

RESOLUTION NO. 20-065

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA
AMENDING THE CITY OF SARATOGA CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act requires certain City officials, specified in section 87200 of the California Government Code, to file economic disclosure forms (“Form 700”) and abstain from making or participating in making governmental decisions which have a reasonably foreseeable material effect on economic interest; and

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code (Code) that enumerates specific City positions which involve making or participating in making decisions which have a reasonably foreseeable material effect on an economic interest, and designates for each position the specific types of investments, business positions, interests in real property and sources of income which are reportable based on the scope of the decision-making authority of the position, and further requires the City Council to act as the code-reviewing body of the City’s Conflict of Interest Code; and

WHEREAS, the City of Saratoga’s Conflict of Interest Code was adopted by Resolution No. 01-011 on February 21, 2001 and adopted, by reference, the Fair Political Practices (FPPC) Model Conflict of Interest Code set forth in Title 2, Section 18730 of the California Code of Regulations and was most recently updated by Resolution No. 18-051 on October 3, 2018; and

WHEREAS, the Political Reform Act requires biennial review of the Code and the City has completed its review for 2020 and updated the list of designated positions required to disclose personal economic interests and the categories of interests that must be disclosed; and

NOW, THEREFORE, the City Council of the City of Saratoga hereby amends the City of Saratoga Conflict of Interest Code to provide:

The terms of 2 California Code of Regulations Section 18730 (Exhibit A) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated and made a part of this Code by reference. This regulation and the attached Exhibit B and Exhibit C, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the City of Saratoga (City).

Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Upon receipt of the statements of the City of Saratoga City Council, City Manager, City Attorney, City Treasurer (Finance and Administrative Services Director), and Planning Commissioners, the City Clerk shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

The Conflict of Interest Code as amended herein shall supersede all previous Codes, policies, and understandings related to the City of Saratoga Conflict of Interest Code.

The above and foregoing resolution was passed and adopted at a regular meeting of the Saratoga City Council held on the 16th day of September 2020 by the following vote:

AYES: Mayor Howard A. Miller, Vice Mayor Mary-Lynne Bernald, Council Members Yan Zhao, Rishi Kumar

NOES:

ABSENT:

ABSTAIN:



Howard A. Miller, Mayor

Attest:



Debbie Bretschneider, CMC, City Clerk

9/23/2020

DATE:

EXHIBIT B – CONFLICT OF INTEREST CODE LIST OF DESIGNATED POSITIONS
Adopted via Resolution 20-__ (Adopted --- --, 2020)

DESIGNATED POSITIONS	DISCLOSURE CATEGORY
APPOINTED/ELECTED OFFICIALS	
City Council	87200 Filer (Full Disclosure)
Heritage Preservation Commission	1 (Full Disclosure)
Library & Community Engagement Commission	1 (Full Disclosure)
Parks and Recreation Commission	1 (Full Disclosure)
Planning Commission	87200 Filer (Full Disclosure)
Traffic Safety Commission	1 (Full Disclosure)
CITY ATTORNEY'S OFFICE	
City Attorney	87200 Filer (Full Disclosure)
Assistant City Attorney	1 (Full Disclosure)
CITY MANAGER'S OFFICE	
City Manager	87200 Filer (Full Disclosure)
Assistant City Manager	1 (Full Disclosure)
City Clerk	1 (Full Disclosure)
PUBLIC WORKS DEPARTMENT	
Public Works Director	1 (Full Disclosure)
Public Works Manager – Parks	2 (Dept. Related Income, Property)
Public Works Manager – Streets and Fleet	2 (Dept. Related Income, Property)
Senior Civil Engineer	2 (Dept. Related Income, Property)
Associate Engineer	2 (Dept. Related Income, Property)
Associate Civil Engineer	2 (Dept. Related Income, Property)
COMMUNITY DEVELOPMENT DEPARTMENT	
Community Development Director	1 (Full Disclosure)
Building Official	1 (Full Disclosure)
City Arborist	2 (Dept. Related Income, Property)
Senior Planner	2 (Dept. Related Income, Property)
Associate Planner	2 (Dept. Related Income, Property)
Associate Civil Engineer	2 (Dept. Related Income, Property)
Code Compliance Officer	2 (Dept. Related Income, Property)
Facilities Manager	2 (Dept. Related Income, Property)
FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT	
Finance & Administrative Services Director	87200 Filer (Full Disclosure)
Finance Manager	1 (Full Disclosure)
Human Resources Manager	1 (Full Disclosure)
Information Technology Manager	4 (Computer Related)

CONSULTANTS

City Auditor	1 (Full Disclosure)
City Geotechnical Consultant	2 (Dept. Related Income, Property)
City Surveyor	1 (Full Disclosure)
Traffic Engineer	2 (Dept. Related Income, Property)
Contract Planner	2 (Dept. Related Income, Property)
Contract Arborist	2 (Dept. Related Income, Property)

OTHER REPORTING REQUIREMENTS

- **Newly Created Positions between Conflict of Interest Code Updates:** The City Clerk shall complete FPPC form 804 at time position is created.
- **Consultants (Defined in FPPC Regulation 18701 (a)(2)):** The City Clerk shall complete FPPC Form 805 at the time the consultant is hired. Consultants 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 disclose pursuant to the broadest disclosure category.
- **Members of Task Forces, Special Committees, and Similar Advisory Bodies Created by City Council:** The City Attorney and City Clerk shall consider whether a newly created body is subject to the Political Reform Act's disclosure requirements and make a recommendation to the City Council. Factors to be considered include but are not limited to whether the body will perform a role that compels or prevents a governmental decision, or make substantive recommendations that may be regularly approved without significant modification by another public official or governmental agency over an extended period of time.

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EXHIBIT C – DISCLOSURE CATEGORIES AND DEFINITIONS

CATEGORIES:

1. FULL DISCLOSURE and 87200 FILER

What to Report? All investments, positions in business entities, sources of income (including gifts, loans, and travel payments), and interests in real property.

What Form 700 schedules? All Schedules (A through E)

2. DEPARTMENT-RELATED INCOME, REAL PROPERTY

What to Report? All investments, positions in business entities, sources of income (including gifts, loans, and travel payments) if the source provides goods or services of the type utilized by or subject to the review or approval of the department in which that person is employed and all interests in real property or the Commission or other body on which the person serves.

What Form 700 schedules? All Schedules (A through E)

3. DEPARTMENT-RELATED INCOME

What to Report? All investments, positions in business entities, sources of income (including gifts, loans, and travel payments) if the source provides goods or services of the type utilized by or subject

to the review or approval of the department in which that person is employed or the Commission or other body on which the person serves.

What Form 700 schedules? A, C, D, E

4. CITY-RELATED COMPUTER HARDWARE & SOFTWARE

What to Report? All investments, positions in business entities, sources of income (including gifts, loans, and travel payments) if the source provides goods or services relating to computer hardware or software companies, computer consultant services, IT training companies, data processing firms and media services of the type utilized by the City.

What Form 700 schedules? A, C, D, E

KEY TO FORM 700 SCHEDULES

Category A-1:	Investments less than 10% ownership
Category A-2:	Investments greater than 10% ownership
Category B:	Real Property
Category C:	Income, Loans and Business Positions
Category D:	Income - Gifts
Category E:	Income – Gifts, Travel Payments, Advances and Reimbursements

DEFINITIONS (summary from California Government Code as of 8/28/2020)

For the purposes of these disclosure categories, the definitions and regulations contained in the Political Reform Act apply, including but not limited to:

“Business entity” means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. (Gov. Code 82005)

“Income” means a payment received, including but limited to any salary or wage received by the filer. However, income does not need to be disclosed if the source is a state, local, or federal government agency. For more details on Gov. Code 82030:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=82030.&lawCode=GOV

“Interests in real property” includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is \$2,000 or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater. (Gov. Code 82033)

However, a real estate interest does not need to be discussed if it is used solely as your primary residence (Gov. Code 87206 (f))

“Investment” means any financial interest in or security issued by a business entity owned directly, indirectly, or beneficially by filer, or his or her immediate family. An asset shall not be deemed an investment unless its fair market value equals or exceeds \$2,000. (Gov. Code 82034)

