



TOWN OF FAIRFAX

STAFF REPORT

February 3, 2016

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk/Management Analyst ^{LG}

SUBJECT: Adopt a Resolution Confirming Biennial Review of the Conflict of Interest Code (Form 700 filers) to remove the General Plan Implementation Committee, add Town Staff Positions, and add the Fairfax Open Space Committee

RECOMMENDATION

Adopt the Resolution Confirming Biennial Review of the Conflict of Interest Code with Limited Amendments.

DISCUSSION

The Political Reform Act (Government Code Section 81000 et seq.) requires local government agencies to adopt and promulgate conflict of interest codes, and to conduct a biennial review and revise them if necessary. Designations of positions and disclosure categories are made pursuant to 2 CCR 1870, which essentially states that a designated individual is one who could make a final governmental decision OR who makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment by another public official.

Staff is recommending that the Council make three changes the list of designated positions (Form 700 filers).

- Remove the General Plan Implementation Committee, as members of this Committee do not make or participate in making governmental decisions that may foreseeably have a material effect on any financial interest.
- Add the Fairfax Open Space Committee. The members of this Committee make or participate in making governmental decisions around land use (e.g., recommend acquisition of property), which may foreseeably have a material effect on financial interests.
- Add the new management positions created since the last revision to the Town's Conflict of Interest Code, 'Principal Planner' and 'Management Analyst'.

FISCAL IMPACT

None

ATTACHMENT

Resolution

RESOLUTION 16-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
CONFIRMING BIENNIAL REVIEW
OF THE CONFLICT OF INTEREST CODE
FOR THE TOWN OF FAIRFAX WITH LIMITED AMENDMENTS

WHEREAS, the Political Reform Act (Government Code Section 81000 et seq.) requires local government agencies to adopt and promulgate conflict of interest codes, and to conduct a biennial review and revise them if necessary; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. 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 the current Conflict of Interest Code which the Town last updated in 2014 pursuant to Resolution 14-14 and wishes to revise the Designated List as per the attached Exhibit A, in order to reflect the following changed circumstances or inadvertent errors:

1. Members of the Town's General Plan Implementation Committee were incorrectly included in the Designated List. Given that members of this Committee do not make or participate in making governmental decisions that may foreseeably have a material effect on any financial interest, they should not have been included in the Designated List and hereby removed; and
2. The Town Council has formally appointed the Fairfax Open Space Committee, whose members will make or participate in making governmental decisions for purposes of the Political Reform Act, and are thus now included in the Designated List; and
3. The Town Council approved the new positions of 'Management Analyst' and 'Principal Planner' since the last revision to the Town's Conflict of Interest Code. These new management positions are now included in the Designated List.

WHEREAS, the designated employees, officials and consultants on the revised 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, that the Town Council hereby adopts the revised Designated List attached hereto as "Exhibit A" to replace all prior designations of positions and disclosure categories 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 Town Council of the Town of Fairfax held in said Town on February 3, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Renée Goddard, Mayor

Attest: _____
Michele Gardner, 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
Fairfax Open Space 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
Principal Planner	700	1,2,3
Management Analyst	700	1,2,3
Consultant**	700	1,2,3
(Subject to Town Manager Discretion)		

(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 CATEGORIES

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, and
- 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