



Petaluma Planning Commission Committee Handbook

July 2020

1. Petaluma Ordinance 2344 N.C.S.: *Enabling Legislation for the Planning Commission*
2. *Petaluma Planning Commission Rules and Regulations*
3. *AB 1234 Training Materials on Public Official Ethics and Government Transparency* – Eric Danly, City Attorney
4. Petaluma Resolution 2018-159 N.C.S.: *City of Petaluma Conflict of Interest Code*

**EFFECTIVE DATE
OF ORDINANCE**

October 21, 2009

ORDINANCE NO. 2344 N.C.S.

Introduced by

Seconded by

David Glass

Teresa Barrett

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING PROVISIONS
OF CHAPTER 2.08 OF THE PETALUMA MUNICIPAL CODE GOVERNING THE TERMS AND
DUTIES OF THE PLANNING COMMISSION, ELECTING TO TREAT THE PLANNING
COMMISSION AS A RECONSTITUTED BODY AND APPOINT NEW PLANNING
COMMISSIONERS TO OCCUPY SOME OR ALL OF THE SEATS ON THE RECONSTITUTED
COMMISSION, REPEALING CHAPTER 2.50 OF THE PETALUMA MUNICIPAL CODE
GOVERNING THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE TO CONSOLIDATE
PLANNING COMMISSION AND ARCHITECTURAL REVIEW RESPONSIBILITIES IN A SINGLE,
RECONSTITUTED PLANNING COMMISSION, AND REPEALING ORDINANCE NO. 2337 N.C.S.
ADOPTED JULY 6, 2009**

WHEREAS, Article 11, Section 5 of the California Constitution provides in pertinent part that any city charter may provide for the enforcement of all ordinances and regulations concerning municipal affairs, subject only to limitations provided in the charter, and that city charters may provide for, among other things, subgovernment in all or part of the city; and,

WHEREAS, Article 11, Section 7 of the California Constitution provides in pertinent part that cities may make and enforce within their limits all local police, sanitary and other ordinances and regulations not in conflict with the general laws; and,

WHEREAS, Article VIII, Section 54 of the Petaluma Charter provides that the City, by and through its Council, and other officials, shall have and may exercise all powers necessary or appropriate to the municipal corporation and the general welfare of its inhabitants which are not prohibited by the constitution and that could be competently set forth in the Charter, and that specification of particular powers in the Charter shall not be held to limit the general grant of powers; and,

WHEREAS, Article VIII, Section 55 of the Petaluma Charter authorizes the City Council to establish such commissions as shall be necessary for the effective accomplishment of municipal business, provided that a member of the City Council shall be a member of each commission, commissioners' terms shall not exceed four years, and commissioners that have served continuously for six years shall not be reappointed until at least one year has elapsed after the expiration of the sixth year of service; and,

WHEREAS, the City's police power and power to provide for subgovernment under the California Constitution and the City Council's power to establish such commissions as shall be

1 necessary for the effective accomplishment of municipal business under Article VIII, Section 55 of
2 the Petaluma Charter necessarily include the power to create, abolish, consolidate, and
3 reconstitute bodies subordinate to the City Council, and to otherwise amend legislation
4 authorizing and governing such subordinate bodies; and,
5

6 **WHEREAS**, the City Council of the City of Petaluma, on March 30, 2009 directed staff to
7 combine the duties of the Planning Commission and Site Plan and Architectural Review
8 Committee ("SPARC") into a single, reconstituted Planning Commission in order to streamline,
9 expedite and enhance the processing and consideration of development applications in the
10 City of Petaluma; and,
11

12 **WHEREAS**, on June 15, 2009, the City Council introduced an ordinance to amend the
13 Petaluma Municipal Code to abolish SPARC and assign SPARC's site plan and design review
14 duties to a newly reconstituted Planning Commission; and,
15

16 **WHEREAS**, the City Council adopted such ordinance abolishing SPARC and assigning site
17 plan and architectural review duties to a newly reconstituted Planning Commission as
18 Ordinance 2337 N.C.S. on July 6, 2009, and such ordinance took effect on August 6, 2009; and,
19

20 **WHEREAS**, on August 3, 2009 a petition was filed on behalf of Planning Commissioners
21 Rittenhouse, Miller, and Burton, and served on the City challenging the City Council's action to
22 reconstitute the Planning Commission and appoint new commissioners to the reconstituted
23 body, and seeking reinstatement of the petitioners and costs and attorneys' fees; and,
24

25 **WHEREAS**, petitioners' challenge to Ordinance 2337 N.C.S. is based on an argument that
26 removal of any Planning Commissioner prior to expiration of his or her term requires a vote of five
27 Council members under Section 2.08.010 of the Petaluma Municipal Code; and,
28

29 **WHEREAS**, the general purpose and intent of this ordinance is to reconstitute the Planning
30 Commission as a subordinate body with site plan and architectural review duties, and more
31 particularly, this ordinance is intended to:
32

- 33 a. clarify the duration of the term of the City Council member selected as a
34 Commissioner;
- 35 b. clarify that the City Council may treat the Planning Commission as a reconstituted
36 body following amendment of the composition or duties of the Planning Commission, and
37 appoint new Commission members to occupy some or all of the seats on the reconstituted
38 Commission, and that such appointment of new members following amendment of the
39 composition or duties of the Planning Commission is not subject to the five vote requirement that
40 applies to removal of individual commissioners in situations not involving amendment of the
41 composition or duties of the Planning Commission;
- 42 c. assign site plan and architectural review duties to the Planning Commission;
- 43 d. specify that the City Council elects to treat the Planning Commission as a
44 reconstituted body based on amendments to the Planning Commission's duties, and to appoint
45 new Commission members to some or all of the seats on the reconstituted Commission;
- 46 e. provide that each sitting Planning Commissioner shall serve on the reconstituted
47 Commission unless and until a new member is appointed to succeed him or her, qualifies and is
48 seated;
- 49 f. abolish the Site Plan and Architectural Review Committee, and provide that
50 references to the Site Plan and Architectural Review Committee in City of Petaluma land use
51 enactments shall mean the Planning Commission unless and until such enactments are
52 amended; and,

1 g. repeal Ordinance No. 2337 N.C.S. adopted July 6, 2009 in its entirety.

2
3 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS**
4 **FOLLOWS:**

5
6 Section 1. Section 2.08.010 entitled "Established – Membership – Terms" of Chapter 2.08
7 entitled "Planning Commission" of Title 2, "Administration" of the Petaluma Municipal Code is
8 amended to read as follows:
9

10 **2.08.010 Established – Membership - Terms**

11
12 A planning commission consisting of seven members is established for this city. One of
13 the members of the commission shall be a member of, and selected by, the city council; the
14 remaining members of the commission shall be appointed by duly adopted resolution of the city
15 council and must have resided in the city not less than one year prior to their appointments. The
16 member of the commission selected from the city council shall serve until the thirty-first day of
17 January of the year following the year in which the city council member was appointed and
18 until a successor qualifies and is seated, or until he/she ceases to be a member of the city
19 council, whichever first occurs. Terms of office for each of the other members of the commission
20 hereafter appointed shall be four years; except that, terms of up to 3 appointees may be of a
21 lesser duration as the city council may deem necessary and appropriate so that commissioners'
22 terms are staggered. Following amendment of the composition or duties of the commission as
23 specified in this chapter, the council may elect to treat the commission as a reconstituted body
24 and appoint new commission members to occupy some or all of the seats on the reconstituted
25 commission. Subject to and without limiting or otherwise affecting the authority of the city
26 council to establish and reconstitute subordinate bodies in accordance with Article VIII, Section
27 55 of the City Charter, this section, and other applicable law, any individual appointed member
28 may be removed by a vote of five members of the council. Such five-vote requirement for
29 removal of individual members does not apply when the city council has amended the
30 composition or duties of the planning commission and elects to treat the commission as a
31 reconstituted body and appoint new commission members in accordance with this section.
32

33 Section 2. Section 2.08.020 entitled "Duties" of Chapter 2.08 entitled "Planning
34 Commission" of Title 2, "Administration" of the Petaluma Municipal Code is hereby amended to
35 read as follows:
36

37 **2.08.020 Duties**

38
39 The planning commission shall perform the duties prescribed in the present or any future
40 zoning ordinance (Title 21) or subdivision regulations (Title 20) of the city or any similar ordinance,
41 statute, rule or regulation of the state, county or this city pertaining to the districting or zoning or
42 dividing of the city into districts or zones or regulating the construction of improvements, or the
43 use, division or subdivision of property within the city. The planning commission shall also have
44 the duty of studying the needs of the city with respect to and advising and recommending the
45 council concerning the establishment, modification and change of zones or districts and
46 designation of the uses to which property contained therein may be prohibited, restricted or
47 regulated. The planning commission shall also perform the duties prescribed in the zoning
48 ordinance of the city or other ordinance, statute, rule or regulation of the state, county or this
49 city pertaining to securing of compliance with the zoning ordinance and promoting orderly and
50 harmonious development within the city. The commission shall also perform the duties
51 designated and delegated by the city council with respect to site design and architectural

1 review matters. The commission shall also have and perform the powers and duties hereafter
2 designated and delegated by the city council.
3

4 Section 3. Based on amendment of the Planning Commission duties specified in
5 Petaluma Municipal Code Section 2.08.020 to include site design and architectural review, and
6 in accordance with Petaluma Municipal Code Section 2.08.010, the City Council elects to treat
7 the Planning Commission as a reconstituted body and to appoint new commission members to
8 occupy some or all of the seats on the reconstituted commission. Such appointments shall be
9 by duly adopted City Council resolution. Each sitting commissioner shall serve on the
10 reconstituted Commission unless and until a new member is appointed to succeed him or her,
11 qualifies, and is seated.
12

13 Section 4. Chapter 2.50 entitled "Site Plan and Architectural Review Committee" of Title 2
14 "Administration" of the Petaluma Municipal Code is hereby repealed in its entirety. Unless and
15 until otherwise provided by duly adopted amendment to the Petaluma Implementing Zoning
16 Ordinance, Ordinance No. 2300 N.C.S., the SmartCode®, Ordinance No. 2152 N.C.S., and/or
17 other land use -related laws, ordinances, regulations or policies applicable in the City of
18 Petaluma, references to the "Site Plan and Architectural Review Committee" or "SPARC" in
19 Petaluma land-use related ordinances, regulations and policies shall mean the Planning
20 Commission.
21

22 Section 5. Ordinance 2337 N.C.S. adopted July 6, 2009, is hereby repealed in its entirety.
23

24 Section 6. The City Council finds that adoption of this ordinance is exempt from the
25 California Environmental Quality Act ("CEQA"), pursuant to Sections 15061(b)(3) (no possibility
26 that the activity may have a significant impact on the environment) and 15060(c)(3) (the
27 activity is not a project as defined in Section 15378) of the CEQA Guidelines (Title 14, Chapter 3
28 of the California Code of Regulations).
29

30 Section 7. If any section, subsection, sentence, clause, phrase or word of this ordinance
31 is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of
32 competent jurisdiction or preempted by state legislation, such decision or legislation shall not
33 affect the validity of the remaining portions of this ordinance. The City Council of the City of
34 Petaluma hereby declares that it would have passed and adopted this ordinance and each
35 and all provisions thereof irrespective of the fact that any one or more of said provisions be
36 declared unconstitutional, unlawful or otherwise invalid.
37

38 Section 8. This ordinance shall become effective thirty (30) days after the date of its
39 adoption by the Petaluma City Council.
40

41 Section 9. The City Clerk is hereby directed to publish or post this ordinance or a synopsis
42 for the period and in the manner provided by the City Charter and any other applicable law.
43

44 **INTRODUCED** and order posted/published this 14th day of September, 2009.
45

46 **ADOPTED** this 21st day of September, 2009 by the following vote:
47

48 AYES: Vice Mayor Barrett, Glass, Renée, Mayor Torliatt
49 NOES: Harris, Healy, Rabbitt
50 ABSENT: None

1 ABSTAIN: None

2

3

4

5

6

7

8

9

10 ATTEST:

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

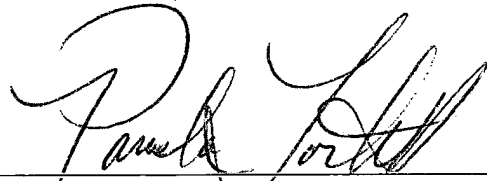
44

45



Claire Cooper, City Clerk

1292699.2



Pamela Torliatt, Mayor

APPROVED AS TO FORM:



Eric Danly, City Attorney

Adopted by Planning Commission:
April 18, 1972
Revised June 20, 1972
Revised May 20, 1980
Revised October 28, 1980
Revised May 8, 1984
Revised March 3, 1987
Revised January 14, 1997
Revised May 7, 1999
Revised May 25, 2010
Revised May 23, 2023

PLANNING COMMISSION
CITY OF PETALUMA
Petaluma, CA

RULES AND REGULATIONS FOR THE TRANSACTION OF BUSINESS

I. Duties and Responsibilities

The duties of the Planning Commission shall be those prescribed in Chapter 2 of the Petaluma Municipal Code, as said chapter may be subsequently amended or renumbered.

II. Membership

201. The Commission shall be composed of seven (7) members as provided by Ordinance.
202. The Commission members shall serve the city as a whole and shall represent no special groups or interest.
203. Any Commission member abstaining due to a conflict of interest must announce his or her abstention at the time the item is first introduced and indicate the nature of conflict and step down from the podium. Conflict of interest is determined pursuant to applicable law, including, Government Code Section 87100 et seq. and regulations promulgated pursuant thereto, Government Code Section 1090, et seq., and the City of Petaluma Conflict of Interest Code, as such provisions may be from time to time amended and/or common law.

III. Officers

301. The officers of the Commission shall consist of a Chair, Vice-Chair, and a Second Vice-Chair. Said officers shall be appointed annually at the first meeting in July by a majority of the Commission. The Planning Director shall serve the Commission as Secretary.
302. In case of failure to appoint officers at said first meeting, the appointment shall take place at the next regular meeting.

1 303. The officers shall hold their respective offices until the next annual
2 meeting after appointment and until their successors are appointed. The
3 Chair shall not be appointed to a consecutive term.

4 304. Commission officer vacancies shall be filled by appointment held at any
5 meeting.

6
7 IV. Duties of Officers
8

9 401. The Chair shall preside at all meetings. He or she shall appoint
10 Commission Representatives to all standing committees each year
11 following the election of officers and such special committees as from
12 time to time may be authorized by the Commission and/or City Council.
13 He or she may present to the Commission such matters as in his/her
14 judgment requires attention. The Chair need not be vacated except for the
15 purpose of actively discussing (as a member of the Commission) an item
16 on the agenda or a subject up for review, discussion and recommendation
17 by the Commission.

18 402. The Chair (and the Commission) shall consult Roberts Rules of Order,
19 latest revision, on all questions of procedure and parliamentary law not
20 covered by these rules and regulations.

21 403. At the request of any member of the Commission, the Chair shall direct
22 that a verbal and written record be made and entered on any questions
23 before the Commission.

24 404. The Chair shall exercise firm control and direction during the course of
25 any Commission meeting or hearing. Any and all questions, comments,
26 and recognition of members of the Commission and the general public in
27 attendance at a Commission meeting shall be put to the Chair.

28 405. The Chair shall exercise general supervision over the business, papers and
29 property of the Commission and shall execute all formal documents on
30 behalf of the Commission, the same to be attested by the Secretary of the
31 Commission.

32 406. In the absence of the Chair, the Vice-Chair (and in the absence of the
33 Vice-Chair), the Second Vice-Chair, shall perform all duties of the Chair.

34 407. The Secretary shall keep a true and complete record of the proceedings
35 and business of the Commission, and with approval of the Commission,
36 may delegate certain duties of his/her office to a Recording Secretary.

37 408. The Secretary shall attest all formal documents executed by the Chair on
38 behalf of the Commission.

39 409. The Commission shall appoint a temporary Chair from the members
40 present in the event that the Chair, Vice-Chair, and Second Vice-Chair are
41 absent.

42 410. The Secretary shall keep a permanent record of the meetings of the
43 Commission and shall cause to be made public such notices as are
44 required and in the manner prescribed by statute, ordinance or these rules,
45 and to attend to all official correspondence of the Commission. He/she
46 shall provide reports on subdivision plats, zoning changes, variances, and

1 other planning and zoning matters. He/she shall submit reports on
2 preliminary applications, future agendas, planning studies, general or
3 specific plan studies, progress reports on the work of the Planning
4 Commission and on any other matters vital to the efficient and expeditious
5 operation of the Planning Commission.

6
7 V. Meetings
8

- 9 501. Regular meetings of the Commission shall be held on the second and
10 fourth Tuesday of every month at 6:00 PM unless otherwise decided by
11 the Commission. New agenda items will not be started after 10:30 PM
12 without a majority vote of those Commissioners present. Matters not
13 completed by 11:00 PM will be continued to the next adjourned or regular
14 meeting, unless a majority of Commissioners present at the meeting votes
15 to continue the matter past 11:00 PM.
- 16 502. Special meetings or study sessions shall be called by the Chair, or by the
17 majority vote of the Commission, or at the request of the Planning
18 Director with the consent of three Commission members.
- 19 503. No business shall be transacted at any special meeting other than that
20 named for consideration.
- 21 504. Notices and agendas of all regular meetings shall be in writing and sent to
22 all members of the Commission by the Secretary.
- 23 505. The Commission may adjourn a meeting, absentees being notified thereof,
24 and in case there shall be no quorum present at any meeting, the
25 Commissioners present will adjourn until a quorum is obtained, or will
26 adjourn said meeting without establishing a date certain.
- 27 506. A quorum of the Commission shall consist of four (4) members. The
28 affirmative vote of a majority of the members present, and including any
29 Commissioners disqualified as provided in Section 203, is required to
30 approve a motion.
- 31 507. The action of the Planning Commission shall be by motion or resolution of
32 the Commission.
- 33 508. The Chair shall have the same voting privilege as any other member.
- 34 509. An agenda shall be prepared by the Secretary for each meeting of the
35 Commission. A copy of same shall be sent by the Secretary to all
36 members of the Commission at least seven (7) days in advance of each
37 meeting.
- 38 510. Any Commission member who was absent from all or part of a public
39 hearing shall be allowed to participate in the decision if he or she has
40 reviewed all materials including listening to/watching the video tapes of
41 missed meetings or hearings prior to the meeting at which action is taken,
42 unless he/she has declared a conflict of interest.
- 43 512. Members of the Commission must vote unless a conflict of interest is
44 stated (definition pursuant to Subsection 203 of these rules), or he/she was
45 absent from all or part of a public hearing and has not reviewed all
46 materials per Section 511 prior to the meeting at which action is taken. If

such is the case, the Commission member must announce his or her abstention at the time the item is first introduced and step down from the podium.

513. Members of the Commission shall disclose all communications occurring prior to a decision by the Commission pertaining to an item other than communications and/or information already provided in the public record. "Communications" includes oral communications, site visits, electronic communications, written communications, and/or other means of exchanging information related to the project with the project applicant, property owner, neighbors, community groups, members of the public and/or other persons or entities relating to the project, as well as information and/or documents transmitted thereby. Such communications do not in themselves suggest or create a conflict of interest or require a Commission member's recusal.

VI. Official Records

601. The official records shall include these rules and regulations, the minutes of the meetings of the Commission, all motions adopted, findings of fact, decisions and other official actions.
602. The official records shall be on file in the Secretary's office and shall be open to public inspection during the customary working hours.
603. The Commission shall keep minutes of its proceedings which shall show the vote of each member on every question on which it is required to act, the members present and absent, the reason why.
604. Original papers, maps and video tape recording shall be retained for not less than five (5) years after date of Commission action. Thereafter, they may be microfilmed, along with other material the Secretary deems essential, for permanent record.
605. A copy of these rules and regulations, and all amendments thereto shall be placed on permanent file in the office of the City Clerk within ten (10) days of adoption.

VII. Order of Business

701. The Commission shall consider matters before it at its regular meetings according to the following schedule except that the order of business may be modified at any meeting by the Chairman.

1. Roll Call
2. Approval of Minutes
3. Public Comment
4. Correspondence
5. Director's Report
6. Commissioner's Report
7. Public Hearings

8. Old Business
9. New Business
10. Other
11. Adjournment

702. Generally, the Commission shall hear the matters on which interested persons are present in the order listed on the agenda.
703. The Chairman may, with consent of Commission, alter order indicated on agenda.
704. The Chair shall limit the amount of time an individual may speak at a public hearing to three minutes. Up to two members of the public may elect to cede their time to a third member of the public, such that a member of the public may have up to nine (9) minutes to speak, provided that any member of the public wishing to cede time to another member of the public under this section must be present and state for the record that time is being ceded, at the time the member to whom time is ceded speaks.

VIII. Policies and Supplemental Procedures

801. All matters of policy affecting the Commission shall be decided at regular meetings or at special meetings called for that purpose.
802. Supplemental policies, rules and procedures may be adopted in the same manner as provided for amendments to these rules and regulations.
803. Committees may be established by the chairman of the Commission and with the consent of the Commission.

IX. Announcement of Official Acts

901. On their appointment to the Commission, new members shall be briefed by the Secretary on the general scope of City and regional planning and on the duties of the Commission.
902. The Secretary shall prepare for the Commission all letters of transmittal to the City Council. Other letters to the Council shall be signed by the Chairman of the Commission.
903. Copies of Commission Minutes, reports of Commission actions and all recommendations required to be sent to the City Council shall be sent directly to the City Clerk by the Secretary for distribution to individual Council members.
904. Copies of Commission Minutes, reports of Commission actions and recommendations shall be sent to each person transacting business with the Commission by the Secretary so that he/she will be duly notified of the Commission's actions in each case.

X. Amendments

1 1001. Amendments to these rules and regulations may be made by the
2 Commission at any regular or special meeting called for that purpose upon
3 the affirmative vote of four (4) members, provided such amendment is
4 proposed at a preceding meeting and that all members have been formally
5 notified thereof.
6

7 XI. Adoption
8

9 1101. All other by-laws and regulations pertaining to the transaction of business
10 are hereby repealed and these rules and regulations shall be in effect
11 immediately upon adoption.
12

13 XII. Ralph M. Brown Act
14

15 1201. In the event that there is any conflict between the provisions of the Ralph
16 M. Brown Act (Government Code Section 54950 et seq.) and the Rules
17 and Regulations herein, the Ralph M. Brown Act shall govern.”
18
19

Resolution No. 2018-159 N.C.S.
of the City of Petaluma, California

**RESOLUTION REPEALING THE CITY OF PETALUMA'S CONFLICT OF INTEREST
CODE (RESOLUTION NO. 2016-194 N.C.S.) AND ANY CONFLICTING
RESOLUTIONS AND ADOPTING BY REFERENCE THE MODEL CONFLICT OF
INTEREST CODE SET FORTH IN TITLE 2, SECTION 18730 OF THE CALIFORNIA
CODE OF REGULATIONS AND TAKING RELATED ACTIONS**

WHEREAS, pursuant to Section 87300 et seq. of the California Government Code, the City of Petaluma is required to adopt and promulgate a Conflict of Interest Code; and,

WHEREAS, pursuant to Government Code Section 87302, the City's Conflict of Interest Code must specifically enumerate the positions within the City, other than those specified in Government Code Section 87200, that involve the making or participating in making decisions that may foreseeably have a material effect on any financial interest, and, for each such enumerated position, the Conflict of Interest Code must state the specific types of investments, business positions, interests in real property and sources of income that are reportable; and,

WHEREAS, on December 19, 2016, the City Council adopted Resolution 2016-194 N.C.S., adopting a Conflict of Interest Code for public officials and designated employees; and,

WHEREAS, the City Council at this time wishes to repeal the Conflict of Interest Code adopted by 2016-194 N.C.S. and adopt a revised Conflict of Interest Code establishing the City's conflict policy and defining the circumstances requiring disqualification; and,

WHEREAS, Title 2, Section 18730 of the California Code of Regulations contains the terms of a Model Conflict of Interest Code developed by the Fair Political Practices Commission ("FPPC") that cities can adopt by reference, which may be amended from time-to-time by the FPPC after public notice and hearing to conform to amendments in the Political Reform Act; and,

WHEREAS, adopting by reference the terms of the FPPC's Model Conflict of Interest Code set forth in the California Code of Regulations, and amendments thereto, as the Conflict of Interest Code of the City of Petaluma will meet the statutory requirements for adopting such a code and save the City time and resources by minimizing the actions required to keep the Code in conformity with the Political Reform Act; and

WHEREAS, the City Council is further required biennially to review and update as warranted the list of designated positions required to submit Statements of Economic Interest and the disclosure categories for such positions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PETALUMA
DOES RESOLVE AS FOLLOWS:**

Section 1: The above recitals are true and correct and are incorporated herein by reference.

Section 2: 2016-194 N.C.S., adopted December 19, 2016 and any other resolution in conflict with the Conflict of Interest Code adopted by this Resolution, is hereby repealed.

Section 3: The Model Conflict of Interest Code set forth in Title 2, Section 18730 of the California Code of Regulations, which is attached hereto and incorporated herein as Exhibit "A" to this Resolution, and any amendments to the Model Conflict of Interest Code subsequently adopted by the Fair Political Practices Commission, is hereby adopted, as amended, by the City of Petaluma as its Conflict of Interest Code, along with the attached "Exhibit B" enumerating positions within the City in addition to those set forth in Government Code Section 87200 that are subject to the provisions of the Conflict of Interest Code and their disclosure categories and the attached "Exhibit C" explaining the conflict of interest form filing requirements for various categories. This Resolution and the attached Exhibits A, B and C together constitute the Conflict of Interest Code of the City of Petaluma.

Section 4: Pursuant to Section 4 of the Model Conflict of Interest Code adopted hereby, public officials and designated employees and consultants shall file Statements of Economic Interest with the City Clerk.

Section 5: The effective date of the Conflict of Interest Code shall be the date the code is originally approved and adopted by the City Council.

Section 6: Statements of Economic Interest shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the City Clerk. Statements for all public officials and designated employees will be retained by the City Clerk.

Section 7: If any provision, sentence, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 15th day of October 2018, by the following vote:

Approved as to form:

City Attorney

AYES: Albertson, Barrett, Vice Mayor Healy, Kearney, King, Miller

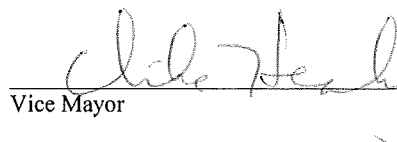
NOES: None

ABSENT: Mayor Glass

ABSTAIN: None

ATTEST:


City Clerk


Vice Mayor

§ 18730. Provisions of Conflict of Interest Codes.

2 CA ADC § 18730
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness
Title 2. Administration
Division 6. Fair Political Practices Commission
Chapter 7. Conflicts of Interest
Article 2. Disclosure (Refs & Annos)

2 CCR § 18730

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

- (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$470.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
 - 1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 - 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan

is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$470 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of

Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4, filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

This database is current through 8/10/18 Register 2018, No. 32
2 CCR § 18730, 2 CA ADC § 18730

**Titles/Positions of
Persons Required to Submit Statements of Economic Interests
and Disclosure Categories**

<u>Title/Position</u>	<u>Category</u>
-----------------------	-----------------

Positions Covered by Government Code Section 87200

The following positions are NOT covered by the City's Conflict of Interest Code because they must file under Government Code Section 87200 and therefore, are listed for informational purposes only.

Mayor	1
City Council Members.....	1
City Attorney	1
City Manager	1
Finance Director	1
Planning Commission Members	1

Positions Covered by the City of Petaluma's Conflict of Interest Code

Appointed Officials

Public Officials

City Clerk.....	1
-----------------	---

Appointed Officials

Airport Commissioners.....	1
Animal Services Advisory Committee Members	1
Building Board of Appeals Members.....	1
Historic and Cultural Preservation Committee Members	1
Pedestrian and Bicycle Advisory Committee Members.....	1
Personnel Board Members	1
Petaluma Community Development Successor Agency	1
Public Art Committee Members.....	1
Recreation, Music, and Parks Commissioners	1
Senior Advisory Committee Members	1
Technology Advisory Committee Members	1
Tree Advisory Committee Members.....	1
Transit Advisory Committee Members	1
Youth Commission Members (Adult Members)	1

Designated Employees

City Attorney's Office

Assistant City Attorney.....	2
------------------------------	---

City Clerk's Office

Deputy City Clerk	3
-------------------------	---

City Manager's Office

Assistant City Manager	1
Risk and Safety Officer	1

Building Services Division

Building Inspector I, II	4, 5
Chief Building Official	1

<u>Title/Position</u>	<u>Category</u>
Plans Examiner/Deputy Chief Building Official.....	4, 5
Senior Building Inspector.....	4, 5
Economic Development/Redevelopment	
Economic Development/Redevelopment Manager	1
Housing Division	
Housing Administrator	1
Information Technology/GIS Division	
Geographic Information Systems Manager	2
Information Technology Manager	2
Recreation Services Division	
Recreation Supervisor	2
Finance Department	
Commercial Services Manager	2
Finance and Accounting Manager	2
Revenue Development Specialist	2
Fire Department	
Assistant Fire Chief.....	1
Battalion Chief	2
Fire Chief	1
Fire Marshal	1
Human Resources Department	
Human Resources Director.....	1
Police Department	
Deputy Police Chief.....	1
Neighborhood Preservation Coordinator	4,5
Police Chief	1
Police Lieutenant	1
Police Sergeant	1
Public Works and Utilities Department	
Administration	
Director of Public Works and Utilities	1
Assistant Public Works and Utilities Director.....	1
Development Engineering Division	
City Engineer.....	1
Inspection Supervisor.....	4, 5
Capital Projects Engineering Division	
Associate Civil Engineer.....	4, 5
Project Manager	1
Public Works Inspector	2
Senior Civil Engineer	1
Operations Division	
Airport and Marina Manager	2
Operations Manager.....	1
Transit Division	

<u>Title/Position</u>	<u>Category</u>
Transit Manager.....	1
Environmental Services Division	
Environmental Services Supervisor	1
Environmental Services Manager	1
Environmental Services Analyst.....	1
Water Recycling Plant Operations Supervisor	1
Parks and Facilities Maintenance Division	
Parks and Facilities Maintenance Manager.....	1
Consultants*	
Executive Director, North Bay Animal Services	1
Planning Manager, Contract	1
Principal Planner, Contract.....	1

*The awarding authority of a particular consultant contract shall require a particular consultant to file a Statement of Economic Interests if the awarding authority finds that a consultant will:

- A. Make a government decision to:
 1. Approve a rate, rule or regulation.
 2. Adopt or enforce a rule.
 3. Issue, deny, suspend or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement.
 4. Authorize the City to enter into, modify or renew a contract, provided it is the type of contract that requires City approval.
 5. Grant City approval to a contract requiring such approval and to which the City is party or approval to the specifications for such a contract.
 6. Grant City approval to a plan, design, report, study or similar term.
 7. Adopt or grant approval of policies, standards or guidelines for the City or for any subdivision thereof.
- B. Serve in a staff capacity with the City and in that capacity perform the same or substantially all of the same duties for the City that would otherwise be performed by an individual holding a position specified in the City's Conflict of Interest Code.

Explanation of Disclosure Categories

Category 1: Full Disclosure

- **What to report?** All investments and business positions in business entities, sources of income including gifts, loans and travel payments, and interests in real property located in the City.
- **What Form 700 schedules?** All Schedules (A through E)

Category 2: ALL INCOME, EXCLUDING INTERESTS IN REAL PROPERTY

- **What to report?** All investments and business positions in business entities, and sources of income including gifts, loans and travel payments.
- **What Form 700 schedules?** A, C, D, E
- **Schedule B** does *not* apply to your disclosure category.

Category 3: CITY/DEPARTMENT-RELATED INCOME

- **What to report?** All investments and business positions in business entities and sources of income including gifts, loans and travel payments if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery or services, including training or consulting services, of the type utilized by or subject to the review or approval by the City or the department in which that person is employed.
- **What Form 700 schedules?** A, C, D, E
- **Schedule B** does *not* apply to your disclosure category.

Category 4: CITY/DEPARTMENT-RELATED INCOME, REAL PROPERTY

- **What to report?** All investments and business positions in business entities and sources of income including gifts, loans and travel payments, and all interests in real property, if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery or services, including training or consulting services, of the type utilized by or subject to the review or approval of the City or the department in which that person is employed.
- **What Form 700 schedules?** All Schedules (A through E)

Category 5: REGULATORY, LAND DEVELOPMENT RELATED INCOME, REAL PROPERTY

- **What to report?** All investments and business positions in business entities and sources of income including gifts, loans and travel payments, and interests in real property, if the source is of the type that is subject to the regulatory permit or licensing authority by the department in which that person is employed or the source of income is from land development, construction or the acquisition or sale of real property by the City.
- **What Form 700 schedules?** All Schedules (A through E)