

RESOLUTION NO. 2006-47

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
AMENDING THE CONFLICT OF INTEREST CODE**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on December 19, 2006 at 7:30 p.m. on said day, it was moved by Councilmember _____, seconded by Councilmember _____ and carried that the following Resolution be adopted:

WHEREAS Government Code section 87300 requires every public agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS amendments to the Political Reform Act, Government Code sections 81000, et seq., have in the past and foreseeably will in the future require conforming amendments to be made in Conflict of Interest Codes adopted and promulgated pursuant to its provisions; and

WHEREAS the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations, Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code sections 11370, et seq.; and

WHEREAS the City of Lemoore on June 17, 1980, adopted by Resolution No. 8005 a Conflict of Interest Code in compliance with the Political Reform Act; and

WHEREAS in 1990 Government Code section 87306.5 was added to the Political Reform Act requiring every local agency who has adopted a Conflict of Interest Code to review their code every two years, by either amending their code if necessary or reporting to their respective code reviewing body that no amendment is necessary; and

WHEREAS the City of Lemoore has reviewed its Conflict of Interest Code and has determined that revisions are necessary to the previously adopted Conflict of Interest Code and Designated Positions to keep the code in conformity with the Political Reform Act.

**THE CITY COUNCIL OF THE CITY OF LEMOORE HEREBY RESOLVES
AS FOLLOWS:**

1. All previously adopted resolutions approving various separate Conflict of Interest Codes applicable to designated employees are hereby rescinded.
2. The Political Reform Act, Government Code section 81000, et seq. requires

state and local government agencies to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which 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. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which officials and employees are designed and Appendix B in which disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Lemoore, which is considered the “agency” within the purview of this code. The Conflict of Interest Code of the City so adopted amends and replaces any Conflict of Interest Code of the City of Lemoore previously in effect to conform to this newly adopted code.

3. Designated employees shall file statements of economic interests with the City Clerk, who shall perform the duties of filing officer for the City of Lemoore.

4. Any change provided for in the Conflict of Interest Code shall 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 shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other Conflict of Interest Code.

5. After adoption of this resolution the City Clerk shall file a certified copy of this resolution with appendices with the Fair Political Practices Commission for review and approval and/or amendment.

The foregoing resolution was regularly introduced and adopted by the City Council of the City of Lemoore at a Regular Meeting held on the 19th day of December, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

John F. Murray, Mayor

ATTEST:

Nanci C. O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.

I, Nanci C. O. Lima, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution was duly passed and adopted at a Regular Meeting of the City Council of the City of Lemoore on 19th day of December, 2006.

DATED: December 20, 2006

Nanci C. O. Lima, City Clerk

APPENDIX “A”

City of Lemoore
CONFLICT OF INTEREST CODE

LIST OF DESIGNATED POSITIONS

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