

**RESOLUTION NO. 10-16**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
ADOPTING A REVISED CONFLICT OF INTEREST CODE  
AND REPEALING RESOLUTIONS IN CONFLICT THEREWITH**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, pursuant to the provisions of the Government Code, sections 87300 *et seq.* (the Code”), each agency is required to adopt a Conflict of Interest Code; and

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code Reg. section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act; and

**WHEREAS**, the Fair Political Practices Commission recommends each agency incorporate Commission Regulations 18730 and 18720 by reference as the body of their Code, and all changes to the Political Reform Act and to Regulations 18730 and 18720 will automatically be part of the City’s Conflict of Interest Code; and

**WHEREAS**, the City of Morro Bay incorporated its Conflict of Interest Code with the adoption of Resolution No. 09-15 adopted February 24, 2015, and its Conflict of Interest Code is in further need of updating; and

**WHEREAS**, the City Council has determined the documents attached to this Resolution, as Exhibits A and B, accurately set forth the current designated positions regulated by the Conflict of Interest Code, and the respective categories of financial interests which should be made reportable and those boards and commissions which should be designated and the respective categories of financial interests which should be made reportable by their members; and

**WHEREAS**, this action will ensure the City’s Conflict of Interest Code is up to date and in compliance with the law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, as follows:

SECTION 1. Resolution No. 09-15 and any other resolutions in conflict with this Resolution are hereby repealed in their entirety.

SECTION 2. The terms of Title 2, Division 6 of the California Code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, incorporated herein by reference, along with the attached documents entitled Exhibit A in which members and employees are designated, and Exhibit B in which disclosure categories are set forth, constitute the Conflict of Interest Code for the City of Morro Bay.

SECTION 3. Pursuant to the Code, any person holding a designated position, including any person holding a designated position in an acting capacity, shall file a Statement of Economic Interest with the City Clerk. Additionally, any person hired for a position not covered by the Code, who makes or participated in making a governmental decision shall file a Statement of Economic Interest with the City Clerk.

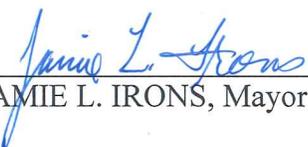
SECTION 4. The City Clerk is the filing official for the Mayor, Councilmembers, City Manager, City Attorney, and Planning Commissioners. For the persons holding those positions, the City Clerk accepts the filing, retains a copy, and forwards the original to the Fair Political Practices Commission in Sacramento. For all other persons holding designated positions, the City Clerk is the filing officer and retains the statements. The City Clerk will make the statements available for public inspection and reproduction. (Government Code Section 81008)

SECTION 5. Any future amendments to the City's Conflict of Interest Code including, but not limited to, amendments to the designated positions list or to the financial disclosure categories, shall be made by resolution duly adopted by the City Council of the City of Morro Bay.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on this 23rd day of February, 2016 on the following vote:

AYES:	Irons, Headding, Johnson, Makowetski, Smukler
NOES:	None
ABSENT:	None
ABSTAIN:	None

  
\_\_\_\_\_  
JAMIE L. IRONS, Mayor

ATTEST:

  
\_\_\_\_\_  
DANA SWANSON, City Clerk

EXHIBIT A  
RESOLUTION NO. 10-16

CITY OF MORRO BAY

LIST OF DESIGNATED POSITIONS  
CONFLICT OF INTEREST CODE

<b>Position</b>	<b>Disclosure Category</b>
Mayor, Council Members, City Manager, City Attorney, City Clerk, City Treasurer, Planning Commission Members	As required by State law
<u>Boards, Committees &amp; Commissions</u>	
Citizens Oversight / Citizens Finance Committee	1,2
Harbor Advisory Board	1,2
Public Works Advisory Board	1,2
Recreation & Parks Commission	1,2
Tourism Business Improvement District Advisory Board	1,2
Water Reclamation Facility Citizens Advisory Committee	1,2
General Plan / Local Coastal Program Advisory Committee	1,2
<u>Administration</u>	
Deputy City Manager	1-6
Human Resources Analyst	1,5,6
Information Systems Technician	1,2
<u>Harbor</u>	
Harbor Director	1-6
Harbor Business Coordinator	1-6
<u>Fire</u>	
Fire Chief	1-6
Fire Captain	1-6
Administrative Technician	2,5,6
<u>Police</u>	
Police Chief	1-6
Police Commander	1-6
Support Services Manager	2,3,5,6

Public Works

Public Works Director	1-6
Management Analyst	1,2,5,6
Capital Project Manager	1,2
Associate Engineer	2,3,4,5,6
Assistant Engineer	2,3,4,5,6
Engineering Technician IV	2,3,4,5,6
WWTP Manager	2,4,5,6
WWTP Supervisor	2,4,5,6
Maintenance Superintendent	2,4,5,6
Collection Systems Supervisor	2,4,5,6
Water Systems Supervisor	2,4,5,6
Streets/Parks Leadworker	2,4,5,6
Facility Maintenance Leadworker	2,4,5,6

Community Development

Community Development Manager	1-6
Assistant Planner	1-6

Recreation

Recreation Director	1-6
Recreation Supervisor – Sports Services	5,6
Recreation Supervisor – Youth Services	5,6

Consultants

1,2

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 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 the Conflict of Interest Code.

EXHIBIT B  
RESOLUTION NO. 10-16

CITY OF MORRO BAY

**DISCLOSURE CATEGORIES**

General Provisions

When a designated employee or individual is required to disclose investments, business positions and sources of income, he or she need only disclose investments in business entities and sources of income which do business in the City, plan to do business in the City or have done business in the City within the past two (2) years. In addition to other activities, a business entity is doing business within the City if it owns real property within the City. When a designated employee or individual is required to disclose real property, he or she need only disclose that which is located in whole or in part within or not more than two (2) miles outside the boundaries of the City or within two (2) miles of any land owned or used by the City.

Designated employees shall disclosed their financial interests pursuant to the appropriate disclosure category as indicated in Exhibit "A".

Disclosure Categories

- Category 1: All investments, business positions and sources of income. (See Statement of Economic Interests Schedules A-1, A-2, C, D and E.)
- Category 2: All interests in real property. (See Statement of Economic Interests, Schedule B.)
- Category 3: All investments, business positions, interests in real property and sources of income subject to the regulatory, permit or licensing authority of the department. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition of real property. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)
- Category 5: Investments in business entities and sources of income of the type which contracts with the City to provide services, supplies, materials, machinery or equipment to any City department. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)
- Category 6: Investments in business entities and sources of income of the type which contracts with the City to provide to the designated employee's department services, supplies, materials, machinery, or equipment. (See Statement of Economic Interests Schedules A-1, A-2, B, C, D and E.)