

**Mayor**  
Lois Wynne  
**Mayor Pro Tem**  
Willard Rodarmel  
**Council Members**  
Ray Madrigal  
Eddie Neal  
William Siegel



**Office of the  
City Clerk**

119 Fox Street  
Lemoore, CA 93245  
Phone (559) 924-6700  
Fax (559) 924-9003

## Staff Report

ITEM NO. 2-7

**To:** Lemoore City Council

**From:** Janie Venegas, City Clerk 

**Date:** November 14, 2014

**Meeting Date:** November 18, 2014

**Subject:** Biennial Review of Conflict of Interest Code – Resolution 2014-34

---

**Discussion:**

In accordance with California Statute, I have performed the required Biennial Review of the Lemoore Municipal Code Ordinance pertaining to Conflict of Interest. This document serves to memorialize that review, along with the attached "2014 Local Agency Biennial Notice." Resolution 2014-34 is required to amend the Conflict of Interest Code as the City Manager and City Clerk positions were not previously included. The resolution also amends the titles of existing positions.

**Budget Impact:**

None.

**Recommendation:**

That the City Council, by motion, adopt Resolution 2014-34 and accept the report as submitted.

**RESOLUTION NO. 2014-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE  
AMENDING ITS CONFLICT OF INTEREST CODE  
REGARDING DESIGNATED EMPLOYEES**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on November 18, 2014, at 7:30 p.m. on said day, it was moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_ and carried that the following Resolution be adopted:

**WHEREAS**, California Code of Regulations, Sections 18730 et seq., contain the terms of a standard conflict of interest code adopted by the Fair Political Practices Commission (FPPC); and

**WHEREAS**, the FPPC amends the conflict of interest code terms on a regular basis in accordance with the Political Reform Act found at Government Code Sections 81000 et seq.; and

**WHEREAS**, on March 7, 2006, the City Council of the City of Lemoore adopted Resolution No. 2316 that incorporated, by reference, the terms of California Code of Regulations, Sections 18730 et seq., along with the designation of employees and the formulation of disclosure categories; and

**WHEREAS**, the City of Lemoore has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

**WHEREAS**, Government Code Section 87306 requires that a report be submitted to the City Council of the City of Lemoore identifying any changes in the conflict of interest code including, but not limited to, changes to designated employees.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lemoore as follows:

1. The conflict of interest code for the City of Lemoore is hereby amended regarding designated employees as set forth in Exhibit "A."
2. All previously adopted designated employees regarding the conflict of interest code for the City of Lemoore are hereby rescinded.
3. All persons holding designated positions and those designated positions listed in Government Code Section 87200 shall file statements of economic interests as required by law.
4. This Resolution shall take effect immediately.

**PASSED AND ADOPTED** at a Regular Meeting of the City Council of the City of Lemoore held on the 18<sup>th</sup> day of November 2014 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

ATTEST:

\_\_\_\_\_  
Mary J. Venegas, City Clerk

\_\_\_\_\_  
Lois Wynne, Mayor

## EXHIBIT A – DESIGNATED EMPLOYEES

### City of Lemoore CONFLICT OF INTEREST CODE

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
All Department Heads	1 through 7
Chief Planner	1 through 7
Project Manager	1 through 7
City Clerk	1 through 7
City Manager	1 through 7
Consultants*	

\*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 limitations:

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

## APPENDIX B

### General Provisions

When a designated employee is required to disclose investments and sources of income, he need only disclose business in the jurisdiction, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within or not more than two miles of any land owned or used by the local government agency.

Designated employees shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Appendix A.

- Category 1: All investments and sources of income.
- Category 2: All interest of real property.
- Category 3: All investments, interest in real property and sources of income subject to the regulatory, permit or licensing authority of the department.
- Category 4: Investments in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property.
- Category 5: Interest in real property located within two miles of any land owned or used by the City of Lemoore.
- Category 6: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the City of Lemoore to provide services, supplies, materials, machinery or equipment.
- Category 7: Investments in business entities and sources of income of the type which, within the past two years, have contracted with the designated employee's department to provide services, supplies, materials, machinery or equipment.

# 2014 Local Agency Biennial Notice

Name of Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that (check one box):

**An amendment is required. The following amendments are necessary:**

*(Mark all that apply.)*

- Include new positions (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other *(describe)* \_\_\_\_\_

**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is more than five years old, amendments may be necessary.)

---

## Verification

*This agency's conflict of interest code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Date

Complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2014**, or by the date specified by your agency, if earlier, to:

*(PLACE RETURN ADDRESS OF THE CODE REVIEWING BODY HERE)*

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC**