

## **ORDINANCE NO. 1476**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, CONFLICT OF INTEREST CODE**

#### **TITLE II: Administration CHAPTER 8: Conflict of Interest Code ARTICLE 2: City Employees**

The City Council of the City of Arcata does ordain as follows:

Section 1: Title II, (Administration), Chapter 8 (Conflict of Interest), Article 2, (City Employees), Sections 2912(E) and 2915(A) of the Arcata Municipal Code are amended as follows by the deletion of language as shown by strike through and addition of language as shown by bold; omitted and unchanged text is shown by asterisks:

#### **SEC. 2912. Disqualification.**

Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, the official or a member of his or her immediate family on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value received by or promised to the designated employee within twelve months prior to the time when the decision is made; or
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating three hundred sixty dollars (~~\$360~~ **460**) or more in value, provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- F. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that a designated employee's vote is needed to break a tie does not make his or her participation legally required for purposes of this section.

#### **SEC. 2915. Designated Employees.**

The following positions are designated pursuant to Government Code Section 87302 and are required to disclose financial interests as specified by the listed disclosure category, which is described in

Section 2916. In addition, such positions as are designated herein are subject to disqualification pursuant to Section 2912.

A. Employees:

<u>Position:</u>	<u>Disclosure Category:</u>
<b>City Engineer</b>	1, 2
Director of Community Development	1, 2
Director of Environmental Services	1, 2
<del>Director of Public Works</del>	<del>1, 2</del>
Deputy Director of Community Development	1, 2
<del>Deputy Director of Environmental Services</del>	<del>1, 2</del>
<b>Deputy Director Environmental Services-Community Services</b>	<b>1, 2</b>
<b>Deputy Director Environmental Services-Streets/Utilities</b>	<b>1, 2</b>
Police Chief	1, 2
Assistant City Manager/Personnel Director	1, 2
Information Technology Manager	1, 2
<del>Deputy Director of Public Works</del>	<del>2, 3, 4</del>
<b>Assistant City Engineer</b>	<b>2, 3, 4</b>
Building Official	2, 3, 4
<del>Parks Superintendent</del>	<del>2, 3, 4</del>
<del>Public Works Superintendent</del>	<del>2, 3, 4</del>
Transportation Superintendent	2, 3, 4
<del>Water Wastewater Superintendent</del>	<del>2, 3, 4</del>

\* \* \*

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 4: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 5: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: September 7, 2016

ATTEST:

/s/ Kara Newman-Ferdolage  
Deputy City Clerk, City of Arcata

APPROVED:

/s/ Paul J. Pitino  
Mayor, City of Arcata

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No.1476, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 7<sup>th</sup> day of September, 2016, by the following vote:

**AYES: PITINO, ORNELAS, PEREIRA, WINKLER**

**NOES: NONE**

**ABSENT: WHEETLEY**

**ABSTENTIONS: NONE**

/s/ Kara Newman-Ferdolage  
Deputy City Clerk, City of Arcata