

CITY OF ATWATER  
CONFLICT OF INTEREST CODE  
APPENDIX "A"

1. **"Public Official"** means a member, officer, employee, or consultant of a state or local government agency. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200, including "other public officials who manage public investments" as that term is defined in 2 California Code of Regulations Section 18720.
2. **"Member"** shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision-making authority. A board or commission possess decision-making authority whenever:
  - (A) It may make a final governmental decision;
  - (B) It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or,
  - (C) It makes substantive recommendations, which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.
3. **"Designated Employee"** is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeable have a material effect on any financial interest. (*Government Code Section 82019*)
  - (A) *Making a governmental decision* means the person:
    1. Votes on a matter;
    2. Appoints a person;
    3. Obligates or commits his or her agency to any course of action; or,
    4. Enters into any contractual agreement on behalf of his or her agency.
  - (B) *Participating in the making of a decision*, means the person:
    1. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or,

2. Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

(C) The term "designated employee" does not include:

- Public officials specified in Government Code Section 87200:
  - Planning Commissioners
  - City Council Members
  - Mayors
  - City Managers
  - City Attorneys
  - City Treasurers
  - Other city, county and local agency public officials who manage public investments
- Solely clerical, ministerial or manual positions
- Unsalaries members of boards or commissions, which are solely advisory

4. **"Consultant"** means an individual whom, pursuant to a contract with the City of Atwater:

- (A) Makes a governmental decision whether to:
  1. Approve a rate, rule, or regulation;
  2. Adopt or enforce a law;
  3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
  4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract, which requires agency approval;
  5. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  6. Grant agency approval to a plan, design, report, study, or similar item;
  7. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof; or,
- (B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed

by an individual holding a position specified in the agency's Conflict of Interest Code.

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APPENDIX "B"**

The following is a listing of those designated individuals who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

**Public Officials:**

Mayor/Chairperson

City Council Member/Successor Agency to the Redevelopment Agency Board Member/Fire Protection District Board Member/Public Improvement Corporation Board Member/Public Financing Authority Board Member/Housing Authority Board Member

City Manager

City Attorney/Agency General Counsel/Authority General

Counsel Finance Officer

District Treasurer

Community Development and Resources Commissioner

**Members:**

**Disclosure Category**

***City Council Boards:***

All Boards and Commissions Category 1 Filers.

City Council

Successor Agency to the Redevelopment Agency

Public Financing Authority

Public Improvement Corporation

Housing Authority

Fire Protection District  
***Citizen Commissions, Committees, and Boards***

Community Development and Resources Commission

| <b><u>Designated Positions</u></b> | <b><u>Disclosure Category</u></b> |
|------------------------------------|-----------------------------------|
| Accountant II                      | 1                                 |
| Assistant City Manager             | 1                                 |
| Chief Building Official            | 1                                 |
| City Clerk                         | 1                                 |
| Community Development Director     | 1                                 |
| Community Services Director        | 1                                 |
| Consultants                        | 1                                 |
| Deputy City Attorney               | 1                                 |
| Deputy Director of Engineering     | 1                                 |
| Finance Operations Manager         | 1                                 |
| CAL FIRE Battalion Chief           | 1                                 |
| CAL FIRE Unit Chief                | 1                                 |
| Public Works Director              | 1                                 |
| Recreation Supervisor              | 1                                 |
| Police Chief                       | 1                                 |
| Police Lieutenant                  | 1                                 |
| Senior Planner                     | 1                                 |
| Sewer Division Manager             | 1                                 |
| Streets Division Manager           | 1                                 |
| Water Division Manager             | 1                                 |

**Consultants**

\*Consultants for purposes of this Conflict of Interest Code are defined as individuals that provide, under contract, information or advice to the City that may entails participation in the making of decisions, recommendations, or counsel to the City, and which may have a foreseeable material effect on any financial interest of the consultant. Consultants, as defined above, are included in the list of designated employees and

shall disclose pursuant to the broadest disclosure category in the code subject to the following:

The City Manager may determine in writing that a particular consultant, although in a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this code. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of the disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

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**Disclosure Category**

Individuals holding designated positions must report their interest according to the following disclosure category.

**Category 1 - Full Disclosure:**

Interest in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the City of Atwater; and investments and business positions in business entities, and income, including loans; gifts, and travel payments, from all sources.