

RESOLUTION NO. 16-64

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 amended on November 5, 2014, 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

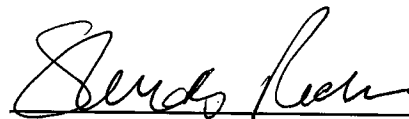
WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Town Council of, the proposed amended Code was provided each affected designated employee and publicly posted for review at the offices of the Town Clerk; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Town Council on November 16, 2016, 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:

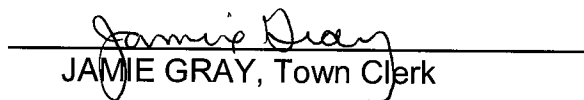
1. The Town Council does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and which shall remain on file with the Town Clerk and shall be available to the public for inspection and copying during regular business hours; and
2. Said amended Conflict of Interest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

APPROVED AND ADOPTED THIS 16th day of November, 2016.



SHIELDS RICHARDSON, 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 November 16, 2016)

The Political Reform Act (Gov. Code § 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 Regs. § 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 Fair Political Practices Commission 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 Fair Political Practices Commission 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 individuals holding designated positions required to submit a statement of economic interests shall file their statements with the **Town Clerk** as the Town's Filing Officer. The **Town Clerk** shall make and retain a copy of all statements filed by the Mayor, Members of the Town Council and Planning Commission, the Town Manager, the Town Attorney and the Town Treasurer, and forward the originals of such statements to the Fair Political Practices Commission. The **Town Clerk** shall retain the original statements of all other designated positions and make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

APPENDIX

TOWN OF MAMMOTH LAKES CONFLICT OF INTEREST CODE

(Amended November 16, 2016)

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 by 2 Cal. Code of Regs. §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. [Regs. § 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.¹ These positions are listed here for informational purposes only.

Financial Consultant

¹ 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 § 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>
Accounting Manager	5, 6
Airport Maintenance Coordinator	5
Airport Manager	2, 3, 5
Assistant Engineer	2, 3, 5, 6
Assistant to the Town Manager	5
Associate Planner	2, 3, 5, 6
Building Official	5, 6
Community and Economic Development Manager	1, 2
Engineering Assistant	2, 3, 5, 6
Engineering Manager	1, 2
Executive Assistant to the Police Chief	5
Executive Director, MLH	1, 2
Executive Director, MLT	1, 2
Finance Manager	4
Fleet Superintendent	5
Human Resources Manager	5
Industry Relations & Sales Manager	2, 3, 5
Parks Manager	5
Permit Technician	6
Plans Examiner/Engineer	5, 6
Police Chief	5
Public Works Director	1, 2
Public Works Maintenance Manager	5
Recreation Manager	2, 3, 5
Recreation Supervisor	5

DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Sales Manager	5
Senior Public Works Inspector	2, 3, 5, 6
Staff Assistant	5
Tourism Marketing Manager	5
Town Attorney (not filing under GC 87200)	1, 2
Town Clerk	5

MEMBERS OF BOARDS, COMMITTEES & COMMISSIONS

Building Advisory Committee/Board of Appeals	1, 2
Mammoth Lakes Housing	1, 2
Mammoth Lakes Recreation	1, 2
Mammoth Lakes Tourism	1, 2
Recreation Commission	1, 2

Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg 18700.3(a) 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. (Gov. Code § 82019; FPPC Regs 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. (Gov. Code § 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.³ "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 or doing business in the jurisdiction, are planning to do business in the jurisdiction, 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 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 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.

³ 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. (Reg. 18730.1)

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 16-64 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 16th day of November, 2016, by the following vote:

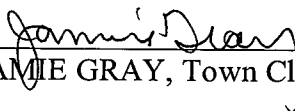
AYES: Councilmember Fernie, Hoff, Sauser, Mayor Pro Tem Wentworth, and Mayor Richardson

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk