

RESOLUTION NO. 57-21

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
ADOPTING A REVISED CONFLICT OF INTEREST CODE
AND RESCINDING RESOLUTION NO. 74-20 AND
EACH OTHER RESOLUTION IN CONFLICT HEREWITH**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, pursuant to the provisions of the Government Code, sections 87300 *et seq.* (the Code”), each agency is required to adopt a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code Reg. 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 after public notice and hearings to conform to amendments to the Political Reform Act; and

WHEREAS, the Fair Political Practices Commission recommends each agency incorporate Commission Regulations 18730 and 18720 by reference as the body of their Code, and all changes to the Political Reform Act and to Regulations 18730 and 18720 will automatically be part of the City’s Conflict of Interest Code; and

WHEREAS, the City of Morro Bay incorporated Commission Regulations 18730 and 18720 into its Conflict of Interest Code with the adoption of Resolution No. 74-20 adopted August 11, 2020, and its Conflict of Interest Code is in further need of updating; and

WHEREAS, the City Council has determined the documents attached to this Resolution, as Exhibits A and B, accurately set forth the current designated positions regulated by the Conflict of Interest Code, and the respective categories of financial interests which should be made reportable and those boards and commissions which should be designated and the respective categories of financial interests which should be made reportable by their members; and

WHEREAS, this action will ensure the City’s Conflict of Interest Code is up to date and in compliance with the law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, as follows:

SECTION 1. Resolution No. 74-20 and any parts or sections of any other resolutions in conflict with this Resolution are hereby rescinded and/or repealed as necessary to resolve such conflict.

SECTION 2. The terms of Title 2, Division 6 of the California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, incorporated herein by reference, along with the attached documents entitled Exhibit A, in which members and employees are designated, and Exhibit B in which disclosure

categories are set forth, constitute the Conflict of Interest Code for the City of Morro Bay.

SECTION 3. Pursuant to the Code, any person holding a designated position, including any person holding a designated position in an acting capacity, shall file a Statement of Economic Interest with the City Clerk. Additionally, any person hired for a position not covered by the Code, who makes or participated in making a governmental decision shall file a Statement of Economic Interest with the City Clerk.

SECTION 4. For persons holding the positions of Mayor, Councilmember, City Manager, City Attorney, and Planning Commissioner, the City Clerk may serve as the filing official by accepting the filing, retaining a copy, and forwarding the original to the Fair Political Practices Commission in Sacramento; or, for the persons holding those positions, filings may directly be made electronically with the Fair Political Practices Commission in Sacramento. For all other persons holding designated positions, the City Clerk is the filing officer and retains the statements. The City Clerk will make the statements available for public inspection and reproduction, pursuant to Government Code Section 81008.

SECTION 5. Any future amendments to the City's Conflict of Interest Code including, but not limited to, amendments to the designated positions list or to the financial disclosure categories, shall be made by resolution duly adopted by the City Council of the City of Morro Bay.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 24th day of August 2021 on the following vote:

AYES:	Headding, Addis, Barton, Heller
NOES:	None
ABSENT:	None
ABSTAIN:	None



JOHN HEADDING, Mayor

ATTEST:



DANA SWANSON, City Clerk

EXHIBIT A
RESOLUTION NO. 57-21

CITY OF MORRO BAY

LIST OF DESIGNATED POSITIONS
CONFLICT OF INTEREST CODE

Position	Disclosure Category
Mayor, Council Members, City Manager, City Attorney, City Clerk, City Treasurer, Planning Commission Members	As required by State law
<u>Boards, Committees & Commissions</u>	
Citizens Oversight / Citizens Finance Advisory Committee	1,2
Harbor Advisory Board	1,2
Public Works Advisory Board	1,2
Recreation & Parks Commission	1,2
<u>Administration</u>	
Assistant City Manager/Administrative Services Director	1-6
Human Resources Analyst	1,5,6
Information Systems Technician	1,2
Senior Administrative Services Management Analyst	2,3,5,6
<u>Finance</u>	
Finance Manager	1-6
<u>Harbor</u>	
Harbor Director	1-6
Harbor Business Coordinator	1-6
Harbor Patrol Supervisor	2,4,5,6
<u>Fire</u>	
Fire Chief	1-6
Fire Captain	1-6
Fire Marshal	1-6
Administrative Technician	2,5,6
<u>Police</u>	
Police Chief	1-6
Police Commander	1-6
Support Services Manager	2,3,5,6

Public Works

Public Works Director	1-6
Management Analyst	1,2,4,5,6
City Engineer	1-6
Senior Engineer	1-6
Associate Engineer	2,3,4,5,6
Assistant Engineer	2,3,4,5,6
Environmental Programs Manager	1-6
Utilities Division Manager	1-6
Consolidated Maintenance Superintendent	1-6
Wastewater Systems Supervisor	1-6
Lead Utility Operator	1-6
Consolidated Maintenance Field Supervisor	1-6

Community Development

Community Development Director	1-6
Senior Planner	1-6
Associate Planner	1-6
Building Inspector	1-6

Recreation

Recreation Services Division Manager	1-6
Recreation Supervisor – Sports Services	5,6
Recreation Supervisor – Youth Services	5,6

Consultants

1,2

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 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 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 disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

EXHIBIT B
RESOLUTION NO. 57-21

CITY OF MORRO BAY

DISCLOSURE CATEGORIES

General Provisions

When a designated employee or individual is required to disclose investments, business positions and sources of income, he or she need only disclose investments in business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two (2) years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City. When a designated employee or individual is required to disclose real property, he or she need only disclose that which is located in whole or in part within or not more than two (2) miles outside the boundaries of the City or within two (2) miles of any land owned or used by the City.

Designated employees shall disclosed their financial interests pursuant to the appropriate disclosure category as indicated in Exhibit A.

Disclosure Categories

- Category 1: All investments, business positions and sources of income. (See Statement of Economic Interests Schedules A-1, A-2, C, D and E.)
- Category 2: All interests in real property. (See Statement of Economic Interests, Schedule B.)
- Category 3: All investments, business positions, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition of real property. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)
- Category 5: Investments in business entities and sources of income of the type which contracts with the City to provide services, supplies, materials, machinery or equipment to any City department. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)
- Category 6: Investments in business entities and sources of income of the type which contracts with the City to provide to the designated employee's department services, supplies, materials, machinery, or equipment. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)