

## **ATTACHMENT 1**

### **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 CITY COUNCIL AND SPECIFIED AND DESIGNATED OFFICERS AND EMPLOYEES**

**WHEREAS**, a Conflict of Interest Code for City officials, employees and commissioners was adopted on August 15, 1977;

**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**, California Code of Regulations Section 18730 contains the Fair Political Practices Commission's standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act, and which may be adopted by an agency as the agency's Conflict of Interest Code by incorporating Section 18730 by reference;

**WHEREAS**, the Conflict of Interest Code for City officials, commissioners, employee positions and consultants was amended and a new Code adopted on February 3, 1986, on December 7, 1992, on January 23, 1995, December 16, 1996, on November 16, 1998, December 4, 2000, December 16, 2002, December 4, 2004, December 18, 2006, December 15, 2008, December 6, 2010, December 3, 2012; and December 14, 2014 and December 5, 2016;

**WHEREAS**, Pomona City Charter Section 1403 and Pomona City Code Section 2-975 also address conflicts of interest specific to the City of Pomona; and

**WHEREAS**, since December 2016, there have been numerous changes in the City organization and employment classifications, which necessitates amending Appendix "A" of the City's Conflict of Interest Code by updating position titles and corresponding disclosure levels for numerous positions.

**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 approves and adopts the City of Pomona's Conflict of Interest Code, which incorporates by reference California Code of Regulations Section 18730, as currently stated and as may be amended in the future, and also incorporates by reference Pomona City Charter Section 1403 and Pomona 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 City of Pomona and shall immediately take effect.

**SECTION 3.** This Conflict of Interest Code shall be applicable to all specified positions under Government Code Section 87200, including the City Council, and, pursuant to Government Code Section 82019(3), to 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, Interim 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:

\_\_\_\_\_  
Rosalia Butler, City Clerk

## **EXHIBIT “A”**

### **CONFLICT OF INTEREST CODE**

#### **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 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 hereby incorporated by reference into 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 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 City of Pomona 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 City of Pomona 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 City of Pomona, so adopted, replaces in entirety any Conflict of Interest Code of the City of Pomona 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)

- MAYOR AND COUNCILMEMBERS
- CITY MANAGER
- CITY ATTORNEY
- CITY TREASURER
- FINANCE DIRECTOR/CITY TREASURER
- PLANNING COMMISSIONERS

### ADDITIONAL OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

(Government Code §87200)

- PUBLIC WORKS DIRECTOR
- WATER RESOURCES DIRECTOR
- INVESTMENT OVERSIGHT COMMITTEE
- INVESTMENT ADVISOR/CONSULTANT

### DESIGNATED EMPLOYEES

(Government Code § 82019(3))

DEPARTMENT	DESIGNATED EMPLOYEES	DISCLOSURE CATEGORIES
<b>ADMINISTRATION</b>		
	<u>Senior</u> Admin. Assistant II (to the City Council)	II & III
	Deputy City Manager	I
	Governmental & Community Affairs Manager	II & III
<b>CITY ATTORNEY</b>		
	Assistant City Attorney	I
	Deputy City Attorney	I
<b>CITY CLERK</b>		
	City Clerk	I
	Deputy City Clerk	I
<b>DEVELOPMENT SERVICES</b>		
	Code Compliance Inspector	I
	<u>Senior Code Compliance Inspector</u>	<u>I</u>
	Code Compliance Manager	I
	Development Services Director	I

	Development Services <u>Planning</u> Manager	I
	Senior Planner	I
<b>FINANCE</b>		
	Accounting Manager	I
	Purchasing Manager	II & III
	<del>Revenue Manager</del>	<del>I</del>
	<u>Finance Manager</u>	<u>I</u>
	<u>Revenue Operations Supervisor</u>	<u>II &amp; III</u>
	Senior Purchasing Technician	II
<b>HUMAN RESOURCES</b>		
	Human Resources/Risk Management Director	I
	Human Resources Manager	I
	Risk Manager	I
	<u>Senior Human Resources Analyst</u>	<u>II &amp; III</u>
	<u>Human Resources Analyst I/II</u>	<u>II &amp; III</u>
	<u>Safety &amp; Emergency Preparedness Analyst I/II</u>	<u>II &amp; III</u>
<b>INFORMATION TECHNOLOGY</b>		
	Database Administrator	I
	Information Technology Director	I
<b>NEIGHBORHOOD SERVICES</b>		
	Community Services Manager	I
	Family Self Sufficiency Coordinator	II & III
	<del>Homeless Services Coordinator</del> <u>Programs Supervisor</u>	II & III
	Housing Authority Manager	I
	Housing Grants Supervisor	II & III
	Housing Loan Coordinator	I
	Housing Services Manager	I
	Neighborhood Services Director	I
	Recreation Supervisor	II
	<u>Housing</u> <del>Rehabilitation Specialist</del>	I
<b>POLICE</b>		
	Administrative Services Manager	I
	Deputy Police Chief	I
	Police Bldg. & Facilities Coordinator	I
	Police Captain	I
	Police Chief	I
	Police Civilian Division Commander	I
	Police Dispatch and Jail Services Manager	II & III
	Police Lieutenant	I
	Police Records Manager	II & III

<b>PUBLIC WORKS</b>		
	City Engineer	I
	<del>Deputy Public Works Director</del>	<del>I</del>
	Engineering Technician	II & III
	Engineering Associate	II & III
	<del>Environmental Programs Supervisor</del>	<del>II &amp; III</del>
	Facilities Maintenance Supervisor	II & III
	Fleet & Facilities Services Manager	I
	Fleet Services Supervisor	II & III
	Management Analyst	II & III
	Senior Civil Engineer	II & III
	Public Works Inspector	II & III
	Streets and Solid Waste Services Manager	I
	Public Services Supervisor	I & II
	Senior Management Analyst	I
	<del>Customer Service Supervisor</del>	<del>II &amp; III</del>
	Solid Waste Supervisor	I
	<u>Parks and Facilities Manager</u>	<u>I</u>
	<u>Parks and Landscape Manager</u>	<u>I</u>
	<u>Parks and Landscape Supervisor</u>	<u>II &amp; III</u>
	<u>Public Works Director</u>	<u>I</u>
<b><u>WATER RESOURCES</u>/<del>WASTEWATER OPERATIONS</del></b>		
	Engineering Associate	II & III
	Management Analyst	II & III
	Senior Management Analyst	I
	Senior Water Resources Engineer	II & III
	Supervising Water Resources Engineer	II & III
	<del>Wastewater Collection System Supervisor</del>	<del>II &amp; III</del>
	Water <u>Resources</u> & <del>Wastewater Operations</del> Department Director	I
	<del>Water Production Supervisor</del>	<del>II &amp; III</del>
	<del>Water Distribution Supervisor</del>	<del>II &amp; III</del>
	<del>Water Treatment and Quality Supervisor</del>	<del>II &amp; III</del>
	<u>Distribution and Wastewater Operations Supervisor</u>	<u>II &amp; III</u>
	<u>Production and Treatment Operations Supervisor</u>	<u>II &amp; III</u>
	<u>Water Operations Manager</u>	<u>II &amp; III</u>
	<u>Water Resources Manager</u>	<u>II &amp; III</u>
	<u>Environmental Programs Supervisor</u>	<u>II &amp; III</u>
	<u>Water Quality Supervisor</u>	<u>II &amp; III</u>
<b>BOARDS/COMMISSIONS</b>		
	Community Life Commission	IV
	Cultural Arts Commission	IV
	Historic Preservation Commission	IV
	Library Board of Trustees	II

	Parking Place Commissioners (VPD)	II & IV
	Parks & Recreation Commission	IV



## **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 position<sup>1</sup>;
  - 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 entities<sup>2</sup>;
- 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.

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

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