

## CITY COUNCIL

For City Clerk's Use:

☐

**APPROVED**

☐

**DENIED**

Reso No. \_\_\_\_\_

File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 5**

**Date: October 17, 2012**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jennifer K. McCain, Assistant City Attorney

**SUBJECT:** Readoption of Conflict of Interest Code for the City of Escondido

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2012-174 readopting the Conflict of Interest Code for the City of Escondido and updating the disclosure categories for designated positions pursuant to the Political Reform Act.

**FISCAL ANALYSIS:**

None.

**GENERAL PLAN ANALYSIS:**

N/A.

**PREVIOUS ACTION:**

The City, the Escondido Community Development Commission (CDC), and the Escondido Joint Powers Financing Authority (EJPFA) have previously adopted Conflict of Interest Codes pursuant to the requirements of the Political Reform Act. On May 23, 2012, the City Council repealed the CDC's Conflict of Interest Code and updated the list of designated positions by adopting Resolutions Nos. 2012-78 and 2012-76.

**BACKGROUND:**

The City of Escondido and its agencies are subject to the requirements of the Political Reform Act (California Government Code § 81000, *et seq.*) and its regulations governing conflicts of interest. Government Code § 87200 specifically lists officials who are statutorily required to file a statement of economic interest. These officials include Councilmembers, City Manager, City Attorney, City Treasurer, Planning Commissioners, and City Officials and Employees Who Manage Public Investments. In addition to these statutory filing requirements, the Political Reform Act requires the City of Escondido and its agencies to adopt and promulgate a Conflict of Interest Code which includes disclosure categories and a list of designated public employees and elected and appointed officials who must comply with the requirements of the Conflict of Interest Code.

The City, CDC and EJPFA have previously adopted Conflict of Interest Codes pursuant to the requirements of the Political Reform Act. The Political Reform Act requires each local government agency to review its Conflict of Interest Codes biennially to determine whether the Codes must be amended.

The City's biennial review was expedited this year due to the passage of Assembly Bill 1X 26 which dissolved redevelopment agencies. On May 23, 2012, the City repealed the CDC's Conflict of Interest Code and updated the list of positions subject to the City's Code by adopting Resolution Nos. 2012-78 and 2012-76. The amendments were necessary to reflect the most current listing of City positions and to add the newly created Oversight Board.

Due to many changes in the law since the City's Code was originally adopted in 1994, it is necessary to readopt the City's Code to fully incorporate FPPC Regulation §18730, which sets forth the legal requirements for local Conflict of Interest Codes. It is also necessary to amend the disclosure categories to include loans, gifts, and travel payments as reportable sources of income in accordance with the recent changes made to FPPC Regulation §18730 and to provide for limited disclosure for newly created positions and consultants.

With regard to newly created positions and consultants, effective January 1, 2010, FPPC Regulation §18734 requires an individual hired as a consultant, or hired for a position *not yet covered* under the City's Conflict of Interest Code, to file a Form 700 if the individual serves in a position that makes or participates in making governmental decisions. These individuals must file under the broadest disclosure category until the City's Conflict of Interest Code is amended to include the new position<sup>1</sup>. The only exception to this broad filing category is if the City provides, in writing, a limited disclosure requirement. The FPPC created Forms 804 (New Positions) and 805 (Consultants) to provide a uniform means to document obligations of the positions and provide a limited disclosure requirement.

Whenever a new position or a consultant is determined to have the decision-making authority described above, the City Manager or his designee must complete Form 804 or 805 if the broadest disclosure category is unnecessary for the position's limited range of duties. Forms 804 and 805 are public records and must be retained for the public's inspection in the same manner and location as the City's Conflict of Interest Code. The Conflict of Interest Code has been updated to comply with these new procedures.

Red-lined versions of the City's Conflict of Interest Code as well as FPPC Forms 804 and 805 are attached for your review.

---

<sup>1</sup> The City typically only amends its Code every other year as required by the Political Reform Act.

City of Escondido Conflict of Interest Code  
October 17, 2012  
Page 3

No changes are necessary at this time to the Conflict of Interest Code for the EJPFA. Based on the above, it is recommended that the City Council readopt the City's Conflict of Interest Code by approving Resolution No. 2012-174.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer K. McCain", written in a cursive style.

JENNIFER K. MCCAIN  
Assistant City Attorney

Attachment: Red-lined Conflict of Interest Code  
Red-lined List of Designated Positions Required to File Form 700  
FPPC Form 804  
FPPC Form 805

**CITY OF ESCONDIDO**  
**CONFLICT OF INTEREST CODE**  
**EXHIBIT "A"**

**§ 18730. Provisions of Conflict-of-Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on ~~financial-economic~~ interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their ~~financial-economic~~ interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.<sup>+</sup>

**In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:**

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those ~~financial~~**economic** interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the ~~financial~~**economic** interests set forth in a designated employee's disclosure categories are the kinds of ~~financial~~**economic** interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

---

<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See ~~Government Code~~ Section 81010 and ~~2-Cal. Code of Regs.~~ **Regulation** 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign ~~30 Days After Appointment~~ **Prior to Assuming Office.**

**Any person who resigns within 12 months of initial appointment, or within 30 days of initial appointment the date of notice provided by the filing officer to file an assuming office statement, is** are not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

**(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:**

**(1) File a written resignation with the appointing power; and**

**(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.**

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later-, **or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.**

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds ~~one thousand dollars (\$1,000)~~ **\$2,000**, exceeds ~~ten thousand dollars (\$10,000)~~, or exceeds ~~one hundred thousand dollars (\$100,000)~~, or exceeds **\$1,000,000**.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating ~~two hundred fifty dollars (\$250)~~ **\$500** or more in value, or ~~fifty dollars (\$50)~~ or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was ~~one thousand dollars (\$1,000)~~ or

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than ~~\$1,000~~ **\$2,000** are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

less, greater than ~~one thousand dollars (\$1,000)~~, or greater than ~~ten thousand dollars (\$10,000)~~; **or greater than \$100,000;**

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan **and the term of the loan.**

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ~~ten thousand dollars (\$10,000)~~.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

#### **(8) Section 8. Prohibition on Receipt of Honoraria.**

**(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.**

---

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.



Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

**(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$440.**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$440 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

**(8.2) Section 8.2. Loans to Public Officials.**

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall

not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

**(8.3) Section 8.3. Loan Terms.**

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

**(8.4) Section 8.4. Personal Loans.**

**(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:**

- 1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.**
- 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:**
  - a. The date the loan was made.**
  - b. The date the last payment of \$100 or more was made on the loan.**
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.**

**(B) This section shall not apply to the following types of loans:**

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.**
- 2. A loan that would otherwise not be a gift as defined in this title.**
- 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.**
- 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.**
- 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.**

**(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.**

~~(8) Section 8~~ **(9) Section 9.** Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth ~~one thousand dollars (\$1,000)~~ **\$2,000** or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth ~~one thousand dollars (\$1,000)~~ **\$2,000** or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating ~~two hundred fifty dollars (\$250)~~ **\$500** or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating ~~\$250~~ **\$440** or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

~~(8.3) Section 8.3~~ **(9.3) Section 9.3.** Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

~~(8.5) Section 8.5~~ **(9.5) Section 9.5.** Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

~~(9) Section 9~~ **(10) Section 10.** ~~Manner of Disqualification~~ **Disclosure of Disqualifying Interest.**

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest. ~~In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a~~

~~designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.~~

~~(10) Section 10~~**(11) Section 11.** Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 **and Regulations 18329 and 18329.5** or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

~~(11) Section 11~~**(12) Section 12.** Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections **87103(e)**, 87300-87302, **89501, 89502 and 89503**, Government Code.

#### HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. **Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).**
10. **Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).**
11. **Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.**
12. **Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).**

13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices

**Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).**

- 30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).**
- 31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).**

**This database is current through 6/15/12 Register 2012, No. 24  
2 CCR § 18730, 2 CA ADC § 18730**

**CITY OF ESCONDIDO**  
**CONFLICT OF INTEREST CODE**  
**EXHIBIT "B"**

List of Designated Positions Required to File Form 700

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
<b>CITY ATTORNEY'S OFFICE</b>	
Assistant City Attorney	2, 4, 6
Assistant City Attorney/Litigation	2, 4, 6
Senior Deputy City Attorney	2, 4, 6
Deputy City Attorney	2, 4, 6
<b>CITY CLERK</b>	
City Clerk	2, 4, 6
Assistant City Clerk	2, 4, 6
<b>CITY MANAGER'S OFFICE</b>	
Assistant City Manager	2, 4, 6
Deputy City Manager	2, 4, 6
Assistant to the City Manager	2, 4, 6
Management Analyst	6
<b>COMMUNITY DEVELOPMENT</b>	
Director of Community Development	2, 3, 4, 6
Assistant Planning Director	2, 3, 4, 6
Senior Planner	2, 3, 4, 6
Associate Planner	2, 3, 4, 6
Principal Planner	2, 3, 4, 6
Building Official	2, 3, 4, 6
Deputy Building Official	2, 3, 4, 6
Code Enforcement Manager	2, 3, 4, 6
Economic Development Manager	6
Management Analyst	6



<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b>HOUSING AND NEIGHBORHOOD SERVICES</b>	
Neighborhood Services Manager	2, 3, 4, 6
Management Analyst	6
<b>COMMUNITY SERVICES</b>	
Director of Community Services	2, 3, 4, 6
Assistant Director of Community Services	2, 3, 4, 6
Deputy Director of Maintenance and Operations	2, 3, 4, 6
Streets and Parks Maintenance Superintendent	3, 6
Building Maintenance Superintendent	3, 6
Fleet Maintenance Superintendent	3, 6
Recreation Superintendent	2, 3, 4, 6
City Librarian	3, 6
Deputy City Librarian	3, 6
Older Adult Services Manager	7
Program Administrator	7
<b>ENGINEERING</b>	
Director of Engineering Services	2, 3, 4, 6
Deputy Director of Engineering Services	2, 3, 4, 6
Assistant City Engineer	2, 3, 4, 6
Design and Construction Project Manager	2, 3, 4, 6
Principal Engineer	3, 4, 7
Real Property Manager	2, 3, 4, 6
Parks and Open Space Administrator	3, 6
<b>UTILITIES</b>	
Director of Utilities	2, 3, 4, 6
Deputy Director of Utilities/Construction & Maintenance	2, 3, 4, 6

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Deputy Director of Utilities/Wastewater	2, 3, 4, 6
Deputy Director of Utilities/Water	2, 3, 4, 6
Utilities Construction Project Manager	2, 3, 4, 6
Canal Superintendent	3, 6
Wastewater Treatment Plant Superintendent	3, 6
Water Distribution Superintendent	3, 6
Water Treatment Plant Superintendent	3, 6
Utilities Maintenance Superintendent	3, 6
Lakes and Open Space Superintendent	3, 6
Laboratory Superintendent	3, 6
Environmental Programs Manager	3, 6
Utilities Analyst	6
Environmental Program Manager/Utilities	6
<b>FINANCE*</b>	
Finance Manager	6
Investment Officer	6
Revenue Manager	6
Collections Officer	6
Purchasing Supervisor	6
<b>FIRE DEPARTMENT</b>	
Fire Chief	2, 3, 4, 6
Deputy Fire Chief	2, 3, 4, 6
Fire Division Chief	3, 7
Fire Battalion Chief	3, 7
Assistant Fire Chief	3, 7
Fire Marshall	3, 7

\* Officials Who Manage Public Investment:

It has been determined that the following positions manage public investments and will file a statement of economic interests pursuant to Government Code §87000: Investment Officer, Director of Financial & Administrative Services, Finance Director.

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Deputy Fire Marshall	3, 7
Fire Administrative Services Manager	6
Emergency Medical Services Coordinator	6
<b>HUMAN RESOURCES</b>	
Human Resources Director	6, 7
Human Resources Manager	6, 7
Benefits and Workers' Compensation Manager	6, 7
Risk and Safety Manager	6, 7
Safety Administrator	6, 7
Senior Human Resources Analyst	6, 7
<b>INFORMATION SYSTEMS</b>	
Director of Information Systems	6
Applications Development Manager	6
Network/Office Automation Manager	6
Geographic Information Systems Manager	6
Public Safety Systems Manager	6
<b>POLICE DEPARTMENT</b>	
Chief of Police	2, 3, 6
Assistant Chief of Police	2, 3, 6
Police Captain	2, 3, 6
Police Services Bureau Manager	2, 3, 6
Senior Crime Analyst	6
Police Services Analyst	6
<b>BOARDS AND COMMISSIONS</b>	
Building Advisory and Appeals Board	3, 7
Environmental Advisory Commission	3, 7
Historic Preservation Commission	3, 7
Investment Committee	2, 4, 6
Library Board of Trustees	3, 7

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Personnel Board of Review	3, 7
Public Art Commission	3, 7
Community and Older Adult Services Commission	3, 7
Transportation and Community Safety Commission	3, 7
Oversight Board to the Successor Agency to the Escondido Redevelopment Agency	3, 6
<b>CONSULTANTS</b>	
Consultants	1

Designated Employees are those positions within this city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Persons in newly-created positions shall file under the broadest disclosure category in the agency's conflict-of-interest code until the agency amends its code to reflect the position. However, the City Manager or his designee may determine in writing that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. In accordance with 2 Cal. Code of Regs. §18734, such written determination shall include a description of the newly-created position's duties and, based upon that description, a statement of the extent of disclosure requirements. Alternatively, the City Manager or his designee may complete Form 804, which satisfies the requirements of §18734. The City Manager or his designee'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.

Consultant means an individual who, pursuant to a contract with a state or local government 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 any 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 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.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. **In accordance with 2 Cal. Code of Regs. §18734,** 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. **Alternatively, the City Manager or his designee may complete Form 805, which satisfies the requirements of §18734.** The City Manager or his designee's determination is a public record and shall be retained for public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

#### Disclosure Categories

General Provisions – The Political Reform Act, Govt. Code §81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the above list in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Escondido.

Pursuant to §4 of the standard code, designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the City of Escondido, the agency shall make and retain a copy and forward the original of these statements to the Escondido City Clerk. Statements for all other designated employees will be retained by the agency.

#### Disclosure Categories –

Category 1: All investments, **business positions**, and sources of income (**including loans, gifts,\*\* and travel payments**) from sources located or doing business in the City of Escondido; All interests in real property located in the City of Escondido or within two miles of any land owned or used by the City of Escondido;

Category 2: ~~All investments~~ **interests** in real property located in the City of Escondido;

Category 3: All investments, interests in real property and sources of income (**including loans, gifts,\*\* and travel payments**) subject to the regulatory, permit or licensing authority of the City of Escondido;

Category 4: Investments in business entities and sources of income (**including loans, gifts,\*\* and travel payments**) which engage in land development, construction or the acquisition or sale of real property;

Category 5: All interests in real property located within two miles of any land owned or used by the City of Escondido;

Category 6: Investments in business entities and sources of income (**including loans, gifts,\*\* and travel payments**) of the type which, within the past two years, have contracted

with the City of Escondido to provide services, supplies, materials, machinery, or equipment;-

Category 7: Investments in business entities and sources of income **(including loans, gifts,\*\* and travel payments)** of the type which, within the past two years, have contracted with the designated employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

**\*\* Gifts with a value of less than \$50 aggregate per year from a single source are not reportable financial interests and gifts with a value of more than \$420 aggregate per year from a single source are prohibited.**

**Agency Report of:  
New Positions**

**A Public Document**

**California  
Form 804**

**1. Agency Name** (Also include, Division, Department, or Region (if applicable))

☐ Amendment

Agency Contact (Last Name, First Name, Title)

Date of Original Filing: \_\_\_\_\_  
(month, day, year)

Area Code/Phone Number

E-mail

**2. New Position Information**

Position Title/Classification and Job Summary	Assigned Category	OR Disclosure Requirement	Assuming/Start Date (Optional)
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr
			Start <u>    </u> / <u>    </u> / <u>    </u> d / m / yr

**3. Verification**

*I have read and understand FPPC Regulations 18701 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.*

Signature

Print Name

Title

(month, day, year)

Comment: (Use this space or an attachment for any additional information.)

## Agency Report of: New Positions

California  
Form **804**

## A Public Document

State and local government agencies may use this form to identify new positions that will make or participate in making governmental decisions on behalf of the agency. An individual in a newly created position must file a Statement of Economic Interests (Form 700) within 30 days of assuming office.

This form identifies the Statement of Economic Interests, Form 700, disclosure requirements for individuals serving in new positions. This form is for the agency's internal use and should be maintained by the agency in the same manner as the agency's conflict-of-interest code. For more information, refer to the FPPC website [www.fppc.ca.gov](http://www.fppc.ca.gov) and Regulations 18701-18702.4 and Regulation 18734.

### Disclosure Requirements

- Disclosure requirements should conform to the range of duties.
- Alternatively, the agency must require an individual to file under the broadest disclosure category in the agency's conflict-of-interest code or, if the agency does not have a conflict-of-interest code, full disclosure.

Full disclosure includes reporting all investments, business positions, and interests in real property held on the date of assuming office and income received during the 12 months immediately preceding assuming office.

When a new position is added, in addition to completing this form, the agency should begin the process to amend the conflict-of-interest code.

### Examples:

*An agency added a new data processing manager position. The individual will be assigned the same disclosure category that the agency's other IT staff are assigned.*

*An agency implemented a new licensing program and a new manager position was added. Because this was a new program, the agency provided a written description of the individual's disclosure requirements which included sources subject to the licensing procedures.*

*An agency reorganized and changed the duties of several positions listed in the conflict-of-interest code. This form is not required as positions are not new. The agency should begin to amend its conflict-of-interest code if the range of authority and types of decisions changed.*

*An agency changed the titles but not the duties and responsibilities of several positions. This form is not required. The agency must file an amendment to update the conflict-of-interest code.*

### Instructions

#### Part 1

Identify the agency, contact information, and provide the amendment explanation in the comment section when applicable.

#### Part 2

Identify the new position(s) and describe the position's duties. Identify the disclosure by:

- Assigning an existing category(s) in the agency's code, or
- Writing a disclosure requirement.

Complete if the agency knows the employment date.

#### Part 3

The agency's conflict-of-interest code should identify the position that is responsible for the verification.

### Example

Agency Report of: New Positions		A Public Document		California Form <b>804</b>
1. Agency Name (State, Division, Department, or Region (if applicable)) CA Joint Powers Authority		<input type="checkbox"/> Amendment		
Agency Contact (Last Name, First Name, Title) Smith, Adam Executive Director		Date of Original Filing: (month, day, year)		
Area Code/Phone Number 555-555-5555		E-mail adam.smith@cjpa.ca.gov		
2. New Position Information				
Position Title/Classification and Job Summary	Assigned Category	OR	Disclosure Requirement	Assuming/Start Date (Optional)
Data Processing Manager (manages IT Dept)	3			Start 3 / 3 / XX d / m / y
Licensing Director (duty statement attached)			All investments, business positions in business entities, and sources	Start 3 / 8 / XX d / m / y
			of income, including gifts, loans, and travel payments, from entities	Start d / m / y
			that are of the type subject to licensing by the Department or are subject	Start d / m / y
			to regulation by the Department.	Start d / m / y
			(Alternately, attach a written explanation.)	Start d / m / y
				Start d / m / y
3. Verification				
I have read and understand FPPC Regulations 18701 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.				
Signature Adam Smith		Print Name Adam Smith Executive Director 3-10-XX (month, day, year)		
Comment: (Use this space or an attachment for any additional information.)				



Agency Report of:  
Consultants

A Public Document

California  
Form **805**

1. Agency Name (Also include, Division, Department, or Region (if applicable))

☐ Amendment

Agency Contact (Name, Title)

Date of Original Filing: \_\_\_\_\_  
(month, day, year)

Area Code/Phone Number

E-mail

2. Firm Information

Firm Name

Firm Address

E-mail (optional)

E-mail (optional)

Describe General Purpose of Contract

3. Consultant Information

Consultant Name (Last, First)	Assigned Category	OR	Disclosure Requirement	Assuming/Start Date Leaving/End Date (if known)
				Start ____/____/____ d / m / yr End ____/____/____ d / m / yr
				Start ____/____/____ d / m / yr End ____/____/____ d / m / yr
				Start ____/____/____ d / m / yr End ____/____/____ d / m / yr

4. Verification

I have read and understand FPPC Regulations 18701 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.

Signature

Print Name

Title

(month, day, year)

Comment: (Use this space or an attachment for any additional information.)

A Public Document

State and local government agencies may use this form to identify consultants that will make or participate in making governmental decisions on behalf of the agency. A consultant must file a Statement of Economic Interests (Form 700) within 30 days of assuming office.

This form identifies the Statement of Economic Interests, Form 700, disclosure requirements for individuals serving in these positions. This form is for the agency's internal use and should be maintained by the agency in the same manner as the agency's conflict-of-interest code. For more information, refer to the FPPC website [www.fppc.ca.gov](http://www.fppc.ca.gov) and Regulation 18701 and 18734.

**Disclosure Requirements**

- Disclosure requirements should conform to the range of duties.
- Alternatively, the agency must require an individual to file under the broadest disclosure category in the agency's conflict-of-interest code or, if the agency does not have a conflict-of-interest code, full disclosure.

Full disclosure includes reporting all investments, business positions, and interests in real property held on the date of assuming office and income received during the 12 months immediately preceding assuming office.

*Examples:*

*An agency hired a law firm to act as its general counsel. An individual will make recommendations to the agency's board and provide general legal services. The individual qualifies as a consultant and based on the indefinable duties will be assigned the broadest or full disclosure under the agency's conflict-of-interest code.*

Not all outside contractors meet the consultant definition in FPPC Regulation 18701 requiring of the Form 700. When an agency determines that an individual is a consultant with limited duties, tailored disclosure should be used.

*An agency hired a firm to prepare an environmental impact report ("EIR") on airport expansion. The individual at the firm who will prepare the EIR should be assigned a disclosure requirement that reflects the contract's scope of authority. An example might include real property, investments and business positions in business entities, and income from only those sources engaging in air traffic or aviation goods or services. Note: The agency can assign an existing disclosure category, if applicable.*

**Instructions**

An individual must file the Form 700 within 30 days of assuming office and an annual statement for each calendar year of the contract. At the conclusion of services a leaving office statement is required.

**Part 1**

Identify the agency, contact information, and provide the amendment explanation in the comment section when applicable.

**Part 2**

Identify the consultant's firm name and address. Briefly describe the general purpose of the contract.

**Part 3**

Identify the name of those individuals that qualify as consultants and will file the Form 700. Identify the disclosure by:

- Assigning an existing category(s) in the agency's code, or
- Writing a disclosure requirement.

Provide the start and end dates of service if known.

**Part 4**

The Agency's conflict-of-interest code should identify the position that is responsible for the verification.

**Example of Part 2 & 3**

2. Firm Name

ABC Company		
Firm Address	E-mail (optional)	E-mail (optional)
1010 Capital St., Sacramento, CA 95814	abcco@company.com	
Describe General Purpose of Contract		
Prepare an EIR on airport expansion.		

3. Consultant Information

Consultant Name (Last, First)	Assigned Category	OR	Disclosure Requirement	Assuming/Start Date Leaving/End Date (If known)
Hector Rodriguez	3			Start 7/7/XX d / m / yr End 12/12/XX d / m / yr

RESOLUTION NO. 2012-174

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
READOPTING THE CITY'S CONFLICT OF  
INTEREST CODE PURSUANT TO THE  
POLITICAL REFORM ACT

WHEREAS, the City of Escondido is a local government agency subject to the requirements of the Political Reform Act (California Government Code § 81000, *et seq.*) and its regulations governing conflicts of interest; and

WHEREAS, the Political Reform Act requires every agency, including the City of Escondido, to adopt and promulgate a conflict of interest code, adopt disclosure categories, and designate those public employees and elected and appointed officials who must comply with the requirements of the Code; and

WHEREAS, on July 9, 1980, the City originally adopted the Fair Political Practices Commission's standard model conflict of interest code by Resolution No. 80-141, and has continued to maintain such a code in effect, together with disclosure categories and a list of those positions subject to the requirements of the conflict of interest code; and

WHEREAS, on September 28, 1994, the City Council readopted a conflict of interest code as required by the Political Reform Act, and amended and updated the disclosure categories and list of positions subject to the requirements of the Code; and

WHEREAS, the Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine whether the Code must be amended; and

WHEREAS, on May 23, 2012, the City amended and updated the list of positions subject to the requirements of the conflict of interest code; and

WHEREAS, upon further review, the City desires to readopt a conflict of interest code as required by the Political Reform Act, and amend and update the disclosure categories and the list of positions subject to the requirements of the conflict of interest code;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the terms of California Code of Regulations § 18730 and any amendments to this section which are duly adopted by the Fair Political Practices Commission are hereby adopted as the conflict of interest code for the City of Escondido. A copy of the California Code of Regulations Section 18730 is attached and incorporated by this reference as Exhibit "A."
3. That the disclosure categories and the designation of employees and elected and appointed officials subject to the requirements of this conflict of interest code are attached and incorporated by this reference as Exhibit "B."
4. That this resolution supersedes all previous resolutions of the City of Escondido, which adopt or amend a conflict of interest code, disclosure categories or designate employees and elected and appointed officials who are subject to a conflict of interest code.

**CITY OF ESCONDIDO**  
**CONFLICT OF INTEREST CODE**  
**EXHIBIT "A"**

**§ 18730. Provisions of Conflict-of-Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

---

<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

---

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

---

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.



(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$440.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$440 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected

officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$440 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

**CITY OF ESCONDIDO  
CONFLICT OF INTEREST CODE  
EXHIBIT "B"**

**List of Designated Positions Required to File Form 700**

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b>CITY ATTORNEY'S OFFICE</b>	
Assistant City Attorney	2, 4, 6
Assistant City Attorney/Litigation	2, 4, 6
Senior Deputy City Attorney	2, 4, 6
Deputy City Attorney	2, 4, 6
<b>CITY CLERK</b>	
City Clerk	2, 4, 6
Assistant City Clerk	2, 4, 6
<b>CITY MANAGER'S OFFICE</b>	
Assistant City Manager	2, 4, 6
Deputy City Manager	2, 4, 6
Assistant to the City Manager	2, 4, 6
Management Analyst	6
<b>COMMUNITY DEVELOPMENT</b>	
Director of Community Development	2, 3, 4, 6
Assistant Planning Director	2, 3, 4, 6
Senior Planner	2, 3, 4, 6
Associate Planner	2, 3, 4, 6
Principal Planner	2, 3, 4, 6
Building Official	2, 3, 4, 6
Deputy Building Official	2, 3, 4, 6
Code Enforcement Manager	2, 3, 4, 6
Economic Development Manager	6
Management Analyst	6

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b>HOUSING AND NEIGHBORHOOD SERVICES</b>	
Neighborhood Services Manager	2, 3, 4, 6
Management Analyst	6
<b>COMMUNITY SERVICES</b>	
Director of Community Services	2, 3, 4, 6
Assistant Director of Community Services	2, 3, 4, 6
Deputy Director of Maintenance and Operations	2, 3, 4, 6
Streets and Parks Maintenance Superintendent	3, 6
Building Maintenance Superintendent	3, 6
Fleet Maintenance Superintendent	3, 6
Recreation Superintendent	2, 3, 4, 6
City Librarian	3, 6
Deputy City Librarian	3, 6
Older Adult Services Manager	7
Program Administrator	7
<b>ENGINEERING</b>	
Director of Engineering Services	2, 3, 4, 6
Deputy Director of Engineering Services	2, 3, 4, 6
Assistant City Engineer	2, 3, 4, 6
Design and Construction Project Manager	2, 3, 4, 6
Principal Engineer	3, 4, 7
Real Property Manager	2, 3, 4, 6
Parks and Open Space Administrator	3, 6
<b>UTILITIES</b>	
Director of Utilities	2, 3, 4, 6
Deputy Director of Utilities/Construction & Maintenance	2, 3, 4, 6

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Deputy Director of Utilities/Wastewater	2, 3, 4, 6
Deputy Director of Utilities/Water	2, 3, 4, 6
Utilities Construction Project Manager	2, 3, 4, 6
Canal Superintendent	3, 6
Wastewater Treatment Plant Superintendent	3, 6
Water Distribution Superintendent	3, 6
Water Treatment Plant Superintendent	3, 6
Utilities Maintenance Superintendent	3, 6
Lakes and Open Space Superintendent	3, 6
Laboratory Superintendent	3, 6
Environmental Programs Manager	3, 6
Utilities Analyst	6
Environmental Program Manager/Utilities	6
<b>FINANCE*</b>	
Finance Manager	6
Investment Officer	6
Revenue Manager	6
Collections Officer	6
Purchasing Supervisor	6
<b>FIRE DEPARTMENT</b>	
Fire Chief	2, 3, 4, 6
Deputy Fire Chief	2, 3, 4, 6
Fire Division Chief	3, 7
Fire Battalion Chief	3, 7
Assistant Fire Chief	3, 7

\* Officials Who Manage Public Investment:

It has been determined that the following positions manage public investments and will file a statement of economic interests pursuant to Government Code §87000: Investment Officer, Director of Financial & Administrative Services, Finance Director.

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Fire Marshall	3, 7
Deputy Fire Marshall	3, 7
Fire Administrative Services Manager	6
Emergency Medical Services Coordinator	6
<b>HUMAN RESOURCES</b>	
Human Resources Director	6
Human Resources Manager	6
Benefits and Workers' Compensation Manager	6
Risk and Safety Manager	6
Safety Administrator	6
Senior Human Resources Analyst	6
<b>INFORMATION SYSTEMS</b>	
Director of Information Systems	6
Applications Development Manager	6
Network/Office Automation Manager	6
Geographic Information Systems Manager	6
Public Safety Systems Manager	6
<b>POLICE DEPARTMENT</b>	
Chief of Police	2, 3, 6
Assistant Chief of Police	2, 3, 6
Police Captain	2, 3, 6
Police Services Bureau Manager	2, 3, 6
Senior Crime Analyst	6
Police Services Analyst	6
<b>BOARDS AND COMMISSIONS</b>	
Building Advisory and Appeals Board	3, 7
Environmental Advisory Commission	3, 7
Historic Preservation Commission	3, 7



<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Investment Committee	2, 4, 6
Library Board of Trustees	3, 7
Personnel Board of Review	3, 7
Public Art Commission	3, 7
Community and Older Adult Services Commission	3, 7
Transportation and Community Safety Commission	3, 7
Oversight Board to the Successor Agency to the Escondido Redevelopment Agency	3, 6
<b>CONSULTANTS</b>	
Consultants	1

Designated Employees are those positions within this city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Persons in newly-created positions shall file under the broadest disclosure category in the agency's conflict-of-interest code until the agency amends its code to reflect the position. However, the City Manager or his designee may determine in writing that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. In accordance with 2 Cal. Code of Regs. §18734, such written determination shall include a description of the newly-created position's duties and, based upon that description, a statement of the extent of disclosure requirements. Alternatively, the City Manager or his designee may complete Form 804, which satisfies the requirements of §18734. The City Manager or his designee'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.

Consultant means an individual who, pursuant to a contract with a state or local government 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 any 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 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.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. In accordance with 2 Cal. Code of Regs. §18734, 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. Alternatively, the City Manager or his designee may complete Form 805, which satisfies the requirements of §18734. The City Manager or his designee'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.

#### Disclosure Categories

General Provisions – The Political Reform Act, Govt. Code §81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the above list in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Escondido.

Pursuant to §4 of the standard code, designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the City of Escondido, the agency shall make and retain a copy and forward the original of these statements to the Escondido City Clerk. Statements for all other designated employees will be retained by the agency.

#### Disclosure Categories –

- Category 1: All investments, business positions, and sources of income (including loans, gifts,\*\* and travel payments) from sources located or doing business in the City of Escondido; All interests in real property located in the City of Escondido or within two miles of any land owned or used by the City of Escondido;
- Category 2: All interests in real property located in the City of Escondido;
- Category 3: All investments, interests in real property and sources of income (including loans, gifts,\*\* and travel payments) subject to the regulatory, permit or licensing authority of the City of Escondido;
- Category 4: Investments in business entities and sources of income (including loans, gifts,\*\* and travel payments) which engage in land development, construction or the acquisition or sale of real property;

Category 5: All interests in real property located within two miles of any land owned or used by the City of Escondido;

Category 6: Investments in business entities and sources of income (including loans, gifts,\*\* and travel payments) of the type which, within the past two years, have contracted with the City of Escondido to provide services, supplies, materials, machinery, or equipment;

Category 7: Investments in business entities and sources of income (including loans, gifts,\*\* and travel payments) of the type which, within the past two years, have contracted with the designated employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

\*\* Gifts with a value of less than \$50 aggregate per year from a single source are not reportable financial interests and gifts with a value of more than \$420 aggregate per year from a single source are prohibited.