

## Chapter 2.02 CONFLICT OF INTEREST

*[Sections 2.02.010 and 2.02.020 remain unchanged]*

### 2.02.025 Definitions.

#### A. Political Reform Act–Defined Terms.

Words and phrases used in this chapter are in the language of the Political Reform Act (California Government Code Title 9, Sections [81000](#) through [91014](#)) (the “PRA”). Whenever any words or phrases used in this chapter are defined in the PRA, the definitions of the PRA, as may be amended from time to time, shall apply to those words and phrases. Such definitions are incorporated in this chapter by this reference and shall apply to the words and phrases used in this chapter, as though set forth in full, unless the context clearly indicates a contrary intention.

The following words and phrases are defined in the PRA. For ease of reference, summaries of the PRA definitions, and references to the specific code sections containing the full definitions, are provided below. However, the following definitions and summaries are intended for reference purposes only, and do not replace the definitions contained in the PRA, which shall be controlling in interpreting this chapter.

~~A.~~ “Business ~~entity~~Entity” means any organization or enterprise operated for profit, including, but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association (see California Government Code Section [82005](#)).

~~B.~~ “Gift” means any payment that confers a personal benefit on the recipient, including a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Gifts from a source outside the City’s ~~J~~jurisdiction are not required to be reported if the purpose of disclosure of the source of the gift does not have some connection with or bearing upon the functions or duties of the position for which the reporting is required (see California Government Code Section [82028](#) for a full definition of “gift”; see also Fair Political Practices Commission regulation 18730.1).

~~C.~~ “Income” includes gifts, loans and travel payments; other than gifts, it does not include income from any source outside the ~~J~~jurisdiction of the City and not doing business within the ~~J~~jurisdiction, not planning to do business within the ~~J~~jurisdiction, or not having done business within the ~~J~~jurisdiction during the two years prior to the time the statement of economic interests is required to be filed (see California Government Code Section [82030](#) for a complete definition of “~~I~~income”).

~~D.~~ “Interest in ~~real-Real property~~Property” includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the ~~J~~jurisdiction, owned directly, indirectly or beneficially by the filer, or his or her immediate family if the fair market value of the interest is \$2,000 or more (see California Government Code Section [82033](#) for a full definition of “~~I~~interest in ~~real-Real property~~Property”).

~~E.~~ “Investment” is limited to interests in ~~businesses-Businesses entities-Entities~~ that have property in the City, do business in, plan to do business in, or have done business within the last two years in the City (see California Government Code Section [82034](#)).

~~F.~~ “Jurisdiction:” means the City of Chula Vista and any other geographical area in which the City has jurisdiction. Real property is “within the ~~jurisdiction~~Jurisdiction” of the City if it is within, or not more than two miles outside the boundaries of, the City, or within two miles of any land owned or used by the City (see California Government Code Section 82035 for a complete definition of “~~J~~Jurisdiction”).

#### B. City-Defined Terms.

“City,” as used in this Chapter, means the City of Chula Vista for officials, designated employees, and consultants of the City of Chula Vista; and means the Chula Vista Bayfront for officials, designated employees, and consultants of the Chula Vista Bayfront Facilities Financing Authority.

“City Goods and Services” means leased facilities, goods, equipment, vehicles, machinery, or services (including training or consulting services) of the type used by the City.

“Departmental Authority” means the regulatory, permitting, or licensing authority of the City department in which you work, the Board, Commission, or Committee on which you serve, or both.

“Departmental Goods and Services” means leased facilities, goods, equipment, vehicles, machinery, or services (including training or consulting services) of the type used by the City department in which you work, the City department associated with the Board, Commission, or Committee on which you serve, or both.

#### **2.02.030 Conflict of interest code of the City of Chula Vista.**

A. The PRA requires local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, Title 2 of the California Code of Regulations, Section 18730, which contains the terms of a standard model conflict of interest code, which may be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Accordingly, the terms of Title 2 of the California Code of Regulations, Section 18730, and any amendments to it, except Section 9.5, duly adopted by the Fair Political Practices Commission, are hereby incorporated by this reference and constitute the conflict of interest code of the City of Chula Vista.

B. The City Council shall set forth by resolution the officials, designated employees, and consultants who are required to file statements of economic interests and the disclosure categories under which each such official, designated employee and consultant shall file. By this reference, the resolution, and any amendments to it, is incorporated into this conflict of interest code. The City’s disclosure categories are set forth below (**please refer to the definitions within this chapter and the PRA for capitalized terms in bold type**):

1. *Disclosure Category 1.* Report all of the following:
  - a. **Investments** in, and business positions held with, any **Business ~~entity~~ Entity** located in or doing business within the City’s **Jurisdiction**, or doing business with the City; and
  - b. **Income** from any source, regardless of the jurisdiction in which the source resides or does business.

2. *Disclosure Category 2.* Report any **Interest in ~~real~~ Real property ~~Property~~** for such real property ~~that is~~ located within the **Jurisdiction** of the City.
3. *Disclosure Category 3.* Report all of the following:
  - a. **Investments** in, and positions held with, any **Business ~~entity~~ Entity**, that is subject to ~~the regulatory, permitting, or licensing authority of the City department in which you work~~ (~~“departmental authority”~~) **Departmental Authority**; and
  - b. **Interests in ~~real~~ Real property ~~Property~~** if the real property is subject to ~~such departmental authority~~ **Departmental Authority**; and
  - c. **Income** from any source which is subject to ~~such departmental authority~~ **Departmental Authority**.
4. *Disclosure Category 4.* Report all of the following:
  - a. **Investments** in, and business positions held with, any **Business ~~entity~~ Entity** that engages in land development, construction, or the acquisition or sale of real property, within the **Jurisdiction** of the City; and
  - b. **Income** from any source that engages in land development, construction, or the acquisition or sale of real property, within the **Jurisdiction** of the City.
5. *Disclosure Category 5.* Report all of the following:
  - a. **Income** from ~~any~~ sources that provides ~~leased facilities, goods, equipment, vehicles, machinery, or services (including training or consulting services), of the type utilized by the City~~ (~~“City goods and services”~~) **City Goods and Services**; and
  - b. **Investments** in, and business positions held with, any **Business ~~entity~~ Entity** which provides ~~such~~ **City Goods and Services** ~~city goods and services~~.
6. *Disclosure Category 6.* Report all of the following:
  - a. **Income** from any source that provides ~~leased facilities, goods, equipment, vehicles, machinery, or services (including training or consulting services), of the type utilized by the City~~ ~~department in which you work (“departmental goods and services”)~~ **Departmental Goods and Services**; and
  - b. **Investments** in, and business positions held with, any **Business ~~entity~~ Entity** which provides ~~such~~ **Departmental Goods and Services** ~~departmental goods and services~~.
7. *Disclosure Category 7.* Report all of the following:
  - a. **Income** from any source that is of the type that receives grants or other monies from or through the City; and
  - b. **Investments** in, and business positions held with, any **Business ~~entity~~ Entity**, including nonprofit organizations, that is of the type that receives grants or other monies from or through the City.

#### **2.02.040 Exception for solely advisory boards and commissions.**

A. The City Council finds that certain of the City’s boards and commissions are solely advisory within the meaning of Government Code Section [87100](#), and are, therefore, not required by law to be governed under the City’s conflict of interest code.

B. For those boards and commissions not required by law to be governed under the City’s conflict of interest code, the City Council declares that ~~citizens~~ people serving as volunteers on those boards and

commissions shall not be required to complete and submit statements of economic interests and shall not be required to disqualify themselves from deliberations or decision making for economic reasons.