

F. Resolution Adopting an Amended Conflict of Interest Code

Recommendation: To approve a resolution rescinding Resolution 2022-49 and adopting a Conflict-of-Interest Code applicable to designated positions by incorporating Regulation 2, California Code of Regulations, Section 8730 – the Standardized Conflict-of-Interest Code as well as Appendices in which members and employees are designated and disclosure categories are set forth.

RESOLUTION 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, RESCINDING RESOLUTION 2022-49 AND ADOPTING A CONFLICT-OF-INTEREST CODE APPLICABLE TO DESIGNATED POSITIONS BY INCORPORATING REGULATION 2, CALIFORNIA CODE OF REGULATIONS, SECTION 18730 – THE STANDARDIZED CONFLICT-OF-INTEREST CODE

WHEREAS, The California Fair Political Practices Commission has adopted 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 which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings; and

WHEREAS, a Conflict-of-Interest Code for City Officials, Employees and Commissioners was adopted on October 12, 2022, by Resolution 2022-49; and

WHEREAS, since the last revision of Cathedral City's Conflict-of-Interest Code on October 12, 2022, it has been determined that there are proposed revisions to the Code; and

WHEREAS, Government Code Section 87306.5 requires every local agency to review its Conflict-of-Interest Code in all even numbered years.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Resolution 2022-49 is hereby rescinded in its entirety.

SECTION 2. In compliance with Government Code 87300, the City Council hereby adopts the attached Conflict-of-Interest Code, Exhibit "A," which incorporates Regulation 2, California Code of Regulations, Sections 18730 – The Standardized Conflict-of-Interest Code, by reference, as well as Appendices in which members and employees are designated and disclosure categories are set forth.

SECTION 3. The City Clerk shall certify to the passage and adoption of this Resolution, and it shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 9th day of October, 2024.

Mark Carnevale, Mayor
Cathedral City

ATTEST:

Tracey R. Hermosillo, City Clerk
Cathedral City

I, TRACEY R. HERMOSILLO, CITY CLERK of the City of Cathedral City, do hereby certify that the foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Cathedral City held on the 9th day of October, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracey R. Hermosillo, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney

EXHIBIT "A"
CONFLICT-OF-INTEREST CODE
CATHEDRAL CITY

SECTION 1. AUTHORITY. This Code is adopted pursuant to and in compliance with Section 87300 of the California Government Code.

SECTION 2. EFFECT. This Code is in addition to State laws pertaining to conflicts of interest of Cathedral City officers and employees and is not intended to abridge or otherwise modify such laws.

SECTION 3. STANDARDIZED CODE ADOPTED. The terms of the California Code of Regulations Section 18730 and any amendments to it, duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference along with the attached Appendix "A", in which officials and employees are specified and Appendix "B", in which disclosure categories are set forth, constitute the Conflict-of-Interest Code of the City of Cathedral City.

The herein Conflict-of-Interest Code of the City of Cathedral City, so adopted, amends and replaces any Conflict-of-Interest Code of the City of Cathedral City previously in effect to conform to the herein newly adopted Code. All terms or words in this Conflict-of-Interest Code and its Appendices shall have such meanings as are associated thereto in the Political Reform Act, as amended from time to time.

SECTION 4. STATEMENTS. Designated employees and others shall file statements of economic interest with the City Clerk, or their designee, who shall be and will perform the duties of the filing officer for the City of Cathedral City. All newly designated employees and others shall file an initial statement within thirty (30) days after the effective date of the herein Code. The annual statement of economic interests shall be duly filed no later than April 1 of each calendar year.

SECTION 5. EFFECTIVE DATE. This Code shall take effect immediately upon its approval by the City Council of Cathedral City.

APPENDIX “A”

The following is a listing of positions for which the employee is required to submit Statements of Economic Interests (Form 700) pursuant to the Political Reform Act of 1974:

POSITIONS

DISCLOSURE CATEGORIES

Accountant II	1, 2, 3
Administrative Analyst II	1, 2, 3
Administrative Assistant II – Fire	1, 2, 3
Assistant City Manager	1, 2, 3, 4, 5, 6
Associate Planner	1, 2, 3, 4, 6
Battalion Chief – Fire Department	1, 2, 3, 4, 5
Building Inspector I/II	1, 2, 3, 6
Chief Building Official	1, 2, 3, 4, 5, 6
Chief Technology Officer	1, 2, 3, 4, 5
City Clerk	1, 2, 3, 4, 5
City Engineer	1, 2, 3, 4, 5, 6
Code Compliance Manager	1, 2, 3, 4, 5, 6
Communications/Events Manager	1, 2, 3, 4, 5
Deputy Fire Chief	1, 2, 3, 4, 5
Deputy Police Chief	1, 2, 3, 4
Deputy City Clerk	1, 2, 3
Director of Community and Economic Development	1, 2, 3, 4, 5, 6
Director of Public Works	1, 2, 3, 4, 5, 6
Deputy Director of Community and Economic Development	1, 2, 3, 4, 5, 6
Economic Development Manager	1, 2, 3, 4, 5, 6
Engineering Field Project Manager	1, 2, 3, 4, 5, 6
Facilities Manager	1, 2, 3, 4, 5, 6
Financial Services Director	1, 2, 3, 4, 5, 6
Fire Chief	1, 2, 3, 4, 5, 6
Fire Marshal	1, 2, 3, 4, 5, 6
Fleet and Equipment Maintenance Coordinator	1, 2, 3
Fire & Life Safety Inspector	1, 2, 3
Human Resources Coordinator	1, 2, 3
Human Resources Manager	1, 2, 3, 4, 5
Human Resources Specialist	1, 2, 3
Licensing Officer	1, 2, 3, 4, 5
Public Works & Environmental Conservation Manager	1, 2, 3, 4, 5, 6
Plans Examiner I/II	1, 2, 3
Police Chief	1, 2, 3, 4, 5
Police Commander	1, 2, 3, 4, 5
Public Works Supervisor	1, 2, 3, 4,
Senior Accountant	1, 2, 3, 4, 5
Senior Analyst	1, 2, 3

Consultants

*

*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 limitations:

The City Manager or Agency's Executive Director 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 the description, a statement of the extent of disclosure requirements, the City Manager/Executive Director'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.

CONSULTANTS

Commission Regulation § 18700 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- A. Makes a governmental decision whether to:
 - a. Approve a rate, rule or regulation;
 - b. Adopt or enforce a law;
 - c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 - d. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - e. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - f. Grant agency approval to a plan, design, report, study or similar item;
 - g. Adopt or grant agency approval of policies, standards or guidelines for the agency or for any subdivision thereof; or
- B. Serves in a staff capacity with the agency and that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict-of-Interest Code.

APPENDIX “B”

APPENDIX OF DISCLOSURE CATEGORIES

<u>Category</u>	<u>Description</u>
Category 1	Persons in this category shall disclose all interests in real property within the jurisdiction if the interest has a value of \$2,000 or more. Real property shall be deemed to be within the jurisdiction if the property or any part of it is within or not more than 2 miles outside the boundary of the City.
Category 2	Persons in this category shall disclose all investments and business positions. Investment means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time of any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds two thousand dollars (\$2,000). The term “investment” does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, or beneficially, a ten percent interest or greater.
Category 3	Persons in this category shall disclose all income received from any source located or doing business within the jurisdiction or expecting to do business within the jurisdiction. Income received from a public agency need not be disclosed. Income of persons in this category also includes a pro rata share of any income of any business entity located or doing business within the jurisdiction in which the person or spouse owns, directly, indirectly or beneficially a ten percent interest or greater.
Category 4	Persons in this category shall disclose all income from investments in and business positions with businesses which manufacture or sell supplies, equipment, or services of the type utilized by the Department in which the person is employed or which is subject to the jurisdiction of an appointed Commission or Board.

Category 5

Persons in this category shall disclose all investments in business positions with an income from all banks, savings and loan associations, insurance companies, investment companies, stockbrokers, title companies, financial consultants, data processing firms or consultants.

Category 6

Persons in this category shall disclose all business positions with income from and investments in business entities in the construction or building industry within the jurisdiction.