

# City of La Quinta

CITY COUNCIL MEETING: July 19, 2022

## STAFF REPORT

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**AGENDA TITLE:** INTRODUCE AN ORDINANCE AMENDING CHAPTER 2.60 OF THE LA QUINTA MUNICIPAL CODE RELATING TO THE CONFLICT OF INTEREST CODE, AND APPROVE THE CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION'S 2022 LOCAL AGENCY BIENNIAL NOTICE

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### RECOMMENDATION

- A) Move to take up Ordinance No. \_\_\_\_ by title and number only and waive further reading.
- B) Move to introduce at first reading Ordinance No. \_\_\_\_ amending Chapter 2.60 of the La Quinta Municipal Code relating to the City's conflict of interest code.
- C) Move to approve and accept the California Fair Political Practices Commission's 2022 Local Agency Biennial Notice.

### EXECUTIVE SUMMARY

- The Political Reform Act (PRA) requires every local government to review its Conflict of Interest Code (Code) biennially and submit the *Local Agency Biennial* Notice (Attachment 1) to the Code reviewing body. The City Council is the code reviewing body for the City.
- The purpose of the Code is to specifically designate positions that make or participate in the making of governmental decisions, which may foreseeably have a material effect on any financial interests of the persons holding those positions.
- City officials in the positions designated on the attached ordinance must disclose their financial interests annually and refrain from participation in any decision(s) that may affect them financially.
- The annual Statement of Economic Interest filings are the basis for the transparency that California's PRA requires of public officials. Statements of Economic Interest are public documents filed with the City Clerk.

**FISCAL IMPACT** – None.

## **BACKGROUND/ANALYSIS**

Public officials, both elected and appointed, are classified in one of two disclosure categories based on their level of influence on municipal financial decisions. Officials in the “full disclosure” category have substantial influence and must disclose all investments, business positions, and interests in real property, within the jurisdiction, held on the date of assuming office and income received during the 12 months immediately preceding assuming office.

Officials in the “limited disclosure” category have less influence on decisions. These positions must disclose personal economic interests held that could be significantly affected through the exercise of official duties, including investments, business positions, and income from sources located in or doing business in the City, interests in real property located in the City, and property located not more than two miles outside the boundary of the City or property located within two miles of any property owned or used by the City.

Review of the City’s positions, duties, and influence of public officials has resulted in the following recommended changes to Chapter 2.60 of the Municipal Code due to organizational changes over the last two years to better align positions with the City’s ability to provide high-level services to its community:

Add the following titles as designated positions for “limited disclosure” filing:

- Deputy City Clerk
- Director of Business Unit and Housing Development

Delete the following titles from the “limited disclosure” designated positions:

- Assistant to the City Manager
- Construction Manager / Inspections Supervisor
- Human Resources Manager
- Public Safety Analyst

## **ALTERNATIVES**

Council may elect to (1) approve the proposed Code as submitted, or (2) revise the proposed Code and approve it as revised.

Prepared by:       Monika Radeva, City Clerk  
Approved by:       Jon McMillen, City Manager

Attachment:       1. 2022 Local Agency Biennial Notice

**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING CHAPTER 2.60 OF THE LA QUINTA MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

**WHEREAS**, the Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2, Division 6, California Code of Regulations Section 18730 – Provisions of Conflict of Interest Codes, which contains the terms of a standard conflict of interest code which can be incorporated by reference; and

**WHEREAS**, the City of La Quinta (City) has adopted by reference the FPPC's regulation as well as a list of designated employees as Chapter 2.60 of the La Quinta Municipal Code (Code); and

**WHEREAS**, the City desires to make changes to the list of designated employees and disclosure categories to reflect the current classifications/positions within the City; and;

**WHEREAS**, the place of filing of the Statements of Economic Interests shall be in accordance with Government Code Section 87500; and

**WHEREAS**, Statements of Economic Interest are public documents available from the City Clerk of the City of La Quinta; and

**WHEREAS**, the City believes these changes are in the best interests of the citizens of the City of La Quinta.

**NOW THEREFORE**, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. Chapter 2.60 Conflict of Interest of the La Quinta Municipal Code is amended to read as follows:

**2.60.020 - Designated positions—Disclosure categories.**

- A. Full disclosure on Form 700, Statement of Economic Interest, shall be required from the following positions pursuant to Government Code Section 87200:

#### Designated Positions

- City Attorney
- Assistant and/or Deputy City Attorney(s)
- City Manager
- Assistant and/or Deputy City Manager(s)
- Finance Director/City Treasurer
- Mayor
- Members of the City Council/Financing Authority/Housing Authority
- Members of the Planning Commission
- Members of the Successor Agency to the Dissolved Redevelopment Agency
- Candidates for any of the positions above

- B. Limited disclosure on Form 700, Statement of Economic Interest, shall be required from the following officeholders pursuant to Government Code Section 87302:

#### Designated Positions

- Accounting Manager
- Animal Control/Code Compliance Supervisor
- Assistant Construction Manager
- ~~Assistant to the City Manager~~
- Associate Engineer
- Building Official
- City Clerk
- Community Resources Manager
- Community Resources Analyst
- ~~Construction Manager/Inspections Supervisor~~
- Deputy City Clerk
- Deputy Director of Facilities
- Director of Business Unit and Housing Development
- Director of Community Resources
- Director of Design and Development
- Director of Public Works / City Engineer
- Financial Services Analyst

- Hub Manager
- Human Resources Analyst
- ~~Human Resources Manager~~
- Management Analyst
- Marketing Manager
- Members of the Community Services Commission
- Members of the Financial Advisory Commission
- Members of the Housing Commission
- Planning Manager
- ~~Public Safety Analyst~~
- Public Safety Manager
- Senior Emergency Management Coordinator
- Senior Planner
- Traffic Operations Analyst

**SECTION 2. EFFECTIVE DATE:** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 3. POSTING:** The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the permanent record of Ordinances of the City of La Quinta.

**SECTION 4. CORRECTIVE AMENDMENTS:** the City Council does hereby grant the City Clerk the ability to make minor amendments and corrections of typographical or clerical errors to "Exhibit A" to ensure consistency of all approved text amendments prior to the publication in the La Quinta Municipal Code.

**SECTION 5. SEVERABILITY:** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

**PASSED, APPROVED and ADOPTED**, at a regular meeting of the La Quinta City Council held this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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LINDA EVANS, Mayor  
City of La Quinta, California

**ATTEST:**

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MONIKA RADEVA, City Clerk  
City of La Quinta, California



**APPROVED AS TO FORM:**

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WILLIAM H. IHRKE, City Attorney  
City of La Quinta, California

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF LA QUINTA )

I, MONIKA RADEVA, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. (enter number) which was introduced at a regular meeting on the (date) day of (month), (year), and was adopted at a regular meeting held on the (date) day of (month), (year), not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in the Rules of Procedure adopted by City Council Resolution No. 2015-023.

\_\_\_\_\_  
MONIKA RADEVA, City Clerk  
City of La Quinta, California

#### DECLARATION OF POSTING

I, MONIKA RADEVA, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on \_\_\_\_\_, pursuant to Council Resolution.

\_\_\_\_\_  
MONIKA RADEVA, City Clerk  
City of La Quinta, California



# 2022 Local Agency Biennial Notice

Name of Agency: CITY OF LA QUINTA

Mailing Address: 78495 CALLE TAMPICO

Contact Person: MONIKA RADEVA Phone No. (760) 777 - 7035

Email: MRADEVA@LAQUINTACA.GOV Alternate Email: N/A

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency’s code includes disclosure by those agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict of interest code and has determined that *(check one BOX)*:

- An amendment is required. The following amendments are necessary:**  
*(Check all that apply.)*
  - Include new positions
  - Revise disclosure categories
  - Revise the titles of existing positions
  - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
  - Other *(describe)* \_\_\_\_\_

- The code is currently under review by the code reviewing body.**
- No amendment is required.** (If your code is over five years old, amendments may be necessary.)

**Verification (to be completed if no amendment is required)**

*This agency’s code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

*(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)*

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

