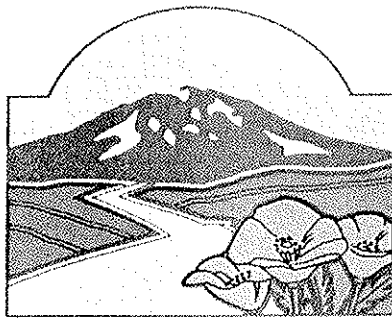


CITY OF  
ANDERSON



# AGENDA ITEM

May 4, 2010, City Council Meeting

Approved for Submittal By:

Dana Shigley  
City Manager

A handwritten signature in black ink, appearing to read 'Dana Shigley', written over a horizontal line.

To Be Presented By:

Mike Fitzpatrick  
City Attorney

A handwritten signature in black ink, appearing to read 'Mike Fitzpatrick', written over a horizontal line.

To: Honorable Mayor and Members of the Anderson City Council

Through: Dana Shigley, City Manager  
Telephone 378-6646

From: Michael C. Fitzpatrick  
Telephone 229-1370

Date: May 4, 2010

## SUBJECT

Bi-annual Review of Conflict of Interest Code.

## RECOMMENDATION

The City Attorney recommends that the Council:

Adopt a resolution updating the City Conflict of Interest Code.

## DISCUSSION and BACKGROUND

State law requires the City to review its Conflict of Interest Code every two years on even numbered years to ensure that it is current. The City's Conflict of Interest Code was last updated on June 17, 2008, by Resolution No. 08-56. The proposed revisions to the Code are attached to this report as Appendix A to the resolution. Appendix B to the resolution lists disclosure categories.

## ATTACHMENT

1. Resolution.

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ANDERSON  
ADOPTING REVISIONS TO ITS CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Section 81000 et. Seq. requires state and local government agencies to adopt conflict of interest codes and to review those codes in even numbered years to ensure that they are current; and

WHEREAS, the Conflict of Interest Code now in effect in the City of Anderson has been reviewed and there are revisions needed to reflect current conditions in view of changes in employee titles and positions:

NOW, THEREFORE, BE IT RESOLVED that:

- I. The list of designated employees required to file statements of economic interest is hereby amended to include all those officers and employees as set forth in "Appendix A," which is attached hereto and incorporated herein by this reference.
- II. Disclosure categories are set forth in "Appendix B," which is attached hereto and incorporated herein by this reference.
- III. Only those officers and employees who are designated in the City's Conflict of Interest Code for the first time, if any, are required to file an initial statement as defined in the Code.

PASSED AND ADOPTED by the City Council of the City of Anderson this 4th day of May 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Norma Connick, Mayor

ATTEST:

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Juanita Barnett, City Clerk

APPENDIX A

<u>Position</u>	<u>Disclosure Category</u>
City Manager	Note 1, below
Assistant City Manager	2, 3, 4
City Attorney	Note 1, below
City Clerk	2, 3, 4
Finance Director-Treasurer	Note 1, below
Grants & Redevelopment Manager	2, 3, 4
Development Services Director	2, 3, 4
Building Official	2, 3, 4
Public Works Director	2, 3, 4
Deputy Public Works Director	2, 3, 4
Public Works Supervisor	2, 3, 4
Chief Wastewater Treatment Plant Operator	2, 3, 4
Assistant Planner	3, 4
Senior Building Inspector	3, 4
Building Inspector	3, 4
Police Chief	2, 3
Police Captain	2, 3
Parks & Recreation Director	2, 3
Finance Office Manager	2
Administrative Assistant	1
Finance Project Manager	1
Support/Administrative Services Division Manager	1
City Council Members	Note 1, below
Planning Commissioners	Note 1, below

Recreation Commissioners

1

Consultants

Note 2, below

1. Although listed here, this position does not fall into the category of "designated employee" because it is a position identified in Government Code Section 87200 and the Government Code itself specifies the filing requirements for this position.
2. Consultants shall be included in the lists of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

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 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.

## APPENDIX B

### General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in Appendix A.

### DISCLOSURE CATEGORIES

Category 1: Officials and employees whose duties are broad and indefinable:

Investments, business positions, and income from sources located in or doing business in the City.

Interests in real property located in the jurisdiction, including property located within a two mile radius of any property owned or used by the City.

Category 2: Officials and employees whose duties involve contracting or purchasing:

Investments, business positions, and sources of income of the type which:

Provide services, supplies, materials, machinery or equipment of the type utilized by the City.

Category 3: Agencies with regulatory powers:

Investments, business positions, and sources of income of the type which:

Are subject to the regulatory, permit or licensing authority of the City.

Category 4: Designated employees whose decisions may affect real property interests:

Investments, business positions, and sources of income of the type which:

Engage in land development, construction or the acquisition or sale of real property.

Interest in real property located within the City, including property located within a two mile radius of any property owned or used by the City.

Category 5: Agencies which provide pooled self-insurance benefits:

Interests in real property located within the City, including property located within a two mile radius of any property owned or used by the City.

Investment, business positions, and sources of income of the type which:

The City is empowered to invest its funds.

Provide services, supplies, materials, machinery or equipment of the type utilized by the City.

Engaged in the business of insurance including, but not limited to, insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers and actuaries.

Financial institutions including, but not limited to, banks, savings and loan associations and credit unions.

Have filed a claim, or have a claim pending, against the City.

Category 6: Joint Power Authorities:

Interests in real property located within the City including property located within a two mile radius of any property owned or used by the City.

Investments, business positions, and sources of income from the type which:

The City is empowered to invest its funds.

Contracted with the City to provide services, supplies, materials or equipment.

Are insurance companies, carriers, holding companies, underwriters, agents solicitors or brokers.

Have filed a claim, or have a claim pending, against the City.