

## **NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CITY OF WINTERS**

NOTICE IS HEREBY GIVEN that the City Council of the City of Winters (the "City") intends to amend the City's Conflict of Interest Code (the "Code") pursuant to Government Code Section 87306.

The Appendix of the Code designates those positions which are subject to the City's Code. The City's proposed amendment includes new positions that must be designated, revises titles to existing positions, and deletes titles of positions that been abolished and/or positions that no longer make or participate in making governmental decisions.

The proposed amended Code will be considered by the City Council on March 16, 2021, at 6:30 p.m. by a teleconference meeting at <https://us02web.zoom.us/j/89864111276?pwd=LzVJRmlPbWloOUNiY2xsdS9qaWhnQT09>, Meeting ID: 870 1585 3224, Passcode: 824850. Any interested person may be present and comment at the public meeting or may submit written comments concerning the proposed amendment. Any comments or inquiries should be directed to the attention of City Clerk, City of Winters, 318 First Street, Winters, CA 95694; (530) 794-6702. Written comments must be submitted no later than March 16, 2021, at 6:30 p.m.

The proposed amended Code may be reviewed at, and copies obtained from, the office of the City Clerk.

**CONFLICT OF INTEREST CODE**  
**OF THE CITY OF WINTERS**

**(Amended ~~January 15, 2019~~ March 16, 2021)**

The Political Reform Act (Government Code section 81000 *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission adopted 2 Cal. Code of Regulations, Section 18730, which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the City of Winters ("City").

The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney and the City Treasurer can file their statements of economic interests electronically directly with the Fair Political Practices Commission or by paper with the City Clerk. All other officials and designated positions required to submit a statement of economic interests shall file their statements with the City Clerk as the City's Filing Officer. The City Clerk shall make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

All officials and designated positions required to submit a statement of economic interests shall receive ethics training as required pursuant to Government Code section 53235 (AB 1234). The ~~Deputy~~ City Clerk, as the City's Filing Officer, shall annually provide all filers with information on training available to meet the requirements of Section 53235, and maintain required records indicating the dates that filers satisfied the training requirements and the entity that provided the training. These records shall be retained for five years after the date of training and are public records subject to disclosure under the California Public Records Act. (Gov. Code § 53235.2.)

# APPENDIX

## CONFLICT OF INTEREST CODE

### OF THE

### CITY OF WINTERS

(Amended ~~January 15, 2019~~ March 16, 2021)

### PART “A”

The Mayor, Members of the City Council<sup>1</sup> and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and all other city officials who manage public investments, as defined by 2 Cal. Code of Regs, section 18700.3(b), are NOT subject to the City’s Code but must file disclosure statements under Government Code section 87200 *et seq.* (Regulation § 18730(b)(3)).

### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the position listed below is an “other city official” who manages public investments.<sup>2</sup> This position is listed here for informational purposes only.

Director of Financial Management

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<sup>1</sup> ~~Reports of Council members shall cover them acting as members of the Winters Successor Agency and other similar City agencies governed by Council members.~~

<sup>2</sup> Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
<u>Chief Building Official</u>	<u>1, 2</u>
Chief of Police	5
<u>City Engineer</u>	<u>1, 2</u>
Community Development Director	1, 2
<del>Records &amp; Information Manager</del> <u>Executive Assistant to the City Manager/</u> City Clerk	5
Environmental Services Manager	2, 3, 5, 6
Fire Chief	5
<del>Housing Programs Manager</del>	<del>2, 3, 5, 6</del>
Human Resources Manager	4
Public Works Superintendent	1, 2

### Consultants<sup>3</sup>

<sup>3</sup> Individuals serving as a consultant, as defined in FPPC Reg. 18700.3(a), or in a new position must file under the broadest disclosure category set forth in this Code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a clear description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager'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.

## PART B

### DISCLOSURE CATEGORIES:

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property that the designated employee must disclose for each disclosure category to which he or she is assigned.<sup>4</sup> “Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the City.

Category 1: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, from business entities that are located in, do business in, or own real property within the jurisdiction of the City.

Category 2: All interests in real property that are located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the City.

Category 3: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, from business entities that are engaged in land development, construction, or the acquisition or sale of real property within the jurisdiction of the City.

Category 4: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, from business entities that provide services, supplies, materials, machinery, vehicles, or equipment of a type purchased or leased by the City.

Category 5: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments, from business entities that provide services, products, supplies, materials, machinery, vehicles, or equipment of a type purchased or leased by the designated employee’s department, unit, or division.

Category 6: All investments and business positions in business entities and sources of income, including gifts, loans and travel payments from business entities subject to the regulatory, permit, or licensing authority of the designated employee’s department, unit, or division.

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<sup>4</sup> This Conflict of Interest Code does not require the reporting of gifts from outside the City’s jurisdiction if the source does not have some connection with, or bearing upon, the functions or duties of the position. Regulation § 18730.1.