

Resolution No. 2024-XXX N.C.S. of the City of Petaluma, California

REPEALING THE CITY OF PETALUMA’S CONFLICT OF INTEREST CODE (RESOLUTION NO. 2022-125 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 August 1, 2022, the City Council adopted Resolution 2022-125 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 Resolution No. 2022-125 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; and

WHEREAS, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, as adopting a conflict of interests code does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Petaluma as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. Finds that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, as adopting a conflict of interests code does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
3. Resolution No. 2022-125 N.C.S., adopted August 1, 2022 and any other resolution in conflict with the Conflict-of-Interest Code adopted by this Resolution, is hereby repealed.
4. 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.
5. 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.
6. The effective date of the Conflict-of-Interest Code shall be the date the code is approved and adopted by the City Council.
7. Statements of Economic Interest shall be filed electronically using the City Clerk’s approved online system in accordance with City of Petaluma Ordinance No. 2751 N.C.S. Statements for all public officials and designated employees will be retained by the City Clerk.
8. 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.

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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 7 th day of October 2024, by the following vote:	Approved as to form:
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		City Attorney
AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
ATTEST:	<hr/>	<hr/>
	City Clerk	Mayor