

ORDINANCE NO. 92-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
ADOPTING A CONFLICT OF INTEREST CODE

The City Council of the City of American Canyon does ordain as follows:

SECTION 1. Adoption of Conflict of Interest Code. In compliance with the Political Reform Act of 1974, California Government Code § 81000, et seq., the City of American Canyon ("City") hereby adopts a conflict of interest code which shall be applicable to all Councilmembers, officials and designated employees and consultants of the City pursuant to Government Code § 87300. Regulations of the Fair Political Practices Commission contain the terms of a standard model conflict of interest code which may be incorporated by reference into the City code and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearing. Accordingly, the terms of the Fair Political Practices Commission regulation set forth at 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the Fair Political Practice Commission ("model code") are hereby adopted and incorporated by reference into the Municipal Code of the City and with the attached Appendix "A" in which designated employee positions are set forth, Appendix "B" in which disclosure categories are set forth and the other provisions set forth herein constitutes the Conflict of Interest Code of the City which is the "agency" referenced in the model code.

SECTION 2. Statements of Economic Interest - Place and Time of Filing. All persons holding designated positions shall file a Statement of Economic Interest with the City Clerk at the times specified in Section 5 of the model code which has been adopted and incorporated by reference herein.

SECTION 3. Statement of Economic Interest - Contents and Manner of Reporting. The contents of any Statement of Economic Interest filed by the person holding a designated position and the manner of reporting any reportable interest shall be consistent with Sections 6 and 7 of the model code which has been adopted and incorporated by reference herein.

SECTION 4. Incompatible Employment. No Councilmember, official or employee shall engage in or accept any private employment, or render services for private interest, when such employment or service is incompatible with proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of those duties.

SECTION 5. Disclosure of Confidential Information. No Councilmember, official or employee shall, without proper authorization of the Council, disclose confidential information concerning the property, government, or affairs of the City, nor shall he or she use such information to advance the financial interest of himself, herself or others.

SECTION 6. Gifts and Favors. No Councilmember, official or employee shall knowingly accept any gift which creates a conflict of financial interest and is given by any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the City. No Councilmember, official or employee shall accept any gift regardless of amount, retainer or compensation that is contingent upon a specific action by the City Council, a City commission or a City agency.

SECTION 7. Interest in City Contracts. No Councilmember, official or employee shall have an investment or monetary interest in any contract with the City made by them in their official capacity, or by any board or body of which they are members except as permitted by Government Code § 1090, et seq.

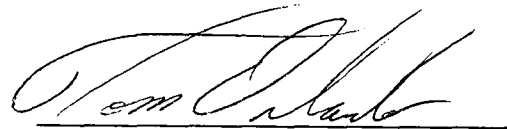
SECTION 8. Ex Parte Communications. No Councilmember, official or employee shall encourage, make or accept any ex parte or other unilateral application or communication that excludes the interests of other parties in a matter under consideration when such application or communication is designed to influence the official decision or conduct of the official or other officials, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him/herself or others. The purpose of this provision is to ensure that all interested parties to any matter shall have equal opportunity to express and represent their interests.

Any written ex parte communication received by a Councilmember, official or employee in matters where all interested parties should have an equal opportunity to be heard shall be made a part of the record by the recipient.

Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also be made a part of the record.

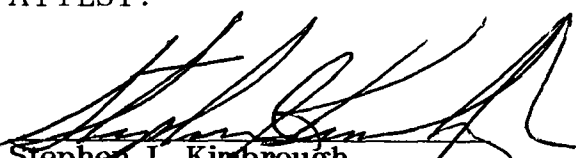
A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

ADOPTED AND APPROVED this 20th day of August, 1992.




Tom Orlando
Mayor

ATTEST:



Stephen J. Kimbrough
City Clerk

APPROVED AS TO FORM:



William D. Ross
City Attorney

APPENDIX "A"

CITY OF AMERICAN CANYON
CONFLICT OF INTEREST CODE

LIST OF DESIGNATED POSITIONS

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
City Clerk	1
Deputy City Clerk	1
Finance Manager	4,8
Assistant Finance Manager	4,8
Purchasing Agent	4
Director of Parks & Recreation	1
Operations Superintendent	3,4,5,6,7
Sewer Plant Operator	3,4,5,6,7
Director of Public Works	3,4,5,6,7
Public Works Maintenance Contractors/Consultants*	1
Engineering Contractors/Consultants*	1
Director of Planning	1
Planning Consultants*	1
Planner	3,5,6,7,8
Building Inspector	3,5,6,7,8
Code Enforcement Officer	3,5,6,7,8
Sheriff	2
Other Contractors/Consultants*	1

APPENDIX "B"

CITY OF AMERICAN CANYON
CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES
REPORTABLE INVESTMENTS, INTERESTS IN REAL PROPERTY AND INCOME

DISCLOSURE
CATEGORY

- 1 All sources of income, interests in real property, and investments and business positions in business entities.
- 2 Investments and business positions in business entities, and all sources of income.
- 3 Interests in real property.
- 4 Investments and business positions in and sources of income from business entities that manufacture, sell or provide services, supplies, materials, machinery or equipment of the type used by the City.
- 5 Investments and business positions in and sources of income from business entities engaged in construction, building or material supply.
- 6 Investments and business positions in and sources of income from business entities engaged in the construction of public works projects.
- 7 Investments and business positions in and sources of income from business entities engaged in construction, land development or the acquisition or sale of real property.
- 8 Investments and business positions in and sources of income from business entities subject to the regulatory, permit or licensing authority of the City.

*Contractors and Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or his/her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and therefore is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's or his/her designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.