

REDEVELOPMENT AGENCY OF THE  
CITY OF EL PASO DE ROBLES

RESOLUTION NO. RA 86-05

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES APPROVING AND ADOPTING CONFLICT OF INTEREST CODE REQUIREMENTS PURSUANT TO SECTION 87300 ET. SEQ. OF THE CALIFORNIA GOVERNMENT CODE

WHEREAS, the City of El Paso de Robles created the Redevelopment Agency of the City of El Paso de Robles on June 25, 1980, by Ordinance No. 499 N.S. for purposes of considering and pursuing redevelopment activities in the community pursuant to the Community Redevelopment Law, California Health and Safety Code, Sections 33000 et. seq., and has since been authorized and directed by the City Council of the City of El Paso de Robles to formulate and implement a Redevelopment Plan within one or more redevelopment project areas; and

WHEREAS, Ordinance No. 499 N.S. has taken effect and all other requirements of law have been met so that the Redevelopment Agency of the City of El Paso de Robles is now authorized to function in the City of El Paso de Robles and is permitted to transact any business and to exercise any powers conferred thereon by the provision of the Community Redevelopment Law (Part I, commencing with Section 33000 of Division 24 of the Health and Safety Code of the State of California); and

WHEREAS, Section 87300 et. seq. of the California Government Code requires that every Agency shall adopt and promulgate a Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES, AS FOLLOWS:

Section 1. The terms of California Administration Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached rules and requirements as prepared pursuant to Section 87300 of the California Government code in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated herein by reference and constitute the Conflict of Interest Code for the following:

- a. Officers of the Agency; and
- b. Employees, agents, and consultants of the Agency.

PASSED AND ADOPTED THIS 13th day of August, 1986 by the following roll call vote:

AYES : Agency Members: Cousins, Ovitt, Dolan, Stemper and Russell

NOES : Agency Members: None

ABSENT : Agency Members: None

Nick Russell  
CHAIRMAN of the Redevelopment Agency  
of the City of El Paso de Robles

ATTEST:

Jerry Barton  
SECRETARY of the Redevelopment Agency  
of the City of El Paso de Robles

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO )SS  
CITY OF EL PASO DE ROBLES )

I, Jerry Bankston, Secretary of the Redevelopment Agency of the City of El Paso de Robles, California, do hereby certify that the foregoing Resolution No. RA 86-05 was duly and regularly adopted, passed and approved by the Redevelopment Agency of the City of El Paso de Robles, California at a adjourned regular meeting of said Redevelopment Agency held at the regular meeting place thereof, on the 13th day of August, 1986, by the following vote:

AYES : Agency Members: Cousins, Ovitt, Dolan, Stemper and Russell  
NOES : Agency Members: None  
ABSENT : Agency Members: None

Dated this 13th day of August, 1986.

  
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SECRETARY, Redevelopment Agency  
CITY OF EL PASO DE ROBLES

REDEVELOPMENT AGENCY OF THE  
CITY OF EL PASO DE ROBLES

CONFLICT OF INTEREST AND

DISCLOSURE MONITORING AGENCY CODE

Section 1. Purpose. Pursuant to the provisions of Government Code Sections 87300, et. seq., the Redevelopment Agency of the City of El Paso de Robles, hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

Section 2. Definitions. Except as otherwise indicated below, the definitions contained in the Political Reform Act of 1974, Government Code Section 81000 et. seq., the Regulations of the Fair Political Practices Commission, and any amendments to the Act and Regulations shall be incorporated into this Code.

1. "City": The City of El Paso de Robles.
2. "Redevelopment Agency": The Redevelopment Agency of the City of El Paso de Robles.
3. "Business Entity": Any organization or enterprise operated for profit, including but not limited to, a proprietorship, firm, business trust, joint venture, syndicate, corporation, or association.
4. "Designated Person": A designated person is any individual listed on Attachment "A" hereto or as amended from time to time. Such designated person shall be required to comply with the report requirements of this Code.
5. "Financial Interest": A designated person has a "financial interest" in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, or any significant segment thereof, on:
  - a. Any business entity in which the designated person has a direct or indirect investment worth more than \$1,000;
  - b. Any real property in which the designated person has a direct or indirect interest worth more than \$1,000;
  - c. Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by, or promised to, the designated person within twelve (12) months prior to the time when the decision is made; or

- d. Any business entity in which the designated person is a director, officer, partner, trustee, employee, or holds any position of management;
- e. "Indirect investment or interest," as used to define financial interest, means any investment or interest owned by the spouse or dependent child of the designated person, held or owned by an agent on behalf of the designated person, held or owned by any business entity controlled by the designated person or by a trust in which the designated person has a substantial interest. A business entity is controlled by a designated person if the designated person, his or her agents, spouse, and dependent children hold more than 50 percent of the ownership interest in the entity. A designated person has a substantial interest in a trust when the designated person, his or her spouse, and dependent children have a present or future interest worth more than \$1,000.

6. "Income":

- a. "Income" means, except as provided in Subsection 2, income of any nature from any source including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, capital gain, return of capital, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10 percent interest or greater. "Income" other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.
- b. "Income does not include":
  - 1. Income from a source which is a former employer if: all income from the employer was received by, or accrued to, the designated person prior to the time he or she became a designated person; the income was received in the normal course of the previous employment; and there was no expectation by the designated person at the time he or she assumed a designated position of renewed employment with the former employer;
  - 2. Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;

3. Salary and reimbursement for expenses or per diem received from a State or local government agency and reimbursement for travel expenses or per diem received from a bona fide educational, academic, or charitable organization;
  4. Gifts of informational materials such as books, pamphlets, reports, calendars, or periodicals;
  5. Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
  6. Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, first cousin, or the spouse of any such person provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;
  7. Any devise or inheritance;
  8. Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;
  9. Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government.
7. "Interest in real property": Any leasehold, beneficial or ownership interest, or option to acquire such an interest in real property within the jurisdiction if the fair market value of the interest is greater than \$1,000. Interests in real property of an individual include a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10 percent interest or greater.
8. "Investment":
- a. "Investment" means any financial interest in or security issued by a business entity, including but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property within the jurisdiction, or does business or plans to do business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code. No asset shall be deemed an investment unless its fair market value exceeds \$1,000.

- b. "Investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10 percent interest or greater.
9. "Jurisdiction": The geographical area within the City of El Paso De Robles except that real property shall be deemed to be within the "jurisdiction" of the City if it is located within or not more than two miles outside the boundaries of the City, or within two miles of any land owned or used by the City.
10. "Making governmental decisions": A designated person "makes a governmental decision" when he or she, acting within the authority of his or her office:
- a. Votes on a matter;
  - b. Appoints a person;
  - c. Obligates or commits the City to any course of action;
  - d. Enters into any contractual agreement on behalf of the City.
11. "Material effect": The effect of a governmental decision on a financial interest of a designated person is material if:
- a. At the time the designated person makes, or participates in making, the decision, in light of all the circumstances and facts known at the time of the decision, he or she knows or has reason to know that the existence of the financial interest might interfere with his or her performance of duties in an impartial manner; or
  - b. In the case of a business entity in which the designated person has a direct or indirect investment worth more than \$1,000, or in the case of a designated person who is a director, officer, partner, trustee, employee, or holds any position of management in a business entity:
    - 1. Whether the effect of the decision will be to increase or decrease the annualized gross revenue of the business entity by one percent or more or the annual net income of the business entity by .5 percent or more;
    - 2. Whether the effect of the decision will be to increase or decrease the assets or liabilities of the business entity by \$50,000 or more, or by .5 percent of its current assets or liabilities, whichever is less.

- c. In the case of real property within the jurisdiction in which the designated person has a direct or indirect interest worth more than \$1,000;
  - 1. Whether the effect of the decision will be to increase the monthly income-producing potential of the real property by \$100 or more or by five percent, whichever is less;
  - 2. Whether the effect of the decision will be to increase the fair market value of the real property by \$1,000 or more or by .5 percent, whichever is greater.
- d. In the case of a source of income of a designated person:
  - 1. Whether the decision will affect the source of income in the manner prescribed in Paragraph A;
  - 2. Whether the governmental decision will directly affect the amount of income to be received by the designated person.

12. "Participating in the making of governmental decisions":

- a. A designated person "participates in the making of a governmental decision" except as provided in Subsection 2.A of this definition when he or she, acting within the authority of his or her office:
  - 1. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or
  - 2. Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by
    - a. Conducting research or making any investigation which requires the exercise of judgment on the part of the designated person, the purpose of which is to influence the decision; or
    - b. Preparing or presenting any report, analysis, or opinion, orally or in writing, which requires the exercise of judgment on the part of the designated person, the purpose of which is to influence the decision.
- b. "Making" or "participating in the making" of a governmental decision shall not include:
  - 1. Actions of designated person which are solely ministerial, secretarial, manual, or clerical;

2. Appearances by a designated person as a member of the general public to represent himself or herself on matters related solely to his or her personal interests; or
3. Actions by a designated person relating to compensation or the terms or conditions of employment.

Section 3. Designated Positions. The positions listed on Exhibit "A", attached hereto and by this reference incorporated herein, are Designated Positions. Each officer and employee holding a position listed on Exhibit "A" is a Designated Employee, and is required to file a disclosure statement (as prescribed hereinafter) on any decision which the said officer or employee may make or in which said officer or employee may participate, that may foreseeably have material effect on a financial interest.

Section 4. Disclosure Statement. Designated Positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "A". Each designated Employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated in Exhibit "B", attached hereto any by this reference incorporated herein, as reportable under the category to which the employee's position is assigned on Exhibit "A".

Section 5. Time and Place of Filing.

1. All designated officers and employees required to submit a statement of financial interests shall file the original with the City Clerk of the City.
2. A designated officer or employee required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.
3. Employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of employment.
4. Annual statements shall be filed during the month of February by all designated officers and employees. Such statements shall cover the period of the preceding calendar year.
5. A designated employee who leaves an office shall file, within 30 days of leaving office, a leaving office statement.

Section 6. Contents of Disclosure Statements. Disclosure statements shall contain information as set forth in Exhibit "C" designated as reportable on Exhibit "B" under the category to which the employee's position is assigned on Exhibit "A".

1. Initial Statement:

The initial statement filed by an employee appointed to or holding a designated position shall disclose any reportable investments and interests in real property.

2. Acquisition or Disposal During Reporting Period:

If an investment or interest in real property is required to be reported and was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be set forth.

Section 7. Disqualifications. Designated officers or employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated officer or employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

EXHIBIT "A"

DESIGNATED POSITIONS

CATEGORY I

CITY POSITIONS

City Manager

City Clerk

Police Chief

Police Lieutenants

Fire Chief

City Treasurer

Finance Director

Community Development Director

Members of Planning Commission

Public Works Director

Recreation Director

REDEVELOPMENT AGENCY POSITIONS

Executive Director

Secretary of the Agency

Treasurer of the Agency

Finance Director of the Agency

Redevelopment Manager

Assistant Redevelopment Manager

CATEGORY II

CITY POSITIONS

Chief Building Official

City Attorney

REDEVELOPMENT AGENCY POSITIONS

General Counsel

Assistant General Counsel

EXHIBIT "B"

1. Categories of Reportable Interests. REPORTABLE INTERESTS ARE DIVIDED INTO THE FOLLOWING CATEGORIES:

A. Category I: Interests in Real Property or Investment in Business Entity. Interests in real property are reportable interests if:

1. The real property to which the interest pertains is located, or the business entity owns real property which is located within the boundaries of the City; or
2. The business entity has done or plans to do business with or within the City, or is engaged in the performance of work or services of the type utilized by the City, or if such business entities manufacture or sell supplies, machinery or equipment of the type utilized by the City; and
3. The fair market value of the interest of the designated employee or his or her spouse is greater than One Thousand Dollars (\$1,000); and
4. The interest is either; a) a leasehold, stock or any beneficial or any type of ownership interest held by the designated employee or his or her spouse; b) an option held by the designated employee or his or her spouse to acquire such an interest; or c) an interest or option held by a business entity or trust in which designated employee or his or her spouse owns directly, indirectly or beneficially, a ten percent (10%) interest or greater.

An investment is not reportable if it constitutes a time or demand deposit in a financial institution, a share in credit union, an insurance policy, or a bond or other debt instrument issued by any government or government agency.

B. Category II: Sources of Income. Sources of income are reportable if:

1. The source of income was either a) a business entity located or doing business as described in subsection A; b) an individual residing within the City; or c) a non-profit association or corporation having its principal place of business within the City; and
2. Either a) the aggregate amount of income received by the designated employee or his or her spouse from the source during the period covered by the disclosure statement was Two Hundred Fifty Dollars (\$250) or more in value; or b) if the income was a gift received by the designated employee or his or her spouse from the source during the period covered by the disclosure statement, the value of the gift was Twenty-Five Dollars (\$25) or more.

EXHIBIT "C"

DISCLOSURE STATEMENTS

Disclosure statements shall be made on forms supplied by the Clerk of the City of El Paso de Robles, and when required, shall contain the following information:

A. Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

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, exceeds Ten Thousand Dollars (\$10,000), and whether it exceeds One Hundred Thousand Dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

B. Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating Two Hundred Fifty Dollars (\$250) or more in value, or Twenty-Five Dollars (\$25) 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 was greater than One Thousand Dollars (\$1,000), and whether it was greater than Ten Thousand Dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received.

C. Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, 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 prorata share of gross receipts from such person was equal to or greater than Ten Thousand Dollars (\$10,000) during a calendar year.

D. Management Position Reports:

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which the employee is a director, officer, partner, trustee, employee, or holds any position of management.