

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending the City's Conflict of Interest Code)
_____)

RESOLUTION NO. 24-14535

WHEREAS, the Political Reform Act requires the City of Pittsburg to conduct a biennial review its Conflict of interest Code (Code) to determine whether or not the Code must be amended; and

WHEREAS, Section 18730 of Title 2 of the California Code of Regulations contains the terms of a standard Code which may be adopted and incorporated by reference as the City's Code; and

WHEREAS, upon review, City staff determined that the Code must be amended in order to accurately reflect the addition, reclassification, and elimination of certain employee positions; and

WHEREAS, the City's organizational structure requires amending the Code to accurately identify and designate employee positions that are subject to state financial disclosure requirements as listed in Exhibits A and B.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby adopts the amended Conflict of Interest Code.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 16th day of September 2024, by the following vote:

AYES: Adams, Killings, Lopez, Scales-Preston, Banales

NOES: None


ABSTAINED: None

ABSENT: None

Signed by: 

Juan Antonio Banales, Mayor

ATTEST:



Alice E. Evenson, City Clerk

**EXHIBIT A
DESIGNATED POSITIONS**

As part of the Conflict of Interest Code of the City of Pittsburg, the positions set forth below are deemed designated. These positions shall be presumed to make or participate in the making of decisions which foreseeably have a material effect on a financial interest and shall thus be required to file a Form 700 with the City Clerk's Office.

ELECTED AND APPOINTED COMMISSIONERS

<u>Designated Positions</u>	<u>Disclosure Category</u>
REQUIRED BY STATUTE:	
Council Members	
Planning Commissioners	
City Manager	
City Attorney	
City Clerk	
City Treasurer	
 COMMUNITY ADVISORY COMMISSION	
Appointed Commissioners	
 CONSULTANTS (Regardless of Department or Agency)	
 ENHANCED INFRASTRUCTURE FINANCING DISTRICT	
Appointed Commissioner	
 HOUSING COMMISSION	
Appointed Commissioners	
 MEASURE M OVERSIGHT	
Appointed Commissioners	
 PITTSBURG POWER COMPANY	
Executive Director	
Director of Power	
Power Company Manager	
Administrative Analyst	II, III
Administrative Officer	
 SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II	
Executive Director	
General Manager	

SUCCESSOR AGENCY

Executive Director	I
Development Manager	I
Administrative Analyst	II

EMPLOYEE POSITIONS

<u>Classification</u>	<u>Disclosure Category</u>
Accountant I	I
Accountant II	I
Accounting Supervisor	I
Administrative Analyst I	II
Administrative Analyst II	II
Administrative Coordinator	I
Administrative Specialist	I
Administrative Officer	I
Assistant City Clerk	I
Assistant City Engineer	I
Assistant City Manager	I
Assistant Director of Finance	I
Assistant Director of Public Works - Operations	I
Assistant Director, Community & Economic Development	I
Assistant Director, Public Works - Utilities	I
Assistant Engineer	I
Associate Engineer	I
Assistant to the City Manager	II
Assistant Planner	I
Associate Planner	I
Building Inspection Supervisor	I
Chief Building Official	I
Chief of Police	I
City Engineer	I
Code Enforcement Supervisor	I
Combination Building Inspector	I
Community Outreach Coordinator	I
Community Relations Manager	I
Construction Inspector I/II	I
Crime Analyst	I
Deputy Chief Information Systems Officer	I
Deputy City Clerk	I
Deputy Director, Information Technology Operations	I
Deputy General Manager, Pittsburg Power Company	I
Development Services Coordinator	I
Development Services Supervisor	I
Director of City Clerk Services	I
Director of Community & Economic Development	I
Director of Community Services	I
Director of Finance	I
Director of Human Resources	I

Director of Public Works/City Engineer	
Director of Recreation	
Economic Development Manager	
Engineering Technician I/II	
Environmental Affairs Manager	
Environmental Health & Safety Officer	
Equipment Shop Supervisor	
Executive Assistant	
Executive Assistant to the Chief of Police	
Finance Division Manager	
Financial Analyst	
Geographical Information Systems (GIS) Administrator	
Harbormaster	
Housing Manager	
Housing Program Analyst I	
Housing Program Analyst II	
Human Resources Analyst	
Human Resources Specialist	
Information Technology Analyst I	
Information Technology Analyst II	
Information Technology Manager	
Laboratory Supervisor	
Lead Public Works Superintendent	
Paralegal	
Permit Center Supervisor	
Planning Manager	
Police Captain	
Police Lieutenant	
Police Records Supervisor	
Police Services Administrator	
Power Company Manager	
Principal Planner	
Property and Evidence Supervisor	
Public Works Superintendent	II, III
Public Works Supervisor	
Purchasing Analyst	
Recreation Supervisor	
Revenue Operations Supervisor	
Senior Administrative Analyst	
Senior Civil Engineer	
Senior Combination Building Inspector	
Senior Construction Inspector	
Senior Financial Analyst	
Senior Housing Program Analyst	
Senior Human Resources Analyst	
Senior Information Technology Analyst	
Senior Planner	
Utility Supervisor	
Water Plant Superintendent	
Water Plant Supervisor	

EXHIBIT B DISCLOSURE CATEGORIES

As part of the Conflict of Interest Code of the City of Pittsburg, the designated positions described in Exhibit A are assigned to one or more of the following disclosure categories. Each holder of a designated position shall file an annual statement (Form 700) disclosing that individual's interest in investments, business positions, real property, and income, designated as reportable under that category to which the office or position is assigned as follows:

An investment, business position, interest in real property, or income is reportable if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the holder of the designated position, or by virtue of the designated position held by that individual.

Designated Employees in Category "I" must report:

All investments, business positions in, and income from sources located in or doing business in the City and all interests in real property located in the City, including property located within a two-mile radius of the City or any property owned or used by the City of Pittsburg.

Designated Employees in Category "II" must report:

All investments, business positions in, and sources of income of the type which provide services, supplies, materials, machinery or equipment of the type utilized by the City of Pittsburg.

Designated Employees in Category "III" must report:

All investments, business positions in, and sources of income which are subject to the regulatory, permit or licensing authority of the City of Pittsburg.

Disclosure by Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category (Category I) in the Conflict of Interest 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 in this section. The written determination shall include the basis for this determination and shall be maintained as a public record to the same extent as other disclosures made under the Conflict of Interest Code.



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Mayor and Council Members
FROM: Garrett Evans, City Manager
SUBJECT: Adoption of a City Council Resolution Amending the City's Conflict of Interest Code
MEETING DATE: September 16, 2024

EXECUTIVE SUMMARY

Pursuant to the Political Reform Act (Act), local governments are required to conduct a biennial review of its Conflict of Interest Code (Code) to determine accuracy. As part of this year's biennial review, City staff has determined that the Code must be amended to reflect new, reclassified, and eliminated employee positions. Updating the Code will identify all of the designated positions that are required, by state law, to disclose financial interests.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Adopt the amended Code.

BACKGROUND

Section 18730 of Title 2 of the California Code of Regulations contains the terms of a standard Conflict of Interest Code which may be adopted and incorporated by reference as the City's Code.

Government Code Section 87200 et seq. requires members of the City Council, Planning Commissioners, City Manager, City Attorney, City Treasurer and other public officials who manage public investments to disclose certain financial interests annually. The City's Code identifies all other employee positions that participate in the making of governmental decisions. These designated positions are required to disclose certain financial interests under state law.

A public official or employee has a conflict of interest under the Act when all of the following occur:

- The official makes, participates in making, or uses their official position to influence a governmental decision;
- It is reasonably foreseeable that the decision will affect the official's economic interest;
- The effect of the decision on the official's economic interest will be material; and
- The effect of the decision on the official's economic interest will be different than its effect on the public generally.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Upon review, City staff determined that the Code must be amended in order to accurately reflect the addition, reclassification, and elimination of certain employee positions. Organizational structure requires amending the Code to accurately identify and designate employee positions that are subject to state financial disclosure requirements.

The City's conflict of interest code must designate all officials and employees of, and consultants to, the agency who make or participate in making governmental decisions that could cause conflicts of interest. These individuals are required by the code to file statements of economic interests and to disqualify themselves when conflicts of interest occur. The disclosure required under a conflict of interest code for a particular designated official or employee should include only the kinds of personal economic interests they could significantly affect through the exercise of their official duties.

The attached Resolution adopts the Fair Political Practices Commission's standard Conflict of Interest Code and amends the City's Code with an updated list of designated positions and identifies the disclosure categories to reflect the City's current organizational structure.

ATTACHMENTS: Exhibit A – Designated Positions
 Exhibit B – Disclosure Categories
 Resolution

Report Prepared By: Melaine Venenciano, Director of City Clerk Services

2024 Local Agency Biennial Notice

Name of Agency: City of Pittsburg
Mailing Address: 65 Civic Avenue
Contact Person: Melaine Venenciano Phone No. 925-252-4804
Email: mvenenciano@pittsburgca.gov Alternate Email: cityclerk@pittsburgca.gov

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

- An amendment is required. The following amendments are necessary:**
(*Check all that apply.*)
- Include new positions
 - Revise disclosure categories
 - Revise the titles of existing positions
 - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
 - Other (*describe*) _____
- The code is currently under review by the code reviewing body.**
- No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2024**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.