



Legislation Text

File #: 2023-0018, Version: 1

Report to Mayor and City Council

Tuesday, January 17, 2023

Consent

SUBJECT:

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 (RESOLUTION NOS. 23-030, 23-02-CSA AND 23-02-CHA)

I. SUMMARY

This agenda item intends to 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 COI Code and to periodically review and update the same. The last time the City of Carson ("City") revised its COI Code was on January 22, 2019. Since that time, there have been substantial changes in duties and responsibilities for some job positions and other job positions have been eliminated or re-named. These changes necessitated amendment of the City's COI code. Staff worked with the City Manager, City Attorney, Agency Directors and offices to determine those positions requiring disclosure of financial interests.

Attached to this staff report are the amended COI 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 section 87311 provides "[t]he review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. 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."

Staff did not receive a request to conduct a public hearing on this matter. Therefore, the

adoption of the COI code requires two (2) separate actions by the City Council as follows:

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

(2) Consider adopting Resolution No. 23-030 (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. 23-02-CSA (Exhibit 2) and adopting Resolution No. 23-02-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. 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
2. 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. 23-030, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING 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. 23-02-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. 23-02-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. COI Codes designate positions required to file Statements of Economic Interests (Fair Political Practices Commission 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 COI Codes for the City of Carson (“City”), Carson Successor Agency (“Agency”), and Carson Housing Authority (“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 COI Codes. Positions listed in Government Code section 87200 (i.e., Mayor, Members of City Council, City Manager, City Attorney, City Treasurer and Members of Planning Commission, etc.) are not required to be included because these positions are required to file Form 700s by state statute.

The primary purpose of the COI code 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 has special disclosure categories relating to properties and interests surrounding mobile homes since 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 COI 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.

No COI code shall be effective until it has been approved by the code reviewing body (Government Code Section 87303). The code reviewing body for the City is the City Council. Under state law, the 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 3, 2022 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 October 27, 2022 and ended on December 12, 2022. 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 COI codes, there was no written comment received concerning the proposed codes.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Council Resolution No. 23-030 and attached exhibits. (pgs. 5-14)
2. Successor Agency Resolution No. 23-02-CSA and attached exhibits. (pgs. 15-22)
3. Housing Authority Resolution No. 23-02-CHA and attached exhibits. (pgs. 23-30)
4. Fair Political Practices Commission's Model Conflict of Interest Code, Section 18730 (pgs. 31-51)

Prepared by: Dr. Khaleah K. Bradshaw, City Clerk; Joy Simarago, Deputy City Clerk; and Alexis L. Hall, Assistant City Attorney