

**CITY OF ATWATER
CONFLICT OF INTEREST CODE
APPENDIX "A"**

DEFINITIONS:

1. **"Public Official"** means a member, officer, employee, or consultant of a state or local government agency. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200, including "other public officials who manage public investments" as that term is defined in 2 California Code of Regulations Section 18720.
2. **"Member"** shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision-making authority. A board or commission possess decision-making authority whenever:
 - a. It may make a final governmental decision;
 - b. It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or,
 - c. It makes substantive recommendations, which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.
3. **"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. (Government Code Section 82019)
 - a. Making a governmental decision means the person:
 - i. Votes on a matter;
 - ii. Appoints a person;
 - iii. Obligates or commits his or her agency to any course of action; or
 - iv. Enters into any contractual agreement on behalf of his or her agency.
 - b. Participating in the making of a decision, means the person:
 - i. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or,

- ii. 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 judgement on the part of the employee and the employee is attempting to influence the decision.
- c. The term “designated employee” does not include:
 - i. Public officials specified in Government Code Section 87200:
 - 1. Planning Commissioners
 - 2. City Council Members
 - 3. Mayors
 - 4. City Managers
 - 5. City Attorneys
 - 6. City Treasurers
 - 7. Other city, county, and local agency public officials who manage public investments
 - ii. Solely clerical, ministerial or manual positions
 - iii. Unsalaries members of boards or commissions, which are solely advisory

4. “Consultant” means an individual whom, pursuant to a contract with the City of Atwater:

- a. Makes a governmental decision whether to:
 - i. Approve a rate, rule, or regulation;
 - ii. Adopt or enforce a law;
 - iii. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 - iv. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract, which requires agency approval;
 - v. 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;
 - vi. Grant agency approval to a plan, design, report, study, or similar item;
 - vii. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof; or,

- b. Serves in a 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 Conflict of Interest Code.

c. **Consultants/New Positions**

- i. *Consultants/New Positions for the purpose of this Conflict of Interest Code are defined as individuals that provide, under contract, information or advice to the City that may entails participation in the making of decisions, recommendations, or counsel to the City, and which may have a foreseeable material effect on any financial interest of the consultant.
- ii. Consultants, as defined above, and New Positions are included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:
 - 1. The City manager may determine in writing that a particular consultant or new position, 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 code. Such written determination shall include a description of the consultant's duties and based upon that determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of the 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. (Gov. Code Section 81008.)

**CITY OF ATWATER
CONFLICT OF INTEREST CODE
APPENDIX "B"**

The following is a listing of those designated individuals who are required to submit Statements of Economic Interests *pursuant to the Political Reform Act of 1974, as amended*:

Public Officials

Disclosure Category

City Council Boards

City Council (Mayor and Council Members)

Government Code § 87203

- Successor Agency to the Redevelopment Agency
- Public Financing Authority
- Public Improvement Corporation
- Housing Authority
- Fire Protection District

City Manager

Government Code § 87203

City Attorney

Government Code § 87203

City Treasurer

Government Code § 87203

Planning Commissioners

Government Code § 87203

Citizen Commissions, Committees, and Boards:

Planning Commission

Government Code § 87203

Audit & Finance Committee

Government Code § 87203

Citizens Oversight for Public Safety

Government Code § 87203

Transaction and Use Tax

The following is a list of those designated employees who are required to disclose their economic interest(s) pursuant to the corresponding category as indicated in the Disclosure Category Column:

Department	Position	Disclosure Category
City Administration/City Clerk	Executive to the City Manager	1
	Information Technology Manager	6
	Project Manager	6
	Deputy City Clerk	1
Finance	Finance Director	1
	Finance Operations Manager	6
Human Resources	Deputy City Manager	1
	Human Resources Director	1
	Human Resources Analyst	2
Police	Police Chief	1
	Police Lieutenant	3
	Police Sergeant	3
	Dispatcher Supervisor	3
	Code Enforcement Manager	3
	Police Administrative Supervisor	3

Department	Position	Disclosure Category
Fire	CAL FIRE Chief	1
	CAL FIRE Battalion Chief	1
Community Development	Public Works/Community Development Director	1
	Deputy Public Works/Community Development Director	1
	Chief Building/Fire Code Official	5
	Deputy Chief Building Official	5
	Engineer Division Manager	5
	Project Engineer	5
	Senior Planner	5
Water System	Public Works Director	1
	Water Division Supervisor	7
	Water Division Manager/Chief Operator	7
Sewer System	Public Works Regulatory Compliance Supervisor	1
	Public Works Superintendent	7
	Sewer Division Supervisor	7

Department	Position	Disclosure Category
Recreation/Community Events	Community Services Director	1
	Recreation Supervisor	7
Streets and Parks Maintenance	Streets and Parks Supervisor	7
	Parks/Urban Forestry Manager	7
Consultants	Consultants	9
Positions	Administrative Analyst	1
	Grants Manager	1
	Operations Analyst	1

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APPENDIX “C”**

Disclosure Category

Individuals holding designated positions must report their interest according to the following disclosure category.

Category 1 – Full Disclosure:

Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans, or gifts from individuals or businesses from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be “within the jurisdiction” if the property or any part of it is located within or not more than two miles outside the boundaries of the City or within two miles of any land owned or used by the City.)

Category 2 – Human Resources:

Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which are involved in healthcare or vocational rehabilitation of the type used by the designated employees department or division.

Category 3 – Police:

Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which sell, manufacture, or distribute equipment and supplies for office, personnel or vehicles of the type used by the designated employees department or division.

Category 4 – Fire:

Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which manufacture or sell fire-related equipment or parts of the type used by the designated employees department or division.

Category 5 – Community & Economic Development:

Designated employees in this group shall report interest in real property, investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which engage in land development, construction, appraisal, or the acquisition or sale of real property. (Real property shall be deemed to be “within the jurisdiction” if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Category 6 – Information Technology & Finance:

Designated employees in this group shall report investments and business positions in business entities and income, including loans, gifts, and travel payments, from sources which manufacture, sell or design data processing equipment or related services of the type used by the designated employees department or division.

Category 7 – Parks Operations & Recreation:

Designated employees in this group shall report investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment of the type used by the designated employees department or division.

Category 8 – Regulatory:

Designated employees in this group shall report investments, and business positions in business entities, and income, including loans, gifts, and travel payments, from sources which are subject to the City's regulatory, permit, or licensing authority.

Category 9 – Consultants:

The City Clerk, or his/her designee, after consultation with the City Attorney, shall designate the disclosure category for each consultant subject to this Code, if applicable.