

**RESOLUTION NO. 2024-58**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI**  
**RESCINDING RESOLUTION NO. 2022-30 AND REVISING THE CONFLICT OF**  
**INTEREST CODE**

**WHEREAS**, pursuant to the Political Reform Act (Article III of Chapter 7 of the California Government Code, commencing with Section 8100), the City of Cotati is required to adopt and promulgate a Conflict of Interest Code (Government Code Section 87300 et seq.); and

**WHEREAS**, the Political Reform Act requires all local government agencies to review their Conflict of Interest Codes biennially and to revise them as necessary to adapt to changed circumstances; and

**WHEREAS**, pursuant to Government Code Section 8302, the Conflict of Interest Code shall provide for specific enumeration of the provisions within the City, other than those specified in Government Code Section 87200, which involve the making or participation in the making of decisions which may foreseeably have material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property and sources of income which are reportable; and

**WHEREAS**, on June 28, 2022, the City Council adopted Resolution No. 2022-30, amending the Conflict of Interest Code; and

**WHEREAS**, the City has reviewed its Conflict of Interest Code and determined that changes in the job duties and responsibilities of its employees and City boards and agencies have occurred since the last time the Code was amended which requires the Code to now be revised; and

**WHEREAS**, the City Council now wishes in conformance with State law to amend its Conflict of Interest Code to reclassify the categories of employees with disclosure responsibilities under the Political Reform Act and to reclassify the types of financial interests which give rise to these responsibilities under the Act; and

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation, at 2 California Code of Regulations §18730, which contains a model conflict of interest code for the use of local agencies and which requires each local agency to incorporate by reference its own appendix which specifies the categories of positions within the agency that have disclosure responsibilities under the Act and the financial interests which must be disclosed by the position; and

**WHEREAS**, Title 2 of the California Code of Regulations §18730 may be amended from time to time by the Fair Political Practices Commission to conform to the Political Reform Act after public notices and hearings conducted by the Fair Political Practices Commission pursuant to the Administrative Procedure Act, Government Code §11370 et seq.; and

**WHEREAS**, the City Council intends that amendments made to Title 2 of the California Code of Regulations §18730 apply to the City’s Conflict of Interest Code as adopted by this resolution and replaces and Conflict of Interest Code of the City of Cotati previously in effect.

**NOW THEREFORE BE IT RESOLVED** as follows:

Section 1. Resolution No. 2022-30 amending the Conflict of Interest Code of the City of Cotati is hereby rescinded.

Section 2. Section 18730 of Title 2 of the California Code of Regulations, and any amendments made thereto, is hereby adopted as the Conflict of Interest Code of the City of Cotati within the meaning of Government Code §87300 et seq.

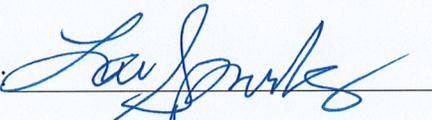
Section 3. Any person who is required to files Statements of Economic Interest under this Code shall file in electronic format, it any, approved by the City.

Section 4. Appendices “A,” “B,” and “C” attached to this resolution as Exhibit A are incorporated into the Conflict of Interest Code of the City of Cotati as referenced therein by the term “Appendix.”

**IT IS HEREBY CERTIFIED** that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Cotati held on September 24, 2024, by the following vote, to wit:

**RESULT:** ADOPT [4-0]  
**MOVER:** Susan Harvey, Councilmember  
**SECONDER:** Sylvia Lemus, Councilmemer  
**AYES:** Sparks, Ford, Harvey, Lemus  
**ABSENT:** Rivers

Approved: \_\_\_\_\_

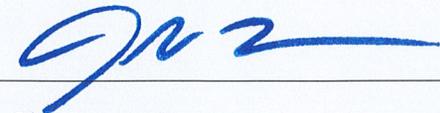
  
Mayor

Attest: \_\_\_\_\_



Kevin Patterson, Deputy City Clerk

Approved as to form: \_\_\_\_\_



City Attorney

Attachments:

Exhibit A – 2024 Revised Conflict of Interest Code (PDF)

## APPENDIX "A" - DEFINITIONS

"Public Official at any level of state or local government" means a member, officer, employee, or consultant of a state or local government agency. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200, including "other public officials who manage public investments" as that term is defined in 2 California Code of Regulations Section 18720.

"Designated Filers" means employees, members and consultants determined by the City of Cotati to be persons who "make or participate in the making of decisions which may foreseeably make a material effect on economic interests", under 2 California Code of Regulations, Section 18730(b)(2) Designated Employees.

"Member" shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision making authority. A board or commission possesses decision making authority whenever:

- (A) It may make a final governmental decision;
- (B) It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or
- (C) It makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

"Consultant" means an individual who, pursuant to a contract with a state or local government agency:

- (1) Makes a governmental decision whether to:
  - (A) Approve a rate, rule, or regulation;
  - (B) Adopt or enforce a law;
  - (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
  - (D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - (E) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  - (F) Grant agency approval to a plan, design, report, study, or similar item;
  - (G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof; or
- (2) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

## APPENDIX “B”- DESIGNATED FILERS

The persons occupying the positions in the table below are designated employees for the purpose of this Conflict of Interest Code and shall disclose their financial interests in accordance with the disclosure categories set forth herein, as more fully described in Appendix “C”.

**NOTE:** The following positions are NOT covered by the Conflict of Interest Code because they must file under Government Code Section 87200 and, therefore, are listed here for information purposes only: Mayor/Councilmember, Planning Commissioner, City Manager/Executive Director, City Attorney/Successor Agency Counsel, Director of Administrative Services, and candidates for any of these offices at any election. NOTE: 87200 filers are category 1, 2, 3 filers

<u>Agency/Department</u>	<u>Position</u>	<u>Category</u>
City Manager/City Clerk	City Clerk	1,2,3
	Deputy City Clerk	1,2,3
	Recreation Manager	1,2,3
	Senior Management Analyst	4
Consultants*	See note below	
Engineering/Public Works	City Engineer/Public Works Director	1,2,3
	Civil Engineer/Associate Engineer	1,2,3
	Maintenance Superintendent	3,4
Administrative Services	Senior Accountant	1,2,3
	Accountant	4
Community/Economic Development/Code Enforcement	Community Development Director	1,2,3
	Planner/Senior Planner	1,2,3
	Building Official	1,2,3
	Code Enforcement Officer	1,2,3
Police	Chief	1,2,3
	Lieutenant	1,2,3
	Sergeant	1,2,3

\* 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 limitation:

The City Manager or his/her designee may determine in writing that a particular consultant, although a “designated filer,” 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 description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager 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. (Gov. Code Section 81008.

## **APPENDIX “C” – DISCLOSURE CATEGORIES**

Designated filers must report their interests according to their assigned disclosure category(ies).

### Disclosure Category 1

All Interests in real property located in whole or in part within the City of Cotati or within two (2) miles of the boundaries of the City of Cotati or within two miles of any land owned or used by the City.

### Disclosure Category 2

All Investments and business positions in business entities, including parent corporations, subsidiary corporations or otherwise related business entities that provide services, supplies, materials, machinery, or equipment of the type utilized by the City of Cotati.

### Disclosure Category 3

All Sources of income, including loans, gifts and travel payments from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the City of Cotati.

### Disclosure Category 4

All Investments and business position in business entities, and income, including loans, gifts and travel payments, from entities that provide services, supplies, materials, machinery, or equipment of the type utilized, purchased or leased by the designated position’s division or department.