

**REPORT TO MAYOR/REDEVELOPMENT AGENCY CHAIR
AND CITY COUNCIL/AGENCY BOARD/LOCAL REUSE
AUTHORITY**

**TO THE HONORABLE MAYOR/REDEVELOPMENT AGENCY CHAIR,
CITY COUNCIL/AGENCY BOARD, AND CITY COUNCIL SITTING
AS THE LOCAL REUSE AUTHORITY:**

DATE: June 22, 2010

**SUBJECT: AMENDING CITY OF CONCORD CONFLICT OF INTEREST CODE APPENDIX
"A", DESIGNATED EMPLOYEES, BOARDS & COMMISSIONS**

Report in Brief

The City, Redevelopment Agency, and Local Reuse Authority are required to review and amend, if necessary, their Conflict of Interest Codes to reflect changed circumstances such as the creation of new positions and/or the relevant changes in duties assigned to existing positions every even-numbered year. The City Council, Agency Board and the City Council sitting as the Local Reuse Authority, serve as the Code reviewing body to approve these amendments.

Because of changes which have occurred within the organization, an amendment to Appendix "A" of the City of Concord's Conflict of Interest Codes is necessary. One of these organizational changes affects the Redevelopment Agency's Conflict of Interest Code as well. There are no changes to the Local Reuse Authority's Conflict of Interest Code.

Staff recommends that the Joint City Council and Redevelopment Agency adopt Resolution 10-54 amending the City of Concord's Conflict of Interest Code and Redevelopment Agency Resolution 10-749 amending the Redevelopment Agency's Conflict of Interest Code as shown on revised Appendix "A" to each Resolution and confirm that the Local Reuse Authority's Conflict of Interest Code established by Resolution LRA 06-1 dated January 10, 2006 remains appropriate.

Background

The State Political Reform Act, Government Code Section 81000 et seq. requires local agencies such as the City of Concord to adopt a Conflict of Interest Code. "Designated employees" are required to file financial disclosure statements with the City Clerk. A "designated employee" is defined in the Conflict of Interest Code because the position he or she holds entails the making, or participation in the making, of decisions that may foreseeably have a material effect on any financial interest of the employee or the employee's family.

The City of Concord and Redevelopment Agency adopted their Conflict of Interest Codes in 1981 (Resolutions 81-6601 and 81-118, respectively). The Local Reuse Authority adopted its Conflict of Interest Code in 2006 by Resolution LRA 06-1.

**AMENDING CITY OF CONCORD CONFLICT OF INTEREST CODE APPENDIX "A",
DESIGNATED EMPLOYEES, BOARDS & COMMISSIONS**

June 22, 2010

Discussion

City positions that have been added to Appendix "A" as newly qualifying as "designated employees" are italicized for easy reference. Inactive classifications have been removed from Appendix "A," and are identified by strikeout. Some of the identified positions are currently vacant or pending recruitment, or will be held vacant due to the budget deficit.

This report also constitutes the written statement to the City Council sitting as the Local Reuse Authority from the Executive Director that no change is required to the Local Reuse Authority's Conflict of Interest Code which was established by Resolution LRA 06-1 dated January 10, 2006.

Fiscal Impact

There is no fiscal impact anticipated.

Public Contact

Posting of the agenda.

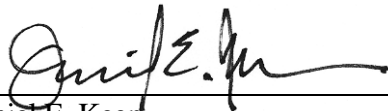
Alternative Courses of Action

Council could decline to adopt the proposed amendments. However, failure to do so would not serve the purposes of the Political Reform Act by requiring disclosure of assets and income of public officials who may be materially affected by their official actions. Such income and assets should be disclosed and, in appropriate circumstances, officials should be disqualified from acting in order that conflicts of interest may be avoided.

Recommendation for Action

Staff recommends the City Council/Agency Board adopt Resolution No. 10-54 amending the City's amended Conflict of Interest Code and Redevelopment Agency Resolution No. 10-749 amending the Redevelopment Agency's amended Conflict of Interest Code, and confirm that the Local Reuse Authority's Conflict of Interest Code established by Resolution LRA 06-1 dated January 10, 2006 remains appropriate.

Prepared by: Mary Rae Lehman
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Daniel E. Keen
City Manager
Dan.Keen@ci.concord.ca.us

Reviewed by: Craig Labadie
City Attorney
Craig.Labadie@ci.concord.ca.us

Enclosures: Attachment 1: Resolution 10-54 with new Appendix "A" - Designated Employee Classification
Attachment 2: Redevelopment Agency Resolution 10-749 with new Appendix "A" COI Code
Attachment 3: Local Reuse Authority Conflict of Interest Code
Attachment 4: Disclosure Categories

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Amending Appendix "A" of Resolution
81-6601, the City of Concord's Conflict of Interest
Code**

Resolution No. 10-54

WHEREAS, under the provisions of the Political Reform Act, Government Code Section 81000 et seq., the City of Concord is required to adopt a local conflict of interest code; and

WHEREAS, said conflict of interest code is to enumerate positions within the City which are involved the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest of the designated employee by virtue of his or her position; and

WHEREAS, by Resolution 81-6601, the City Council adopted the City's conflict of interest code, and as part of that code adopted Appendix "A" which sets forth the designated employee classifications required to disclose financial interests in investments, interest in real property, and sources of income as may be applicable to each designated position; and

WHEREAS, the Political Reform Act requires the City Council, as the code-reviewing body, to review and amend the conflict of interest code no later than July 1 of each even-numbered year and requires that if a change in the code is necessitated by changed circumstances, the conflict of interest code be amended in accordance with the procedures of the Political Reform Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES
RESOLVE AS FOLLOWS:**

Section 1. Amends Appendix "A" of Resolution 81-6601, attached.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

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APPENDIX A

6/9/08/22/10

City of Concord
Resolution No. 81-6601

DESIGNATED EMPLOYEE CLASSIFICATIONS

Administrative Analyst	1,2,3,4	
<i>Admin Services Coordinator</i>	2,4	
<i>Administrative Services Manager</i>	2,4	
Assistant City Attorney	1,2,3,4	
<i>Assistant City Engineer</i>	2,3,4	
Assistant City Manager	1,2,3,4	
Assistant Engineer	2,3,4	
Assistant Planner	1,2,3,4	
Assistant to the City Manager	1,2,3,4	
Associate Civil Engineer	1,3	
<i>Associate Planner</i>	1,2,3,4	
Budget Analyst	1,2,3,4	
Budget Officer	1,2,3,4	
Building Inspector Supervisor	1,3	
Building Inspector	1,3	
Business Development Manager	1,2,3,4	
Buyer	4	
Camp Director – Camp Concord (contract)	1,2,4	
Chief Building Official	1,3	
Chief of Police	1,2,4	
City Clerk	1,2,3,4	
City Engineer	1,2,3,4	
Community Relations Manager	1,2,3,4	
Community Services Manager	1,2,3,4	
<i>Concord Reuse Project Director</i>	1,2,3,4	
<i>Concord Reuse Project Manager</i>	1,2,3,4	
Construction Inspection Supervisor	1,3	
Construction Inspector	1,3	
Contract Engineer	1,2,3,4	
Deputy City Attorney	1,2,3,4	
Deputy City Manager	1,2,3,4	
Director of Building, Engineering & Neighborhood Svc.	1,2,3,4	
Director of Building & Neighborhood Services	1,2,3,4	
Director of City Management	1,2,3,4	
<i>Director of Community Development</i>	1,2,3,4	
Director of Community and Recreation Services	1,2,3,4	
Director of Finance	1,2,3,4	
Director of Human Resources	1,2,3,4	

Director of Information Technology	1,2,3,4
Director of Planning & Economic Development	1,2,3,4
Director of Public Works	1,2,3,4
<i>Director of Public Works and Engineering</i>	<i>1,2,3,4</i>
<i>Downtown Coordinator</i>	<i>2,3</i>
<i>Economic Development Manager</i>	<i>1,2,3,4</i>
Economic Development/Redevelopment Specialist	1,2,3, 4
Employee Services Manager	2,4
Facilities Maintenance Program Manager	1,2,3,4
Financial Analyst	1,2,3,4
Financial Operations Manager	1,2,3,4
Fleet Manager	2,3,4
Head Golf Professional (contract)	2,4
Housing Manager	1,3
Housing Program Analyst	1,2,3
Housing Rehabilitation Coordinator	1,3
Housing Rehabilitation Specialist	1,3
<i>Human Resource Analyst II</i>	<i>1,2</i>
Information Technology Manager	2,4
Manager of Admin. Services/Assistant City Clerk	1,2,3,4
Manager of Facilities Maintenance	1,2,3,4
Manager of Infrastructure Maintenance Manager	2,3,4
Neighborhood Services Supervisor	1,2,3,4
Neighborhood Services Manager	1,2,3,4
<i>Neighborhood Services Specialist</i>	<i>1,2,3,4</i>
Network Manager	2,4
Network & Telecommunications Manager	2,4
Parks and Facilities Manager	1,2,3,4
Parks Manager	2,4
Planning Manager	1,2,3,4
Police Captain	1,2,4
<i>Police Records Manager</i>	<i>1,2,4</i>
Principal Planner	1,2,3,4
<i>Printing Services Supervisor</i>	<i>2,4</i>
Parks Program Manager	1,2,3,4
Program Manager	1,2,3,4
Purchasing Agent	4
Recreation Services Manager Program Coordinator	<i>2,3,4</i>

Redevelopment/Housing Manager	1,2,3,4
Risk Manager	1,2,3,4
Senior Administrative Analyst	1,2,3,4
Senior Assistant City Attorney	1,2,3,4
Senior Building Inspector	1,3
Senior Civil Engineer	1,2,3,4
Senior Construction Inspector	1,3
<i>Senior Human Resource Analyst</i>	<i>1,2,3,4</i>
<i>Senior Planner</i>	<i>1,2,3,4</i>
Senior Program Manager	1,2,3,4
Senior Recreation Program Manager	1,2,3,4
Systems and Programming Manager	2,4
Transportation Manager	1,2,3,4
Transportation Program Manager	2,3,4
Treasury Manager	1,2,3,4
Zoning Administrator	1,2,3,4

DESIGNATED BOARDS AND COMMISSIONS

Appeals Board	1,2,3
Community Advisory Committee	1,2,3,4
Community Services Commission	1,2,3,4
Parks & Recreation Commission	2
Design Review Board	1,2,3

FILINGS REQUIRED BY GOVT. CODE SECTION 87200

City officials required to file a financial disclosure statement under Government Code §87200, including public officials and employees who manage public investments

City Council	1,2,3,4
Planning Commission	1,2,3,4
City Manager	1,2,3,4
City Attorney	1,2,3,4
City Treasurer	1,2,3,4
Retirement Board	1,2,3,4
Consultants *	1,2,3,4

* As reviewed and identified by City Attorney staff

06/11/2010 3:00 PM

**REDEVELOPMENT AGENCY OF THE CITY OF CONCORD
RESOLUTION NO. 10-749**

**A RESOLUTION AMENDING APPENDIX "A" OF
RESOLUTION NO 81-118, THE CITY OF
CONCORD REDEVELOPMENT AGENCY'S
CONFLICT OF INTEREST CODE**

WHEREAS, under the provisions of the Political Reform Act, Government Code Section 81000 et seq., the Redevelopment Agency is required to adopt a local conflict of interest code; and

WHEREAS, said conflict of interest code is to enumerate positions within the Redevelopment Agency which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest of the designated employee by virtue of his or her position; and

WHEREAS, by Resolution 81-118, the Redevelopment Agency Board adopted the Redevelopment Agency's conflict of interest code and, as part of that code, adopted Appendix "A" which sets forth the designated employees required to disclose financial interests in investments, interest in real property and sources of income as may be applicable to each designated position; and

WHEREAS, the Political Reform Act requires the Redevelopment Agency, as the Code reviewing body, to review and amend the conflict of interest code no later than July 1 of each even numbered year and requires that, if a change in the code is necessitated by changed circumstances, the conflict of interest code be amended in accordance with the procedures of the Political Reform Act.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. Amends Appendix "A" of Resolution 81-118 which is attached hereto and incorporated in full as if fully set forth.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

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1 **PASSED AND ADOPTED** by the Redevelopment Agency of the City of Concord on
2 June 22, 2010, by the following vote:

3 **AYES:** Agencymembers-

4 **NOES:** Agencymembers-

5 **ABSTAIN:** Agencymembers-

6 **ABSENT:** Agencymembers-

7 **I HEREBY CERTIFY** that the foregoing Resolution No. 10-749 was duly and regularly
8 adopted at a regular joint meeting of the City Council and the Redevelopment Agency of the City of
9 Concord on June 22, 2010.

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Mary Rae Lehman, CMC
Agency Secretary

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13 **APPROVED AS TO FORM:**

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Craig Labadie
Agency Counsel

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18 Attachment: Appendix A

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APPENDIX A

June 9, 2008 June 22, 2010

**Redevelopment Agency
Resolution No. 81-118
DESIGNATED EMPLOYEES**

Department	Classification	Category
Redevelopment Agency	Agency Counsel	1,2,3,4
	Agency Member	1,2,3,4
	Agency Secretary	1,2,3,4
	Agency Treasurer	1,2,3,4
	Business Development Manager	1,2,3,4
	Redevelopment/Housing Manager	1,2,3,4
	Economic Development/ Redevelopment Manager	1,2,3,4
	Economic Development/Redevelopment Specialist	1,2,3,4
	Executive Director	1,2,3,4
Consultants*	Consultants	1,2,3,4

* Public officials and employees who manage public investments are required to file a financial disclosure statement pursuant to Government Code Section 87200.

DISCLOSURE CATEGORIES

The designated positions described herein are hereby assigned to one or more of the following disclosure categories. Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income designated as reportable under the category to which the office or position is assigned as follows:

General Rules

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated officer or employee, or by virtue of the designated officer or employee's position.

CATEGORY 1 – (Schedules A-1 or A-2, B, C, D, and E)

Designated officers and employees in Category 1 must report: All interests, investments and/or loans involving real property in the City of Concord, and any real property outside of Concord if it is within two (2) miles (measured in a straight line) from the closest Concord boundary, or any land owned or used by the City.

CATEGORY 2 – (Schedules A-1 or A-2, C, D, E and F)

Designated officers and employees in Category 2 must report: All investments in business entities located in the City of Concord, and all sources of income that arise from persons and/or business entities in the City of Concord, or doing business in the City.

CATEGORY 3 – (Schedules A-1 or A-2, B, C, D, E and F)

Designated officers and employees in Category 3 must report: All investments in business entities and sources of income which engage in land development, construction, building industry, or the acquisition or sale of real property which entities are doing business within the City of Concord.

CATEGORY 4 – (Schedules A-1 or A-2, C, D, E and F)

Designated officers and employees in Category 4 must report: All investments in business entities and sources of income which, within the past two (2) years, have contracted with the City of Concord to provide services, supplies, materials, machinery or equipment. Included within this category are investments in business entities or sources of income which, within the past two (2) years, have contracted with the designated officer's or employee's department to provide services, supplies, materials, machinery or equipment.*

* With respect to consultants, the Executive Director may determine, in writing, that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described above. Such determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The Executive Director shall forward a copy of this determination to the Agency Board. Nothing herein excuses any such consultant from any other provisions of this Conflict of Interest Code.

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June 22, 2010

**CITY OF CONCORD LOCAL REUSE AUTHORITY
CONFLICT OF INTEREST CODE
Exhibit B to LRA Resolution 06-1**

DESIGNATED EMPLOYEES/DISCLOSURE CATEGORIES

<i>Department</i>	<i>Classification</i>	<i>Category</i>
CITY OF CONCORD LOCAL REUSE AUTHORITY	Authority Member	1, 2, 3, 4
	Executive Director	1, 2, 3, 4
	Authority Counsel	1, 2, 3, 4
	Finance Officer	1, 2, 3, 4
	Authority Secretary	1, 2, 3, 4
CONSULTANTS*	Consultants	1, 2, 3, 4

*With respect to consultants, the Executive Director may determine, in writing, that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in these categories. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director shall forward a copy of this determination to the Authority Board. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

Public officials and employees who manage public investments are required to file a financial disclosure statement pursuant to Government Code § 87200.

**Statement of Economic Interest
Designated Employees and Public Officials**

DISCLOSURE CATEGORIES

The designated positions listed above are hereby assigned to one or more of the following disclosure categories. Each designated officer or employee shall file an annual statement disclosing that officer's or employee's interest in investments, real property, and income designated as reportable under the category to which the office or position is assigned as follows:

General Rules

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated officer or employee or by virtue of the designated officer's or employee's position.

**CATEGORY 1 (Schedules A-1 or A-2, B, C, D, E)
(Schedule F not required)**

Designated officers and employees in Category 1 must report: All interests, investments and/or loans involving real property in the City of Concord, and any real property outside of Concord if it is within two (2) miles (measured in a straight line) from the closest Concord boundary, or any land owned or used by the City.

**CATEGORY 2 (Schedules A-1 or A-2, C, D, E, F)
(Schedule B not required)**

Designated officers and employees in Category 2 must report: All investments in business entities located in the City of Concord, and all sources of income that arise from persons and/or business entities in the City of Concord or doing business in the City.

**CATEGORY 3 (Schedules A-1, A-2, B, C, D, F)
All Schedules required**

Designated officers and employees in Category 3 must report: All investments in business entities and sources of income which engage in land development, construction, building industry, or the acquisition or sale of real property which entities are doing business within the City of Concord

**CATEGORY 4 (Schedules A-1, A-2, C, D, E, F)
(Schedule B not required)**

Designated officers and employees in Category 4 must report: All investments in business entities and sources of income which, within the past two years, have contracted with the City of Concord to provide services, supplies, materials, machinery, or equipment. Included within this category are investments in business entities or sources of income which, within the past two years, have contracted with the designated officers or employees' department to provide services, supplies, materials, machinery, or equipment.

**Statement of Economic Interest
Designated Employees**

Disclosure Categories

The designated positions described in Appendix A are hereby assigned to one or more of the following disclosure categories. Each designated officer or employee shall file an annual statement disclosing that officer's or employee's interest in investments, real property, and income designated as reportable under the category to which the office or position is assigned as follows:

General Rules

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated officer or employee or by virtue of the designated officer's or employee's position.

CATEGORY 1 (Schedules A-1 or A-2, B, C, D, E)

Designated officers and employees in Category 1 must report: All interests, investments and/or loans involving real property in the City of Concord, and any real property outside of Concord if it is within two (2) miles (measured in a straight line) from the closest Concord boundary, or any land owned or used by the City.

CATEGORY 2 (Schedules A-1 or A-2, C, D, E)
(Schedule B not required)

Designated officers and employees in Category 2 must report: All investments in business entities located in the City of Concord, and all sources of income that arise from persons and/or business entities in the City of Concord or doing business in the City.

CATEGORY 3 (Schedules A-1 or A-2, B, C, D, E)
(All Schedules required)

Designated officers and employees in Category 3 must report: All investments in business entities and sources of income which engage in land development, construction, building industry, or the acquisition or sale of real property which entities are doing business within the City of Concord.

CATEGORY 4 (Schedules A-1 or A-2, C, D, E)
(Schedule B not required)

Designated officers and employees in Category 4 must report: All investments in business entities and sources of income which, within the past two (2) years, have contracted with the City of Concord to provide services, supplies, materials, machinery or equipment. Included within this category are investments in business entities or sources of income which, within the past two (2) years, have contracted with the designated officer's or employee's department to provide services, supplies, materials, machinery or equipment.