TOWN OF FAIRFAX
STAFF REPORT

To: **Mayor, Members of the Town Council** **Date:** **April 4, 2012**

From: **Michael Rock, Town Manager** MKR
Judy Anderson, Town Clerk

Subject: **Adoption of Resolution No. 1219, A Resolution of the Town Council of the Town of Fairfax Adopting a Revised Exhibit "A" to the Conflict of Interest Code for the Town of Fairfax**

RECOMMENDATION

Adopt Resolution No. 1219, A Resolution of the Town Council of the Town of Fairfax Adopting a Revised Exhibit "A" to the Conflict of Interest Code for the Town of Fairfax

DISCUSSION

General Law cities in California are required to review their Conflict of Interest Code every two years. As a result of this review, I am recommending removing the General Plan Advisory Committee, the Senior Accountant and the Design Review Board and adding the General Plan Implementation Committee and the Finance Director as designated filers. We previously replaced "Finance Director" with "Senior Accountant" and should change it back since we again have a Finance Director.

FISCAL IMPACT

None.

ATTACHMENTS

Ordinance No. 692
Resolution No. 1219, Adopting a Revised Exhibit "A" to Ordinance 692

AGENDA ITEM # 9

RESOLUTION NO. 12-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADOPTING A REVISED EXHIBIT "A" TO THE CONFLICT OF INTEREST CODE FOR THE TOWN OF FAIRFAX

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 (FPPC) has adopted a regulation (2Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code which may be incorporated by reference in an agency's code, and which may be amended by the FPPC to conform to amendments in the Political Reform Act, following public notice and hearings; and

WHEREAS, the terms of 2 Cal. Code of Regs.18730 and any amendment to it duly adopted by the FPPC have previously been incorporated by reference by Section 2.48.010 of the Town Code, which, together with the list of designated positions and disclosure categories adopted from time to time by the Town Council (the "Designated List") constitutes the Conflict of Interest Code for the Town of Fairfax; and

WHEREAS, the Town has conducted its biennial review of its Conflict of Interest Code and wishes to adopt the revised Designated List attached hereto as Exhibit A to replace all prior designations of positions and disclosure categories; and

WHEREAS, the designated employees, officials and consultants on the Designated List shall file statements of economic interests with the Town of Fairfax and the Town shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008;

NOW, THEREFORE, BE IT RESOLVED, to establish the Designated List attached as Exhibit "A" of the Town of Fairfax Conflict of Interest Code pursuant to Section 2.48.010 of the Town Code.

The Foregoing Resolution was adopted at a regular meeting of the Fairfax Town Council held on April 4, 2012, by the following vote:

AYES:

NOES:

ABSENT:

_____
PAM HARTWELL-HERRERO, MAYOR

Attest:

_____
Town Clerk

Exhibit "A" of Chapter 2.48 of the Town of Fairfax
Conflict of Interest Code

DESIGNATED OFFICIALS

	Form	Disclosure Category
Parks and Recreation Commission	700	1,2,3
General Plan Implementation Committee	700	1,2,3
Planning and Building Services Director	700	1,2,3
Director of Public Works	700	1,2,3
Building Official	700	1,2,3
Finance Director	700	1,2,3
Police Chief	700	1,2,3
Town Clerk	700	1,2,3
Assistant to the Town Manager	700	1,2,3
Town Engineer	700	1,2,3
Senior Planner	700	1,2,3
Consultant** (Subject to Town Manager Direction)	700	1,2,3

(Any employee serving dual roles may file a combined statement by reporting the broadest range of disclosure.)

** A Consultant is defined as a person who provides under contract, information, advice, recommendation or counsel to any agency. Consultant shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category subject to the following limitations:

The Town 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 the description, a statement of the extent of disclosure requirements. The Town 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.

PUBLIC OFFICIALS WHO FILE A STATEMENT OF ECONOMIC INTERESTS PURSUANT TO GOVERNMENT CODE §87200:

	Form	Disclosure Category
Town Council	700	1,2,3
Planning Commission	700	1,2,3
Town Manager	700	1,2,3
Town Attorney	700	1,2,3
Town Treasurer	700	1,2,3

DISCLOSURE CATEGORY REQUIREMENTS

1. Investments and business positions in any business entities which, within the last two years, have contracted, or plans to do business in the jurisdiction, with the Town to provide services, supplies, materials, machinery or equipment.

2. Income from any other source which, within the last 12 months, has contracted, or plans to do business in the jurisdiction, with the Town to provide services, materials, machinery or equipment to the Town.

3. Interests in real property, located in whole or in part either within the boundaries of the Town, or within two miles of the boundaries of the Town, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property. This information need not be provided with respect to an interest in real property that is used as the principal residence of the designated member or employee

DISCLOSURE CATEGORY REQUIREMENTS

Broadest Disclosure per Applicable Requirement (Form 700) including:

- All sources of income.

- Interest in Real Property, and

- Investments and Business positions in business entities

DESIGNATED CONSULTANT POSITIONS

The Town Manager has determined that the following Consultant positions are "designated positions" required to file a statement of economic interests pursuant to Chapter 2.48 of the Town Code, as indicated:

Planning Consultants
Engineering Consultants