

ORDINANCE NO. 16-013

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
TO AMEND AND CODIFY THE CITY'S CONFLICT-OF-INTEREST CODE**

WHEREAS, the City Council of the City of Pacific Grove desires that elected and appointed officials be prohibited from making, participating in the making, or attempting to use their official positions to influence a governmental decision in which they know or have reason to know they have a financial interest; and

WHEREAS, the Political Reform Act (Act), set forth at Government Code section 81000 et seq, requires state and local government agencies to adopt and promulgate a Conflict of Interest Code (Conflict Code); and

WHEREAS, on December 20, 2006, the City Council adopted a Conflict Code; and

WHEREAS, the Act directs every local agency that has adopted a Conflicts Code to review its Code on at least a biennial basis (to be conducted each even numbered year) to ensure the Code reflects the organization's current staffing, and submit an amended Code, if necessary; and

WHEREAS, the Council last amended the Conflict Code on June 19, 2013, by Ordinance No. 13-010; and

WHEREAS, upon biennial review by the City Attorney's office, it was determined that an amendment to the Conflict Code was required to reflect personnel changes that resulted in the creation and/or elimination of positions, and the inclusion of boards and commissions making substantive recommendations to Council, and to limit the scope of disclosure to only those interests either located in, or doing business in, or planning to do business within the City; and

WHEREAS, this Ordinance will supersede Ordinance No. 13-010, and will codify the current conflict-of-interest requirements, providing means to further promote disclosure of conflicts and set forth disqualification procedures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The text set forth in existing Section 2.40.010 of the Pacific Grove Municipal Code, entitled "Purpose," shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

2.40.010 **Purpose**

The Political Reform Act ("Act"), set forth at Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. Pursuant to the provisions of Government Code Section 87300, et seq., the city of Pacific Grove hereby adopts the following conflict of interest code. Nothing contained herein is intended to modify or abridge the provisions of the Act, or other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions and provisions of said Act, and 2 California Code of Regulations Section 18730, adopted pursuant thereto, and as may be amended, shall be incorporated herein and this code shall be interpreted in a manner consistent therewith.

SECTION 3. The text set forth in existing Section 2.40.030 of the Pacific Grove Municipal Code, entitled "Disclosure Categories," shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

2.40.030 Disclosure Categories

Designated officials are assigned to specific categories of financial disclosure.

- (a) Designated Positions and Disclosure Categories
 - (1) Category 1
 - (A) Mayor;
 - (B) Councilmembers;
 - (C) City manager;
 - (D) City attorney;
 - (E) City clerk;
 - (F) Assistant city attorney;
 - (G) ~~Administrative services manager~~ ***Finance director***;
 - (H) ~~Public works and community development director~~;
 - (I) Police chief;
 - (J) ~~Planning Manager~~ ***Community and economic development director***;
 - (K) ~~Chief Planner~~
 - (K) ***Library and information services director***;
 - (L) Members of the planning commission;
 - (M) Members of the architectural review board;
 - (N) Members of the historic resources commission;
 - (O) Members of the economic development commission
 - (P) ***Consultant/new position***.
 - (2) Category 2
 - (A) ~~Assistant administrative services manager~~ ***Assistant finance manager***
 - (B) ~~Parks and recreation manager~~ ***Senior recreation coordinator***;
 - (C) Police commander;
 - (D) Environmental programs manager;
 - (E) Public works superintendent;
 - (F) Senior planner;

- (G) Police administrative services manager;
- (H) Police records supervisor;
- (I) Human resources manager;
- (J) Management analyst;
- (K) Code compliance officer;
- (HL) Members of the recreation board.

(b) Disclosure Categories

(1) Category 1 must report all interests in real property ~~located within the City, as well as~~ investments, business positions and sources of income, including gifts, loans, and travel payments from any source located in, doing business in, or planning to do business within the jurisdiction of the City; and

(2) Category 2 must report all investments, business positions and sources of income, including gifts, loans, and travel payments from any source located in, doing business in, or planning to do business within the jurisdiction of the City.

SECTION 3. Resolutions Nos. 08-028, 13-010, and all other actions in conflict with this Ordinance are hereby rescinded.

SECTION 4. If any provision, section, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective on the thirtieth day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 21st day of September, 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Miller and Peake.

NOES: None.

ABSENT: Councilmember Lucius.

APPROVED:

Bill Kampe
BILL KAMPE, Mayor

ATTEST:

Sandra Kandell
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

David C. Laredo
DAVID C. LAREDO, City Attorney