

Conflict of Interest Code

City of Lakeport, City of Lakeport Municipal Sewer District, City of Lakeport Redevelopment Successor Agency, Lakeport Industrial Development Authority, and Municipal Financing Agency of Lakeport

Purpose

The Political Reform Act (*Government Code* Section 81000, et seq.) requires state and local agencies to adopt and promulgate conflict of interest codes.

Incorporation of Section 18730 of the California Code of Regulations

The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs., Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the *Political Reform Act*. Therefore, the terms of 2 *California Code of Regulations* Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices designating positions and establishing disclosure requirements shall constitute the conflict of interest code of the City of Lakeport.

Filing

Individuals holding designated positions shall file their statements with the City Clerk, who shall be the filing officer for the City of Lakeport, the City of Lakeport Municipal Sewer District, the City of Lakeport Redevelopment Successor Agency, the Lakeport Industrial Development Authority, and the Municipal Financing Agency of Lakeport and who shall retain the statements and make the statements available for public inspection and reproduction pursuant to *Government Code* Section 81008.

Government Code Section 87200 Filers

The following positions are not covered by this code because they must file under *Government Code* Section 87200 and, therefore, are listed for informational purposes only:

City Council Members
Planning Commissioners
City Manager
City Attorney
City Treasurer
Officials who manage public investments

Individuals holding the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their

position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by *Government Code* Section 87200.

Exhibit A

Designated Employees

A “designated employee” is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Making a governmental decision means the person (1) votes on a matter; (2) appoints a person; (3) obligates or commits his or her agency to any course of action; or (4) enters into any contractual agreement on behalf of his or her agency.

Participating in making of a decision means the person (1) negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or (2) advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

Designated Employee	Disclosure Categories
Administrative Services Director/City Clerk	1
Assistant City Manager	1
Building Official	1
City Engineer	1
Community Development Director	1
Finance Director	1
Associate Planner	1
Police Chief	1
Public Works Director	1
Public Works Superintendent	1
Utilities Director	1
Utilities Superintendent	1
City of Lakeport Municipal Sewer District (CLMSD) Board Members	1
Lakeport Industrial Development Authority Board Members	1
Municipal Financing Agency of Lakeport Board Members	1
Consultants who making (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof. ¹	1
Consultants who act in a staff capacity with the City and in that capacity perform the same or substantially the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City’s Conflict of Interest Code	Same level as the comparable designated position identified elsewhere in the Code

¹ Consultants are included in the list of designated positions 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 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 (*Government Code* Section 81008).

Exhibit B

Disclosure Categories

Individuals holding designated positions must report their interests according to their assigned disclosure category(ies).

Category 1

Designated employees in Category 1 must report all interests in real property located within the jurisdiction of the City of Lakeport or within two miles of the boundaries of the City of Lakeport or within two miles of any land owned or used by the City of Lakeport. For the purposes of disclosure only, an interest in real property does not include the principal residence of the filer. Category A filers must also report all interests in investments, business positions in business entities and sources of income, including gifts, loans, and travel payments from all sources.

Category 2

Designated employees in Category 2 must report all interests in real property located within the jurisdiction of the City of Lakeport or within two miles of the boundaries of the City of Lakeport or within two miles of any land owned or used by the City of Lakeport.

Category 3

Designated employees in Category 3 must report all interests in business positions in business entities and sources of income, including gifts, loans, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the City of Lakeport.

Category 4

Designated employees in Category 4 must report all investments in business entities and all sources of personal and business entity income, including loans, gifts, and travel payments from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by the designated position's division or department.

Category 5

Designated employees in Category 5 must report all investments in business entities and all sources of personal and business entity income, including loans, gifts, and travel payments, from sources that filed a claim against the agency during the previous two years or have a claim pending.

Category 6

Designated employees in Category 6 must report all investments in business entities and all sources of personal and business entity income, including loans, gifts, and travel payments from sources of the type to request an entitlement to use agency property or facilities, including, but not limited to a license, utility permit, or station vendor permit.