



CITY COUNCIL STAFF REPORT

MEETING DATE: September 23, 2024

ITEM TITLE: Adopt a Resolution Amending the City of San Carlos' Conflict of Interest Code.

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution amending the City's Conflict of Interest Code.

FISCAL IMPLICATIONS:

None.

BACKGROUND:

The City's Conflict of Interest Code ("Code") designates which public officials and consultants are required to file a Statement of Economic Interests (Form 700) and what they must disclose. In 1990, Government Code §87306.5 was added to the Political Reform Act requiring every local agency to review its code by October 1 in even numbered years.

The first revision and report to the Fair Political Practices Commission (FPPC) for San Carlos was approved by the City Council in September 1992 and forwarded to the FPPC. It was again modified in 1994 and then biennially reviewed since 1998.

Certain City positions are covered by state law and are required to comply with state regulations, while other positions are governed only by local conflict of interest codes. Employees performing ministerial or manual tasks and members of advisory, non-decision-making boards and committees are not usually subject to the Code. Other employees in decision-making positions, or those dealing with the expenditure of local funds, have a disclosure obligation. They are referenced under the Code as designated employees and their economic disclosure is outlined in "disclosure categories" in the Code.

A 45-day written period commenced on July 30, 2024 and terminated on September 13, 2024. This period was an opportunity for interested persons to express any concerns with the proposed amendments to the Code and present written comments. A public hearing on this matter would be held only if an interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period. The City has not received any comments or requests for a public hearing.

ANALYSIS:

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help

ensure public trust in government. Staff reviewed the current Code (last approved in 2022) and recommend removing the following positions as they have since been eliminated:

- Assistant to City Manager, Disclosure 1
- Deputy City Attorney, Disclosure 1
- Public Works Supervisor, Disclosure 2

A red-lined version of the proposed Code is included as Exhibit A to the Resolution.

Individuals whose position title is listed in the Code shall file a Statement of Economic Interest (FPPC Form 700) with the City of San Carlos under the designated disclosure category and is required to comply with the ethics training requirements of California Government Code §§53234, et seq.

ALTERNATIVES:

The options available to the City Council include:

1. Adopt a Resolution amending the City's Conflict of Interest Code; or
2. Do not adopt the Resolution; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Crystal Mui, City Clerk

Approved for submission by:



Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Resolution with Exhibit A - Designated Officers and Employees