

RESOLUTION NO. 11868

A RESOLUTION ADOPTING THE 2016 CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK IN ACCORDANCE WITH THE POLITICAL REFORM ACT.

The City Council of the city of Monterey Park ("City") does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. The Political Reform Act ("PRA"; Gov't. Code §§ 81000, *et seq.*) and regulations adopted pursuant to the PRA ("FPPC Regs.; 2 Cal. Code of Regs. §§ 18700, *et seq.*) requires local government to adopt conflict of interest codes.
- B. Section 18730 of the FPPC Regs. sets forth a standard conflict of interest code that may be adopted by local agencies.
- C. The City Council directed the City Clerk's office to review the City's conflict of interest code in accord with Government Code § 87306.5 and to make recommendations on changing the conflict of interest code.
- D. The City Clerk finished that review and made recommendations which the City Council incorporated into this Resolution.
- E. To fulfill its obligations under the PRA and FPPC Regs., the City Council will adopt the conflict of interest code as set forth below.

SECTION 2: Pursuant to FPPC Regs. § 18730, the City of Monterey Park adopts a Conflict of Interest Code to read as follows:

"CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK

- A. Incorporation of Standard Code.

Under the terms of the Political Reform Act (Gov't Code §§ 81000 *et seq.*) and regulations promulgated by the Fair Political Practices Commission (2 Cal. Code of Regs. §§ 18700, *et seq.*), the City is required to adopt a conflict of interest code. The city of Monterey Park incorporates by reference 2 Cal. Code of Regs. § 18730, and its amendments, into this Conflict of Interest Code including, without limitation, the designation of officials and employees and the disclosure categories set forth below (collectively, "the Conflict of Interest Code").

- B. Filing of Statements

Designated officials, officers and employees must file Statements of Economic Interest (Form 700) with the City Clerk or Deputy City Clerk. After receiving Statements of Economic Interests from City Council members, the City Treasurer, Planning Commission members, City Attorney, and City Manager, the City Clerk or Deputy City Clerk, must forward the original to the Fair Political Practices Commission and retain a copy for the City's files.

Under Government Code § 82011(c), the City Council is the code reviewing body with respect to the Conflict of Interest Code.

C. Review Procedure

Under Government Code § 87306.5, not later than July 1 of each even numbered year, the City Council must direct the City Clerk, or Deputy City Clerk, to review the Conflict of Interest Code. The City Clerk or Deputy City Clerk must submit an amended Conflict of Interest Code to the City Council if a change in the Conflict of Interest Code is necessitated by changed circumstance. If changes are not required, the City Clerk or Deputy City Clerk must submit a written statement to that effect to the City Council not later than October 1 of the same year.

D. Designated Positions

The following positions entail the making or participation in the making of decisions that may have a foreseeable material effect on the officials or officer's financial interests.

COUNCIL, COMMISSIONS, COMMITTEES, & BOARDS:

- * Members of the City Council
- * Members of the Planning Commission
- Members of the Design Review Board
- Members of the Business Improvement District Advisory Committee
- Members of the Board of Library Trustees
- Members of the Successor Agency to the Former Monterey Park Redevelopment Agency
- Members of the Oversight Board for the Successor Agency to the former Monterey Park Redevelopment Agency

OFFICE OF THE CITY MANAGER:

- * City Manager

OFFICE OF THE CITY ATTORNEY:

- * City Attorney
Assistant City Attorney
Deputy City Attorney

OFFICE OF THE CITY CLERK:

- * City Clerk
Deputy City Clerk

OFFICE OF THE CITY TREASURER:

- * City Treasurer

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT:

Director of Community and Economic Development
Senior Planner
Associate Planner
Assistant Planner
Building Inspector
Building Official
Code Enforcement Officer
Economic Development Specialist
Housing and Community Development Coordinator Rehabilitation
Specialist
Plan Checker

FIRE DEPARTMENT:

Fire Chief
Apprentice Fire Inspector
Battalion Chief
Captain
Deputy Fire Marshal
Fire Inspector

HUMAN RESOURCES & RISK MANAGEMENT DEPARTMENT:

Director of Human Resources and Risk Management
Human Resources Analyst

LIBRARY:

City Librarian
Senior Librarian
Literacy Administrator

MANAGEMENT SERVICES DEPARTMENT:

Director of Management Services
Controller
Support Services Manager
Support Services Supervisor

POLICE DEPARTMENT:

Police Chief
Community Relations Bureau Commander
Computer Services Manager
Fleet Manager
Police Captain
Police Lieutenant
Range Master
Technical Services Manager
Traffic Bureau Commander

PUBLIC WORKS DEPARTMENT:

Director of Public Works/Assistant City Manager
Assistant City Engineer
Parks Superintendent
Public Works Maintenance Manager
Water Utility Manager

RECREATION AND COMMUNITY SERVICES DEPARTMENT:

Director of Recreation and Community Services
Recreation Superintendent
Recreation Supervisor

* Listed in the code for information purposes only. These positions file under Government Code Section 87200 with the Fair Political Practices Commission.

CONSULTANTS:

All consultants are exempt except those included by the City Manager in accordance with the following procedure:

The City Manager may determine in writing (which may be included in a written agreement with the consultant or consultant's employer) that a particular consultant, although a "designated position," is hired to perform a range of duties that requires the consultant 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 that description, a statement of the extent of disclosure requirements. The City Manager determination is a public record and must be retained for public inspection in the same manner and location as this conflict of interest code.

E. Disclosure Requirements

Designated employees must disclose all interests as required by the Political Reform Act and regulations promulgated thereto. When a new position classification is created by the Administrative Services Department for City Council approval, the Administrative Services Department will recommend that the City Council decide whether the new position will be required to file a Statement of Economic Interest and be included as a designated position in the Conflict of Interest Code.

When the City Council establishes a Commission, Committee, or Board, the City Council will decide whether the members of the Commission, Committee or Boards be included as a designated position in the Conflict of Interest Code and the members of the Commission, Committee or Board so designated by the City Council, will be required to file a Statement of Economic Interest."

SECTION 3: Resolution No. 11695 (adopted October 15, 2014) and any other resolution or policy purporting to establish a conflict of interest code, are superseded by this Resolution.

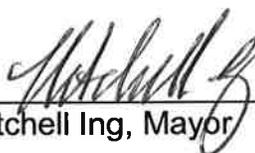
SECTION 4: Repeal of any provision of any resolution or policy herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 5: A late fine of \$10 per day up to a maximum of \$100 will be assessed, commencing on the day after the form is due to the City Clerk's office. In addition, if a matter is referred to the FPPC's Enforcement Division for failure to file or failure to include all required economic interests, the fine may be substantially higher. If an individual does not pay a fine, the matter may be referred to the Franchise Tax Board for collection

SECTION 6: The City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 7: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 19th day of October, 2016.



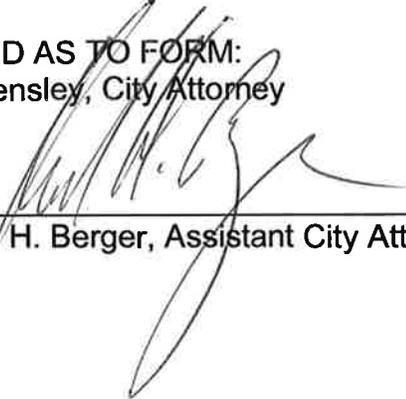
Mitchell Ing, Mayor

ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) - SS
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11867 was duly adopted by the City Council of the City of Monterey Park at a Special Meeting held on the 19th of October 2016, by the following vote:

Ayes: Council Members: Chan, Liang, Lam, Real Sebastian, Ing
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Dated this 19th day of October, 2016.



Vincent D. Chang, City Clerk
City of Monterey Park, California