



# Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Joseph D. Toney, Assistant City Manager

Reviewed by: Miriam Woodrow, Human Resources Manager

Approved by: Steve McClary, City Manager

Date prepared: July 25, 2022 Meeting date: August 22, 2022

Subject: City's Conflict of Interest Code

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**RECOMMENDED ACTION:** Adopt Resolution No. 22-38 adopting the City's Conflict of Interest Code and repealing Resolution No. 19-35.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This item was included as item #6.m. in the Adopted Work Plan for Fiscal Year 2022-2023.

**DISCUSSION:** Government Code Section 87300 requires the City to adopt a Conflict of Interest Code, which will be reviewed biennially. The City's Conflict of Interest Code was last amended on July 8, 2019, by Resolution No. 19-35.

Government Code Section 87200 designates the officials required to file a statement of economic interests. Malibu officials include City Councilmembers, City Manager, City Attorney, Planning Commissioners and City Treasurer. Additionally, the City's Conflict of Interest Code must designate the positions within the City involved in the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest. On June 13, 2022, the Council adopted Resolution No. 22-24 approving the authorized positions and salary ranges for Fiscal Year 2022-2023 and approving the job specifications for: Information Systems Analyst, Public Safety Director, Senior Civil Engineer, Principal Permit Technician, and Development and Operations Manager. Of these positions, it is determined that the Development and Operations Manager, Principal Permit Technician, and Public Safety Director are in decision making roles that could have influence on financial interests of the organization. In addition, the position of Code

Enforcement Manager was added during the mid-year of FY 2020-21 and should be included in the disclosure requirements.

For the City's Conflict of Interest Code to be consistent with authorized positions, Resolution No. 22-38 adds the following positions which participate in making decisions that may foreseeably have a material effect on financial interests:

- Code Enforcement Manager (added Q2 FY 2020-21)
- Development and Operations Manager
- Principal Permit Technician
- Public Safety Director

Newly designated positions will be required to file within 30 days of assuming office. The filing is done through a Statement of Economic Interest (Form 700).

ATTACHMENTS: Resolution No. 22-38

RESOLUTION NO. 22-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU  
ADOPTING THE CONFLICT OF INTEREST CODE AND REPEALING  
RESOLUTION NO. 19-35.

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. The Political Reform Act, Government Code sections 81000, et seq., requires the adoption of a conflict of interest code and biennial review.
- B. Government Code Section 87306 requires every agency to amend its conflict of interest code when changes occur, which include the creation of new positions that must be designated positions, the deletion of old positions and relevant changes in the duties assigned to existing positions.
- C. Section 2 accurately sets forth those positions which should be designated and the categories of financial interests, which should be made reportable.

SECTION 2. The City requires full disclosure for the positions listed below, which participate in making decisions that may foreseeably have a material effect on financial interests. Full Disclosure includes all interests in real property in the City of Malibu, as well as investments, business positions, and sources of income, including gifts, loans, and travel payments.

Assistant City Attorney  
Assistant City Manager  
Assistant Civil Engineer  
Assistant Planning Director  
Assistant Public Works Director/Assistant City Engineer  
Assistant to the City Manager  
Associate Civil Engineer  
Building Inspector  
City Biologist  
City Clerk  
City Geologist  
Code Enforcement Manager  
Code Enforcement Officer  
Community Services Deputy Director  
Community Services Director  
Consultants\*  
Deputy City Manager  
Development and Operations Manager  
Environmental Programs Manager  
Environmental Sustainability Director/Building Official  
Environmental Sustainability Manager/Deputy Building Official  
Environmental Health Administrator  
Finance/Accounting Manager  
Human Resources Manager

Information Systems Administrator  
Information Systems Manager  
Mobilehome Park Rent Stabilization Commissioners  
Permit Services Manager  
Planning Director  
Principal Permit Technician  
Principal Planner  
Public Safety Director  
Public Safety Manager  
Public Works Director/City Engineer  
Public Works Inspector  
Public Works Superintendent  
Recreation Manager  
Senior Building Inspector  
Senior Civil Engineer  
Senior Code Enforcement Officer  
Senior Planner  
Senior Public Works Inspector  
Supervising Building Inspector

Additional positions required to provide full disclosure pursuant to Government Code Section 87200 include:

City Attorney  
City Council  
City Manager  
City Treasurer  
Planning Commissioners

\*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 this section. Such written determination must 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 must be retained for public inspection in the same manner and location as this Conflict of Interest Code.

SECTION 3. Resolution No. 19-35 is hereby repealed.

SECTION 4. The Political Reform Act 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 Regulations Section 18730, which contains the terms of a standard

Conflict of Interest Code, that can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of 2 Cal. Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby Incorporated by reference. These provisions constitute the Conflict of Interest Code of the City of Malibu. The City of Malibu is considered the "agency" within the purview of this code. The Conflict of Interest Code of the City of Malibu so adopted amends and replaces any Conflict of Interest Code of the City of Malibu previously in effect.

SECTION 5. Designated positions must file Statements of Economic Interests with the City Clerk; the originals of which will be on file with the City Clerk's office. Originals for those filers designated under Government Code Section 87200 are maintained by the Fair Political Practices Commission. The City Clerk will perform the duties of Filing Officer for the City of Malibu.

SECTION 6. Any change provided for in this Conflict of Interest Code will not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code; nor will it affect any prosecution, suit or proceeding pending or any judgment rendered in connection with any other Conflict of Interest Code.

SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 22<sup>nd</sup> day of August 2022.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE

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TREVOR RUSIN, Interim City Attorney