

ORDINANCE NO. 3261

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE CHAPTER 2.02 TO ADD
SECTION 2.02.25 AND AMEND SECTION 2.02.030
RELATING TO THE CONFLICT OF INTEREST CODE OF
THE CITY OF CHULA VISTA

WHEREAS, the Political Reform Act (California Government Code sections 87100 through 91014), requires certain officials and candidates to file Statements of Economic Interests (Form 700) and requires local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the City Council adopted Ordinance No. 2807, adopting by reference the standardized conflict of interest code contained in Title 2 of the California Code of Regulations, Section 18730, and any amendments thereto that are adopted by the Fair Political Practices Commission; and

WHEREAS, the Political Reform Act requires every local agency to periodically review its Conflict of Interest Code to determine if amendments are necessary; and

WHEREAS, the City Attorney and the City Clerk have reviewed the City's Conflict of Interest Code (Chula Vista Municipal Code chapter 2.02) and determined that amendments to the Code are necessary.

NOW, THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I.

Chula Vista Municipal Code Chapter 2.02 is hereby amended to add section 2.02.025 and amend section 2.02.030 to read as follows:

2.02.025 Definitions

Words and phrases used in this chapter are in the language of the Political Reform Act (California Government Code Title 9, sections 81000 through 91014) (the "PRA"). Whenever any words or phrases used in this chapter are defined in the PRA, the definitions of the PRA, as may be amended from time to time, shall apply to those words and phrases. Such definitions are incorporated in this chapter by this reference and shall apply to the words and phrases used in this chapter, as though set forth in full, unless the context clearly indicates a contrary intention.

The following words and phrases are defined in the PRA. For ease of reference, summaries of the PRA definitions, and references to the specific code sections containing the full definitions, are provided below. However, the following definitions and summaries are intended for reference purposes only, and do not replace the definitions contained in the PRA, which shall be controlling in interpreting this chapter.

A. “Business Entity” means any organization or enterprise operated for profit, including, but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, or association (*see*, California Government Code section 82005).

B. “Gift” means any payment that confers a personal benefit on the recipient, including a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Gifts from a source outside the City’s jurisdiction are not required to be reported if the purpose of disclosure of the source of the gift does not have some connection with or bearing upon the functions or duties of the position for which the reporting is required (*see*, California Government Code section 82028 for a full definition of “Gift;” *see also*, Fair Political Practices Commission regulation 18730.1).

C. “Income” includes gifts, loans and travel payments; other than gifts, it does not include income from any source outside the jurisdiction of the City and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time the statement of economic interests is required to be filed (*see*, California Government Code section 82030 for a complete definition of “Income”).

D. “Interest in Real Property” includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction, owned directly, indirectly or beneficially by the filer, or his or her immediate family if the fair market value of the interest is \$2,000 or more (*see*, California Government Code section 82033 for a full definition of “Interest in Real Property”).

E. “Investment” is limited to interests in businesses entities that have property in the City, do business in, plan to do business in, or have done business within the last two years, in the City (*see*, California Government Code section 82034).

F. “Jurisdiction” - Real property is “within the Jurisdiction” of the City if it is within, or not more than two miles outside the boundaries of, the City, or within two miles of any land owned or used by the City (*see*, California Government Code section 82035 for a complete definition of “Jurisdiction”).

2.02.030. Conflict of interest code of the City of Chula Vista.

A. The PRA requires local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, Title 2 of the California Code of Regulations, Section 18730, which contains the terms of a standard model conflict of interest code, which may be incorporated 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. Accordingly, the terms of Title 2 of the California Code of Regulations, Section 18730, and any amendments to it, except Section 9.5, duly adopted by the Fair Political Practices Commission, are hereby incorporated by this reference and constitute the conflict of interest code of the City of Chula Vista.

B. The City Council shall set forth by resolution the officials, designated employees, and consultants who are required to file statements of economic interests and the disclosure categories under which each such official, designated employee and consultant shall file. By this reference, the resolution, and any amendments to it, is incorporated into this Conflict of Interest code. The City's disclosure categories are set forth below:

1. All investments; all positions in business entities located or doing business within the City's jurisdiction, or doing business with the City; and all sources of income (including gifts, loans, and travel payments).
2. All interests in real property within the jurisdiction of the City;
3. All investments, positions in business entities, interests in real property, and income (including gifts, loans, and travel payments) from sources that are subject to the regulatory, permitting or licensing authority of the designated employee's department;
4. All investments and positions in business entities, and all income (including gifts, loans, and travel payments) from sources, that engage in land development, construction or the acquisition or sale of real property within the jurisdiction of the City;
5. All investments and positions in business entities and income (including gifts, loans and travel payments) from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the City;
6. All investments and positions in business entities and income (including gifts, loans and travel payments) from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the designated employee's department;
7. All investments, positions in business entities, Income (including gifts, loans and travel payments), and income from non-profit organizations, if the source is of the type that receives grants or other monies from or through the City.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date


This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

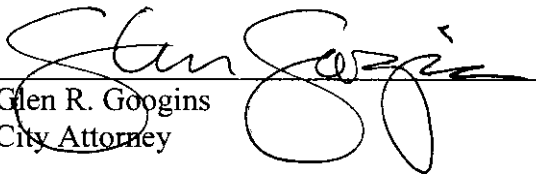
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by



Donna R. Norris
City Clerk



Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 19th day of March 2013, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Ramirez, Salas and Cox
NAYS: Councilmembers: None
ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:

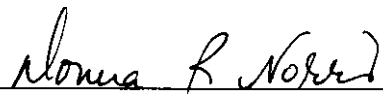


Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3261 had its first reading at a regular meeting held on the 5th day of March 2013 and its second reading and adoption at a regular meeting of said City Council held on the 19th day of March 2013; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

March 29, 2013
Dated



Donna R. Norris, CMC, City Clerk