

4. City's Conflict of Interest Code

Recommended Action: Adopt Resolution No. 24-58 adopting the City's Conflict of Interest Code and repealing Resolution No. 22-38.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228



Council Agenda Report

To: Mayor Stewart and the Honorable Members of the City Council

Prepared by: Kelsey Pettijohn, City Clerk

Reviewed by: Joseph D. Toney, Assistant City Manager

Approved by: Steve McClary, City Manager

Date prepared: November 4, 2024 Meeting date: November 25, 2024

Subject: City's Conflict of Interest Code

RECOMMENDED ACTION: Adopt Resolution No. 24-58 adopting the City's Conflict of Interest Code and repealing Resolution No. 22-38.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

STRATEGIC PRIORITY: This item is part of the day-to-day operations identified in the Adopted FY 2024-25 Strategic Priority Project List.

DISCUSSION: Government Code Section 87300 requires the City to adopt a Conflict of Interest Code, which will be reviewed biennially. The City's Conflict of Interest Code was last amended on August 22, 2022

Government Code Section 87200 designates the officials required to file statement of economic interests. Malibu officials include City Councilmembers, City Manager, City Attorney, Planning Commissioners and City Treasurer. Additionally, the City's Conflict of Interest Code must designate the positions within the City involved in the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest. On June 24, 2024, the City Council adopted Resolution No. 24-33 approving the authorized positions and salary ranges for Fiscal Year 2024-25, including updated classification titles and reclassifications recommended in the 2024 Classification and Compensation Study Reports.

For the City's Conflict of Interest Code to be consistent with authorized positions, Resolution No. 24-58 adds the following classification titles for positions which participate in making decisions that may foreseeably have a material effect on financial interests:

- Assistant Engineer
- Financial Controller
- Senior Plan Check Engineer
- Supervising Permit Services Technician

The City Council approved funding for a Community Development Director position, but withheld authorization to use that funding until a plan is approved for the reorganization of the Planning and Environmental Sustainability departments and the creation of the Community Development Director. As a class specification has not been approved for the Community Development Director position, it has not been included in Resolution No. 24-58. If needed, an updated Conflict of Interest Code will be brought back after any reorganization.

Newly designated positions will be required to file within 30 days of assuming office. The filing is done through a Statement of Economic Interest (Form 700).

ATTACHMENTS: Resolution No. 24-58

RESOLUTION NO. 24-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU ADOPTING THE CONFLICT OF INTEREST CODE AND REPEALING RESOLUTION NO. 22-38

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. The Political Reform Act, Government Code sections 81000, et seq., requires the adoption of a conflict of interest code and biennial review.
- B. Government Code Section 87306 requires every agency to amend its conflict of interest code when changes occur, which include the creation of new positions that must be designated positions, the deletion of old positions and relevant changes in the duties assigned to existing positions.
- C. Section 2 accurately sets forth those positions which should be designated and the categories of financial interests, which should be made reportable.

SECTION 2. The City requires full disclosure for the positions listed below, which participate in making decisions that may foreseeably have a material effect on financial interests. Full Disclosure includes all interests in real property in the City of Malibu, as well as investments, business positions, and sources of income, including gifts, loans, and travel payments.

Assistant City Attorney
Assistant City Manager
Assistant Engineer
Assistant Planning Director
Assistant Public Works Director/Assistant City Engineer
Assistant to the City Manager
Associate Civil Engineer
Building Inspector
City Biologist
City Clerk
City Geologist
Code Enforcement Manager
Code Enforcement Officer
Community Services Deputy Director
Community Services Director
Consultants*
Deputy City Manager
Development and Operations Manager
Environmental Programs Manager
Environmental Sustainability Director/Building Official
Environmental Sustainability Manager/Deputy Building Official
Environmental Health Administrator
Financial Controller
Human Resources Manager

Information Systems Administrator
Information Systems Manager
Mobilehome Park Rent Stabilization Commissioners
Planning Director
Principal Planner
Public Safety Director
Public Safety Manager
Public Works Director/City Engineer
Public Works Inspector
Public Works Superintendent
Recreation Manager
Senior Building Inspector
Senior Code Enforcement Officer
Senior Plan Check Engineer
Senior Planner
Senior Public Works Inspector
Supervising Building Inspector
Supervising Permit Services Technician

Additional positions required to provide full disclosure pursuant to Government Code Section 87200 include:

City Attorney
City Council
City Manager
City Treasurer
Planning Commissioners

*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 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 must include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and must be retained for public inspection in the same manner and location as this Conflict of Interest Code.

SECTION 3. Resolution No. 22-38 is hereby repealed.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this ___th day of ____ 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney