

RESOLUTION NO. 2022-225

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD,
CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE OF THE CITY OF
CARLSBAD

WHEREAS, the City of Carlsbad has previously adopted and amended its Conflict of Interest Code;
and

WHEREAS, provisions of the Political Reform Act of 1974 ("the Act") (Government Code Section 81000 et seq.) require an amendment to the code due to changed circumstances, changed duties or new positions; and

WHEREAS, the City Council is the code reviewing body within the meaning of the Act; and

WHEREAS, the City Clerk's Office has prepared amendments to the Conflict of Interest Code and Appendix that is required to be incorporated in the code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the revised Conflict of Interest Code (Attachment A), Appendix (Attachment B) and List of Designated Positions and Disclosure Categories (Attachment C) for the combined City of Carlsbad, City Council as Successor Agency to the Redevelopment Agency, Community Development Commission, Carlsbad Municipal Water District, and Public Financing Authority reflecting the changed circumstances in positions and disclosure categories since the last amendment is approved.

PASSED, APPROVED AND ADOPTED at a Joint Special Meeting of the City Council of the City of Carlsbad, the Carlsbad Municipal Water District, the Community Development Commission, the Public Financing Authority, and the City Council as Successor Agency to the Redevelopment Agency on the 27th day of September, 2022, by the following vote, to wit:

AYES: Hall, Blackburn, Bhat-Patel, Acosta, Norby.

NAYS: None.

ABSENT: None.



MATT HALL, Mayor



for FAVIOLA MEDINA, City Clerk Services Manager
(SEAL)



CONFLICT OF INTEREST CODE

for the

**City of Carlsbad
Carlsbad Municipal Water District
Community Development Commission
Carlsbad Public Financing Authority
City of Carlsbad as Successor Agency to the Carlsbad
Redevelopment Agency**



SECTION I: Title: This Code shall be known and may be cited as "Conflict of Interest Code of the City of Carlsbad, the Carlsbad Municipal Water District, the Community Development Commission, Carlsbad Public Financing Authority and the City of Carlsbad as Successor Agency to the Carlsbad Redevelopment Agency."

SECTION II: Authority: This Code is adopted under the provisions of the Political Reform Act of 1974, found in the California Government Code beginning with Section 81000, and its implementing regulations, found in Title 2 of the California Code of Regulations beginning with Section 18700.

SECTION III: Purpose: This Code is adopted in order to:

- A. Assure that all designated employees and individuals perform their duties in an impartial manner, free from bias caused by financial interests;
- B. Enumerate and differentiate the positions of employment within the City which involve the making of decisions which may foreseeably have a material effect upon a financial interest;
- C. Require the disclosure of such interests, by setting forth the specific types of interests which are reportable for each position; and
- D. Require that designated employees disqualify themselves from participation in City decision-making which may involve a conflict of interest.

SECTION IV: Incorporation by Reference: Except as stated in Section V below, the standard conflict of interest code prepared by the Fair Political Practices Commission, found in Title 2, Section 18730, of the California Code of Regulations, as it may be amended from time to time, is incorporated by this reference. Together with the attached Appendix and List of Designated Positions and Disclosure Categories, it constitutes the "Conflict of Interest Code of the City of Carlsbad, the Carlsbad Municipal Water District, the Community Development Commission, Carlsbad Public Financing Authority and the City of Carlsbad as Successor Agency to the Carlsbad Redevelopment Agency."

SECTION V: Amendments to Standard Conflict of Interest Code:

- A. Section 9.5 of the standard conflict of interest code found in Title 2, Section 18730, of the California Code of Regulations is deleted as it applies only to state officers and employees.
- B. Section 4 of the standard conflict of interest code found in Title 2, Section 18730, of the California Code of Regulations is amended to read as follows:

Section 4: All designated employees and individuals shall file their statements of economic interests with the City of Carlsbad's City Clerk's Office, which will make the statements available on the city's website for public viewing and downloading.

SECTION VI: Repeal: This Code shall repeal and supersede all previous versions of the "Conflict of Interest Code of the City of Carlsbad, the Carlsbad Municipal Water District, the Community Development Commission, Carlsbad Public Financing Authority and the City of Carlsbad as Successor Agency to the Carlsbad Redevelopment Agency."

SECTION VII: Effective date: This Code shall be effective upon adoption by resolution of the appropriate code reviewing body.

APPENDIX
for
CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES AND DESIGNATED POSITIONS

General Provisions

When designated employees or individuals are required to disclose investments, business positions and sources of income, they need to only disclose investments in business entities and sources of income which do business in the city, plan to do business in the city or have done business in the city within the past 2 years. In addition to other activities, a business entity is doing business within the city if it owns real property within the city. When designated employees or individuals are required to disclose real property, they need to only disclose that which is located in whole or in part, within or not more than 2 miles outside the boundaries of the city or within 2 miles of any land owned or used by the city.

Designated employees or individuals shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in the List of Designated Positions and Disclosure Categories.

Disclosure Categories

- Category 1:** Designated employees or individuals shall report all investments, business positions in business entities, and income, including gifts, loans and travel payments, from sources in or doing business in Carlsbad.
- Category 2:** Designated employees and individuals shall report all real property interests within the Carlsbad, including property located within a two-mile radius of any property owned or used by the City of Carlsbad.
- Category 3:** Designated employees or individuals shall report all investments, business positions in business entities and income, including gifts, loans and travel payments, from sources which engage in the appraisal, acquisition, disposal, development, rehabilitation, or construction of improvements on real property in Carlsbad, including real property located within a two-mile radius of any property owned or used by the City of Carlsbad.
- Category 4:** Designated employees or individuals shall report all investments, business positions in business entities, and income, including gifts, loans and travel payments, from any source, in or doing business within Carlsbad, which provides services, supplies, materials, machinery or equipment of the type utilized by the city.
- Category 5:** Designated employees or individuals shall report all investments, business positions in business entities, and income, including gifts, loans and travel payments, from any source, in or doing business within Carlsbad, which provides services, supplies, materials, machinery or equipment of the type utilized by the designated employee's or individual's department.

Section 87200 Filers

Employees and individuals to whom California Government Code Section 87200 applies, including the City Council and City Treasurer, candidates for these elected offices, the Planning Commission, the City Manager, the City Attorney, the Deputy City Manager of Administrative Services, and other public officials who manage public investments, are required to fully disclose their personal assets and income.

Consultants

“Consultant” is defined by the Fair Political Practices Commission, as an individual who, pursuant to a contract with a state or local governmental agency:

- (a) Makes a governmental decision to:
 - 1) Approve a rate, rule or regulation;
 - 2) Adopt or enforce a law;
 - 3) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - 4) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
 - 5) Grant agency approval to a contract that requires agency approval and in which the agency is a party, or to the specifications for such a contract;
 - 6) Grants agency approval to a plan, design, report, study, or similar item;
 - 7) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision of the agency; or

- (b) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position designated in the agency’s conflict of interest code.

A consultant does not act in a staff capacity where the work is to be performed on one project or a limited number of projects over a limited period of time, or where the relationship between the contractor and the agency would last only 12-16 months with no ongoing relationship contemplated, or where, under a multi-year contract, the contractor would perform only on a sporadic basis.

A consultant participates in making a governmental decision if the consultant provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervene substantive review.

The staff person most knowledgeable of the work that a consultant will be performing shall designate whether the consultant must file a Statement of Economic Interest by marking the appropriate box in the contract and/or on the contract cover sheet. When a consultant is designated and is responsible for disclosure, the consultant shall be required to file a Statement of Economic Interest disclosing reportable interests in Disclosure Categories 1 and 2.

LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Mayor and City Council Members (87200 Filer)	Full Disclosure
City Treasurer (87200 Filer)	Full Disclosure
City Clerk (87200 Filer)	Full Disclosure
Planning Commission Members (87200 Filer)	Full Disclosure
City Manager (87200 Filer)	Full Disclosure
City Attorney (87200 Filer)	Full Disclosure
Members of the Successor Agency of the Carlsbad Redevelopment Agency – Includes Chairman/Members, Executive Director, Counsel, Secretary (87200 Filer)	Full Disclosure
Public Financing Authority Members – Includes Chairman/Members, Executive Director, Counsel, Secretary, Treasurer (87200 Filer)	Full Disclosure
Community Development Commission Members – Includes Chairman/Members, Executive Director, Counsel, Secretary (87200 Filer)	Full Disclosure
Carlsbad Municipal Water District Board of Directors Members – Includes Board Members, Counsel, Secretary (87200 Filer)	Full Disclosure

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS	DISCLOSURE CATEGORIES
Deputy City Treasurer	Full Disclosure
Investment Review Committee Members	Full Disclosure
Assistant to the City Treasurer	1, 2, 4

POSITIONS UNDER THE CITY MANAGER

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Accountant	1, 2, 4
Accounting Supervisor	1, 2, 4
Assistant City Manager	1, 2, 3, 4
Assistant Director of Community Development	1, 2, 3, 4
Assistant Director of Emergency Services	1, 2, 3, 4
Assistant Engineer	2, 3, 5
Assistant Finance Director	1, 2, 3, 4
Assistant Fire Chief	1, 2, 3, 4
Assistant Fire Marshal	2, 3, 5
Assistant Human Resources Director	1, 2, 4
Assistant IT Director	1, 2, 4
Assistant Planner	2, 3, 5
Assistant Police Chief	1, 2, 3, 4
Associate Contract Administrator	1, 2, 3, 4

Associate Engineer	2, 3, 5
Associate Management Analyst	2, 3, 5
Associate Planner	2, 3, 5
Building Inspector I/II	1, 2, 3, 5
Building Official	1, 2, 3, 5
Business Intelligence & Analytics Manager	1, 2, 5
Business Intelligence Analyst	1, 2, 5
Business Systems Specialist	2, 5
Buyer/Contract Administrator	1, 2, 3, 4
Chief Innovation Officer	1, 2, 3, 4
City Clerk Services Manager	1, 2, 3, 4
City Planner	1, 2, 3, 4
City Traffic Engineer	1, 2, 3, 4
Code Enforcement Manager	1, 2, 3, 4
Code Enforcement Officer I/II	1, 2, 3, 5
Communication & Engagement Director	1, 2, 3, 4
Communications Coordinator	1, 2, 5
Community Arts Coordinator	1, 2, 5
Community Development Director	1, 2, 3, 4
Community Health Nurse	1, 2, 5
Community Relations Manager	2, 5
Contract Administrator	1, 2, 3, 4
Cultural Arts Manager	1, 2, 5
Deputy City Manager	1, 2, 3, 4
Deputy Library Director	1, 2, 5
Deputy Fire Marshall	2, 3, 5
Development Services Manager	1, 2, 3, 4
Director of Legislative & Constituent Services	1, 2, 3, 4
Economic Development Manager	1, 2, 3, 5
Engineering Manager	1, 2, 3, 5
Emergency Preparedness Manager	1, 2, 3, 5
Environmental Manager	1, 2, 3, 5
Environmental Sustainability Director	1, 2, 3, 4
Environmental Specialist I/II/Senior	2, 3, 5
Executive Assistant	1, 2, 3, 4
Finance Director	1, 2, 3, 4
Finance Manager	1, 2, 3, 4
Finance/Payroll/IT Manager	1, 2, 5
Fire Battalion Chief	1, 2, 3, 4
Fire Chief	1, 2, 3, 4
Fire Division Chief	1, 2, 5
Fire Prevention Specialist I/II	1, 2, 3

GIS Administrator	1, 2, 3, 5
Homeless Services Manager	1, 2, 3, 5
Housing & Homeless Services Director	1, 2, 3, 4
Housing Services Manager	1, 2, 3, 5
Human Resources Director	1, 2, 4
Human Resources Manager	1, 2, 5
Information Technology Director	1, 2, 4
Information Technology Manager	1, 2, 5
Information Technology Project Manager	1, 2, 5
Information Technology Security Manager	1, 2, 5
Inspector I/II	1, 2, 3
Intergovernmental Affairs Director	1, 2, 3, 4
Internal Audit Manager	1, 2, 3, 4
Library & Cultural Arts Director	1, 2, 4
Management Analyst	1, 2, 3, 4
Meter Services Supervisor	2, 5
Municipal Projects Manager	1, 2, 3, 5
Parks & Recreation Director	1, 2, 3, 4
Park Planning Manager	1, 2, 3, 5
Park Planner	2, 3, 5
Parks Services Manager	1, 2, 3, 5
Parks Superintendent	1, 2, 5
Parks/Trees Supervisor	2, 5
Police Captain	1, 2, 5
Police Chief	1, 2, 3, 4
Police Communications Manager	1, 2, 5
Police Lieutenant	1, 2, 5
Principal Librarian	1, 5
Principal Planner	1, 2, 3, 4
Program Manager	1, 2, 3, 5
Public Works Manager	1, 2, 3, 5
Public Works Superintendent	1, 2, 3, 5
Public Works Supervisor	2, 4
Real Estate Manager	1, 2, 3, 5
Recreation Area Manager	1, 2, 5
Recreation Services Manager	1, 2, 5
Risk Manager	1, 2, 4
Safety & Compliance Manager	1, 2, 5
Safety Training Center Manager	1, 2, 5
SCADA Supervisor	2, 5
Senior Accountant	1, 2, 5
Senior Applications Analyst	2, 5

Senior Building Inspector	1, 2, 3, 5
Senior Business Systems Specialist	1, 2, 5
Senior Code Enforcement Officer	1, 2, 3, 5
Senior Construction Inspector	1, 2, 3, 5
Senior Contract Administrator	1, 2, 5
Senior Database Administrator	1, 2, 5
Senior Engineer	1, 2, 3, 5
Senior IT Project Manager	1, 2, 5
Senior Management Analyst	1, 2, 3, 5
Senior Network Engineer	2, 4, 5
Senior Planner	1, 2, 3, 5
Senior Program Manager	1, 2, 3, 5
Senior System Administrator	2, 5
Special Projects Manager	1, 2, 5
Systems Administrator	2, 5
Transportation Director	1, 2, 3, 4
Transportation Planning & Mobility Manager	1, 2, 3, 5
Utilities Associate Engineer	2, 3, 5
Utilities Director	1, 2, 3, 4
Utilities Engineering Manager	1, 2, 3, 4
Utilities Maintenance Planner	1, 2, 5
Utilities Manager	1, 2, 4
Utilities Senior Engineer	1, 2, 3, 5
Utilities Superintendent	1, 2, 3, 5
Utilities Supervisor	2, 5
Utilities Technical Services Manager	1, 2, 5
Warehouse Technician	2, 5
Zoning Enforcement Officer	1, 2, 3, 4

CITY ATTORNEY'S OFFICE

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Senior Assistant City Attorney	1, 2, 3, 4
Assistant City Attorney	1, 2, 3, 4
Deputy City Attorney	1, 2, 3, 4
Executive Assistant	1, 2, 3, 4
Senior Assistant City Attorney	1, 2, 3, 4
Senior Management Analyst	1, 2, 3, 4

BOARDS/COMMISSIONS/COMMITTEES (Members of Designated Appointed Positions)

DESIGNATED POSITIONS	DISCLOSURE CATEGORIES
Agricultural Conversion Mitigation Fee Ad Hoc Citizens Advisory Committee	1, 2, 3
Arts Commission	1, 2, 3
Beach Preservation Commission	1, 2, 3
Board of Library Trustees	1, 2, 3
Carlsbad Golf Lodging Business Improvement District	1, 2, 3
Carlsbad Tourism Business Improvement District	1, 2, 3
Community Development Block Grant Committee	1, 2, 3
Design Review Committee	1, 2, 3
Growth Management Plan Update Advisory Committee	1, 2, 3
Historic Preservation Commission	1, 2, 3
Housing Commission	1, 2, 3
Parks & Recreation Commission	1, 2, 3
Senior Commission	1, 2, 3
Traffic & Mobility Commission	1, 2, 3, 4