



Item No. 3 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: ANTHONY SUBER, DEPUTY CITY MANAGER/ CITY CLERK

DATE: OCTOBER 19, 2022

**SUBJECT: ADOPT A RESOLUTION 22-XX APPROVING AN UPDATE OF
THE TOWN'S CONFLICT OF INTEREST CODE AND APPENDIX
“A” DESIGNATING POSITIONS IN THE CONFLICT OF
INTEREST CODE**

RECOMMENDATION

Adopt a Resolution Amending Conflict of Interest Code of Non-Elected Officials and Designated employees of the Town of Atherton.

BACKGROUND

California law requires public officials (both elected and non-elected) to disclose their economic interests to the public. Elected Officials including Council Members, Planning Commissioners and non-elected officials including the City Manager, City Treasurer, and City Attorney are designated by Government Code Section 87200.

Non-elected officials (besides those covered under GC 87200) are designated by the agency's conflict of interest code. Those officials include much of the Town's management staff and consultants. Essentially, a Town official is required to disclose economic interests if the official has any financial decision-making authority.

The purpose of the disclosure requirement is to alert the public to any personal economic interests that may be affected during the public official's performance of duties. The disclosure occurs through the filing of the "Form 700" - Statement of Economic Interests, upon taking office. It is then filed on an annual basis and when the public official leaves office.

The Political Reform Act of 1974 requires all government agencies to adopt a Conflict of Interest Code. A Conflict of Interest Code lists each position within the Town that makes or participates in the making of governmental decisions which have a material financial effect on any financial interest. Individuals employed in these positions are called "designated employees." The law further requires every local government agency to review its conflict-of-interest code every two

years to determine whether the code must be amended. The Conflict of Interest Code designates employees, members of boards, committees, commissions, City officers and consultants who by virtue of their positions, make or participate in making decisions which may affect their financial interests and who therefore must disclose these interests on the Fair Political Practices Commission Form 700 – Statement of Economic Interests of Designated Employees.

The update entails reviewing the disclosure categories and whether the designated employee list should be amended based on staffing changes. The review process involves changes in titles, addition or deletion of positions and designation of disclosure levels. When the Town engages the services of consultants, their duties are reviewed to see if they should be treated as designated employees.

Changes have been made to the Conflict of Interest Code to reflect position changes only. These include the addition of the Management Analyst I/II and the recent approved changes to positions within Public Works.

ANALYSIS

There are no significant policy issues related to this item. The law requires every local government agency to review its conflict-of-interest code biannually to determine whether the code must be amended.

FISCAL IMPACT

None.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area A – Maintain Fiscal Responsibility
- Goal Area E – Strengthen Community Engagement and Transparency

POLICY FOCUS

There are no significant policy issues related to this item. The law requires every local government agency to review its conflict-of-interest code biannually to determine whether the code must be amended.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo

Park Fire Protection District, service provides (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item has not been before a Town Committee or Commission

ATTACHMENTS

1. Conflict of Interest Code Resolution 22-XX with Appendix “A”