

RESOLUTION NO. 2016R-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS ADOPTING THE 2016 CONFLICT OF INTEREST CODE IN ACCORDANCE WITH THE POLITICAL REFORM ACT

WHEREAS, the City Council adopted a Conflict of Interest Code for the City on October 28, 2014, by Resolution No.14R-46.

WHEREAS, the City Council, in accordance with the Political Reform Act, conducts a review of the Conflict of Interest Code biennially.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY FIND, RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The City Council finds and declares as follows:

- A. The Political Reform Act ("PRA"; Gov't. Code §§ 81000, *et seq.*) and regulations adopted pursuant to the PRA ("FPPC Regs.; 2 Cal. Code of Regs. §§ 18700, *et seq.*) requires local governments to adopt conflict of interest codes.
- B. Section 18730 of the FPPC Regs. sets forth a standard conflict of interest code that may be adopted by local agencies.
- C. On or about June 2016 the City Clerk's Office conducted a review of the City's Conflict of Interest Code in accordance with Government Code § 87306.5 and determined that changes to the code were needed at that time.
- D. To fulfill its obligations under the PRA and FPPC Regs., the City Council will repeal Resolution 14R-46, adopted October 28, 2014, and adopt a new Conflict of Interest Code as set forth below.

Section 2. Pursuant to FPPC Regs. § 18730, the City of Chino Hills adopts a Conflict of Interest Code to read as follows:

CONFLICT OF INTEREST CODE FOR THE CITY OF CHINO HILLS

A. Incorporation of Standard Code.

Under the terms of the Political Reform Act (Gov't Code §§ 81000 *et seq.*) and regulations promulgated by the Fair Political Practices Commission (2 Cal. Code of Regs. §§ 18700, *et seq.*), the City is required to adopt a Conflict of Interest code. The City of Chino Hills incorporates by reference 2 Cal. Code of Regs. § 18730, and its amendments, into this Conflict of Interest Code including, without limitation, the designation of officials and employees and the disclosure categories set forth below (collectively, "the Conflict of Interest Code").

B. Filing of Statements

Designated officials, officers and employees must file Statements of Economic Interest (Form 700) with the City Clerk or Assistant City Clerk. After receiving Statements of Economic Interests from City Council members, the City Treasurer, Planning Commission members, City Attorney, and City Manager, the City Clerk or Assistant City Clerk, must forward the original to the Fair Political Practices Commission and retain a copy for the City's files.

Under Government Code § 82011(c), the City Council is the code reviewing body with respect to the Conflict of Interest Code.

C. Review Procedure

Under Government Code § 87306.5, not later than July 1 of each even numbered year, the City Council must direct the City Clerk or Assistant City Clerk, to review the Conflict of Interest Code. The City Clerk or Assistant City Clerk must submit an amended Conflict of Interest Code to the City Council if a change in the Conflict of Interest Code is necessitated by changed circumstance. If changes are not required, the City Clerk or Assistant City Clerk must submit a written statement to that effect to the City Council not later than October 1 of the same year.

D. Designated Positions

The positions attached to this Resolution as Exhibit A entail the making or participation in the making of decisions that may have a foreseeable material effect on the officials or officer's financial interests.

E. Categories of Reportable Economic Interests

Designated positions shall file according to their respective disclosure categories as shown on Exhibit A. Disclosure Category Definitions are attached as Exhibit B.

F. Disclosure Requirements

Designated employees must disclose all interests as required by the Political Reform Act and regulations promulgated thereto. When a new position classification is created by the Human Resources Department for City Council approval, the City Manager will recommend that the City Council decide whether the new position will be required to file a Statement of Economic Interest and be included as a designated position in the Conflict of Interest Code.

When the City Council established a Commission, Commission, Committee, or Board, the City Council will decide whether the members of the Commission, Committee, or Board, be included as a designated position in the Conflict of Interest Code and the members of the Commission, Committee, or Board so

designated by the City Council, will be required to file a Statement of Economic Interest.

Section 3. Resolution No. 14R-46, adopted October 28, 2014, and any other resolution or policy amending said Code, are superseded by this Resolution and are hereby repealed in their entirety.

Section 4. Repeal of any provision of any resolution or policy herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

Section 5. This Resolution will become effective immediately upon adoption.

Section 6. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED THIS 13th day of December, 2016.


RAY MARQUEZ, MAYOR

ATTEST:


CHERYL BALZ, CITY CLERK

APPROVE AS TO FORM:


MARK D. HENSLEY, CITY ATTORNEY

EXHIBIT A
DESIGNATED POSITIONS

<u>Designated Position</u>	<u>Disclosure Category</u>
Accounting Supervisor	5,6
Assistant Building Official	3,4,6
Assistant City Attorney	1,2
Assistant City Clerk	5,6
Assistant City Engineer	1,2
Assistant City Manager	1,2
Assistant Community Development Director – Building Official	1,2
Assistant Finance Director	1,2
Assistant Planner	3,4,6
Assistant to the City Manager	1,2
Associate Planner	3,4,6
Billing Supervisor	5,6
Building Inspector I and II	3,5,6
Chino Hills Capital Improvement Corporation	See Below
Chino Hills Parking Authority	See below
Chino Hills Financing Authority	See Below
City Clerk	4,6
City Engineer	1,2
Code Enforcement Officer I and II	3,5,6
Code Enforcement Supervisor	3,5,6
Community Development Director	1,2
Community Relations Manager	4,6
Community Services Director	3,4,6
Community Services Manager	3,5,6
Community Services Supervisor	5,6
Consultant	See below
Customer Service Supervisor	5,6
Deputy City Manager	1,2
Environmental Program Coordinator	5,6

Environmental Program Inspector	3,5,6
Exempt Officials	1,2
Facilities Maintenance Supervisor	5,6
GIS Analyst	5,6
Healthy Cities Steering Committee (council appointed members only)	1,2
Information Technology Manager	4,6
Maintenance and Operations Manager	2,3,4,6
Management Analysts– City Manager	5,6
Management Analysts– Community Development	2,3,5,6
Management Analysts– Community Relations	5,6
Management Analysts– Community Services	5,6
Management Analysts– Engineering	2,3,5,6
Management Analysts– Finance	4,6
Management Analysts– Public Works	2,3,4,6
New Positions	See below
Parks and Open Space Supervisor	3,5,6
Parks and Recreation Commission (excluding non-voting members)	1,2
Planning Manager	2,3,5,6
Public Information Officer	5,6
Public Works Commission	1,2
Public Works Director	1,2
Public Works Inspection Supervisor	3,5,6
Sanitation Supervisor	3,5,6
Senior Accountant	5,6
Senior Engineer	2,3,5,6
Senior Human Resources Analyst	4,6
Senior Information Technology Analyst	4,6
Senior Management Analyst – Community Services	5,6
Senior Planner	2,3,5,6
Street Maintenance Supervisor	3,5,6
Utility Billing Supervisor	5,6
Water and Sewer Manager	2,3,5,6

Water Distribution Supervisor	3,5,6
Water Production Supervisor	3,5,6

NEW POSITIONS AND CONSULTANTS:

New positions and consultants, pursuant to FPPC Reg. § 18734, must be included in the list of designated employees upon determination of the City Manager that the new position or consultant effectively is acting as a designated employee. Such new positions and consultants must disclose pursuant to the broadest disclosure in the Code unless, the City Manager determines that the broadest disclosure is not necessary and sets disclosure that is more tailored to positions with a limited range of duties. The City Manager's determination must be in writing, and must show that a particular new position or consultant hired for a 'designated position' is performing a range of duties sufficient in scope that the consultant or new employee effectively is acting as a designated employee, and therefore must fully comply with the disclosure requirements described in this Section. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements. Broadest disclosure shall be defined as Disclosure Categories 1 and 2. The City Manager's determination is a public record and must be retained for public inspection by the City Clerk in the same manner and location as this Conflict of Interest Code.

EXEMPT OFFICIALS:

The Mayor, City Council, Members of the Planning Commission, City Manager, City Attorney, City Treasurer, and other public officials who manage public investments are all required to file under Government Code Section 87200 with the Fair Political Practices Commission.

EXHIBIT B
DISCLOSURE CATEGORY DEFINITIONS

Designated persons in Category "1" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the City.

Designated Persons in Category "2" Must Report:

All interests in real property which is located in whole or in part within, or not more than two (2) miles outside the jurisdiction of the City.

Designated persons in Category "3" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in development, construction, appraisal, or the acquisition or sale of real property within the jurisdiction of the City.

Designated persons in Category "4" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type utilized by the City.

Designated persons in Category "5" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit, or division.

Designated persons in Category "6" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are subject to the regulatory, permit, or licensing authority of the designated position's department, unit, or division.