

RESOLUTION NO. 22-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000, et seq. (the “Act”), which contains provisions relating to conflicts of interest which potentially affect all officers, employees, and consultants of the Town of Mammoth Lakes (the “Town”) and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Town Council adopted a Conflict of Interest Code (the “Code”) which was last amended on July 1, 2020, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the Town have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Town’s Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Town being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Town Council of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of the Town Clerk; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Town Council on September 7, 2022, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of The Town of Mammoth Lakes as follows:

1. The Town Council does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto, and which shall remain on file with the Town Clerk and shall be available to the public for inspection and copying during regular business hours; and
2. Said amended Conflict of Interest Code shall become effective immediately after the adoption and approval of this Resolution (“Effective Date”).

APPROVED AND ADOPTED THIS 7th day of September, 2022.

LYNDA SALCIDO, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

CONFLICT OF INTEREST CODE
OF THE
TOWN OF MAMMOTH LAKES

Town of Mammoth Lakes
Conflict of Interest Code

(Amended September 7, 2022)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the FPPC to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Town of Mammoth Lakes (the "Town").

All officials and designated positions required to submit a statement of economic interests under the Town's Conflict of Interest Code shall file their statements with the **Town Clerk** as the Town's Filing Officer. The Mayor, Members of the Town Council and Planning Commission, the Town Manager, the Town Attorney, and the Town Treasurer shall file such statements electronically directly with the Fair Political Practices Commission¹. The **Town Clerk** shall retain original statements of all other designated positions and make all retained statements available for public inspection and reproduction during regular business hours. (Government Code Section 81008.)

All officials and designated positions required to submit a statement of economic interests shall receive ethics training as required pursuant to Government Code Section 53235 (AB 1234). The Town's Filing Officer shall annually provide all filers with information on training available to meet the requirements of Section 53235 and maintain required records indicating the dates that filers satisfied the training requirements and the entity that provided the training. These records shall be retained for five years after the date of training and are public records subject to disclosure under the California Public Records Act. (Government Code Section 53235.2.)

¹ Assuming and Leaving Office Statements for these officials shall be filed with the Town Clerk for submittal to the FPPC.

APPENDIX

TOWN OF MAMMOTH LAKES CONFLICT OF INTEREST CODE

(Amended September 7, 2022)

PART "A"

The Mayor, Members of the Town Council and Planning Commission, the Town Manager, the Town Attorney, the Town Treasurer, and all other Town Officials who manage public investments, as defined in 2 California Code of Regulations Section 18700.3(b), are NOT subject to the Town's Conflict of Interest Code but must file disclosure statements under Government Code Section 87200 et seq. (Regulations Section 18730(b)(3))

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are Other Town Officials who manage public investments.² These positions are listed here for informational purposes only.

Financial Consultant

² Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Section 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Airport Maintenance Coordinator	5
Airport Operations and Maintenance Manager	2, 3, 5
Assistant Clerk	5
Assistant Engineer	2, 3, 5, 6
Assistant Planner	5
Assistant to the Town Manager	5
Associate Civil Engineer	2, 3, 5, 6
Associate Planner	2, 3, 5, 6
Building Inspector/Plans Examiner	2, 3, 5, 6
Building Official	5, 6
Community and Economic Development Director	1, 2
Deputy Airport Manager	2, 3, 5, 6, 7
Director of Content, Communications and PR, MLT	5
Director of Marketing, MLT	5
Director of Sales and International Marketing, MLT	5
Senior Manager of Marketing and Events, MLT	5
Engineering Assistant	2, 3, 5, 6
Engineering Manager	1, 2

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Executive Assistant to the Police Chief	5
Executive Director, MLH	1, 2
Program Director, MLR	1, 2
Executive Director, MLT	1, 2
Accounting Manager	4
Fleet Superintendent	5
Human Resources Manager	5
Office Manager and Marketing Assistant, MLT	5
Outdoor Recreation Manager	2, 3, 5, 6, 7
Parks and Recreation Director	2, 3, 5
Parks Manager	5
Permit Technician	6
Permit Technician/Plans Examiner	6
Police Chief	5
Program and Facilities Coordinator	5
Public Works Director	5
Public Works Maintenance Manager	5
Recreation Manager	5
Recreation Supervisor	5
Senior Planner	1, 2
Town Attorney (not filing under Government Code 87200)	1, 2
Town Clerk	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

MEMBERS OF BOARDS, COMMITTEES, AND COMMISSIONS

Allocations Committee	1, 2
Building Advisory Committee/Board of Appeals	1, 2
Mammoth Lakes Housing (MLH) Board	1, 2
Mammoth Lakes Recreation (MLR) Board	1, 2
Mammoth Lakes Tourism (MLT) Board	1, 2
Mammoth Trails Committee	1, 2
Recreation Commission	1, 2

Consultants and New Positions³

³ Individuals serving as a consultant as defined in FPPC Regulation 18700.3 or in a new position created since this Code was last amended, that makes or participates in making decisions must file under the broadest disclosure requirements set forth in this Code subject to the following limitation: The Town Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Government Code Section 82019, FPPC Regulations 18219 and 18734.) The Town 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. (Government Code Section 81008.)

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.⁴ “Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the Town.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, that are located in, that do business in, or own real property within the jurisdiction of the Town.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the Town.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, which engage in land development, construction, or acquisition or sale of real property within the jurisdiction of the Town.

Category 4: All investments and business positions and business entities, and sources of income, including gifts, loans, and travel payments, that provide services, products, materials, machinery, or equipment of a type purchased or leased by the Town.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, that provide services, products, materials, machinery, or equipment of a type purchased or leased by the designated position’s department, unit, or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, subject to the regulatory, permit, or licensing authority of the department, unit, or division.

Category 7: All investments, business positions and income, including gifts, loans, and travel payments, or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the Town.

⁴ This Conflict of Interest Code does not require the reporting of gifts from outside this agency’s jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Regulation 18730.1)