

RESOLUTION NO. 2010-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A CONFLICT OF INTEREST CODE FOR THE REDEVELOPMENT
AGENCY OF THE CITY OF ELK GROVE**

WHEREAS, the Redevelopment Agency of the City of Elk Grove (the "Agency") is required pursuant to the provisions of the Political Reform Act, Government Code Section 87300 et seq., to adopt a Conflict of Interest Code; and

WHEREAS, the Agency is required to submit the Conflict of Interest Code to the City Council, for review and approval in its capacity as reviewing body for the Agency's Conflict of Interest Code pursuant to the Political Reform Act; and

WHEREAS, the Agency has adopted and the City Council has reviewed the Agency's Conflict of Interest Code (the "Agency Conflict of Interest Code"), a copy of which is on file with the Clerk of the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove, in its capacity as reviewing body pursuant to the Political Reform Act, hereby approves the Agency Conflict of Interest Code attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect upon adoption.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 27th day of January 2010.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A

CONFLICT OF INTEREST CODE FOR THE REDEVELOPMENT AGENCY OF THE CITY OF ELK GROVE

PART I

This document constitutes the Conflict of Interest Code of the Redevelopment Agency of the City of Elk Grove (the "Agency").

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code (the "Standard Code"), which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference in this Conflict of Interest Code.

PART II below sets forth the Designated Positions and disclosure categories for which the designated representatives of the Agency must file conflict of interest statements; PART III outlines the Disclosure Categories to be complied with for each Designated Position; and PART IV states in full applicable Health and Safety Code Sections.

Pursuant to Sections 4-7 of the Standard Code, designated representatives shall file statements of economic interest with the Agency. The Agency Secretary shall make and retain a copy of such statements and forward the originals to the City Clerk of the City of Elk Grove (the "City") as Clerk for the code reviewing body, the City Council. To the extent the representatives listed in Part II below file the required statements of economic interest in their capacities as officers or employees of the City of Elk Grove, such statements shall be duplicated by the Agency Secretary and retained in the Agency's files, and such filing with the City shall thereupon constitute compliance with the requirement for filing as an Agency representative set forth above.

PART II

<u>Designated Position</u>	<u>Category</u>
Agency Members	Disclose in accordance with Government Code §87200 <u>et seq.</u>
Executive Director	Disclose in accordance with Government Code §87200 <u>et seq.</u>
Secretary	Disclose in accordance with Government Code §87200 <u>et seq.</u>
Treasurer	Disclose in accordance with Government Code §87200 <u>et seq.</u>
Agency Counsel	Disclose in accordance with Government Code §87200 <u>et seq.</u>
Project Area Committee Members	Disclose in accordance with Government Code §87200 <u>et seq.</u>
Consultants ¹	Disclose in accordance with Government Code §87200 <u>et seq.</u>

PART III

A. General Provisions

An investment, interest in real property, income, or "position of management" is reportable if the business entity in which the investment is held, the interest in real property, the income or source of income, or position of management foreseeably may be affected materially by any decision made or participated in by the designated representative by virtue of the representative's position.

¹ *Disclosure by Consultants shall be subject to the following limitation:*

The Executive Director 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 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 Executive Director'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.

Designated representatives shall disclose their financial interests pursuant to the appropriate disclosure category as indicated in PART II above.

B. Disclosure Categories

All designated representatives must report:

1. All interests in real property with the city limits of the City of Elk Grove. Representatives who hold a 10% or greater interest in any business entity or trust which owns real property within the city limits must report such real property interests, provided his/her pro rata share of such interests exceeds \$2,000. This requirement applies regardless of where the business entity is located or doing business. It is not required to disclose property used as the representative's principal residence except as otherwise provided in PART IV.
2. Investments valued at more than \$2,000 in business entities and income of more than \$500 from sources which:
 - (i) Engage in land development, construction, maintenance, or the acquisition, sale or leasing of real property, or which
 - (ii) Are located in or own property within the city limits of the City of Elk Grove.
3. Investments in business entities and income from sources which, within the past two years, has contracted, or in the future foreseeably may contract with the Agency or with the City of Elk Grove to provide services, supplies, materials, machinery or equipment to the Agency or City.
4. His or her status as a director, officer, partner, trustee, employee or holder of any position of management in any business entity described in paragraphs 2 and 3 above.

PART IV

Health and Safety Code Section 33130.

(a) No agency or community officer or employee who in the course of his or her duties is required to participate in the formulation of, or to approve plans or policies for, the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in property included within a project

area, that officer or employee shall immediately make a written disclosure of that financial interest to the agency and the legislative body and the disclosure shall be entered on their minutes of the agency and the legislative body. Failure to make the disclosure required by this subdivision constitutes misconduct in office.

(b) Subdivision (a) does not prohibit any agency or community officer or employee from acquiring an interest in property within the project area for the purpose of participating as an owner or reentering into business pursuant to this part if that officer or employee has owned a substantially equal interest as that being acquired for the three years immediately preceding the selection of the project area.

(c) A rental agreement or lease of property which meets all of the following conditions is not an interest in property for purposes of subdivision (a):

(1) The rental or lease agreement contains terms that are substantially equivalent to the terms of a rental or lease agreement available to any member of the general public for comparable property in the project area.

(2) The rental or lease agreement includes a provision which prohibits any subletting, sublease, or other assignment at a rate in excess of the rate in the original rental or lease agreement.

(3) The property which is subject to the rental or lease agreement is used in the pursuit of the principal business, occupation, or profession of the officer or employee.

(4) The agency or community officer or employee who obtains the rental or lease agreement immediately makes a written disclosure of that fact to the agency and the legislative body.

Health and Safety Code Section 33130.5.

Notwithstanding any other provisions of law, an officer, employee, consultant, or agent of the agency or community, for personal residential use, may purchase or lease property within a project area after the agency has certified that the improvements to be constructed or the work to be done on the property to be purchased or leased have been completed, or has certified that no improvements need to be constructed or that no work needs to be done on the property. Any such officer or employee who purchases or leases such property shall immediately make a written disclosure to the agency and the legislative body, which disclosure shall be entered on the minutes of the agency. Any such officer or employee shall thereafter be disqualified from voting on any matters directly affecting such a purchase, lease, or residency. Failure to so disclose constitutes misconduct in office.

Health and Safety Code Section 33393.

An agency shall not acquire from any of its members or officers a property or interest in property except through eminent domain proceedings.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-19

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

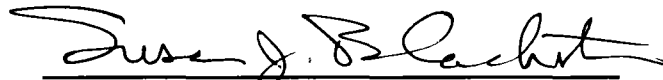
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 27, 2010 by the following vote:

AYES : **COUNCILMEMBERS:** **Scherman, Detrick, Cooper, Davis, Hume**

NOES: **COUNCILMEMBERS:** **None**

ABSTAIN : **COUNCILMEMBERS:** **None**

ABSENT: **COUNCILMEMBERS:** **None**



Susan J. Blackston, City Clerk
City of Elk Grove, California