

**RESOLUTION NO. 23-023, SERIES 2023**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS  
AMENDING CONFLICT OF INTEREST CODE PROVISIONS FOR  
DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

WHEREAS, the Davis Municipal Code Article 2.12.010 incorporates by reference California Code of Regulations Section 18730, along with any amendments duly adopted by the California Fair Political Practices Commission, which contains the terms of a standard Conflict of Interest Code; and

WHEREAS, the City of Davis Conflict of Interest Code consists of Municipal Code Section 2.12, along with a List of Designated Positions and Disclosure Categories as adopted or amended by a legislative action of the City Council; and

WHEREAS, a review of the List of Designated Positions indicates that amendments are necessary to include new positions that must be designated; revise the job titles of existing positions; delete titles of positions that have been eliminated; revise disclosure categories to clearly define requirements; and change required categories for certain employees and officials to better align disclosure with duties and authorities.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby resolve as follows:

1. The List of Designated Positions attached hereto as Exhibit A is hereby approved.
2. The Disclosure Categories attached hereto as Exhibit B is hereby approved.
3. This resolution supersedes any and all resolutions pertaining to the City of Davis Conflict of Interest Code.

PASSED AND ADOPTED by the City Council of the City of Davis on this 7th day of March, 2023, by the following vote:

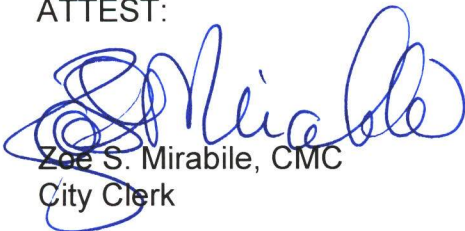
AYES: Chapman, Partida, Vaitla, Arnold

NOES: None



Will Arnold  
Mayor

ATTEST:



Zoe S. Mirabile, CMC  
City Clerk

## **Exhibit A**

### **Designated Positions**

“Commissioner/Member” shall include members of boards or commissions with decision-making authority. A board or commission possesses 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.

A designated “employee” is an officer, employee, or member of the city whose position entails the making or participation in the making of governmental decisions which may have a foreseeable material effect on any financial interest.

- (A) Making a governmental decision means the person:
  - 1. Votes on a matter; or
  - 2. Appoints a person; or
  - 3. Obligates or commits his or her agency to any course of action; or
  - 4. Approves a budget or policy; or
  - 5. Makes purchasing decisions
  - 6. Enters into any contractual agreement on behalf of the city.
- (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.

“Consultant” means an individual whom, pursuant to a contract with the city:

- (A) Makes a governmental decision whether to:
  - 1. Approve a rate, rule, or regulation; or
  - 2. Issue, deny, suspend, or revoke any permit, license, application, certificate, or similar authorization; or
  - 3. Adopt or grant agency approval to plan, design, report, study, or similar item; or
  - 4. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof.
- (B) Serves in a staff capacity with the agency and in that capacity participates in making a government decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

- (C) Performs the same or substantially all the same duties for the city that would otherwise be performed by an individual holding a position specified in the Conflict of Interest Code.

The following officials and employees shall file disclosure statements for the indicated categories in accordance with the Davis Conflict of Interest Code using the form indicated below.

**Required to File Statements of Economic Interest**

<b>EMPLOYEE</b>		
<b>Department</b>	<b>Position</b>	<b>Disclosure Category</b>
Administrative Services	Accountant	2, 4
	Finance Manager	1, 2, 3, 4
	Financial Analyst	1, 2, 3, 4
	Human Resources Analyst	2, 4
	Human Resources Director	2, 4
	Information Technology Administrator	2, 4
	Technology Program Manager	2, 4
City Manager's Office	Arts & Cultural Affairs Program Manager	1, 2, 3, 4
	Assistant City Manager	1, 2, 3, 4
	City Clerk	1, 2, 3, 4
	Community Engagement Director	1, 2, 3, 4
	Community Relations Program Manager	2, 4
	Economic Development Director	1, 2, 3, 4
	Public Information Officer	4
Community Development	Associate Planner	1, 2, 3, 4
	Chief Building Official	1, 2, 3, 4
	Community Development Director	1, 2, 3, 4
	Lands Program Manager	1, 4
	Management Analyst	1, 2, 3, 4
	Principal Planner	1, 2, 3, 4
	Real Property Manager	1, 2, 3, 4
	Senior Planner	1, 2, 3, 4
Fire	Fire Chief	2, 4
	Fire Battalion Chief	2, 4
	Fire Battalion Chief (Marshal)	1, 2, 3, 4
Parks & Community Services	Assistant Parks & Community Services Director	1, 2, 3, 4
	Parks & Community Services Director	1, 2, 3, 4
	Parks Manager	1, 2, 3, 4

Police	Deputy Director Police Services	2, 4
	Deputy Police Chief	2, 4
	Police Chief	2, 4
	Police Lieutenant	2, 4
	Records & Communications Manager	4
Public Works Engineering & Transportation	Assistant Public Works Director – Transportation	1, 2, 3, 4
	City Engineer	1, 2, 3, 4
	Management Analyst	1, 2, 3, 4
	Principal Civil Engineer	1, 2, 3, 4
	Public Works Director – Engineering & Transportation	1, 2, 3, 4
	Senior Civil Engineer	1, 2, 3, 4
	Transportation Planner	1, 2, 3, 4
Public Works Utilities & Operations	Assistant to the Director	1, 2, 3, 4
	Construction Manager	1, 2, 3, 4
	Deputy Director	1, 2, 3, 4
	Environmental Resources Manager	1, 2, 3, 4
	Facilities Manager	4
	Fleet Manager	2, 4
	Management Analyst	1, 2, 3, 4
	Public Works Director – Utilities & Operations	1, 2, 3, 4
	Storekeeper	4
	Urban Forestry Manager	1, 3
	Wastewater Division Manager	1, 2, 3, 4
	Water Division Manager	1, 4
Social Services & Housing	Affordable Housing Manager	1, 2, 3, 4
	Social Services and Housing Director	1, 2, 3, 4
	Management Analyst	1, 2, 3, 4
All Departments	Consultant - City Attorney Legal Services	1, 2, 3, 4
	Consultant Making Governmental Decisions	1, 2
	Consultant Serving in Staff Capacity*	
	Staff Liaison to a Commission**	

APPOINTED OFFICIAL	
Position	Disclosure Category
Bicycling, Transportation & Street Safety Commissioner	1, 3, 4
Civic Arts Commissioner	1, 2, 4
Finance & Budget Commissioner	1, 2, 3, 4
Historical Resources Management Commissioner	1, 2, 3, 4
Natural Resources Commissioner	1, 2, 3, 4

Open Space & Habitat Commissioner	1, 4
Personnel Board Member	4
Recreation & Park Commissioner	1, 2, 4
Social Services Commissioner	1, 2, 4
Tree Commissioner	1, 2, 3, 4
Utilities Commissioner	1, 2, 3, 4

\*Consultants shall disclose at the same level as a comparable designated position in the same or similar City Department identified in the Conflict of Interest Code subject to the following limitation:

The 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 this 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 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.

\*\*Staff Liaison to a Commission applies to any staff, regardless of actual job title, who serves in that capacity. Staff Liaisons shall file according to the disclosure requirements of the commission which they serve. Exception: If an employee serving as a Staff Liaison to a Commission is otherwise listed on the list of Designated Positions, they shall file according to the highest disclosure category indicated.

\*\*\*The following positions are NOT covered by the Davis Conflict of Interest Code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

City Councilmembers  
Planning Commissioners  
Finance Director/Treasurer  
City Manager  
City Attorney  
Public Investment Managers (employees, consultants, or officials)

An individual holding or acting in capacity as one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

## **Exhibit B**

### **Disclosure Categories**

#### Category 1

Disclose all interests in, and sources of income from, real property located within the city. Real property shall be deemed to be “within the city” if the property or any part of it is located within or not more than two miles outside of the boundaries of the city, or within two miles of any land owned or used by the city.

#### Category 2

Disclose all investments, business positions, and sources of income, including gifts, loans, and travel payments, from business entities within the city limits which engage in work or services of the type:

- That are utilized or regulated by the designated employee's department; or
- That fall within the designated scope of a Commission.

#### Category 3

Disclose all investments, business positions, and sources of income, including gifts, loans, and travel payments, in business entities in the construction or building industry doing business within the city or not more than two miles outside the city limits.

#### Category 4

Disclose all investments, business positions, and sources of income, including gifts, loans, and travel payments, from business entities that (1) contract with or sell to the city which engage in work or services of the type, or (2) research or develop emerging technologies or markets of the type:

- That are utilized or regulated by the designated employee's department; or
- That fall within the designated scope of a Commission.