

RESOLUTION NO. 2016-173

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE APPLICABLE TO THE SPECIFIED AND DESIGNATED OFFICERS AND EMPLOYEES OF THE SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY

WHEREAS, a Conflict of Interest Code for City and Redevelopment Agency employees was adopted on August 15, 1977;

WHEREAS, the Redevelopment Agency of the City of Pomona was a local agency, as defined by the Political Reform Act, as found in Government Code Section 81000, et seq.;

WHEREAS, Government Code Section 87306.5 requires every local agency to review its Conflict of Interest Code in all even-numbered years and make amendments, if necessary;

WHEREAS, said Conflict of Interest Code for the Redevelopment Agency employees was amended and a new Code was adopted on February 3, 1986, on December 7, 1992, on January 23, 1995, December 16, 1996, November 16, 1998, December 4, 2000, December 16, 2002, December 4, 2004, December 18, 2006; December 15, 2008 and December 6, 2010;

WHEREAS, with dissolution of redevelopment agencies, successor agencies are designated as the successor entities to the former redevelopment agencies, and all authority, rights, duties and obligations previously vested with the former redevelopment agency are now vested in the successor agency (Health and Safety Code Sections 34171, 34173 and 34177);

WHEREAS, the City Council of the City of Pomona designated itself as the Successor Agency to the former Redevelopment Agency of the City of Pomona;

WHEREAS, a Conflict of Interest Code was adopted for the Successor Agency to the former Redevelopment Agency of the City of Pomona on December 3, 2012;

WHEREAS, in 2014, there were no amendments required to the Conflict of Interest Code for the Successor Agency;

WHEREAS, changes in Successor Agency employee titles or classifications since December 15, 2014, necessitate amendments to the Successor Agency's Conflict of Interest Code; and

WHEREAS, California Code of Regulations Section 18730, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act, and which contains the terms of a Standard Conflict of Interest Code, can be adopted by an agency as the agency's Conflict of Interest Code by incorporating Section 18730 by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona, California, as follows:

SECTION 1. In compliance with Government Code Section 87300, the City Council, hereby adopts the attached Conflict of Interest Code (Exhibit "A"), which incorporates California Code of Regulations Section 18730, by reference.

SECTION 2. Pursuant to Government Code Section 87303, upon the City Council's approval of this Conflict of Interest Code, this code shall be deemed adopted by Successor Agency and shall immediately take effect.


SECTION 2. This Conflict of Interest Code shall be applicable to the Governing Board of the Successor Agency to the former Redevelopment Agency of the City of Pomona and all specified positions under Government Code Section 87200 and the designated positions set forth in Appendix "A" of the attached Conflict of Interest Code.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution, and it shall thereupon take effect and be in force.

APPROVED AND ADOPTED THIS 19TH DAY OF DECEMBER 2016.

ATTEST:

CITY OF POMONA:

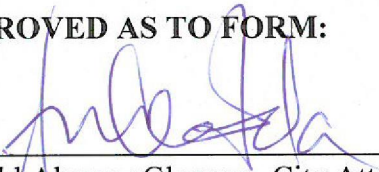


Eva M. Buice, MMC, City Clerk



Tim Sandoval, Mayor

APPROVED AS TO FORM:



Arnold Alvarez-Glasman, City Attorney

/

//

///

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA M. BUICE, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 19th day of December 2016 by the following vote:

AYES: Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Mayor Sandoval

NOES: None

ABSENT: Torres

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 20th day of December 2016.



Eva M. Buice, MMC, City Clerk

EXHIBIT "A"

CONFLICT OF INTEREST CODE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA

INTRODUCTORY PROVISIONS

- i. The Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. This Conflict of Interest Code is adopted pursuant to and in compliance with Section 87300 of the California Government Code. This Conflict of Interest Code is in addition to State laws pertaining to conflicts of interest of the Successor Agency of the former Redevelopment Agency of the City of Pomona's officers and employees and is not intended to abridge or otherwise modify such laws.

California Code of Regulations Section 18730 contains the terms of a standard Conflict of Interest Code. The Fair Political Practices Commission may amend the standard Conflict of Interest Code after public notice and hearings to conform to amendments in the Political Reform Act. The standard Conflict of Interest Code can be adopted by local agencies, including the Successor Agency, by incorporating the standard Conflict of Interest Code by reference. Therefore, the terms of California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference into the Successor Agency Conflict of Interest Code.

California Code of Regulations Section 18730 and the attached Appendices A, B, and C, in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Successor Agency. The Successor Agency is the "Agency" and the City Council of the City of Pomona is the "Code Reviewing Body" within the purview of this Code. Pursuant to Government Code Section 87303, upon the City Council of the City of Pomona's approval of this Conflict of Interest Code, this Code shall be deemed adopted by the Successor Agency and shall immediately take effect.

- ii. Designated employees shall file Statements of Economic Interests with the City Clerk, who shall be, and will perform the duties of, the filing officer for the City of Pomona. The Statements shall be available for public inspection and reproduction. The Statements are public records subject to Government Code Section 81008. All newly designated employees shall file an initial Statement within thirty days after the effective date of the herein Code. The annual Statement of Economic Interests shall be duly filed by no later than April 1 of each calendar year.
- iii. This Conflict of Interest Code of the Successor Agency, so adopted, replaces in entirety any Conflict of Interest Code of the Successor Agency previously in effect. All terms or words in this Conflict of Interest Code and in its Appendices shall have such meanings as are associated thereto in the Political Reform Act, as amended from time to time.

APPENDIX "A"

SPECIFIED OFFICERS AND EMPLOYEES

(Government Code §87200)

- SUCCESSOR AGENCY BOARD MEMBERS
- AGENCY COUNSEL
- EXECUTIVE DIRECTOR

DESIGNATED OFFICERS AND EMPLOYEES / DISCLOSURE CATEGORIES

(Government Code §87300 et seq.)

<u>DEPARTMENT</u>	<u>DESIGNATED EMPLOYEES</u>	<u>DISCLOSURE CATEGORIES</u>
ADMINISTRATION	Deputy City Manager Senior Project Manager	I I & H
COMMUNITY DEVELOPMENT	Community Development Director Consultant*	I

*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 limitations:

The executive director or executive officer 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 extent of disclosure requirements. The executive director's or executive officer'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"

CONSULTANTS

Commission Regulation §18701 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- A. Makes a governmental decision whether to:
 - i. Approve a rate, rule or regulation;
 - ii. Adopt or enforce a law;
 - iii. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 - iv. Authorize the Agency to enter into, modify, or renew a contract provided it is the type of contract which requires Agency approval;
 - v. Grant Agency approval to a contract which requires agency approval and in which the Agency is a party or to the specifications for such a contract;
 - vi. Grant Agency approval to a plan, design, report, study, or similar item;
 - vii. Adopt, or grant agency approval of, policies, standards, or guidelines for the Agency, or for any subdivision thereof; or
- B. Serves in a staff capacity with the Agency and in that capacity participates in making governmental decisions as defined in California Code of Regulations Section 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.

APPENDIX "C"

DESIGNATED EMPLOYEE CATEGORIES

- I. This category applies to individuals that make, or participate in making, decisions that may have a material effect on their financial interest(s) in:
- a. businesses in which the individual holds an investment or business position¹;
 - b. sources of income; or
 - c. real property.

Individuals subject to this category need not disclose under Category II or III. Individuals subject to this category must disclose any of the following financial interests within the City and within two miles of City boundaries:

- a. investments in business entities²;
- b. business positions held;
- c. sources of income; and
- d. interests in real property.

- II. This category applies to individuals that make, or participate in making, decisions that involve the purchase of services, supplies, materials, machinery or equipment.

Individuals subject to this category must disclose any of the following financial interests in business entities which provide services, supplies, materials, machinery, equipment, or technology of the type utilized by the City:

- a. investments in business entities;
- b. business positions held; and
- c. sources of income.

- III. This category applies to individuals that make, or participate in making, decisions that involve contracting for services including, but not limited to:

- a. Professional services;
- b. Vendor services;
- c. Consulting services; and
- d. Contractor services.

Individuals subject to this category must disclose any of the following financial interests in business entities which provide contract services, of the type utilized by the City:

- a. investments in business entities;
- b. business positions held; and

¹ "Business positions" shall include, but not be limited to, a role as a director, officers, partner, trustee, employee, or any management position.

² "Business entities" shall include, but not be limited to, sole proprietorships, partnerships, and corporations.

c. sources of income.

IV. This category applies to commissioners, as applicable. Individuals subject to this category must disclose:

- a. All investments in, interest in, or income from, real property located within the jurisdiction of the respective board or commission and five hundred feet contiguous thereto; and
- b. All investments in, interest in, or income from, any business entity:
 - i. In which the person holds a business position; and
 - ii. That is either: A) within the jurisdiction of the respect board of commission and five hundred feet contiguous thereto; or B) conducted business within the jurisdiction of the respective board or commission and five hundred feet contiguous thereto, at any time during the two years prior to the date of filing the Statements of Economic Interest.