

ATTACHMENT 2

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE APPLICABLE TO THE MEMBERS OF THE GOVERNING BOARD OF THE POMONA HOUSING AUTHORITY AND DESIGNATED CITY EMPLOYEES BY INCORPORATING CALIFORNIA CODE OF REGULATIONS SECTION 18730 - THE STANDARDIZED CONFLICT OF INTEREST CODE

WHEREAS, the Housing Authority of the City of Pomona was created by Resolution No. 93-114 on June 7, 1993;

WHEREAS, the Housing Authority of the City of Pomona is 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;

WHEREAS, a Conflict of Interest Code for the Housing Authority Board and designated employees was adopted on January 23, 1995 and it was amended and a new Code was adopted on 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, December 3, 2012 and December 5, 2016. There were no changes required in 2014;

WHEREAS, since December 2016, there have been changes in employment titles and classifications for Housing Authority employees, which require an amendment to the Conflict of Interest Code;

WHEREAS, it is appropriate and necessary for the Housing Authority of the City of Pomona to have its own and separate 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 Council hereby adopts the attached Conflict of Interest Code (Exhibit "A"), which incorporates by reference California Code of Regulations, Section 18730, as it is currently stated and as may be amended in the future and Pomona City Charter Section 1403 and City Code Section 2-975.

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 the Housing Authority and shall immediately take effect.

SECTION 3. This Conflict of Interest Code shall be applicable to the Governing Board, all specified positions under Government Code Section 87200 and, pursuant to Government Code Section 82019(3), the designated positions set forth in Appendix "A" of the Conflict of Interest Code attached hereto as Exhibit "A."

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

APPROVED AND ADOPTED this 17th day of December, 2018.

ATTEST:

THE CITY OF POMONA:

Rosalia Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA BUTLER, 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 17th day of December, 2018 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Marie M. Macias, Interim City Clerk

EXHIBIT “A”

CONFLICT OF INTEREST CODE

HOUSING AUTHORITY 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 Housing Authority 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 by incorporating the standard Conflict of Interest Code by reference. By doing so, the terms of California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are incorporated by reference into the Housing Authority of the City of Pomona Conflict of Interest Code.

In addition, Pomona City Charter Section 1403 and Pomona City Code Section 2-975 set forth conflict of interest provisions specific to the City of Pomona. Therefore, Pomona City Charter Section 1403 and City Code Section 2-975 are also incorporated by reference into the City’s Conflict of Interest Code.

The Housing Authority of the City of Pomona Conflict of Interest Code contains the following Appendices:

- Appendix A, which specifies the designated officers and employee positions and the applicable disclosure categories;
- Appendix B, which sets forth required disclosures for consultants; and
- Appendix C, which sets forth the disclosures required for each disclosure category.

Changes are shown in strikeout and bold/underline format.

The Housing Authority is the "Agency" and the Pomona City Council 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 Housing Authority 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 (30) 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 Housing Authority of the City of Pomona, so adopted, replaces in entirety any Housing Authority Conflict of Interest Code 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)

- HOUSING AUTHORITY BOARD MEMBERS
- AUTHORITY COUNSEL
- EXECUTIVE DIRECTOR

ADDITIONAL OFFICIALS WHO MANAGE OR GIVE ADVICE REGARDING PUBLIC INVESTMENTS

(Government Code §87200)

- NEIGHBORHOOD SERVICES DIRECTOR

DESIGNATED ~~OFFICERS AND EMPLOYEES~~ / ~~DISCLOSURE CATEGORIES~~

(Government Code §~~87300~~ et seq. 82019(3))

DEPARTMENT	DESIGNATED EMPLOYEE	DISCLOSURE CATEGORIES
NEIGHBORHOOD SERVICES		
	Family Self Sufficiency Coordinator	II & III
	Homeless Services Coordinator <u>Programs Supervisor</u>	II & III
	Housing Authority Manager	I
	Consultant*	

*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 the 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 §18700 defines "consultant" as an individual who, pursuant to a contract with a state or local governmental 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 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 EMPLOYEES 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
- 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.

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.