



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** September 20, 2004

**ITEM NUMBER:** Item Number

**SUBJECT:** Ordinance Amending Conflict of Interest Code

**DATE:** August 27, 2004

**FROM:** City Attorney's Office

**PRESENTATION BY:** Tom Wood, Acting City Attorney

**FOR FURTHER INFORMATION CONTACT:** Tom Wood 714.754.5399

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## **RECOMMENDATION:**

Approve ordinance amending City's Conflicts of Interest Code and updating the list of designated employees and give it first reading.

## **BACKGROUND:**

The City's Conflicts Code contains a list of "designated positions and employees" who are deemed to make, or participate in making, decisions that may foreseeably have a material financial effect on an economic interest of theirs. This list must be updated biannually. The City's current procedure for making the update is to adopt an ordinance that amends Appendix A of our Conflicts Code.

## **ANALYSIS:**

This ordinance updates the list of designated employees as shown in Appendix A to section 2-401 of Title 2, Chapter X, of the Costa Mesa Municipal Code. The changes are shown in the attached new Appendix A. There are nine positions that were deleted or were given new names. There were four new positions added to the list.

In addition, the proposed ordinance amends our Conflicts Code to allow future updates to the list to be done by City Council resolution. Updating the list of designated employees by resolution, rather than by ordinance, more appropriately fits the ministerial nature of this action and eliminates the more time consuming steps of adopting an ordinance for this purpose. This simplified procedure is authorized by State law.

## **ALTERNATIVES CONSIDERED:**

Since State law requires updating the list of designated employees, there is no alternative to this requirement. The City Council could decide to continue to update this

list by ordinance, rather than by resolution, and delete this provision in the proposed ordinance.

**FISCAL REVIEW:**

There is no fiscal impact.

**LEGAL REVIEW:**

This report and the proposed ordinance have been prepared by the City Attorney's Office and no further legal review is necessary.

**CONCLUSION:**

This ordinance makes the required updating of the list of designated positions and employees contained in the City's Conflict of Interest Code. The ordinance also streamlines the updating process by allowing it to be done by Council resolution instead of ordinance.

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TOM WOOD  
Acting City Attorney

DISTRIBUTION: Allan Roeder, City Manager  
Julie Folcik, Deputy City Clerk

ATTACHMENT:

- [1. Ordinance 04- : An Ordinance of the City Council of the City of Costa Mesa, California, Amending Chapter X of Title 2 of the Costa Mesa Municipal Code Revising the List of Designated Positions for the City's Conflict of Interest Code.](#)
- [2. Appendix A to Section 2-401 of the Costa Mesa Municipal Code](#)