



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: February 28, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Lupita Huerta, City Clerk

SUBJECT: Adopt Resolution Approving Revisions to the City's Conflict of Interest Code

BACKGROUND:

The Political Reform Act and Fair Political Practices Commission (FPPC) regulations require all local agencies to conduct biennial reviews of their conflict of interest code. The City Clerk's Office has conducted the 2022 biennial review. Pursuant to Government Code Section 87200, certain public officials (e.g. Mayor, Councilmembers, City Manager, City Attorney, Planning Commissioners) are statutorily required to a Statement of Economic Interests (Form 700) (collectively "Statutory Filers"). A conflict of interest code sets forth which employees, committee members, and consultants make or participate in making of decisions which may have a foreseeable material effect on a financial interest as well as identifies the appropriate disclosure category for Form 700 that must be filed by such persons. Designated positions must file an assuming office, annual, and leaving office Form 700 per the Political Reform Act. The City Council last updated the City's conflict of interest code in 2020 with the adoption of Resolution No. 2020-76.

DISCUSSION:

The City's Conflict of Interest Code is the statutory "Model Conflict of Interest Code" ("Model Code") which cities adopt as their own local code. The proposed Resolution adopts the most recent Model Code, which contains revisions since the City's last review including the updated gift limit which is now \$590.00. The City's Conflict of Interest Code also includes two appendices- Appendix A contains the Designated Positions list and Appendix B contains the Disclosure Categories.

Since the 2020 update of the City's Conflict of Interest Code, there have been personnel changes that require revision of the Designated Positions list. In addition, we have included Statutory Filers in the Designated Positions list but only for reference as those positions are not subject to the local conflict of interest code. The Statutory Filers are referenced as "Category 5" under the disclosure category. Last, Staff included "consultants" on the Designated Positions list. The FPPC requires that consultants that make or participate in making governmental decisions on behalf of the City be included in the City's local conflict of interest code. Generally, the disclosure category is the broadest category unless it is determined that a particular consultant performs a range of duties that is limited in scope. In those cases, a written determination will be made that includes a description of the consultant's duties and based upon that description, a statement regarding the extent of that consultant's disclosure

requirements. The FPPC definition of a consultant is also included as part of the Disclosure Categories appendix.

In terms of the disclosure categories, the substance of the categories has remained essentially the same with some updates to align with the current FPPC Form 700 schedules.

FISCAL IMPACT:

The adoption of the updated conflict of interest code will have no fiscal impact on the City.

ENVIRONMENTAL IMPACT:

The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION:

It is recommended that that the City Council review and approve the updated conflict of interest code and adopt the Resolution.

ALTERNATIVES:

1. Do not adopt Resolution.
2. Direct staff to make other changes to the local conflict of interest code.

ATTACHMENTS:

1. Resolution
2. Designated Positions List