



CITY COUNCIL STAFF REPORT



October 1, 2024

ITEM TITLE

Conflict of Interest Code: Modify the List of Officials, Candidates, and Designated Employees Required to File Statements of Economic Interests (Form 700) and Their Disclosure Categories, and Amend the Conflict of Interest Code Under CVMC 2.02

Report Number: 24-0227

Location: No Specific Geographical Location

Department: City Clerk & City Attorney

G.C. § 84308: No

Environmental Notice: The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action

Adopt the following resolution and place the ordinance on first reading:

A) Resolution modifying the appendix to the Conflict of Interest Code, which lists the officials, candidates, and designated employees who are required to file periodic Statements of Economic Interests (Form 700) and their disclosure categories, and

B) Ordinance amending Chula Vista Municipal Code Chapter 2.02 relating to the Conflict of Interest Code **(First Reading)**

SUMMARY

The Political Reform Act requires every local agency to periodically review its Conflict of Interest (COI) Code to determine whether amendments are needed. The proposed resolution adopts an amended appendix to the City’s COI Code, updating the list of designated filers who are required to file a Form 700 (Statement of Economic Interest) and the categories under which each filer is required to file. The proposed ordinance makes minor modifications to the City’s COI Code to clarify terms used throughout the COI Code.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

Background

On March 21, 2000, the Council adopted Ordinance No. 2807, adopting by reference the standardized Conflict of Interest Code contained in Title 2 of the California Code of Regulations, Section 18730, and any amendments thereto that are adopted by the Fair Political Practices Commission (FPPC). The ordinance requires that the Council set forth by resolution the officials and designated employees who are required to file statements of economic interests and the disclosure categories under which each such official and designated employee shall file.

General Designated Filers Updates

The City Clerk and the City Attorney have reviewed the COI Code in conformance with Political Reform Act requirements. Each department director provided input regarding the level of decision-making authority employees have in their respective departments. With that input and various title changes that have occurred since the last update, it has been determined that the appendix to the Code requires amendments.

Several vacant and unfunded positions were not deleted because they remain on the City’s classification plan and should be designated to file Statements of Economic Interests. Adopting the proposed resolution amends the appendix to the local Conflict of Interest Code accordingly.

The resolution also specifies that all employees designated as filers under the City’s COI Code are “designated employees” for purposes of AB 1234 and, as such, must participate in mandatory ethics training.

Addition of Chula Vista Bayfront Facilities Financing Authority as Designated Filers

The City and San Diego Unified Port Districts entered into a Joint Exercise of Powers Agreement in 2014, creating the Chula Vista Bayfront Facilities Financing Authority (CVBFFA). The CVBFFA adopted Resolution No. 2019-001, adopting the City’s Conflict of Interest Code as its code for members of the board appointed by the City.

The proposed resolution updating the City’s list of Designated Filers has added the City-appointed members of the CVBFFA. This will enable those filers to potentially file expanded Statements of Economic Interest (Form 700) electronically, providing better transparency and reducing administrative costs.

Conflict of Interest Code Category Updates

In addition to reviewing the list of filers, the City Clerk and City Attorney also reviewed the City's COI Code and disclosure categories provided for in Chula Vista Municipal Code (CVMC) Chapter 2.02 and recommend amendments to the definitions provided to clarify terms used in the adopted disclosure categories.

Adoption of the resolution and placement of the ordinance on first reading will update the list of designated Form 700 filers and clarify definitions used in the City's adopted Conflict of Interest Code.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

Adoption of the resolution and ordinance has no current-year General Fund fiscal impact.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact as a result of this action.

ATTACHMENTS

1. Modified list of designated filers
2. Redline version of recommended changes to the CVMC

Staff Contact: Kerry K. Bigelow, MMC, City Clerk