

ORDINANCE NO. 18-011

**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 (City) 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 Conflict 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 September 21, 2016, by Ordinance No. 16-013; 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

WHEREAS, this Ordinance will supersede Ordinance No. 16-013, 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 2.40.030 of the Pacific Grove Municipal Code, entitled "Disclosure Categories," 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:

2.40.030 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** director;
 - (H) Public Works director;
 - (I) Police chief;
 - (J) Community and economic development director;
 - (K) Library 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) **Administrative services** manager;
 - (B) **Program manager**;
 - (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;
 - (L) **Senior Librarian**
 - (M) Members of the recreation board.

(b) Disclosure Categories

(1) Category 1 must report all interests in real property 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. Nos. 08-028, 13-010, 16-013 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 3rd day of October, 2018, by the following vote:

AYES: Mayor Kampe, Councilmembers Fischer, Garfield, Huitt, Peake, and Smith.

NOES: None.

ABSENT: Councilmember Cuneo.

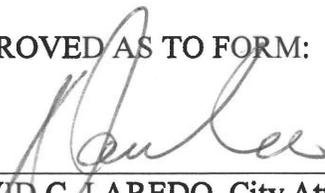
APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney

