

ATTACHMENT A

RESOLUTION NO. 22-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE AMENDING AND ADOPTING AN UPDATED CONFLICT OF INTEREST CODE FOR THE CITY OF VICTORVILLE AND THE AFFILIATED ENTITIES FOR WHICH IT ACTS AS THE CODE REVIEWING BODY, AND SUPERSEDING RESOLUTION NO. 20-113

WHEREAS, the Political Reform Act of 1974, *Gov. Code section 81000 et seq.* (the "**Act**") requires every local government agency, to adopt and promulgate a conflict of interest code; and

WHEREAS, pursuant to Section 87302 of the Act, such conflict of interest code shall provide for specific enumeration of the positions within the agency, other than those specified in Act Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable; and

WHEREAS, the Fair Political Practices Commission (the "**FPPC**") has adopted a regulation at Title 2, section 18730 of the California Code of Regulations, which sets forth the terms of a standard model conflict of interest code (the "**Model Code**") which may be incorporated by reference in an agency's code and may be amended by the FPPC after public notice and hearing to conform to amendments in the Act; and;

WHEREAS, the City of Victorville's conflict of interest code (the "**City Conflict of Interest Code**") was initially adopted on November 15, 1976, in compliance with Section 87300 of the Act by adopting the Model Code by reference, and said City Conflict of Interest Code has subsequently undergone periodic review and revision in accordance with the Act, having last been updated on December 15, 2020 by Resolution No. 20-113; and

WHEREAS, the five members of the Victorville City Council (the "**City Council**") serve *ex officio* as the members of the boards of the following legislative bodies: the Southern California Logistics Airport Authority, the Southern California Logistics Rail Authority, the Victorville Water District; the Victorville Joint Powers Financing Authority, the Victorville Library Board of Trustees; and the Successor Agency to the Victorville Redevelopment Agency (the "**Successor Agency**"), collectively hereinafter the "**Affiliated Entities**"; and

WHEREAS, each of the Affiliated Entities by resolution (including the Successor Agency as of December 15, 2020, as set forth in the recitals of Resolution No. 20-113 and the Library Board of Trustees by Ordinance No. 2173, have previously adopted the City Conflict of Interest Code to serve as its own; and

WHEREAS, the Act requires every local government agency to review its conflict of interest code biennially to determine if it is accurate or whether such code must be amended; and

WHEREAS, pursuant to Sections 87306 and 87307 of the Act, changed circumstances have made it advisable and necessary to amend and update the previously-adopted City Conflict of Interest Code to clarify filing obligations, positions, and disclosure categories to facilitate compliance with applicable laws; and

WHEREAS, the proposed amended City Conflict of Interest Code was presented for adoption at a regular meeting of the City Council held on September 20, 2022, at which all present had an opportunity to be heard on said proposed amended code; and

WHEREAS, the Act requires that the City Council, as the Code Reviewing Body for the City and the Affiliated Entities, approve and adopt the amended City Conflict of Interest Code as the Conflict of Interest Code for the City and the aforesaid entities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Incorporation of Recitals and Definitions. The recitals set forth above are true and correct, and together with the definitions set forth therein, are hereby made part of this Resolution by this reference.

Section 2. Adoption of Amended Conflict of Interest Code. The City Council does hereby approve and adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto as **Exhibit A** and includes **Appendix 1**, **Appendix 2** and **Appendix 2a**, as the Conflict of Interest Code for the City and the Affiliated Entities.

Section 3. Resolutions Superseded. To the extent set forth herein and in the attachments hereto, Resolution No. 20-113 and any other resolutions in conflict herewith are hereby superseded.

Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 5. **Effective Date.** This Resolution and the amended Conflict of Interest Code attached hereto as **Exhibit A** (together with Appendix 1, Appendix 2 and Appendix 2a) shall take effect immediately upon adoption.

Exhibit A

CONFLICT OF INTEREST CODE FOR THE CITY OF VICTORVILLE AND ITS AFFILIATED ENTITIES

The Political Reform Act, Government Code Section 81000, *et seq.* (the “**Act**”), 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 Cal. Code Regs. section 18730 (“**Regulation 18730**”), which contains the terms of a model standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Act. Therefore, the terms of Regulation 18730, and any amendments to it duly adopted by the FPPC are hereby incorporated by reference.

This incorporation page, together with the attached Appendix 1 (Regulation 18730); Appendix 2 (Designated Positions), and Appendix 2a (Disclosure Categories), constitute the Conflict of Interest Code (“**Code**”) of the City of Victorville and the Southern California Logistics Airport Authority (“Airport Authority”); the Successor Agency to the Victorville Redevelopment Agency (the “Successor Agency”), the Victorville Water District (the “Water District”), and the Victorville Joint Powers Financing Authority (the “Financing Authority”), collectively hereinafter in this Code, the “**Affiliated Entities**”.

This Code does not establish any disclosure obligation for Members of the City Council and the Planning Commission, the City Treasurer, the City Manager, and City Attorney, as Government Code Section 87200 *et seq.*, requires disclosure for those positions as a matter of state law.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Upon receipt of the statements of the members of the Victorville City Council, the members of the Victorville Planning Commission, the City Treasurer, the City Attorney, the City Manager and any statements for other officials who manage public investments as so designated in this Code, the City Clerk shall make and retain a copy and forward the original of these statements to the FPPC. All other statements will be retained by the City Clerk’s office.

CONFLICT OF INTEREST CODE - APPENDIX 1 REGULATION 18730

(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).

CONFLICT OF INTEREST CODE - APPENDIX 2

DESIGNATED POSITIONS

DESIGNATED POSITION

**DISCLOSURE
CATEGORY (IES)**

Government Code Section 87200 Filers¹

Members of the City Council	Gov. Code §87200
Members of the Planning Commission	Gov. Code §87200
City Manager	Gov. Code §87200
City Treasurer	Gov. Code §87200
City Attorney	Gov. Code §87200

Other Officials Who Manage Public Investments²

Victorville Joint Powers Financing Authority (JPFA) Board Members	Gov. Code §87200
JPFA Executive Director/City Manager	Gov. Code §87200

Southern California Logistics Rail Authority (SCLRA) Board Members	Gov. Code §87200
--	------------------

Southern California Logistics Airport Authority (SCLAA) Board Members	Gov. Code §87200
SCLAA Executive Director	Gov. Code §87200
SCLAA Assistant Executive Director	Gov. Code §87200

Successor Agency to the Victorville Redevelopment Agency (SA) Board Members	Gov. Code §87200
SA Executive Director	Gov. Code §87200
SA Assistant Executive Director	Gov. Code §87200

Victorville Water District (VWD) Board Members	Gov. Code §87200
General Manager	Gov. Code §87200

Boards/Commissions/Committees

Members of the Victorville Library Board of Trustees	2, 4, 6
--	---------

Airport

Airport Director	All
Airport Operations & Facility Manager	All
Airport Operations Supervisor	All
Airport Specialist	1, 2, 3, 4
Electrician	4
Airport Business Analyst	1, 2, 3, 4, 5
Airport Leasing Coordinator	1, 2, 3, 4, 5
Airport Operations Officer	1, 2, 3, 4, 5

¹ Members of these bodies and designated positions are not covered by this Code because they must file disclosure statements under Government Code Section 87200. They are listed here for informational purposes only.

² It has been determined that the board members and certain officers of the Affiliated Entities are other officials who manage public investments (as defined in 2 Cal. Code Regs. §18007.3(b)) and also must file disclosure statements under Government Code Section 87200. Individuals holding any of these positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by Section 87200.

DESIGNATED POSITION

**DISCLOSURE
CATEGORY (IES)**

Senior Airport Maintenance Lead Worker
Senior Airport Maintenance Worker

4
4

City Manager Department

Deputy City Manager
City Clerk
Public Information Officer
Executive Assistant to the City Manager
Assistant to the City Manager
Executive Assistant to the Deputy City Manager
Deputy City Clerk
PIO Management Specialist
Risk Manager
Administrative Analyst

All
All
All
All
All
All
4
4
All
All

Community Services

Director of Community Services
Recreation Manager
Facilities Manager
Library Manager
Maintenance Supervisor
Parks Supervisor
Children's Librarian
Recreation Supervisor
Senior Maintenance Lead Worker
Community Relations Specialist
Library Coordinator
Community Services Coordinator
Customer Service Representative

All
All
All
All
1, 2, 4, 5, 6
1, 4, 6
1, 2, 4, 5, 6
1, 2, 4, 5, 6
1, 4, 6
4, 6
1, 2, 4, 5, 6
4, 6
5

Planning

City Planner
Assistant City Planner
Senior Planner
Associate Planner
Assistant Planner
Permit Technician
Development Specialist
Development Technician
Homelessness Solutions Manager
Homelessness Solutions Coordinator
Management Technician
Planning Technician

All
All
All
All
2, 3, 5, 6
All
4, 6
4, 6
All
4, 6
4, 6
4, 6

Code Compliance Department

Code Enforcement Official
Enforcement Manager
Animal Control Supervisor

All
All
1, 4, 5, 6, 7

DESIGNATED POSITION

**DISCLOSURE
CATEGORY (IES)**

Code Enforcement Supervisor All
Code Enforcement Officer II All
Code Enforcement Officer I All
Code Enforcement Technician 2, 4, 5
Animal Control Lead Officer 4, 5
Animal Control Officer 5
Animal Control Technician 2, 4, 5
Management Specialist 2, 4, 5

Building

Building Official All
Building Manager All
Senior Plan Checker All
Senior Building Inspector 1, 2, 4, 5, 6
Building Inspector 1, 2, 4, 5, 6
Plan Checker 1, 2, 4, 5, 6
Administrative Analyst 1, 5
Permit Technician All

Economic Development

Economic Development Manager All
Management Specialist 1, 2, 3, 4
Marketing Technician 1, 2, 3, 4

Engineering

City Engineer All
Assistant City Engineer All
Senior Civil Engineer 4, 5, 7
Associate Civil Engineer 4, 5
Assistant Engineer II 4, 5
City Surveyor 4
Administrative Analyst 4, 7
Traffic Maintenance Supervisor 4
Public Works Inspector 4
Engineering Lead Worker 4

Finance

Finance Director/Treasurer Gov. Code §87200
Assistant Director of Finance All
Finance Manager All
Finance Analyst All
Finance Supervisor All
Accountant All
Buyer 4
Billing Technician 4
Finance Specialist 4
Contract Specialist 4
Payroll Supervisor All
Finance Technician 4
Customer Service Lead Representative 5

DESIGNATED POSITION

**DISCLOSURE
CATEGORY (IES)**

Customer Service Representative

5

Fire

Fire Chief

All

Division Chief

All

Battalion Chief

All

Battalion Chief / Deputy Fire Marshal

All

Emergency Medical Services Manager

4

Fire Captain

2, 4, 5

Assistant Director of Fire

All

Emergency Management Coordinator

4, 6

Plan Checker

1, 2, 4, 5, 6

Permit Technician

All

Fire Inspector I

1, 2, 4, 5, 6

Human Resources

Human Resources Officer

All

Assistant Director of Human Resources

All

Human Resources Analyst

4, 7

Information Technology

Technology Officer

All

Technology Manager

All

Technology Coordinator

4

GIS Manager

All

GIS Coordinator

4

Public Works & Water

Public Works & Water Director

All

Assistant Director of Public Works and Water

All

Public Works Manager

1, 4, 6, 7

Water Manager

1, 4, 6, 7

Senior Administrative Analyst

1, 4, 6, 7

Fleet Supervisor

1, 4, 6

Public Works Supervisor

1, 4, 6

Water Supply Supervisor

1, 4, 6

Water Distribution Supervisor

1, 4, 6

Water Resources Supervisor (Updated)

1, 4, 6

SCADA Coordinator

1, 4, 6

Environmental Programs Manager

1, 4, 6

Environmental Programs Coordinator

1, 4, 6

Senior Water Distribution Lead Worker

1, 4, 6

Senior Water Supply Lead Operator

1, 4, 6

Lead Electrician

1, 4, 6

Water Sampling and Compliance Coordinator

1, 4, 6

Warehouse Technician

1, 4, 6

Senior Maintenance Lead Worker

1, 4, 6

Environmental Programs Specialist

1, 4, 6

Administrative Analyst

1, 4, 6, 7

DESIGNATED POSITION

**DISCLOSURE
CATEGORY (IES)**

VMUS

Director of Utilities

All

Assistant Director of Utilities

All

Administrative Analyst

4, 5, 6

Utility Distribution Superintendent

4, 5

Gas Operations Superintendent

4, 5

Electric Distribution Specialist

4

Management Specialist

4

Consultants and New Positions

Individuals serving as consultants (as defined in 2 Cal. Code. Regs. §18700.3(a)) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure category set forth in this Code, subject to the following limitation:

The City Manager may determine that, due to the range of duties or contractual obligations of a particular consultant, it is more appropriate to assign a more 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. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

CONFLICT OF INTEREST CODE - APPENDIX 2a

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. "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. For purposes of disclosure for Designated Positions covered by this Code, "**Jurisdiction**" means the City of Victorville ("**City**") and includes all areas which are part of the Victorville Water District (VWD)¹ or any of the other Affiliated Entities.

Category 1: All investments and business positions in business entities, and income (including gifts, loans, and travel payments) from any source in, or doing business in the Jurisdiction.

Category 2: All interests in real property located in whole or in part within, or not more than two (2) miles outside, the boundaries of the Jurisdiction or within two (2) miles of any land owned or used by the City and/or any of its Affiliated Entities.

Category 3: All investments and business positions in business entities, and income (including gifts, loans, and travel payments) from any source engaged in the appraisal, acquisition, disposal, development of land, or rehabilitation of construction of improvements on real property within the Jurisdiction, including architects, contractors, or subcontractors.

Category 4: All investments and business positions in business entities, and income (including gifts, loans and travel payments) if the source is of a type that provides, manufactures, or supplies goods, commodities, materials, equipment, vehicles, machinery, or services (including training or consulting services) of the type purchased, leased or procured by:

- A. The Designated Position's department, unit, or division; or
- B. The City and its Affiliated Entities, if the Designated Position has purchasing, procurement or leasing authority outside of his/her own department, unit, or division.

Category 5: All investments, business positions in business entities, and income (including gifts, loans and travel payments) if the source is of a type subject to the regulatory, permit, or licensing authority of:

- A. The Designated Position's department, unit, or division; or
- B. The City and its Affiliated Entities if the Designated Position has regulatory, licensing, or permitting authority outside of his/her own department, unit, or division.

Category 6: All investments, business positions in business entities, and income (including gifts, loans and travel payments), or income from a nonprofit organization, if the source of is of the type to receive grants or other monies from or through the City or any of its Affiliated Entities.

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against the City or any of its Affiliated Entities in the past two years, or currently have a claim pending before the City or any of its Affiliated Entities.

¹ The VWD is a subsidiary district of the City. Although the territorial boundaries of the City and the VWD are nearly coterminous, the VWD includes some additional territory located outside the City. When a Designated Position is required by this Code to disclose investments within the Jurisdiction, any additional area encompassed by the VWD shall be included.