

1 RESOLUTION NO. 04-R827-1

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE APPROVING AND ADOPTING AMENDMENTS
4 TO THE APPENDIX OF THE CITY OF OCEANSIDE'S LOCAL
5 CONFLICT OF INTEREST CODE

6 WHEREAS, the Oceanside City Council has by ordinance adopted a local conflict of
7 interest code; and

8 WHEREAS, Section 2.62 of the Oceanside City Code provides that the list of designated
9 positions and employees, and disclosure requirements shall be adopted by resolution; and

10 WHEREAS, the City Council has held a public hearing as required by law to allow
11 interested officers, employees, members, consultants and residents of the City to present their
12 views regarding the designation of positions and employees, and disclosure requirements, and

13 WHEREAS, adoption of a local conflict of interest code including the designation of
14 positions and employees subject to the local conflict of interest code and the designation of
15 disclosure categories for such designated positions and employees is mandated by the Political
16 Reform Act of 1974, and

17 WHEREAS, other positions, employees, commissions, boards or committees have been
18 modified and require the appendix to the local conflict of interest code to be amended.

19 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

20 1. The foregoing recitations are true and correct.

21 2. The revised Local Conflict of Interest Code Appendix, list of designated
22 Positions/Employees, Disclosure Requirements (2004 Update) is hereby approved.

23 3. The City Clerk is directed to provide a copy of the Oceanside Local Conflict of
24 Interest Code and appendix to each person occupying a position or employment designated in
25 the Appendix and also to each person occupying a position designated by state statute or the
26 Appendix as being required to file a Fair Political Practices Commission form 700.

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4. This resolution and the appendix adopted hereby shall be effective upon adoption and shall apply to disclosures for the 2004 calendar year and for subsequent years, until amended or superseded.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this
15th day of September, 2004, by the following vote:

AYES: JOHNSON, CHAVEZ, FELLER, SANCHEZ, WOOD

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Mayor, City of Oceanside

ATTEST:

APPROVED AS TO FORM:

City Clerk

~~City Attorney~~

**CITY OF OCEANSIDE
LOCAL CONFLICT OF INTEREST CODE
APPENDIX**

**List of Designated Positions/Employees
Disclosure Requirements
(2004 Update)**

SECTION I: AUTHORITY

The Political Reform Act of 1974 [Government Code sections 81000 -91015] requires local government agencies to adopt local conflict of interest codes. The local conflict of interest code for the City of Oceanside is contained in Sections 2.61 - 2.69 of the Oceanside City Code which adopts by reference the latest provisions of Section 18730 of Title 2 of the California Code of Regulations and in this list of designated positions/employees and disclosure requirements. The most recent version of 2 Cal. Code of Regs. section 18730 is on file with the City Clerk.

The local conflict of interest code for the City of Oceanside contains both reporting requirements for the disclosure of financial interests and disqualification requirements. Violations of the local conflict of interest code are subject to the administrative, criminal and civil sanctions of the Political Reform Act.

This list is adopted pursuant to the provisions of Section 2.62 of Chapter 2 of the Oceanside City Code and constitutes the "Appendix" referred to in subsection (b)(3) [Disclosure Categories] of 2 Cal. Code of Regs. section 18730.

The Mayor, members of the City Council, members of the planning commission, the city manager, the city attorney, the city treasurer, the financial services director (for finance director functions), the FSD revenue and treasury manager and the person serving as finance director for the Harbor District¹ are required to disclose financial interests pursuant to Government Code sections 87200 - 87210 and are therefore not included in the list set forth below.

¹ Pursuant to Government Code section 87200 and 2 Cal. Code of Regs. section 18720 it has been determined that the following positions manage public investments and will file the form 700 statement of economic interest: Administrative Services Director (as Finance Director), ASD Revenue/Treasury Manager and the City employee designated as the Finance Director for the Small Craft Harbor District.

SECTION II: EFFECTIVE DATE

This 2004 update shall be effective the day following its approval by the code reviewing body, the City Council of the City of Oceanside, California, and shall remain in effect until repealed or superseded.

SECTION III: LIST OF DESIGNATED POSITIONS/EMPLOYEES AND DISCLOSURE CATEGORIES²

The positions within the City listed in this appendix are "designated positions." Any person whose employment position (whether full time, part time or temporary) with the City is a designated position, is a "designated employee" for the purposes of the local conflict of interest code. Designated employees shall disclose in the manner provided in the local conflict of interest code of the City of Oceanside, those financial interests, which are within the schedules and categories represented by the letter(s) following the listing position. The disclosure category requirements represented by categories 1-4 and are set forth in subsection (b)(7) [Manner of Reporting] of 2 Cal. Code of Regs. section 18730. Generally the disclosure categories are as follows:

<u>Category</u>	<u>Financial Interest to be disclosed</u>
1	All investments, business positions in, and income from sources located in or doing business in the jurisdiction. Interests in real property located in the jurisdiction, including property located within a two-mile radius of the jurisdiction or of any property owned or used by the City, Agency or District.
2	All investments, business positions in and income sources of the type which provide services, supplies, materials machinery or equipment of the type utilized by the City, Agency or District.
3	All investments, business positions in, and sources of income which are subject to the regulatory, permit or licensing authority of the City, Agency or District.
4	All interests in real property and sources of income which are subject to the regulatory, permit or licensing authority of the City, Agency, or District.

² The Community Development Commission has no designated positions or employees other than the Commission, the Redevelopment Advisory Committee, the Executive Director and the General Counsel. All other board, commissions and designated positions/employees which may perform Community Development Commission related services are of the City. The Small Craft Harbor District has entered into an agreement whereby the City provides management and other services to the District. Whenever a Harbor District position is designated, it shall mean the City employee providing those services for the District.

Designated Positions**Disclosure Categories****Legislative Bodies other than the City Council:**

Community Development Commission	1
*Small Craft Harbor District Board of Directors	1

Board, Commissions & Committees:

Community Relations Commission	3
Economic Development Commission	1
Fire Board of Appeals	3
Historical Preservation Advisory Commission	4
Housing Commission	4
Housing Rehabilitation Loan Committee	4
Library Board of Directors	3
Manufactured Home Fair Practices Commission	4
Oceanside Building Authority	3
Project Area Committee	3
Redevelopment Advisory Committee	4
Relocation Appeals Board	4

City Staff:

Accountant	2
Accounting Manager	2
Administrative Analyst II	2
Assistant City Attorney	1
Assistant City Clerk	1
Assistant Fire Chief	1
Assistant Housing & Neighborhood Services Director	1
Assistant to the City Manager	2
Building Director	1
Building Inspections Manager	3
Business License Inspector	3
Chief Information Officer	2
Chief Plant Mechanic	2
City Clerk	1
City Engineer	1
Claims Officer	3
Clean Water Coordinator	3
Code Enforcement Manager	3
Council Aides	1

Communications Manager	2
Consulting Assistant	2
**Consultants	(See explanation below)
Deputy City Attorney I	1
Deputy City Attorney II	1
Deputy City Engineer	2
Deputy City Manager	1
Economic Development and Redevelopment Director	1
Equal Employment Opportunity Manager	1
Financial Services Division Manager	2
Financial Services Director	1
Fire Chief	1
Fleet Manager	2
Harbor Attorney	1
Harbor Administrative Officer	1
Harbor and Beaches Director	1
Harbor and Beaches Division Manager	2
Housing & Neighborhood Services Director	1
Investment Officer	1
Library Director	1
Library Division Manager	2
Literacy Coordinator	2
Maintenance Manager	2
Management Analyst	2
Parks and Recreation Director	1
Permit Processing Manager	3
Personnel Director	1
Personnel Division Manager	2
Planning Director	1
Police Captain	1
Police Chief	1
Police Lieutenant	3
Principal Engineering Staff Assistant	2
Principal Librarian	2
Principal Personnel Analyst	2
Property Agent	4
Public Information Officer	2
Public Safety Communications/Records Manager	
Public Works Director	1
Public Works Division Manager	2
Purchasing Coordinator	2
Purchasing Technician	2
Records Manager	2

Redevelopment Manager	1
Risk Manager	2
Secretary to the City Attorney	2
Senior Accountant	2
Senior Building Inspector	3
Senior Civil Engineer	3
Senior Housing Specialist	4
Senior Management Analyst	2
Senior Personnel Analyst	2
Senior Planner	1
Senior Property Agent	4
Supervising Deputy City Attorney	1
Supervising Property Agent/Real Property Manager	4
Transportation Engineering Manager	3
Transportation Planner	3
Treasury Manager	2
Water Utilities Director	1
Water Utilities Division Manager	2
Workers' Compensation & Safety Officer	2

FILING OFFICER

- * The Clerk of the Board of Supervisors is filing officer for the Oceanside Small Craft Harbor District.

The City Clerk is the filing officer for the City of Oceanside and all city agencies, boards, commissions, committees and designated positions/employees.

**CONSULTANTS

Definition:

Fair Political Practices Commission regulation [2 Cal. Code of Regs. section 18700] defines "consultant" as an individual who, pursuant to a contract with a state or local governmental agency:

- (a) Makes a governmental decision whether to:
- (1) Approve a rate, rule or regulation;
 - (2) Adopt or enforce a law;

- (3) Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (4) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- (5) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (6) Grant agency approval to a plan, design, report, study, or similar item;
- (7) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision of the agency; or

(b) Serves in an ongoing staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's local conflict of interest code.

"Consultant" does not include persons who:

- (1) Conduct research and arrive at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or of any agency official, other than normal contract monitoring; and
- (2) Possess no authority with respect to any agency decision beyond the rendition of information, advice, recommendation or counsel and only provide services on a sporadic basis.

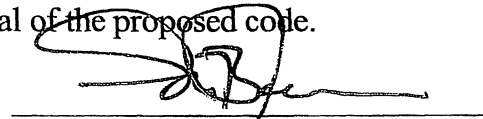
Disclosure required:

- (1) Consultants that meet the definition of paragraph (a), above, shall disclose according to disclosure categories 1-4 subject to the following limitation: The department head of the department for which the consultant provides primary services, with the approval of the City Attorney, 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 paragraph. The 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 written determination is a public record and shall be retained for public inspection in the office of the City Clerk.

- (2) Consultants that meet the definition of paragraph (b), above, shall disclose financial interests in the same manner as is required for the designated position the duties of which are performed, in whole or in part, by the consultant.

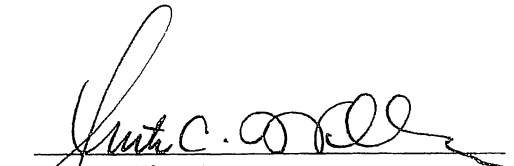
DECLARATION

The proposed conflict of interest code specifically enumerates each of the positions within the City, Agency or District, which involve the making of decisions, which may foreseeably have a material financial effect on any financial interest. The City, Agency and District have satisfied all of the requirements of TITLE 2, Division 6 of the California Code of Regulations 18750.1(b) preliminary to approval of the proposed code.



City Manager

APPROVED AS TO FORM:



City Attorney

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