



Legislation Text

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Report to Mayor and City Council

Tuesday, January 22, 2019

Special Orders of the Day

SUBJECT:

CONDUCT A PUBLIC HEARING, REVIEW AND CONSIDER APPROVAL OF THE REVISED CONFLICT OF INTEREST CODES FOR THE CITY OF CARSON, CARSON SUCCESSOR AGENCY AND CARSON HOUSING AUTHORITY; AND CONSIDERATION OF RESOLUTIONS ADOPTING REVISIONS FOR THE CONFLICT OF INTEREST CODES FOR THE CITY OF CARSON, CARSON SUCCESSOR AGENCY AND CARSON HOUSING AUTHORITY, RESPECTIVELY (RESO. NOS. 18-100, 18-12-CSA & 18-12-CHA)

I. SUMMARY

This agenda item is intended to hold a public hearing and complete the Biennial Code Review of the City of Carson, Carson Successor Agency, and Carson Housing Authority conflict of interest (COI) codes.

Under the Political Reform Act (the "Act"), all public agencies are required to adopt a Conflict of Interest (COI) Code and to periodically review and update the same. The last time the City revised its COI Code was on January 15, 2013. Since that time, there are some positions that have been determined to be included in the COI code. Staff worked with the City Manager and City Attorney offices to determine those positions requiring disclosure of financial interests.

Attached to this staff report are Conflict Codes for the City, Carson Successor Agency, and the Carson Housing Authority. Each contains designated positions which have been determined to require disclosure of financial interests through the filing of a Form 700.

Government Code 87311 provides "The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views."

On December 26, 2018, staff received a request from a member of the public to conduct a public hearing on this matter. Therefore, the adoption of the COI code requires three separate actions by the City Council as follows:

Conduct a public hearing concerning the COI code for the City Council, Successor Agency,

and Housing Authority.

Confirm the completion of the Biennial Code Review for the City of Carson, Carson Successor Agency, and Carson Housing Authority, and approve the codes for the City of Carson, Carson Successor Agency and Carson Housing Authority, respectively.

Then lastly, consider adopting Resolution No. 18-100 (Exhibit 1) which formally codifies the revisions to the COI code for the City of Carson. Also, the Carson Successor Agency and Carson Housing Authority must consider adopting Resolution No. 18-12-CSA (Exhibit 2) and adopting Resolution No. 18-12-CHA (Exhibit 3), respectively, which formally codifies the City Council's approved revisions to the COI codes for the Successor Agency and Housing Authority.

II. RECOMMENDATION

TAKE the following actions:

1. CONDUCT a Public Hearing concerning the Conflict of Interest Codes for the City of Caron, Carson Successor Agency and Carson Housing Authority;
2. COMPLETE the City Council's required biennial review of its own COI code and the COI codes for the Carson Successor Agency and Carson Housing Authority by affirming that its biennial review is completed; and
3. APPROVE the revised COI codes for the City of Carson, Carson Successor Agency and Carson Housing Authority, respectively, as follows:

a. City Council:

WAIVE further reading and ADOPT Resolution No. 18-100, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, UPDATING AND REVISING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION"

b. Successor Agency:

WAIVE further reading and ADOPT Resolution No. 18-12-CSA, "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE CARSON REDEVELOPMENT AGENCY, CITY OF CARSON, CALIFORNIA, UPDATING AND REVISING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION"

c. Housing Authority:

WAIVE further reading and ADOPT Resolution No. 18-12-CHA, "A RESOLUTION OF THE CARSON HOUSING AUTHORITY, CITY OF CARSON, CALIFORNIA, UPDATING AND REVISING THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE CONFLICT OF

INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES
COMMISSION”

III. ALTERNATIVES

1. DIRECT a further review of the COI codes for the City of Carson, Carson Successor Agency, and Carson Housing Authority; and/or
2. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Under the Political Reform Act (the “Act”), all public agencies are required to adopt a Conflict of Interest (COI) Code and to periodically review and update the same. Conflict of Interest (COI) Codes designate positions required to file Statements of Economic Interests (FPPC Form 700), and assigns disclosure categories specifying the types of interests be reported. Form 700s are public records intended to alert public officials and members of the public to the financial interests of the filers.

The Conflict Codes for the City of Carson, Carson Successor Agency, and Carson Housing Authority must specifically list positions that make or participate in making decisions. Typically, positions that involve voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in Conflict Codes. Positions listed in Government Code § 87200 (i.e., City Council Members, City Manager, City Attorney, City Treasurer and Planning Commissioners, etc.) are not required to be included because these positions are required to file Form 700s by state statute.

A primary purpose of Conflict Codes is to require disclosure of those types of investments, interests in real property, sources of income and business positions that designated positions may affect in their decision-making. The City of Carson has special disclosure categories relating to properties and interests surrounding mobilehomes as such properties and interests are a significant part of the way the city, agency, and authority have to conduct business in the community of Carson. Cities are allowed to create particular categories that are unique to their special needs in order to allow for full disclosure and transparency within the city and its agencies. Consistent with the above, attached to this staff report are Conflict Codes for the City, Carson Successor Agency, and the Carson Housing Authority. Each contains designated positions which have been determined to require disclosure of financial interests through the filing of a Form 700.

An agency’s Conflict Code is not effective until it has been approved by the agency’s code reviewing body (Government Code Section 87303). The code reviewing body for the City is the City Council. Under state law, the Carson City Council is the statutory “reviewing body” for the Carson Successor Agency and Carson Housing Authority. As its own reviewing body, the City Council must first give notice of its intent to review and amend the conflict of interest code and afford a 45-day comment period. A copy of the notice was published on November 22, 2018 and copies of the notice and proposed code were provided to each individual affected by the proposed code.

The 45-day comment period commenced on November 22, 2018 and ended on January 7, 2019. During that time period, affected individuals had the opportunity to request a public hearing before the City Council concerning the proposed Codes. Pursuant to the notice of intent to review and amend the conflict of interest (COI) codes, a written comment was received concerning the proposed codes and requesting the City Council conduct a public hearing. A copy of the Notice of Public Hearing was posted on December 27, 2018, published on January 3, 2019 and provided to each individual affected by the proposed code.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Council Resolution No. 18-100 and attached exhibits. (pgs. 5-13)
2. Successor Agency Resolution No. 18-12-CSA and attached exhibits. (pgs. 14-21)
3. Housing Authority Resolution No. 18-12-CHA and attached exhibits. (pgs. 22-29)

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