

**RESOLUTION NO. 2020-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ADOPTING THE CITY'S CONFLICT OF INTEREST CODE AND  
RESCINDING RESOLUTION NO. 2018-047**

**WHEREAS**, the City of Highland City Council previously adopted Resolution No. 2018-047 adopting the model Conflict of Interest Code set forth in Section 18730 of the California Code of Regulations; and

**WHEREAS**, by this resolution, the City is adopting a new updated Conflict of Interest Code; and

**WHEREAS**, the City Council desires to designate persons holding positions listed in Appendix A as bodies that are subject to this code.

**NOW, THEREFORE**, BE IT RESOLVED that the City Council of the City of Highland does hereby find, determine and declares follows:

1. Resolution No. 2018-047 is hereby rescinded.
2. The Political Reform Act, Government Code Section 81000 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730. It can be incorporated by reference in an agency's code and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference, and along with the attached Appendices A, B and C, which identify the members, employees and consultants that are designated and the disclosure categories ~~are set forth~~, constitute the Conflict of Interest Code for the City of Highland, which is considered the "agency" within the purview of this code.
3. Designated employees shall file statement of economic interests with the City Clerk of the City of Highland. Statements for all designated employees will be retained by the City and will be available for inspection and reproduction pursuant to Government Code Section 81008.

4. Pursuant to the Political Reform Act, a person holding a designated position listed in this Conflict of Interest Code that violates any provisions of this Code is subject to administrative, criminal and civil sanctions provided in the Political Reform Act. In addition, if a person who holds a designated position makes, participates in making or otherwise attempts to use his or her official position to influence a decision of the Agency in which he or she has a financial interest, he or she may also be subject to additional administrative, criminal and civil sanctions and the decision may be set aside and voided pursuant to Government Code Section 91003.

**PASSED, APPROVED AND ADOPTED** this 22nd day of September, 2020.

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Larry McCallon  
Mayor

ATTEST:

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Betty Hughes, MMC  
City Clerk

**APPENDIX A  
DESIGNATED EMPLOYEE FILERS**

<b>DESIGNATED EMPLOYEE FILERS</b>	<b>DISCLOSURE CATEGORIES</b>
Administrative Analyst	3, 4, 5
Assistant City Manager	1
Assistant Community Development Director	1
Assistant Engineer	3, 4, 5
Assistant Public Works Director	1
Building Official	1
City Clerk	3, 4, 5
City Planner	1
Code Compliance Officer	2, 3, 4, 5
Committee/Board Members	1
Community Development Director	1
Consultants	See Appendix C
Deputy City Clerk	3, 4, 5
Economic Development Specialist	2, 3, 4, 5
Maintenance Superintendent	3, 4, 5
Public Services Manager	3, 4, 5
Public Works Manager	3, 4, 5
Public Works Director/City Engineer	1
Senior Code Compliance Officer	2, 3, 4, 5

The Members of City Council and Planning Commission, City Manager, City Attorney, Director of Administrative Services/City Treasurer and all other City Officials who manage public investments as defined by 2 Cal. Code of Regs. §18701 (b) are not subject to the City's Code but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et. seq.). [Regs. §18730(b)(3)]

## **APPENDIX B DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property, which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

- Category 1. Full Disclosure – Interests in real property located within the City or within two miles of the boundaries of the City or within two miles of any land owned or used by the City, as well as investments, business positions and sources of income, including gifts, loans and travel payments.
  
- Category 2. Reportable interests in real property in the jurisdiction. (Form 700, Schedule B)
  
- Category 3. Reportable income and business positions. (Form 700, Schedule C)
  
- Category 4. Reportable investments. (Form 700, Schedules A-1 and A-2)
  
- Category 5. Reportable gifts and travel gifts. (Form 700, Schedules D and E)

**APPENDIX C  
CONSULTANT FILERS<sup>1</sup>**

<b>DESIGNATED <del>EMPLOYEES</del>CONSULTANTS</b>	<b>DISCLOSURE CATEGORIES</b>
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<p>Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, whether to issue, deny, suspend, or revoke any permit, license, application, certificate or similar authorization, adopt or grant City approval to a plan, design, report, study, or adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof.</p>	1
<p><u>Consultants who serve in a staff capacity with the City, and in that capacity participate in making a governmental decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.</u></p>	<p><u>Disclosure required at the same level as a comparable designated position in the same or similar City Department identified elsewhere in this Code.</u></p>
<p>Consultants who <del>act in a staff capacity with the City, and in that capacity</del> perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.</p>	<p>Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.</p>

Category 1

Designated consultants assigned to this category shall disclose:

- (a) All business entities or non-profit corporations in which they are a director, officer, partner, trustee, employee or hold a position of management; interests in real property, investments; and income, including gifts, loans and travel payments.<sup>2</sup>
- (b) When the consultant is a corporation or partnership, only individuals from the firm that fit into one of the three categories of designated consultants participate in City decisions or ~~act in a staff capacity~~ must file disclosure statements.

<sup>1</sup> Only consultants who make a governmental decision or act in a staff capacity as defined in 2 Cal. Code Regs. Section 18701, as amended from time to time, shall be subject to economic disclosure requirements.

<sup>2</sup> Consultants who make governmental decisions shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

| The ~~chief executive officer~~ City Manager may determine in writing that a particular consultant, although 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 the section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The ~~chief executive officer’s~~ 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.