

RESOLUTION NO. 2022-3911

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, AUTHORIZING THE AMENDMENTS TO THE CITY OF LEMON
GROVE CONFLICT OF INTEREST CODE AS REQUIRED BY THE FAIR
POLITICAL PRACTICES COMMISSION (FPPC) AND THE APPEAL OF
RESOLUTION NO. 202-3743**

WHEREAS, the Political Reform Act of 1974, Government Code Sections 81000, et seq., requires every governmental agency to adopt a Conflict of Interest Code that designates positions and financial interest that be disclosed by those positions; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act; and

WHEREAS, the City Council has heretofore adopted, as the Conflict of Interest Code of the City of Lemon Grove, the model conflict of interest code set forth in the California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission; and

WHEREAS, the Appendix to the City Code includes Exhibit A (in which officials and employees are designated and in which disclosure categories are set forth), which may be modified by City Council from time to time, and all of which together does constitute the Conflict of Interest Code of the City of Lemon Grove; and

WHEREAS, designated employees shall file Statements of Economic Interests with the City Clerk who will make the statements available for public inspection and reproduction per Government Code Section 81008. Upon receipt of the statements of the Mayor, Councilmembers, City Manager, Finance Director/City Treasurer and the City Attorney, the City Clerk shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. Statements for all other designated position will be retained by the City Clerk; and

WHEREAS, the Conflict of Interest Code differentiates between designated positions with different powers and responsibilities and requires disclosure of all foreseeable potential Conflict of Interest; and

WHEREAS, it is necessary to amend the City's Conflict of Interest Code to reflect the deletion and addition of certain City positions; and

WHEREAS, the Political Reform Act requires the City to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively that the code must be amended; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lemon Grove, California hereby approves the attached City of Lemon Grove Conflict of Interest Code (Exhibit A) and agrees to Section 1-5 listed below.

Section 1: That the above recitals are true and correct.

Section 2: That the standard FPPC Conflict of Interest Code, as set forth in Title 2 California Code of Regulations Section 18730, and as may be amended from time to time by the FPPC, is incorporated by reference and constitutes the Conflict of Interest Code for the City of Lemon Grove.

Section 3: That the list of designated positions subject to the requirements of the Conflict of Interest Code are amended, including their respective disclosure categories are set forth in Exhibit A.

Section 4: That the City of Lemon Grove has conducted the 2020 biennial review of its Conflict of Interest Code, as required by the Political Reform Act, and as a result of the biennial review determined the need for an amended Conflict of Interest Code as presented in this resolution.

Section 5: That Resolution No. 2020-3743 is hereby repealed.

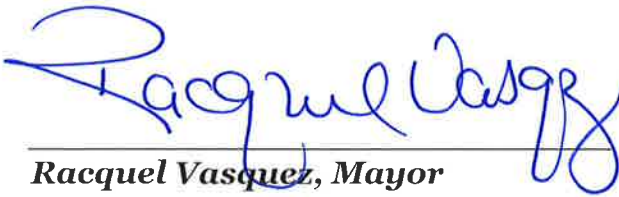
PASSED AND ADOPTED on September 20, 2022, the City Council of the City of Lemon Grove, California, adopted Resolution No. 2022-3911, passed by the following vote:

AYES: Vasquez, Jones, Mendoza, Gastil.

NOES: Lebaron.

ABSENT: NONE.

ABSTAIN: NONE.



Racquel Vasquez, Mayor

Attest:



Audrey Malone, City Clerk

Approved as to Form:



Kristen Steinke, City Attorney

CITY OF LEMON GROVE

CONFLICT OF INTEREST CODE DESIGNATED POSITIONS

GENERAL PROVISIONS

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

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Exhibit "A".

- All designated employees required to submit an initial Statement of Interest Form 700 shall file with the City Clerk within thirty (30) days after the effective date of this resolution. Initial filings shall cover the period of the twelve (12) months prior to the date of the adoption of this Conflict of Interest Code.

- All individuals appointed, promoted, or transferred to a designated position shall file statements within thirty (30) days of assuming office. These "assuming office" statements cover the period of the twelve (12) months prior to the date of assuming office statement.

- When an individual is in an "interim or acting" capacity, they are subject to the same disclosure requirements of the position in which they are filling. An assuming office would be filed.

- Annual statements shall be filed with the City Clerk by April 1 of each year by all designated employees, elected officials, committee/board/commission members or individuals. Such statements shall cover the period of the preceding calendar year.

- Every designated employee who leaves office shall file, within thirty (30) days of leaving office, a statement disclosing financial interests held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

- Any individual serving in dual roles may file a combined statement by reporting according to their broadest range of disclosure.

- Failure to file the required statement in a timely fashion may result in the imposition of administrative, criminal, and civil sanctions as provided in Government Code Sections 81000-91014.

Resource: Title 2, California Code of Regulations, Section 18730 Provisions of Conflict of Interest Codes.

DESCRIPTION OF DISCLOSURE CATEGORIES

Category 1: Disclose all business entities and non-profit organizations in which investments, business positions (e.g. director, officer, partner, trustee, employee or hold any position of management) and sources of income including gifts, loans and travel payments located in Lemon Grove, including property located within a two-mile radius of any property owned or used by the City of Lemon Grove.

Category 2: All interests in real property within the jurisdiction of the City.

Category 3: All investments, business positions in business entities, non-profit organizations and sources of income, including gifts, loans and travel payments, interest in real property and sources of income subject to the regulatory, permit or licensing authority of the specific City department.

Category 4: All investments in business entities, non-profit organizations and sources of income, including gifts, loans and travel payments, and sources of income which engage in land development, construction or the acquisition of real property, and interests in real property located in Lemon Grove, including property located within a two-mile radius of any property owned or used by the City of Lemon Grove.

Category 5: All investments in business entities, non-profit organizations in which investments, business positions (e.g. director, officer, partner, trustee, employee or hold any position of management) and sources of income including gifts, loans and travel payments, and of the type which contracts with the City to provide services, supplies, materials, machinery or equipment to any City department.

Category 6: All investments in business entities and sources of income of the type which contracts with the City to provide to the designated employee's department services, supplies, materials, machinery or equipment to any City department.

Category 7: All investments, positions in business entities, income including gifts, loans and travel payments, and income from non-profit organizations, if the sources is the type that receives grants or other monies from or through the City.

Unlimited Disclosures: 87200 Category are required to file full disclosure of all categories pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code sections 87200, et. seq. Lemon Grove Local Conflict of Interest Code August 22, 2017.

CONSULTANTS

The staff person most knowledgeable of the work that a Consultant will be performing shall designate whether or not the Consultant must file a Statement of Economic Interest by marking the appropriate box on the Agreement or Contract cover sheet. When determined that a Consultant is designated and is responsible for disclosure, they shall be required to file a Statement of Economic Interest disclosing reportable interests subject to all disclosure categories.

Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof shall be required to disclose. Consultants who act in a staff capacity with the City, and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code, shall disclose at the same level as the comparable designated position identified.

EXHIBIT A

CURRENT POSITIONS	DISCLOSURE CATEGORIES 2022
Assistant City Manager	1, 2, 4
Assistant Civil Engineer	3, 4
Assistant Planner	3, 4
Associate Civil Engineer	3, 4
Associate Planner	3, 4
Associate Senior Planner	3, 4
Building Official (Esgil)	2, 3
Building Technician (Esgil)	2, 3
City Clerk	1, 2, 6
City Engineer	1, 2, 5
Code Enforcement /Storm Water Technician	2, 3
Community Advisory Commission	1
Community Development Manager	1, 2, 3, 4, 5, 7
Community Services Specialist	2, 3, 5, 6
Community Services Superintendent	2, 3, 5, 6
Consultants	1
Deputy Building Official/Inspector (Esgil)	2, 3
Deputy City Attorney	1, 2
Deputy City Clerk	1, 2, 6
Deputy Fire Chief	3, 4, 6
Deputy Fire Marshal	3, 4
Development Services Director	Unlimited Disclosure
Development Technician II	2, 3
Engineer Inspector	4
Engineering Technician III	4
Finance Director/Treasurer	Unlimited Disclosure
Finance Manager/Treasurer	Unlimited Disclosure
Fire Battalion Chief	1, 2, 3
Fire Chief	1, 2, 3
Fire Division Chief	2, 3, 5
Fire Inspector	3, 4, 6
Fire Marshal	1, 2, 3
Fire Public Educator	3
Human Resources Manager	3, 5, 7
Management Analyst	3, 5
Principal Planner	1, 2, 3, 4, 7
Public Works Director	1, 2, 3, 4, 6, 7
Public Works Operations/Administration Manager	2, 3, 4, 6
Public Works Superintendent	2, 3, 4, 6
Sanitation Supervisor	4
Senior Management Analyst	3, 5

Senior Planner	1, 2, 3, 4, 7
Special Projects Supervisor	1, 2, 7
Street Supervisor	2, 4, 6

UNLIMITED DISCLOSURE POSITIONS
City Attorney**
City Council**
City Manager**
Administrative Services Director/Finance Director (If City does not have Treasurer) **
Mayor**
Planning Commission**
**City Council also sit as Members of the Successor Agency of the Lemon Grove Redevelopment Agency - Includes Chair, Members, Executive Director, Counsel, Secretary
**City Council also sit as Members of the Public Finance Authority - Includes Chair, Members, Executive Director, Counsel, Secretary, and Treasurer

UNLIMITED DISCLOSURE 87200

****Statements are file directly with the Fair Political Practice Commission (FPPC).
If filed with the City Clerk originals will be mailed to the FPPC within 5 days of
receipt.**