

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: October 1, 2024

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To: Honorable Mayor and City Councilmembers
From: City Clerk Mary Gourley
 City Attorney Alex Mog
Subject: Receive Biennial Notice of Intention to Amend the City of Sebastopol Conflict of Interest Code

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RECOMMENDATIONS:

That the City Council Receive the Biennial Notice of Intention to Amend the City of Sebastopol Conflict of Interest Code.

EXECUTIVE SUMMARY:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially (in even-numbered years), or as needed to determine if it is accurate and up-to-date. Staff worked closely with the City’s Attorney’s Office to review the Conflict of Interest Code and incorporate all necessary changes, which include: the addition of new City positions that participate in governmental decisions and revision of disclosure categories as appropriate; narrowing disclosure requirements to the duties and responsibilities of the assigned Designated Position; and including language regarding e-filing with the Fair Political Practices Commission.

BACKGROUND AND DISCUSSION:

Under the Political Reform Act, all public agencies are required to adopt a Conflict of Interest Code (Code). The Code designates positions required to file annual Statements of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests that must be reported. These statements are held by the agency as public documents, with certain positions required to file directly with the Fair Political Practices Commission (FPPC), which administers the requirements of the Political Reform Act.

The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interest. The Code must specifically list positions that make or participate in making decisions that may have a material effect on an incumbent’s personal financial interests. Typically, positions that involve voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in an agency’s Conflict of Interest Code.

A written comment period has been established beginning October 1, 2024 and ending on November 15, 2024 (Attachment 1). In accordance with the Political Reform Act, the Notice of Intention to Amend the City of Sebastopol Conflict of Interest Code (the “Code”) will be provided to affected employees prior to Council’s consideration to adopt a resolution amending the Code at its regularly scheduled meeting on November 19, 2024.

Pursuant to Government Code Section 87306.5, the biennial review of the City of Sebastopol Conflict of Interest Code has been completed. The results of Code review by City staff have been incorporated in the Appendix of Designated Employees and Disclosure Categories (Attachment 2). Positions proposed to be added to the Code or amended (position title and/or disclosure category) are shown in bold and highlighted in yellow.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

FISCAL IMPACT:

This report is for informational purposes only. There is no fiscal impact.

RESTATED RECOMMENDATION:

That the City Council Receive the Biennial Notice of Intention to Amend the City of Sebastopol Conflict of Interest Code.

CITY COUNCIL OPTIONS:

None. The Conflict-of-Interest Code must be reviewed biennially for any amendments.

ATTACHMENTS:

1. Notice of Intention to Amend the City of Sebastopol Conflict of Interest Code
2. City of Sebastopol Conflict of Interest Code Appendix of Designated Employees and Disclosure Categories with proposed changes

APPROVALS:

Department Head Approval: Approval Date: 9-19-2024

CEQA Determination (Planning): Approval Date: 9-19-2024

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines.

Administrative Services (Financial): Approval Date: 9-19-2024

Costs authorized in City Approved Budget: Yes No N/A

Account Code (f applicable)

City Attorney Approval Approval Date: 9-20-2024

City Manager Approval: Approval Date: 9-19-2024

NOTICE OF INTENT TO AMEND THE CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the City of Sebastopol intends to amend its existing conflict of interest code pursuant to Government Code Sections 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate those positions that must disclose certain investments, income, interests in real property, and business positions. Employees occupying those positions must disqualify themselves from making or participating in the making of governmental decisions that would have a material effect upon those interests. Revisions to the existing conflict of interest code and list of designated employees who are required to file Statement of Economic Interests may include position title changes, reclassifications, vacancies, and/or the addition and deletion of positions based on an examination of their involvement in the decision making process. A full copy of the proposed amended conflict of interest code is available in the Office of the City Clerk for review and inspection.

NOTICE IS FURTHER GIVEN that the City of Sebastopol has established a written comment period for interested persons to submit comments pertaining to the proposed amended conflict of interest code. Comments must be submitted in writing to the Office of the City Clerk no later than November 15, 2024, at 5:00 p.m. to be considered by the City Council when it takes action on the proposed amended conflict of interest code. The City Council is scheduled to take action on the proposed conflict of interest code on November 19, 2024, at 6:00 p.m.

No public hearing on this matter will be held unless an interested person or his or her representative requests a public hearing no later than fifteen (15) days prior to the close of the written comment period.

Inquiries concerning the proposed amended conflict of interest code may be directed to the Office of the City Clerk at (707) 823-1153 or email: mgourley@cityofsebastopol.gov.

Dated:

October 1, 2024

CITY OF SEBASTOPOL CONFLICT OF INTEREST CODE

In compliance with the Political Reform Act of 1974, California Government Code Section 81000 et. seq., and specifically with Section 97300 et. seq., the City of Sebastopol adopted its current Conflict of Interest Code. All employees or identified contractors of the City holding positions designated in the adopted Conflict of Interest Code are required to file a Statement of Economic Interest (SEI) using the Fair Political Practices Commission (FPPC) Form 700. The requirements of this code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code 87100, and are in addition to any other state or local laws pertaining to conflicts of interest.

Additionally, Government Code Section 87200 identifies elected and appointed officials as statutory filers who are required to file Statements of Economic Interests.

SECTION 1. AUTHORITY

Government Code Section 87300 requires the City of Sebastopol to adopt a Conflict of Interest Code.

SECTION 2. PURPOSE

The purpose of the City of Sebastopol Conflict of Interest Code is to incorporate by reference the terms of Section 18730 of the California Code of Regulations pertaining to Conflict of Interest Codes.

SECTION 3. CODE REVIEWING BODY

The City Council of the City of Sebastopol shall be the Code Reviewing Body for the City of Sebastopol Conflict of Interest Code.

SECTION 4. FILING OFFICER

The City Clerk of the City of Sebastopol shall be the Filing Officer for the City of Sebastopol Conflict of Interest Code. All persons occupying designated positions shall file Statements of Economic Interests with the City Clerk.

The City Clerk shall make statements available for public inspection and reproduction, shall retain all statements pursuant to State Law, and shall perform all other duties and responsibilities of the Filing Officer pursuant to State Law.

APPENDIX A
 CITY OF SEBASTOPOL
 CONFLICT OF INTEREST CODE

The persons occupying the following positions are designated employees for the purposes of this Conflict of Interest Code and shall disclose their financial interests in accordance with the disclosure categories set forth herein and are required to submit Statements of Economic Interest Interests pursuant to the Political Reform Act of 1974.

The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and All Other City Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3(b), are NOT subject to the City’s Code but must file disclosure statements under Government Code section 87200 et seq.

POSITION	DISCLOSURE CATEGORY
Administrative Services Accountant/Analyst (Confidential)	1
Assistant Public Works Superintendent	1
Associate Planner	1
Building Official	1
City Clerk/Assistant City Manager	1
City Engineer	1
Community Development Director	1
Engineering Manager	1
Fire Chief	1
Planning Director	1
Police Captain	1
Police Chief	1
Public Works Superintendent	1
Public Works Director/City Engineer	1
Public Works Director	1
Traffic Engineer	1
Design Review Board	1

Consultants*

* Consultant means an individual who, pursuant to a contract with a State or local government agency:

Makes a governmental decision whether to:

- (i) Approve a rate, rule or regulations;
- (ii) Adopt or enforce a law; Issue, deny, suspend, or revoke any permit, license, application, certificate, approval order, or similar authorization or entitlement;
- (iii) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
- (iv) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
- (v) Grant agency approval to a plan, design, report, study or similar item;
- (vi) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s Conflict of Interest code under Government Code Section 87302.

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 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 described in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extend 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.

**APPENDIX B
CITY OF SEBASTOPOL
CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES**

All designated employees shall disclose their financial interests in accordance with the categories set forth in Appendix "A"

The disclosure category listed below identifies the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

"Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the City.

Disclosure Categories Defined

1. Category 1

Persons designated in this category shall disclose:

All investments, business positions in, and income from sources located in or doing business in the jurisdiction. Interests in real property located in the jurisdiction, including property located within a two-mile radius of the jurisdiction or of any property owned by used by the agency. Income shall include gifts, loans) and travel payments. All sources of income, including investments, gifts, loans and travel payments as defined in Government Code Section 82030, or as amended.

2. Category 2

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: 1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the City, or 2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the City.

3. Category 3

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: 1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the designated employee's department, or 2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the designated employee's department.

Statements of Economic Interests

Individuals holding designated positions shall file their Assuming Office statements within 30 days of assuming office, and thereafter, no later than April 1 of each year for the previous full calendar year. Statements shall be filed in the Office of the City Clerk (Location: 7120 Bodega Avenue, Sebastopol, CA 95472) which will make the statements available for public inspection and reproduction (Government Code Section 81008). Upon leaving a designated filer position, Leaving Office statements must be filed within 30 days of separation.