


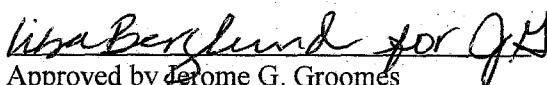


# City of Carson Report to Mayor and City Council

September 7, 2010  
New Business Consent

**SUBJECT: CONSIDERATION OF CERTIFYING COMPLETION THE BIENNIAL REVIEW OF THE CITY OF CARSON & CARSON REDEVELOPMENT AGENCY CONFLICT OF INTEREST CODES, APPROVAL OF THE REVISED CONFLICT OF INTEREST CODES FOR BOTH ENTITIES & CONSIDERATION OF RESOLUTION NO. 10-094, ADOPTING REVISIONS THE CITY OF CARSON CONFLICT OF INTEREST CODE**

  
Submitted by William W. Wynder  
City Attorney

  
Approved by Jerome G. Groomes  
City Manager

## I. SUMMARY

This agenda item is intended to complete the biennial review of the City of Carson and Carson Redevelopment Agency conflict of interest codes. The item requires two separate actions by the City Council, as follows:

*First*, the City Council must consider certifying that it has completed the biennial review of **both** its own conflict of interest code and the conflict of interest code of the Redevelopment Agency **and** it must approve **both** its own and the Agency's conflict of interest codes.

*Second*, the City Council must then consider adopting the resolution (Exhibit No. 1) which formally codifies revisions to its own conflict of interest code. The Redevelopment Agency will, by separate action, consider adopting a resolution (Exhibit No. 2) which formally codifies the City Council's approved revisions to the Agency's conflict of interest code.

## II. RECOMMENDATION

TAKE the following actions:

1. CERTIFY that the City Council of the City of Carson, California, has completed its required biennial review of **both** its own conflict of interest code and the conflict of interest code of the Redevelopment Agency.
2. APPROVE **both** the City Council and Redevelopment Agency revised conflict of interest codes.
3. WAIVE further reading and ADOPT Resolution No. 10-094, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REVISING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION & REPEALING RESOLUTION NO. 89-029."

10.

**III. ALTERNATIVES**

1. DIRECT a further review of the City of Carson and Carson Redevelopment Agency conflict of interest codes; and/or
2. SEND the attached resolution back for further review by the City Attorney and staff.
3. TAKE any other action the City Council deems appropriate.

**IV. BACKGROUND**

Under the Political Reform Act (the Act), all public agencies are required to adopt a conflict of interest code (code) and to periodically review and update the same. The codes designate positions required to file Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interests to be reported. 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 interests.

The Redevelopment Agency's code, and the city's code, must both specifically list positions that make or participate in making decisions. Typically, positions that involve voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in codes. Positions listed in Government Code § 87200 (i.e. City Councilmembers, Planning Commissioners, Members of the Board of Supervisors, etc.) are not required to be included, because these positions automatically file Form 700.

A primary purpose of the code is to require disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making. For example, the manager of an agency should be assigned full disclosure (all investments, interests in real property, and sources of income and business positions) because the manager makes decisions that affect a wide range of interests. Alternatively, a purchasing agent whose decision-making is limited to the purchase of office supplies should only be assigned disclosure of investments, sources of income and business positions in entities that provide office supplies, equipment or merchandise of the type used by the agency.

The city of Carson has special disclosure categories relating to properties and interests surrounding mobilehomes as such properties and interests are a significant part of the way the city and agency have to conduct business in the community of Carson. Cities are allowed to create particular categories that are unique to their special needs in order to allow for full disclosure and transparency within the city and its agencies.

An agency's Code is not effective until it has been approved by the agency's code

reviewing body (section 87303). The code reviewing body for city agencies is the city council. Under state law, the Carson City Council, as the statutory "reviewing body" for *both* the Redevelopment Agency, and as its own reviewing body, must first give notice of its intent to review and amend the conflict of interest code, and afford a 45-comment period. Copies of the notice, attaching the proposed amendments to the code, must be published in the manner required by law, and copies of the same must be delivered to each employee affected by the proposed code.

The 45-day comment period was approved by the City Council and ended on August 5, 2010. The action requested of the City Council in this agenda item will formally complete the biennial review and approve the codes for the City Council and the Redevelopment Agency.

This is a somewhat unusual procedure, but state law requires the City Council to approve the final review of the Redevelopment Agency's conflict of interest code even though, at the conclusion of that review, the Agency Board of Directors will actually adopt the updated code.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

1. Resolution No. 10-094. (pgs. 5-11)
2. Resolution No. 10-30. (pgs. 12-16)

Prepared by: William W. Wynder, City Attorney

September 7, 2010

sf.Rev061902

Reviewed by:

|                                      |                             |
|--------------------------------------|-----------------------------|
| City Clerk                           | <u>City Treasurer</u>       |
| <u>Administrative Services</u>       | <u>Development Services</u> |
| <u>Economic Development Services</u> | <u>Public Services</u>      |

**Action taken by City Council**

Date \_\_\_\_\_ Action \_\_\_\_\_

RESOLUTION NO. 10-094

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, REVISING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION & REPEALING RESOLUTION NO. 89-029

The CITY COUNCIL OF THE CITY OF CARSON does hereby FIND, RESOLVE and ORDER as follows:

**Section 1.** The Political Reform Act of 1974, California Government Code §§ 81000 *et seq.*, requires the City Council of the city of Carson to periodically review its Conflict of Interest Code and make amendments as and when appropriate.

**Section 2.** On March 7, 1989, the City Council of the city of Carson adopted Resolution No. 89-029 amending its Conflict of Interest Code by incorporating, by reference, the conflict of interest code prepared by the Fair Political Practices Commission (*See* 2 California Code of Regulations § 18730). The city's Conflict of Interest Code designates certain city officials and employees as being required to disclose their financial interest(s) and sets forth the type of financial interests to be disclosed as required by the Political Reform Act.

**Section 3.** Given the passage of time and based upon additions, deletions and name changes to various designated positions, the city hereby determines that it is both necessary and appropriate to update its Conflict of Interest Code to revise the list of designated positions and to assign appropriate disclosure categories for those positions.

**Section 4.** The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendix "A" in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the city of Carson.

**Section 5.** Incorporation by reference of the terms of 2 Cal. Code Regs. Section 18730 any future amendments to it in this city's Conflict of Interest Code will save this City Council time and the expenditure of public funds by minimizing the actions required of this City Council to maintain conformity with the Political Reform Act.

**Section 6.** Pursuant to the provisions of California Government Code § 87311, officers, employees, members of the public, consultants, and residents of the jurisdiction were given adequate notice and a fair opportunity to present their views.

[MORE]

EXHIBIT NO. 1



**Section 7.** The Conflict of Interest Code adopted by this City Council on March 7, 1989, by Resolution No. 89-029, is hereby repealed in its entirety.

**Section 8.** Persons holding designated positions shall file a Statement of Economic Interest (Form 700) pursuant to Sections 4 and 5 of the Conflict of Interest Code as set forth in Cal. Code of Regs. § 18730b(4) and (5).

**PASSED, APPROVED, and ADOPTED** this 7<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Mayor Jim Dear

ATTEST:

\_\_\_\_\_  
City Clerk Helen S. Kawagoe, MMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



## APPENDIX "A"

### Designated Employees

### Disclosure Categories

#### **Administration:**

|                                 |               |
|---------------------------------|---------------|
| Manager, Public Information     | 1, 2, 3, 4, 5 |
| Manager, Information Technology | 1, 2, 3, 4, 5 |
| Senior Administrative Analyst   | 1, 2, 3, 4, 5 |
| Management Assistant            | 1, 2, 3, 4, 5 |
| Manager, Community Center       | 1, 2, 3, 4, 5 |

#### **Administrative Services:**

|   |                            |
|---|----------------------------|
| Finance Officer                                   | 2, 3, 4, 5, 6, 7, 9, 10    |
| Manager, Revenue                                  | 2, 3, 4, 5, 6, 7, 8, 9, 10 |
| General Manager, Administrative Services          | 1, 2, 3, 4, 5              |
| Senior Risk Management Analyst                    | 1, 2, 3, 4, 5, 8, 9        |
| Senior Human Resources Specialist                 | 2, 3, 4, 5, 10             |
| Manager, Accounting                               | 2, 3, 5, 6, 7, 8, 9, 10    |
| Senior Buyer, Administrative Services, Purchasing | 2, 3, 5, 6, 7, 8, 9, 10    |
| Buyer   | 2, 3, 5, 6, 7, 8, 9, 10    |
| Senior Storekeeper                                | 2, 3, 5, 6, 7, 8, 9, 10    |
| Storekeeper                                       | 2, 3, 5, 6, 7, 8, 9, 10    |
| Senior Accountant                                 | 2, 3, 4, 5, 6, 7, 8, 9, 10 |
| Senior Human Resources Analyst                    | 2, 3, 4, 5, 10             |
| Human Resources Officer                           | 2, 3, 4, 5, 10             |

#### **Board Members:**

|   |                           |
|---|---------------------------|
| Mobilehome Park Rental Review Board Members             | 1, 2, 3, 4, 5, 11, 12, 13 |
| Relocation Appeal Board Members                         | 1, 2, 3, 4, 5, 11, 12, 13 |
| Citywide Advisory Commissioners                         | 1, 2, 3, 4, 5             |
| Cultural Arts Commissioners                             | 1, 2, 3, 4, 5             |
| Utility Users' Tax Citizens Oversight Committee Members | 1, 2, 3, 4, 5             |

#### **Development Services:**

|                                       |                       |
|---------------------------------------|-----------------------|
| Manager, Storm Water Quality Program  | 1, 2, 3, 4, 5         |
| Manager, Transportation Services      | 1, 2, 3, 4, 5         |
| Public Works Program Administrator    | 1, 2, 3, 4, 5         |
| General Manager, Development Services | 1, 2, 3, 4, 5, 14, 15 |
| Principal Civil Engineer              | 1, 2, 5, 8, 9, 14, 15 |
| Senior Civil Engineer                 | 1, 2, 5, 8, 9, 14, 15 |
| Senior Construction Inspector         | 1, 2, 5, 8, 9, 14, 15 |

|   |                       |
|---|-----------------------|
| Construction Inspector                    | 1, 2, 5, 8, 9, 14, 15 |
| Supervisor, Public Works, Maintenance     | 1, 2, 5, 8, 9, 14, 15 |
| Supervisor, Construction Inspection       | 1, 2, 5, 8, 9, 14, 15 |
| Administrative Specialist                 | 1, 2, 3, 4, 5         |
| Administrative Analyst                    | 1, 2, 3, 4, 5         |
| Superintendent, Public Works, Maintenance | 1, 2, 5, 8, 9, 14, 15 |
| Traffic Engineer                          | 1, 2, 5, 8, 9, 14, 15 |

**Economic Development:**

|   |                     |
|---|---------------------|
| Manager, Housing and Neighborhood Development | 1, 2, 3, 4, 5       |
| Employment Specialist                         | 1, 2, 3, 4, 5, 10   |
| Senior Planner                                | 1, 2, 4, 5          |
| Associate Planner                             | 1, 2, 4, 5          |
| Housing Analyst                               | 1, 2, 3, 4, 5       |
| General Manager, Economic Development         | 1, 2, 3, 4, 5       |
| Business Development Analyst                  | 1, 2, 3, 4, 5, 8, 9 |
| Manager, Business Development                 | 1, 2, 3, 4, 5       |
| Housing Program Manager                       | 1, 2, 3, 4, 5       |
| Manager, Business Development                 | 1, 2, 3, 4, 5       |
| Planning Officer                              | 1, 2, 4, 5          |

**Other Officials:**

|                             |               |
|-----------------------------|---------------|
| City Clerk                  | 1, 2, 3, 4, 5 |
| Chief Deputy City Clerk     | 1, 2, 3, 4, 5 |
| Assistant City Attorney     | 1, 2, 3, 4, 5 |
| Chief Deputy City Treasurer | 1, 2, 3, 4, 5 |

**Public Services:**

|  |                 |
|--|-----------------|
| Manager, Recreation Program                        | 1, 2, 3, 4, 5   |
| Senior Recreation Center Supervisor                | 2, 3, 5         |
| Manager, Human Services                            | 1, 2, 3, 4, 5   |
| General Manager, Public Services                   | 1, 2, 3, 4, 5   |
| Recreation Program Manager                         | 1, 2, 3, 4, 5   |
| Supervisor, Code Enforcement                       | 1, 2, 3, 4, 5   |
| Manager, Human Services                            | 1, 2, 3, 4, 5   |
| Manager, Public Safety Services                    | 1, 2, 3, 4, 5   |
| Manager, Public Safety and Community Services      | 1, 2, 3, 4, 5   |
| Program Manager, Community Services                | 1, 2, 3, 4, 5   |
| Senior Administrative Specialist                   | 2, 3, 5         |
| Senior Administrative Analyst                      | 2, 3, 5         |
| Superintendent, Recreation                         | 2, 3, 5, 14, 15 |
| Superintendent, Landscape and Building Maintenance | 2, 3, 5, 14, 15 |



Disclosure Category Descriptions

1. Reportable interests in real property in the jurisdiction (FPPC Form 700, Schedule B).
2. Reportable income (FPPC Schedule C – income other than gifts and travel payments; D – income from gifts; or E – income from travel payments).
3. Reportable investments (FPPC Form 700, Schedules A-1 and A-2).
4. Reportable business positions (FPPC Form 700, Schedule C).
5. Reportable gifts and travel gifts (FPPC Form 700 Schedules D and E).
6. Reportable income from any financial institution in which the City deposits funds, plans to deposit funds, or has deposited funds within two years prior to the time any statement is required under this conflict of interest code.
7. Reportable investments and business positions in any financial institution in which the City deposits funds, plans to deposit funds or has deposited funds within two years prior to the time a statement is required under this conflict of interest code.
8. Reportable income from persons or business entities that provide, plan to provide, or have provided within two years prior to the time a statement is required under this conflict of interest code, services or supplies to the City or Carson Redevelopment Agency at the direction of the disclosing employee or his or her department.
9. Reportable investments and business positions in business entities that provide, or plan to provide, or have provided within two years prior to the time a statement is required under this conflict of interest code, services or supplies to the City or Carson Redevelopment Agency at the direction of the disclosing employee or his or her department.
10. Reportable income from any City employee.
11. Reportable income from any mobilehome park in the jurisdiction or from any person or business entity having an interest in real property in the jurisdiction upon which a mobilehome is located.
12. Reportable interests in real property in the jurisdiction upon which a mobilehome park is located.
13. Reportable investments and business positions in the jurisdiction or in any business entity having an interest in real property in the jurisdiction upon which a mobilehome park is located.



14. Reportable income from persons and business entities and business positions in business entities having an interest in real property in the jurisdiction or that provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services within the jurisdiction subject to the inspection, review or approval of the City.
15. Reportable investments in any business entities having an interest in real property in the jurisdiction or that provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services within the jurisdiction subject to the inspection, review or approval of the City.
16. No disclosure is required by this conflict of interest code. Disclosure is already required by Government Code § 87200.



RESOLUTION NO. 10-30

A RESOLUTION OF THE CARSON REDEVELOPMENT AGENCY, A PUBLIC BODY CORPORATE & POLITIC, AND A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, REVISING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION & REPEALING RESOLUTION NO. 02-07

The CARSON REDEVELOPMENT AGENCY does hereby FIND, RESOLVE and ORDER as follows:

**Section 1.** The Political Reform Act of 1974, California Government Code §§ 81000 *et seq.*, requires the Carson Redevelopment Agency to periodically review its Conflict of Interest Code and make amendments as and when appropriate.

**Section 2.** On February 5, 2002, the Carson Redevelopment Agency adopted Resolution No. 02-07 amending its Conflict of Interest Code by incorporating, by reference, the conflict of interest code prepared by the Fair Political Practices Commission (*See* 2 California Code of Regulations § 18730). The Agency's Conflict of Interest Code designates certain Agency officials and employees as being required to disclose their financial interest(s) and sets forth the type of financial interests to be disclosed as required by the Political Reform Act.

**Section 3.** Given the passage of time and based upon additions, deletions and changes to various designated positions, the Agency hereby determines that it is both necessary and appropriate to update its Conflict of Interest Code to revise the list of designated positions and to assign appropriate disclosure categories for those positions.

**Section 4.** The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendix "A" in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Carson Redevelopment Agency.

**Section 5.** Incorporation by reference of 2 Cal. Code Regs. Section 18730 and any future amendments to it in this Agency's Conflict of Interest Code will save this Agency time and the expenditure of public funds by minimizing the actions required of this Agency Board to maintain conformity with the Political Reform Act.

**Section 6.** Pursuant to the provisions of California Government Code § 87311, officers, employees, members of the public, consultants, and residents of the jurisdiction were

[MORE]

EXHIBIT NO. 2



given due and proper notice and opportunity to present their views prior to adoption of this resolution.

**Section 7.** The Conflict of Interest Code adopted by this Redevelopment Agency on February 5, 2002, by Resolution No. 02-07, is hereby repealed in its entirety.

**Section 8.** Persons holding designated positions shall file a Statement of Economic Interest (Form 700) pursuant to Sections 4 and 5 of the Conflict of Interest Code as set forth in Cal. Code of Regs. § 18730b(4) & (5).

**PASSED, APPROVED, and ADOPTED** this 7<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Chairperson Jim Dear

ATTEST:

\_\_\_\_\_  
Agency Secretary Helen S. Kawagoe, MMC,

APPROVED AS TO FORM:

\_\_\_\_\_  
Agency Counsel



**APPENDIX "A"**  
**DESIGNATED POSITIONS**

| <b><u>DESIGNATED POSITION</u></b>    | <b><u>DISCLOSURE CATEGORIES</u></b> |
|--------------------------------------|-------------------------------------|
| Agency Member                        | 1                                   |
| Executive Director                   | 1                                   |
| Redevelopment Manager                | 2, 3, 4, 5                          |
| Redevelopment Project Manager        | 2, 5, 11, 12                        |
| Senior Redevelopment Project Manager | 2, 5, 11, 12                        |
| Agency Attorney                      | 1                                   |
| Assistant Agency Attorney            | 1                                   |
| Agency Treasurer                     | 1                                   |
| Agency Secretary                     | 1                                   |
| Principal Administrative Analyst     | 2, 3, 4, 5                          |
| Project Analyst                      | 2, 3, 4, 5                          |
| Senior Civil Engineer                | 2, 6, 7, 11, 12, 13                 |

### DISCLOSURE CATEGORIES

1. Disclosure is required on FPPC Form 700 pursuant to Government Code Section 87200. No additional disclosure is required by this Conflict of Interest Code.
2. Reportable interest in real property in the jurisdiction (FPPC Form 700, Schedule B).
3. Reportable income and business positions (FPPC Form 700, Schedules C - Income other than gifts and travel payments, and business positions).
4. Reportable investments (FPPC Form 700, Schedules A-1 and A-2).
5. Reportable gifts and travel gifts (FPPC Form 700, Schedule D and E).
6. Reportable income from persons and business entities and business positions in business entities providing or receiving, that plan to provide or have applied to Statement, is required pursuant to this conflict of interest code, services or supplies for the rehabilitation or construction of residential property under programs administered by the Agency or the City of Carson (FPPC Form 700, Schedule C).
7. Reportable investments in business entities providing or receiving, that plan to provide or have applied to receive, or that have provided or received within two years from the time a Statement is required pursuant to this conflict of interest code, services or supplies for the rehabilitation or construction of residential property under programs administered by the Agency or the City of Carson (FPPC Form 700, Schedule A-1 and A-2).
8. Reportable gifts from person and business entities providing or receiving, that plan to provide or have applied to receive, or that have provided or received within two years from the time a Statement is required pursuant to this conflict of interest code, services or supplies for the rehabilitation or construction of residential property under programs administered by the Agency or the City of Carson (FPPC Form 700, Schedules D and E).
9. Reportable income from persons and business entities and business positions in business entities providing, that plan to provide, or that have provided within two years from the time a Statement is required under this conflict of interest code, services, supplies or materials to the Agency (FPPC Form 700, Schedule C).
10. Reportable investments in business entities providing, that plan to provide, or that have provide within two years from the time a Statement is required under this conflict of interest code, services, supplies or materials to the Agency (FPPC Form 700, Schedules A-1 and A-2).
11. Reportable income from persons and business entities and business positions in business entities having an interest an interest in real property in the jurisdiction or that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this conflict of interest code, services within the jurisdiction subject to the