

**RESOLUTION NO. 12-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF BUELLTON, CALIFORNIA, ADOPTING A REVISED  
CONFLICT OF INTEREST CODE OF THE CITY OF  
BUELLTON**

**WHEREAS**, the Political Reform Act, Government Code Section 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes; and

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code; and

**WHEREAS**, 2 California Code of Regulations Section 18730 was adopted by reference by the Buellton City Council on September 10, 1998, in Resolution No. 98-29, as the Buellton Conflict of Interest Code; and

**WHEREAS**, since the adoption of Resolution No. 98-29, the City Council has elected to serve as the successor agency ("Successor Agency") to the former Buellton Redevelopment Agency and will require compliance with the Political Reform Act; and

**WHEREAS**, since the last update of the Buellton Conflict of Interest Code the City has added and deleted certain City positions which should be included or deleted in the list of positions in Attachment B of the Conflict of Interest Code; and

**WHEREAS**, based upon such changes, and desiring to avoid confusion by multiple amended versions of the Conflict of Interest Code, the Council desires to adopt a consolidated Buellton Conflict of Interest Code, including, a Successor Agency Conflict of Interest Code, and repealing all prior versions.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Buellton does hereby resolve, determine, and order as follows:

**SECTION 1.** The City Council hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

**SECTION 2.** Resolution No. 98-29 is hereby repealed.

**SECTION 3.** The provisions of this Resolution shall apply as the Conflict of Interest Code of the Successor Agency of the City of Buellton and all terms herein shall be read as applicable to the appropriate officers and employees of the Successor Agency. At the time that the Successor Agency is dissolved pursuant to the requirements of State Law, this Section 3 shall be repealed and be of no further force or effect.

**SECTION 4.** The terms of 2 California Code of Regulations, Section 18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby adopted and incorporated by reference as the Conflict of Interest Code for the City of Buellton. This Regulation and Attachments B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the City of Buellton.

**SECTION 5.** Employees designated in Attachment B hereto shall file statements of economic interests (Form 700) with the City Clerk of the City of Buellton pursuant to this Resolution. The City Clerk shall retain a copy of all statements of economic interests and make them available for public inspection and reproduction.

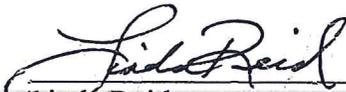
**SECTION 6.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED and ADOPTED** this 13th day of September, 2012.



Holly Sierra  
Mayor

ATTEST:



Linda Reid  
City Clerk

**ATTACHMENT A****Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference**

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the Buellton Conflict of Interest Code by this reference.

**ATTACHMENT B**

**DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES**

The following positions are held by individuals involved in the making or participation in the making of decisions which may foreseeably have a material effect on financial interests:

<u>Designated Position</u>	<u>Disclosure Categories</u>
Director of Public Works/City Engineer .....	1, 2, 3
Assistant City Attorney.....	1
City Clerk.....	1, 2
Consultant* .....	1
Exempt Officials** .....	0
Members of all City Commissions, Boards, and Committees Not Otherwise Required to File Conflict of Interest Statements .....	1
Planning Director.....	1, 2, 3

\*See Attachment C for explanation of Consultant filing.

\*\*The Mayor, City Council, Members of the Planning Commission, City Manager, City Attorney, City Treasurer, and officials who manage public investments are all required to file disclosure statements pursuant to state law and thus are not included herein.

**ATTACHMENT C****CONSULTANTS**

2 Cal. Code of Regulations Section 18701 (b) defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
  - (i) Approve a rate, rule, or regulation;
  - (ii) Adopt or enforce a law;
  - (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
  - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  - (vi) Grant agency approval to a plan, design, report, study, or similar item;
  - (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

**Consultant\***

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**ATTACHMENT D****CATEGORIES OF REPORTABLE ECONOMIC INTERESTS****Designated Persons in Category "1" Must Report:**

All investments, interests in real property, income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within and subject to the jurisdiction of the City, or if the business entity is doing business or planning to do business in an area subject to the jurisdiction of the City, or has done business within an area subject to the jurisdiction of the City at any time during the two (2) years prior to the filing of the statement.

**Designated Persons in Category "2" Must Report:**

All investments and business positions in business entities and income from sources that provide materials, equipment or services of the type used by the City.

**Designated Persons in Category "3" Must Report:**

Investments, business positions, and sources of income of the type which:

- (1) engage in land development, construction or the acquisition or sale of real property;  
and
  - (2) interest in real property located within the jurisdiction, including property located within a two mile radius of any property owned or used by the agency/authority.
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