

**RESOLUTION NO. 2024 – 36**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE AMENDED CITY CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S (FPPC) STANDARD MODEL OF CONFLICT OF INTEREST CODE, REPEALING RESOLUTION NO. 2022-128.**

**WHEREAS**, the Political Reform Act of 1974, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code that designates positions and financial interests that must be disclosed by those positions; and

**WHEREAS**, designated positions shall file Statement of Economic Interest with the City Clerk through the City Electronic Filing System "NetFile" and are available for public inspection upon acceptance in the system, and reproduction per Government Code Section 81008; and

**WHEREAS**, Conflict of Interest statements are retained per the City Records Retention Code and FPPC Regulations 18944 and 18944.1, and Government Code Sections 81009, and 84615; and

**WHEREAS**, the Fair Political Practices Commission has adopted a standard model Conflict of Interest Code, 2 California Code of Regulations Section 18730, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act of 1974 after public notice and hearings conducted by the Fair Political Practices Commission (FPPC) pursuant to the Administrative Procedure Act, Government Code Sections 11370, et seq; and

**WHEREAS**, the City of National City has adopted the standard model and last amended its Conflict of Interest Code in 2022 by Resolution Number 2022-128; and

**WHEREAS**, Section 87306.5 of the Act requires that no later than July 1 of each even-numbered year, the code reviewing body (the City Council is the "code reviewing body" for all agencies in the City, including the CDC) shall cause a review of its conflict of interest code to occur, and for the code to be amended if necessitated by changed circumstances; and

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

**WHEREAS**, the City of National City has determined that changes are necessary to reflect the addition and/or deletion of certain positions and has amended the attached Appendix to accurately reflect those changes which should be designated and the categories of financial interests which should be made reportable.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**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 National City.

**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 Appendix A, attached to the Agenda Report as Exhibit C.

**Section 4:** That the City of National City has conducted the 2024 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. 2022-128 is hereby repealed.

**Section 6:** That the City Council of the City of National City, California, hereby approves the City of National City Conflict of Interest Code, which is attached as Exhibit A to the Agenda Report.

**PASSED and ADOPTED this 7<sup>th</sup> day of May, 2024.**

  
\_\_\_\_\_  
Ron Morrison, Mayor

**ATTEST:**

  
\_\_\_\_\_  
for Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Barry J. Schultz, City Attorney

Passed and adopted by the City Council of the City of National City, California, on May 7, 2024 by the following vote, to-wit:

Ayes: Bush, Molina, Rodriguez, Yamane, Morrison  
Nays: None.  
Absent: None.  
Abstain: None.

AUTHENTICATED BY: RON MORRISON  
Mayor of the City of National City, California



Shelley Chapel  
City Clerk of the City of National City, California

BY: *LaTonya Husosaw*  
for Shelley Chapel, MMC, City Clerk

## EXHIBIT A

### CITY OF NATIONAL CITY CONFLICT OF INTEREST CODE DESIGNATED CODE FILER POSITIONS

#### GENERAL PROVISIONS

When a designated employee or individual is required to disclose investments, business positions and sources of income, they 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 they 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 electronically including electronic signature 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.*

## EXHIBIT A

### **DISCLOSURE CATEGORIES CATEGORY**

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

*Example: Accountants, Board Members, City Council, Chief Executives (Directors), Fire Chief, Fire Battalion Chief, Engineers, and 87200 filers such as City Council.*

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

*Example: Community Development and or Planning Director, Appraiser, Building Inspectors, Planning Commission and Fire Inspector and 87200 filers such as City Council*

**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.

*Example: Risk Manager, Building Inspectors, Engineer, Plan Check, and 87200 filers such as City Council*

**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 National City, including property located within a two-mile radius of any property owned or used by the City of National City.

*Example: Purchasing Agent, Fire Marshall, Fire Captain, Building Inspector, and 87200 filers such as City Council*

**Category 5:** All investments in business entities, non-profit organizations in which investments, business positions (i.e. 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.

*Example: Fleet or Facilities Supervisor, IT, Building Inspector, and 87200 filers such as City Council*

**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.

*Example: Fleet or Facilities Supervisor, IT, and 87200 filers such as City Council.*

**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.

*Example: Grants Coordinator, Parks & Recreation Deputy Director, Parks & Recreation Supervisors, Police Captain, and 87200 filers such as City Council.*

**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. Position meets criteria in Regulation 18700.3 as a public investment manager.

*Example: City Council, Planning Commissioners, City Manager, City Attorney, City Treasurer, and other public officials who manage public investments and candidates for any of these offices at any election comply with the provisions of the Political Reform Act relating to the filing of Statements of Economic Interests. All such positions are deemed as 87200 Designated Positions.*

## **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. 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.

APPENDIX A

National City Positions and Disclosure Categories

<b>CURRENT POSITIONS</b>	<b>CURRENT DISCLOSURE CATEGORIES 2024</b>
Accountant	1,2,4,5
Assistant City Attorney	1,2,3,5,7
Assistant Director of Community Development	1,2,5,7
Assistant Engineer – Civil	1,2,3,5,7
Associate Planner	3,4
Battalion Chief	2
Budget Manager	1,2,3,4,5,6,7
Building Official	1,2,3,4,5
Buyer	2,4,5,7
City Attorney	87200
City Clerk	1,2,6
City Librarian	6,7
City Manager	87200
City Treasurer	87200
Code Conformance Officer II	3
Community Development Manager	1,2,6,7
Community Development Specialist II	2
Community Development Specialist III	1,2,4,5,7
Confidential Assistant	1,2,3,5,7
City Councilmember	87200
Community Services Director	1,2,5,7
Crime & Intelligence Analyst	7
Deputy City Attorney	1,2,3,5,7
Deputy City Clerk	1,2,6
Deputy City Manager	1,2,3,5,7
Deputy Fire Marshall	1,2,6
Director of Community Development	1,2,5,7
Director of Emergency Services	1,2,5,7
Director of Finance	1,2,5,7
Director of Public Works/City Engineer	1,2,5,7
Equipment Maintenance Supervisor	5
Equipment Mechanic I	5
Equipment Mechanic II	5
Executive Assistant II	3,6
Executive Assistant III	3,6
Executive Assistant IV	1,2,5,7
Executive Secretary	1,2,5,7
Financial Services Officer	1,2,5,7
Fire Battalion Chief	2,4,5,7
Fire Inspector	2,4,5
Fire Inspector I	2,4,5
Fire Inspector II	2,4,5
Homelessness Service Coordinator	1,2,6,7
Housing Programs Manager	1,3,6,7
HR Director	1,2,5,7
HR Manager	1,5,7
IT Analyst	3,4,6
IT Manager	4,6,7
Lead Equipment Mechanic	5



<b>CURRENT POSITIONS</b>	<b>CURRENT DISCLOSURE CATEGORIES 2024</b>
Library Circulation Supervisor	6
Management Analyst II	1,3,4,6
Management Analyst III	1,3,4,6
Mayor	87200
Neighborhood Services Manager	1,3,4,6
Nutrition Programs Manager	6
Nutrition Services Supervisor	6
Park Superintendent	3,4,6
Park Supervisor	3,4,6
Planning Commissioner	87200
Police Captain	1,2,3,6,7
Police Chief	1,2,3,6,7
Police Lieutenant	1,2,6
Police Operations Assistant	3,5
Police Records Clerk	3
Police Records Supervisor	3,5,6
Police Support Services Manager	3
Principal Civil Engineer	1,3,5
Principal Librarian	6,7
Principal Planner	1,2
Property Agent	1,2,6,7
Public Works Crew Supervisor	5,6
Recreation Supervisor	6
Senior Accountant	1,2
Senior Accounting Assistant	1,4,5,7
Senior Construction Inspector	3
Senior Information Technology Analyst	3,4,6
Street and Wastewater Maintenance Supervisor	3,4,5
Stop Grant Office Coordinator	3
Training Coordinator	3

<b>BOARDS/COMMISSIONS/COMMITTEES</b>	<b>CURRENT DISCLOSURE CATEGORIES 2024</b>
Board of Library Trustee Member	1
Civil Service Commissioner	1
Community & Police Relations Commissioner	1
Housing Advisory Committee Member	1,2,3,4,5,6,7
Planning Commissioner	87200
Port Commission	1,2,4,7
Public Art Committee	3,7
Traffic Safety Committee	3,4