

REPORT TO CITY COUNCIL

DATE: OCTOBER 26, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: KIMBERLY M. RODRIGUES, CITY CLERK

SUBJECT: ADOPT RESOLUTION NO. 22-2023; ADOPTING AN AMENDED AND RESTATED CONFLICT OF INTEREST CODE FOR THE CITY OF AGOURA HILLS AND REPEALING RESOLUTION NO. 20-1957

The Political Reform Act requires that every local government agency conduct a biennial review of its conflict of interest code to determine if it is accurate or whether the code should be amended.

The Fair Political Practices Commission (FPPC) is charged with enforcing the provisions of the Political Reform Act and has recommended the incorporation of its Standard Conflict of Interest Code ("Standard Code") (*Section 18730 - Provisions of Conflict of Interest Codes*), by reference, in the City's Conflict of Interest Code ("Code"). The FPPC will amend the regulation to include legislative and regulatory changes that affect the main body of the code; therefore, this component of the code is automatically in compliance with the Act.

In May 2022, the position of Principal Planner was added to Appendix G of the Code. The attached Form 804 was completed to reflect this change until it could be incorporated into the next Code update.

The City Clerk and City Attorney have reviewed the City's current Conflict of Interest Code. Appendix G of the Code has been modified, to reflect the position of Principal Planner, in compliance with the provisions of the Political Reform Act. There are no further amendments at this time.

The City Attorney has reviewed, and approved as to form, Resolution No. 22-2023.

RECOMMENDATION

It is respectfully recommended the City Council adopt Resolution No. 22-2023; Adopting an Amended and Restated Conflict of Interest Code for the City of Agoura Hills, which Incorporates by Reference the Standard Conflict of Interest Code Prepared by the Fair Political Practices Commission, Establishing a New Designated Position and Disclosure Category for Principal Planner of the City, and Repealing Resolution No. 20-1957.

Attachments: 1) Resolution No. 22-2023 (Redline Version) with Appendices A-K and Exhibit A (Standard Code)
2) 2022 Local Agency Biennial Notice and Form 804 (Principal Planner)

RESOLUTION NO. 22-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING AN AMENDED AND RESTATED CONFLICT OF INTEREST CODE FOR THE CITY OF AGOURA HILLS WHICH INCORPORATES BY REFERENCE THE STANDARD CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION, ESTABLISHING A NEW DESIGNATED POSITION AND DISCLOSURE CATEGORY FOR PRINCIPAL PLANNER OF THE CITY, AND REPEALING RESOLUTION NO. 20-1957

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. The Political Reform Act, Government Code Sections 81000, et seq., requires the City of Agoura Hills to adopt a Conflict of Interest Code for each department of the City.

Section 2. The Fair Political Practices Commission has adopted a Standard Conflict of Interest Code, attached hereto as Exhibit "A." The Standard Code is codified under Section 18730 of Article 2, Chapter 7, of Title 2, Division 6, of the California Code of Regulations. This Standard Code can be incorporated by reference by the City and will be, periodically, amended to conform to amendments to the Political Reform Act.

Section 3. The standard Conflict of Interest Code adopted by the Fair Political Practices Commission, attached hereto as Exhibit "A" with amended Appendix "G" which sets forth the designated positions and the disclosure categories, are herein incorporated by reference and adopted, and shall constitute the Conflict of Interest Code of the following departments or divisions of the City of Agoura Hills:

- A. City Manager;
- B. Financing Authority (FA);
- C. Improvement Authority (IA);
- D. Parking Authority (PA);
- E. City Attorney;
- F. City Clerk;
- G. Community Development (Planning and Building and Safety);
- H. Community Services;
- I. Finance;
- J. Public Works (Public Works and Engineering); and,
- K. Consultants.

Section 4. The City Council hereby directs the City Clerk and City Attorney to coordinate the preparation of a revised Conflict of Interest Code in succeeding even-numbered years in accordance with the requirements of Government Code Sections 87306 and 87306.5. The revised Code should reflect any changes in department or employee designations. If no revisions to the Code are required, the City Clerk shall submit a report no later than October 1st of the same year, stating that amendments to the Code are not required.

Section 5. Persons holding designated positions listed in the appendices shall file Statements of Economic Interest pursuant to Section 18730(b)(4) of Title 2, Division 6, of the California Code of Regulations.

Section 6. Appendix "G" has been amended to reflect establishing a new designated position and disclosure category for "Principal Planner" of the City.

Section 7. Resolution No. 20-1957, that adopted an earlier Conflict of Interest Code for the City of Agoura Hills, is hereby rescinded.

PASSED, APPROVED, AND ADOPTED this 26th day of October, 2022, by the following vote to wit.

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

Deborah Klein Lopez, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPENDIX A

CITY MANAGER

<u>Designated Position</u>	<u>Disclosure Categories</u>
City Councilmember	1
City Manager	1
Assistant City Manager	2, 3, 4, 5, 6
Assistant to the City Manager	2, 3, 4, 5, 6
Deputy City Manager	2, 3, 4, 5, 6

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable interests in real property in the jurisdiction.
3. Reportable income.
4. Reportable investments.
5. Reportable business positions.
6. Reportable gifts and travel gifts.

APPENDIX B

FINANCING AUTHORITY (FA)

<u>Designated Position</u>	<u>Disclosure Categories</u>
Financing Authority (FA) Board Member	1
Authority Treasurer (FA)	1
Executive Director (FA)	1
Authority Counsel (FA)	1
Assistant Authority Counsel (FA)	2, 3, 4, 5, 6
Assistant Executive Director (FA)	2, 3, 4, 5, 6
Authority Secretary (FA)	2, 3, 4, 5, 6

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable interests in real property in the jurisdiction.
3. Reportable income.
4. Reportable investments.
5. Reportable business positions.
6. Reportable gifts and travel gifts.

APPENDIX C

IMPROVEMENT AUTHORITY (IA)

<u>Designated Position</u>	<u>Disclosure Categories</u>
Parking Authority (IA) Board Member	1
Authority Treasurer (IA)	1
Chief Administrative Officer (IA)	1
Authority Counsel (IA)	1
Assistant Authority Counsel (IA)	2, 3, 4, 5, 6
Assistant Chief Administrative Officer (IA)	2, 3, 4, 5, 6
Authority Secretary (IA)	2, 3, 4, 5, 6

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable interests in real property in the jurisdiction.
3. Reportable income.
4. Reportable investments.
5. Reportable business positions.
6. Reportable gifts and travel gifts.

APPENDIX D

PARKING AUTHORITY (PA)

<u>Designated Position</u>	<u>Disclosure Categories</u>
Parking Authority (PA) Board Member	1
Authority Treasurer (PA)	1
Chief Administrative Officer (PA)	1
Authority Counsel (PA)	1
Assistant Authority Counsel (PA)	2, 3, 4, 5, 6
Assistant Chief Administrative Officer (PA)	2, 3, 4, 5, 6
Authority Secretary (PA)	2, 3, 4, 5, 6

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable interests in real property in the jurisdiction.
3. Reportable income.
4. Reportable investments.
5. Reportable business positions.
6. Reportable gifts and travel gifts.

APPENDIX E
CITY ATTORNEY

<u>Designated Position</u>	<u>Disclosure Categories</u>
City Attorney	1
City Prosecutor	2, 3, 4, 5, 6
Assistant City Attorney	2, 3, 4, 5, 6

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable interests in real property in the jurisdiction.
3. Reportable income.
4. Reportable investments.
5. Reportable business positions.
6. Reportable gifts and travel gifts.

APPENDIX F

CITY CLERK

<u>Designated Position</u>	<u>Disclosure Categories</u>
City Clerk	1, 2, 3, 4

DISCLOSURE CATEGORIES

1. Reportable income from persons and business entities providing, that plan to provide, or that have provided within two years from the time a Statement is required under this Conflict of Interest Code, services or supplies to the City under the direction of the City Clerk.
2. Reportable investments in business entities providing, that plan to provide, or that have provided within two years from the time a Statement is required under this Conflict of Interest Code, services or supplies to the City under the direction of the City Clerk.
3. Reportable business positions in business entities providing, that plan to provide, or that have provided within two years from the time a Statement is required under this Conflict of Interest Code, services or supplies to the City under the direction of the City Clerk.
4. Reportable gifts and travel gifts.

APPENDIX G
COMMUNITY DEVELOPMENT
(Planning and Building & Safety Departments)

<u>Designated Position</u>	<u>Disclosure Categories</u>
Planning Commissioner	1
Community Development Director	2, 3, 4, 5, 6, 7, 8, 9
Director of Planning	2, 3, 4, 5, 6, 7, 8, 9
Assistant Director of Planning	2, 3, 4, 5, 6, 7, 8, 9
<u>Principal Planner</u>	<u>2, 3, 4, 5, 6, 7, 8, 9</u>
Code Compliance Officer	2, 3, 4, 5, 6, 7, 8, 9
Building Official	2, 3, 4, 5, 6, 7, 8, 9
Senior Building Inspector	2, 3, 4, 5, 6, 7, 8, 9

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable interests in real property in the jurisdiction.
3. Reportable income.
4. Reportable investments.
5. Reportable business positions.
6. Reportable gifts and travel gifts.
7. Reportable income from persons and business entities having an interest in real property in the jurisdiction or that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services subject to the review or approval of the Community Development Department.
8. Reportable investments in any business entities having an interest in real property in the jurisdiction or that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code,

services subject to the approval or review of the Community Development Department.

9. Reportable business positions in any business entities having an interest in real property in the jurisdiction or that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services subject to the approval or review of the Community Development Department.

APPENDIX H

COMMUNITY SERVICES

<u>Designated Position</u>	<u>Disclosure Categories</u>
Director of Community Services	1, 2, 3, 4, 5
Assistant Director of Community Services	1, 2, 3, 4, 5
Recreation Manager	1, 2, 3, 4, 5
Recreation Supervisor	1, 2, 3, 4, 5

DISCLOSURE CATEGORIES

1. Reportable interests in real property.
2. Reportable income from persons and business entities that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services or supplies to the City under the direction of the Community Services Department.
3. Reportable investments in business entities that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services or supplies to the City under the direction of the Community Services Department.
4. Reportable business positions in business entities that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services or supplies to the City under the direction of the Community Services Department.
5. Reportable gifts and travel gifts.

APPENDIX I

FINANCE

<u>Designated Position</u>	<u>Disclosure Categories</u>
City Treasurer	1
Director of Finance	2, 3, 4, 5
Finance Manager	2, 3, 4, 5

DISCLOSURE CATEGORIES

1. No disclosure is required by this Conflict of Interest Code. Disclosure is already required by Government Code Section 87200 on Form 700.
2. Reportable income from persons and business entities from which the City purchases, plans to purchase, or has purchased within two years prior to the time a Statement is required under this Conflict of Interest Code, supplies, materials, or services to the City under the direction of the Finance Department.
3. Reportable investments in business entities from which the City purchases, plans to purchase, or has purchased within two years prior to the time a Statement is required under this Conflict of Interest Code, supplies, materials, or services to the City under the direction of the Finance Department.
4. Reportable business positions in business entities from which the City purchases, plans to purchase, or has purchased within two years prior to the time a Statement is required under this Conflict of Interest Code, supplies, materials, or services to the City under the direction of the Finance Department.
5. Reportable gifts and travel gifts.

APPENDIX J

PUBLIC WORKS

(Public Works and Engineering)

<u>Designated Position</u>	<u>Disclosure Category</u>
Director of Public Works/City Engineer	1, 2, 3, 4, 5, 6
Traffic Engineer (Contracted Consultant) ¹	1, 2, 3, 4, 5, 6
Senior Civil Engineer	1, 2, 3, 4, 5, 6
Associate Civil Engineer	1, 2, 3, 4, 5, 6
Parks and Landscape Superintendent	1, 2, 3, 4, 5, 6
Public Works Project Manager	1, 2, 3, 4, 5, 6

DISCLOSURE CATEGORIES

1. Reportable income from persons and business entities having an interest in real property in the jurisdiction or that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services subject to the inspection or approval of the Public Works Department.
2. Reportable investments and business positions in business entities having an interest in real property in the jurisdiction or that provide, plan to provide, or have provided within two years prior to the time a Statement is required under this Conflict of Interest Code, services subject to the inspection or approval of the Public Works Department.
3. Reportable interests in real property in the jurisdiction.
4. Reportable income from persons and business entities providing, that plan to provide, or that have provided within two years from the time a Statement is required under this conflict of interest code, services or supplies to the City under the direction of the Public Works Department.

5. Reportable investments and business positions in business entities providing, that plan to provide, or that have provided within two years prior to the time a Statement is required under this conflict of interest code, services or supplies to the City under the direction of the Public Works Department.
6. Reportable gifts and travel gifts.

¹ Consultants who serve in a staff capacity with the City, and in that capacity participate in making a governmental decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review and/or Consultants who perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

APPENDIX K
CONSULTANTS

<u>Designated Position</u>	<u>Disclosure Category</u>
Consultant	1, 2

DISCLOSURE CATEGORY

1. This disclosure category is to be used for consultants who do not serve in a designated position listed elsewhere in this Code¹.
2. Persons required to disclose in this category shall disclose pursuant to categories A, B, C and D below.²
 - A. Reportable interests in real property in the jurisdiction.
 - B. Reportable income.
 - C. Reportable investments.
 - D. Reportable business positions.

¹ Consultants who serve in a staff capacity with the City, and in that capacity participate in making a governmental decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review and/or Consultants who perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

² Unless the City Manager determines in writing that a particular consultant 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 categories A, B, C and D. 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.

Exhibit A
(The Standard Code)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 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 the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee 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 the employee foreseeably can affect materially through the conduct of the employee's 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 the person's 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 the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's 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 the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's 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 the person 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 the employee is a director, officer, partner, trustee, employee, or in which the employee 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 the member's or employee's 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 \$520.

(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 \$520 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 the member's or employee's 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 the election to office through the date that the officer 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 the election to office through the date that the officer 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 the official 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 the officer's election to office through the date the officer 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 the employee's official position to influence the making of any governmental decision which the employee 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 the official's 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 \$500 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 the employee's 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 the employees' 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 the official's 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 the official's 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 the employee should not make a governmental decision because the employee 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 the 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 the employee's 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 the employee's community property interest in the income of the employee's 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).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). 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 and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 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 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 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 2021, No. 20).

2022 Local Agency Biennial Notice

Name of Agency: City of Agoura Hills
Mailing Address: 30001 Ladyface Court
Contact Person: Kimberly M. Rodrigues Phone No. 818-597-7303
Email: krodrigues@agourahillscity.org Alternate Email: _____

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

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

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

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



Signature of Chief Executive Officer

September 14, 2022

Date

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

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

**Agency Report of:
New Positions**

A Public Document

1. Agency Name (Also include, Division, Department, or Region (if applicable)) City of Agoura Hills		<input checked="" type="checkbox"/> Amendment Date of Original Filing: <u>5/7/22</u> (month, day, year)
Agency Contact Kimberly M. Rodrigues		
Phone Number 818-597-7303	Email krodriques@agourahillscity.org	

2. New Position Information

Position Title/Classification and Job Summary	Assigned Category	OR Disclosure Requirement	Assuming/Start Date (Optional)
Principal Planner	Community Development	2, 3, 4, 5, 6, 7, 8, 9	Start <u>5</u> / <u>7</u> / <u>22</u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
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			Start <u> </u> / <u> </u> / <u> </u> m / d / yr
			Start <u> </u> / <u> </u> / <u> </u> m / d / yr

3. Verification

I have read and understand FPPC Regulations 18700.3 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.

Blaner Kimberly M. Rodrigues City Clerk 5/7/2022
 Signature Name Title (month, day, year)

Comment: (Use this space or an attachment for any additional information.)