

## **RESOLUTION NO. 24-147A C.S.**

### **A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY**

#### **ADOPTING EXHIBIT A TO CITY CODE SECTION 2-1.07, THE CITY OF MONTEREY CONFLICT OF INTEREST CODE**

WHEREAS, the City Council adopted Ordinance No. 3687 C.S. on October 1, 2024, adding Monterey City Code Section 2-1.07 to the City Code, adopting the Conflict of Interest Code and incorporating by reference the standard Conflict of Interest Code set forth in 2 Cal. Code of Regs. Section 18730; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 (CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines Section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that the above recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that Exhibit A to City Code Section 2-1.07, the City of Monterey Conflict of Interest Code, is as follows:

### **CITY OF MONTEREY CONFLICT OF INTEREST CODE**

#### **INTRODUCTION**

The terms of 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission (FPPC) are hereby incorporated by reference. This regulation along with the following pages constitute the Conflict of Interest Code for all departments and agencies of the City.

#### **PURPOSE**

The purpose of the City of Monterey Conflict of Interest Code is to ensure that its officials and employees act in the public's best interest and avoid any actions that could compromise their objectivity or integrity. This code helps to identify, disclose, and manage potential conflicts between personal interests and official duties, thereby promoting transparency, accountability, and trust in the City's decision-making processes.

## **DISCLOSURE REQUIREMENTS AND CATEGORIES**

All elected and appointed officials and public employees in the State of California who are involved in making or influencing governmental decisions are required to file an FPPC Statement of Economic Interest, also known as the Form 700, which provides transparency and accountability by:

1. Offering the public information about the officials' personal financial interests, ensuring that decisions are made for the public good rather than for personal financial gain, and
2. Reminding public officials when personal interests might conflict with their public responsibilities and encouraging them to refrain from making or participating in decisions where such conflicts exist.

A designated filer is any officer, employee, committee member or consultant of the City of Monterey whose position is designated in the Code because their work on behalf of the City entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest (California Gov. Code § 82019). The term "designated filer" does not include public officials specified in Gov. Code § 87200, e.g. the City Councilmembers, Planning Commissioners, City Manager, City Attorney, Finance Director, and candidates for elective office, nor does it include any position which is solely clerical, ministerial or manual.

Designated filers shall disclose their financial interests pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the City of Monterey. Real property located within two miles of the boundaries of the jurisdiction or any real property that the agency has an interest in is deemed to be "within the jurisdiction." (Gov. Code § 82035)

**Category 87200:** An official designated in Gov. Code § 87200 is required to file full disclosure of all categories pursuant to the Political Reform Act. Refer to Gov. Code §§ 87200-87210.

**Category 1:** Makes or participates in decisions including those involving real property. An appointed board, committee, or commission member, or a designated City employee or consultant in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments from third parties (not the City) within the City of Monterey's jurisdiction.

**Category 2:** Makes or participates in decisions that do not involve real property. An appointed board, committee, or commission member, or a designated City employee in this category must report investments, business positions in business entities, and sources of income, including receipt of gifts, loans, and travel payments from third parties (not the City) within the City of Monterey's jurisdiction.

**Category 3:** Makes or participates in decisions involving information technology and telecommunications. A designated City employee in this category must report investments, business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from sources that provide information technology and telecommunications goods, products or services, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services.

## **DESIGNATED POSITIONS**

<b><u>POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
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Mayor and Councilmembers .....	87200
Planning Commissioners .....	87200
City Manager .....	87200
City Attorney .....	87200
Finance Director.....	87200
Candidates for Mayor and Council .....	87200

### **City Attorney's Department**

Assistant City Attorney .....	1
Deputy City Attorney .....	1

### **City Manager's Department**

Assistant City Manager .....	1
City Clerk .....	2
Conference Center General Manager .....	2
Management Analyst .....	2
Chief Information Officer .....	3
Systems & Network Administrator .....	3

### **Community Development Department**

Associate Planner .....	1
Chief of Inspection Services / Building Official .....	1
Code Compliance Coordinator .....	1
Community Development Director .....	1
HCD Coordinator – Projects / Programs .....	1
Housing Manager.....	1
Inspector.....	2
Planning Manager.....	1
Plans Examiner.....	1
Principal Planner.....	1
Property Manager .....	1
Senior Associate Planner.....	1
Senior Building Inspector .....	2
Sustainability Manager.....	1

### **Finance Department**

Assistant Finance Director .....	1
Business License Inspector .....	2
Finance Analyst .....	2
Finance Manager .....	2
Purchasing Analyst .....	2
Risk Manager.....	2

### **Fire Department**

Assistant Fire Chief .....	1
Deputy Fire Marshal .....	1
Division Chief .....	1
Fire Chief .....	1
Fire Inspector II.....	1
Senior Administrative Analyst.....	2

## **POSITION**

## **DISCLOSURE CATEGORY**

### **Human Resources**

Assistant Human Resources Director.....	2
Human Resources Director .....	2

### **Library And Museums Department**

Library Director .....	1
Library Manager.....	2

### **Parks and Recreation Department**

Fitness Supervisor .....	2
Management Analyst I .....	2
Park Operations Manager .....	1
Parks and Recreation Director .....	1
Recreation Manager .....	1
Recreation Supervisor .....	2
Sports Center Manager.....	2
Assistant Urban Forester .....	1
Urban Forester.....	1

### **Police Department**

Assistant Police Chief .....	2
Police Chief.....	2
Police Lieutenant .....	2
Senior Administrative Analyst .....	2

### **Public Works Department**

Administrative Analyst.....	2
Administrative Services Manager .....	2
Assistant Parking Superintendent .....	2
Associate Civil Engineer .....	1
City Traffic Engineer .....	1
Deputy Public Works Director/Administration .....	2
Deputy Public Works Director/City Engineer .....	1
Engineering Programs Analyst.....	2
Engineering Project Manager.....	1
Environmental Regulations Analyst.....	2
Environmental Regulations Manager .....	2
Fleet Manager.....	2
General Services Field Operations Manager .....	1
General Services Superintendent .....	1
Harbor Coordinator .....	2
Harbormaster.....	1
Parking Superintendent .....	1
Public Works Administrative Services Manager .....	2
Public Works Director .....	1
Public Works Inspector .....	1
Senior Administrative Analyst.....	2
Senior Engineer .....	1
Senior Project Manager .....	1
Senior Public Works Inspector .....	1
Streets & Utilities Operations Manager .....	1
Streets & Utilities Supervisor .....	2

**POSITION**

**DISCLOSURE CATEGORY**

**Appointed Members of City Boards, Commissions, & Committees**

Appeals Hearing Board Members .....	1
Architectural Review Committee Members.....	1
Ballot Measure Advisory Committee Members ( <i>when applicable</i> ) ...	2
Building and Housing Appeals Board Members .....	1
Disabled Access Appeals Board Members.....	1
Historic Preservation Commissioners.....	1
Library Board Members.....	1
Measure P and S Oversight Committee Members .....	2
Museums and Cultural Arts Commissioners.....	2
Neighborhood and Community Improvement Program Committee Members .....	1
Parks and Recreation Commissioners .....	1

**Interim and Out-Of-Class Personnel**

Interim personnel in positions listed above.....	position’s disclosure category
Personnel working out-of-class in positions listed above for sixty (60) or more days .....	position’s disclosure category

**Consultants**

Consultants.....	1
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Consultants are defined for reporting purposes as persons who prepare a product or perform services of a general nature and/or on an on-going basis and participate in the making of decisions that may foreseeably have a material effect on any financial interest. Generally, consultants who prepare a product or perform services for a single specific matter are not the type of consultants required to be covered by a code, whereas consultants who provide more general assistance and advice to a government agency on an on-going basis should be covered.

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 limitation:

The City Manager may determine in writing that a particular consultant, although filling 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 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.

**LEVINE ACT DISCLOSURE REQUIREMENT FOR PARTIES TO A CITY PROCEEDING**

Pursuant to the Levine Act, a party to a City of Monterey proceeding must report a campaign contribution to the City when the party:

1. Submits a response to a request for proposals or other competitive solicitation, enters into contract negotiations with the City, or executes a contract with the City, whichever comes first, and they or their agent have contributed \$250 or more to any member of the City Council, or to any appointed official that may participate in the proceeding, within the 12 months prior to the proceeding, or
2. Submits a license, permit, or use entitlement application to the City, and they or their agent have contributed \$250 or more to any member of the City Council, or to any appointed

official that may participate in the proceeding, within the 12 months prior to the proceeding. A supplemental report must be submitted if the party makes any new reportable contributions while the contract, license, permit, or other use entitlement is being considered.

### **LOCAL ETHICS TRAINING**

Pursuant to the requirements of California State law and Monterey City Code sections 2-1.03 and 2-3.10, the Mayor and City Councilmembers and appointed members of City boards, commissions, and committees are required to receive education on the ethical standards required of any individual who works in local government. This education must be completed within one year of assuming office and every two years thereafter.

### **PERSONAL FINANCIAL GAIN**

The City expects its employees and officials to act ethically and legally, maintaining the trust of the public at all times. Following are specific admonishments that are crucial for all City officials to know and follow, but do not represent an exhaustive list of all related legal provisions.

**Bribery.** No employee, elected official, or appointee is allowed to accept a bribe. Engaging in such conduct may result in felony charges, which carry penalties of imprisonment and fines. (Penal Code § 68)

**Conflicts of Interest Under the Political Reform Act.** Government employees, officials, and appointees shall not:

1. Use or attempt to use their official position to influence a governmental decision if they know, or have reason to believe, that they have any financial interest in the outcome, or
  2. Make a decision involving a financial interest if it is reasonably foreseeable that the decision will have a significant financial impact on themselves or a member of their immediate family.
- (Gov. Code §§ 87100, 87103)

**Contractual Conflicts of Interest.** No government employee, official, or appointee may have a financial interest in any contract they create in their official capacity. Additionally, they shall not act as a buyer or seller in any transaction conducted in their official capacity. (Gov. Code § 1090)

**Campaign Contributions.** No person or committee shall make a contribution to any candidate, including that candidate's controlled committee, and no candidate or their controlled committee shall solicit or accept any contribution that would cause the contributor's total donations to exceed \$570.00 for a single election cycle. This amount will be increased in July 2025 based on the Consumer Price Index. (Monterey City Code § 2-1.05)

**Gifts.** No City official shall accept gifts from a single source in one calendar year totaling more than the state limit as established by the Fair Political Practices Commission (\$590 for 2024). (Gov. Code § 89503)

No City official may accept any gift, money, or anything of value, directly or indirectly, from any person or entity if it is given as a reward or incentive for doing business, placing orders, or using the official's position to benefit the giver. Promotional items of small value are not considered gifts if they are nonpersonal and are routinely distributed to customers by the giver. (City Code Sec. 28-21)

**Honoraria.** No City official shall accept any honorarium. (Gov. Code § 89502)

**Leaving Office.** City of Monterey Mayors, Councilmembers, and City Managers are prohibited for one year after leaving office from being compensated to make any formal or informal appearances before, or written or spoken communications to, the City and its various bodies and officers in order to influence any administrative or legislative actions, or to affect decisions related to permits, licenses, grants, contracts, or the sale or purchase of goods or property. (Gov. Code § 87406.3)

**FILING OFFICER**

For all filers designated to file the FPPC Form 700 under disclosure category 87200, any original filings received by the City must be conveyed promptly to the FPPC, which is the Filing Officer.

For designated filers in all other disclosure categories, the City Clerk is the Filing Officer. The City Clerk shall retain statements according to the requirements of the City’s Records Retention/Disposition Schedule and make them available for public inspection and reproduction pursuant to Gov. Code § 81008.

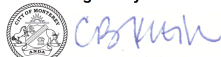
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 17th day of September, 2024, by the following vote:

AYES:	3	COUNCILMEMBERS:	Garcia, Haffa, Smith
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	2	COUNCILMEMBERS:	Barber, Williamson
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

Signed by:  
  
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1B38B5C4EE3E4F5  
Mayor of said City

DocuSigned by:  
  
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ED0453A4F02C4AA  
City Clerk thereof