



City of La Quinta

CITY/ SA / HA / FA MEETING DATE: July 15, 2014

AGENDA CATEGORY:

ITEM TITLE: INTRODUCE AN ORDINANCE AMENDING SECTION 2.60.020 OF THE LA QUINTA MUNICIPAL CODE RELATING TO THE CONFLICT OF INTEREST CODE, AND APPROVE THE CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION'S 2014 LOCAL AGENCY BIENNIAL NOTICE

BUSINESS SESSION: 1

CONSENT CALENDAR:

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

- A) Move to take up Ordinance No. 519 by title and number only and waive further reading.
- B) Move to introduce at first reading, Ordinance No. 519 amending Section 2.60.020 of the La Quinta Municipal Code relating to the City's conflict of interest code.
- C) Move to approve and accept the California Fair Political Practices Commission's (FPPC) *2014 Local Agency Biennial Notice*.

EXECUTIVE SUMMARY:

- The Political Reform Act requires every local government to review its Conflict of Interest Code (Code) biennially and submit the *Local Agency Biennial Notice* (Attachment 1) to the code reviewing body. The City Council is the code reviewing body for the City of La Quinta.
- The purpose of the Code is to specifically designate positions that make or participate in the making of governmental decisions, which may foreseeably have a material effect on any financial interests of the persons holding those positions.
- City officials in the positions designated on the attached ordinance must disclose their financial interests annually and refrain from participation in any decision(s) that may affect them financially.
- The annual Statement of Economic Interest filings are the basis for the transparency that California's Political Reform Act requires of public officials. Statements of Economic Interest are public documents filed with the City Clerk.

FISCAL IMPACT:

None.

BACKGROUND/ANALYSIS:

Public officials, both elected and appointed, are classified in one of two disclosure categories based on their level of influence on city financial decisions. Officials in the “full disclosure” category have substantial influence on decisions and must disclose all investments, business positions, and interests in real property held on the date of assuming office and income received during the 12 months immediately preceding assuming office.

Officials in the “limited disclosure” category have less influence on decisions. These positions must disclose all investments, business positions, and income from sources located in or doing business in the city, any interests in real property located in the city, and property located not more than two miles outside the boundary of the city or property located within two-miles of any property owned or used by the city.

Review of the positions, duties, and influence of public officials has resulted in the following recommended changes to Section 2.60.020 of the Municipal Code:

Add the following as a designated position for “limited disclosure” filing:
Assistant to the City Manager

Update the titles of the following positions; these titles changed as a result of the reorganization:

Building & Safety Director/Planning Director to Director of Community
Development
Building and Safety Manager to Building Official
Human Resources/General Services Manager to Human Resources/Risk
Manager

Delete the following titles; these positions were eliminated as a result of the reorganization:

Community Safety Manager
Economic Development/Housing Manager
Museum Services Manager

ALTERNATIVES:

The City Council, as the code reviewing body, is required by state law to act on one of the following alternatives: (a) approve the proposed code as submitted, (b) revise the proposed code and approve it as revised, or (c) return the proposed code for revision and resubmission within 60 days.

Report prepared by: Susan Maysels, City Clerk
Report approved for submission by: Frank J. Spevacek, City Manager

Attachment: 1. *2014 Local Agency Biennial Notice*

ORDINANCE NO. 519

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LA QUINTA, CALIFORNIA, AMENDING SECTION 2.60.020
OF THE LA QUINTA MUNICIPAL CODE RELATING TO THE
CITY'S CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission (the "FPPC") has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code which can be incorporated by reference; and

WHEREAS, the City of La Quinta (the "City") has adopted by reference the FPPC's regulation as well as a list of designated employees as Chapter 2.60 of the La Quinta Municipal Code (the "Code"); and

WHEREAS, the City desires to make changes to the list of designated employees and disclosure categories to reflect the current classifications/positions within the City; and;

WHEREAS, the place of filing of the Statements of Economic Interests shall be in accordance with Government Code Section 87500; and

WHEREAS, Statements of Economic Interest are public documents available from the City Clerk of the City of La Quinta; and

WHEREAS, the City believes these changes are in the best interests of the citizens of the City of La Quinta.

NOW THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 2.60: Section 2.60.020 of the La Quinta Municipal Code is amended to read as follows:

2.60.020 DESIGNATED POSITIONS, DISCLOSURE CATEGORIES

A. Full disclosure on Form 700, Statement of Economic Interest, shall be required from the following positions pursuant to Government Code Section 87200:

DESIGNATED POSITIONS

City Attorney

Assistant and/or Deputy City Attorney(s)

City Manager

Assistant and/or Deputy City Manager(s)

Finance Director/City Treasurer

Mayor

Members of the City Council/Financing Authority/Housing Authority

Members of the Oversight Board to the Successor Agency
Members of the Planning Commission
Members of the Successor Agency to the Dissolved Redevelopment Agency
Candidates for any of the positions above

- B. Limited disclosure on Form 700, Statement of Economic Interest, shall be required from the following officeholders pursuant to Government Code Section 87302:

DESIGNATED POSITIONS

Accounting Manager
Assistant to City Manager
Building Official
City Clerk
Director of Community Development
Director of Community Services
Director of Public Works/City Engineer
Golf & Park Manager
Human Resources/Risk Manager
Maintenance Manager
Management Analyst
Members of the Community Services Commission
Members of the Historic Preservation Commission
Members of the Housing Commission
Members of the Investment Advisory Board
Planning Manager
Principal Engineer
Principal Planner

- C. Limited disclosure on Form 700, Statement of Economic Interest, shall be required from the following positions pursuant to Government Code Section 82019(a) and FPPC Regulation 18701, except that 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 the 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 this conflict of interest code.

DESIGNATED POSITIONS

Consultants

- D. Definitions of Disclosure Categories

1. Full Disclosure – All investments, business positions, and interests in real property held on the date of assuming office and income received during the 12 months immediately preceding assuming office. In accordance with Government Code Section 87500, filers shall submit one original to the City Clerk who shall make and retain a copy and forward the original to the FPPC which shall be the filing officer.

2. Limited Disclosure - All investments, business positions, and income from sources

located in or doing business in the city and any interests in real property located in the city, property located not more than two miles outside the boundary of the city or property located within two-miles of any property owned or used by the city. In accordance with Government Code Section 87500, filers shall submit one original to the City Clerk who shall be the filing officer on behalf of the City of La Quinta, which shall be the code reviewing body.

SECTION 2. EFFECTIVE DATE: This Ordinance shall be in full force and effect thirty days (30) days after its adoption.

SECTION 3. POSTING. The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

PASSED, APPROVED, and ADOPTED this 5th day of August 2014, by the following vote:

AYES: Councilmembers

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(City Seal)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

2014 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No: _____

E-Mail: _____

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:

(Mark all that apply.)

- Include new positions (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete 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 more than five years old, amendments may be necessary.)

Verification

This agency's conflict of interest code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to those positions accurately require the disclosure of 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. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

Complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2014**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF THE CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC

