



# City of Carson Report to Redevelopment Agency

September 7, 2010  
New Business Consent

**SUBJECT: CONSIDERATION OF RESOLUTION NO. 10-30, REVISING THE CONFLICT OF INTEREST CODE OF THE CARSON REDEVELOPMENT AGENCY**

*W. Wynder*  
Submitted by William W. Wynder  
Agency Counsel

*Lisa Berglund for JG*  
Approved by Jerome G. Groomes  
Executive Director

## I. SUMMARY

This agenda item is intended to complete the biennial review of the Carson Redevelopment Agency conflict of interest code.

## II. RECOMMENDATION

WAIVE further reading and adopt Resolution No. 10-30, "A RESOLUTION OF THE CARSON REDEVELOPMENT AGENCY, A PUBLIC BODY CORPORATE & POLITICAL, 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."

## III. ALTERNATIVES

1. SEND the attached resolution back for further review by the Agency Counsel and staff.
2. TAKE any other action the Redevelopment Agency 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 code designates 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 agency's code must 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,

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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, 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.

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 Redevelopment Agency in this agenda item is to formally codify, by resolutions (Exhibit No. 1), the changes approved by the City Council to the Redevelopment Agency conflict of interest code.

V. **FISCAL IMPACT**

None.

VI. **EXHIBITS**

1. Resolution No. 10-30. (pgs. 4-8)

Prepared by: William W. Wynder, Agency Counsel

sf:Rev061902

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development Services	Public Services

**Action taken by Redevelopment Agency**

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

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. 1



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



inspection, review or approval of the Redevelopment Agency (FPPC Form 700, Schedule C).

12. Reportable investments in any business entities having 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 inspection, approval or review of the Redevelopment Agency (FPPC Form 700, Schedules A-1 and A-2).
13. Reportable gifts from persons and business entities having 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 inspection, review or approval of the Redevelopment Agency (FPPC Form 700, Schedules D and E).