned duties*.

Category 4: Property/Facilities Entitlement

Interests in real property (not including primary residence) located within the City or within two miles of the City; investments and business positions in business entities located in San Diego County; and income, including loans, gifts, and travel payments from sources *that are of the type to request an entitlement to use agency property or facilities*, including, but not limited to: a license; a facilities use permit; or a vendor permit.

Category 5: Commission/Consultant Specific

Interests in real property (not including primary residence) located within the City or within two miles of the City; investments and business positions in business entities doing business with the City and/or located in San Diego County; and income, including but not limited to loans, gifts, and travel payments, from sources in San Diego County, and/or from sources outside the County, whose economic position may be affected by the decisions or recommendations *of the designated commission or consultant*.

- I. Consultants shall be included in the list of designated positions and shall disclose in accordance with the disclosure requirements in this code if the consultant, pursuant to a contract either (Reg.18701(2)):
1. Makes a governmental decision whether to:
 - Approve a rate, rule or regulation;
 - Adopt or enforce a law;
 - Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - Grant agency approval to a contract which requires agency approval and in which the agency is a party to the specifications for such a contract;
 - Grant agency approval to a plan, design, report study, or similar item;
 - Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision of the agency; or
 2. Serves in a staff capacity and in that capacity participates in making governmental decisions as defined in Regulation 18702.2; or performs substantially the same functions as a position specified in the agency's Conflict of interest Code.
- II. The Department Head of the department for which the consultant provides primary services, with the approval of the City Attorney, 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 described in this paragraph. The 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 written determination is a public record and shall be retained for public inspection in the office of the City Clerk.

Non-designated Positions

The following positions are not covered by this conflict of interest code because those individuals holding these positions must file under Government Code Section 87200. These positions are listed for informational purposes only:

- City Councilmembers
- City Manager
- City Attorney
- City Treasurer
- Consultants involved in the investment of public funds*

*Pursuant to 2 California Code of Regulations section 187014(b), "other public officials who manage public investments" means, members of boards and commissions, including pension and retirement boards or commissions, or of committees who exercise the responsibility for the management of public investments; high level officers and employees who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and individuals who pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials.