



CITY OF OXNARD

MEMORANDUM

December 1, 1975

*Fair Poly
Oct 10th 1976*

To: City Council

From: City Attorney

SUBJECT: Model Conflict of Interest Code

Enclosed are a cover letter dated November 20, 1975, from the League of California Cities and the model Conflict of Interest Code.

Unless the Council expresses some other desire, we will submit the code to Council for approval in January or February.

Joseph W. Hodges, Jr.

Joseph W. Hodges, Jr.

JWH/rms

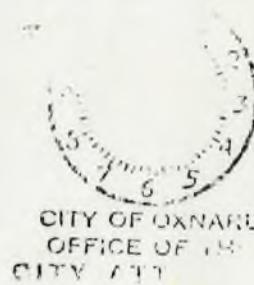
Enclosures

cc: City Manager (no enclosures)



League of California Cities

Sacramento, California
November 20, 1975



TO: City Attorneys
FROM: David Beatty
RE: Model Conflict of Interest Code

Government Code Sections 87300 et seq (Chapter 7, Article 3 of the Political Reform Act of 1974) requires each city and each agency in a city to adopt a conflict of interest code. The Act does not specify a date establishing a deadline for the adoption of codes. Instead, it authorizes the code reviewing bodies to establish deadlines which may not be earlier than April 1, 1976 (Gov.C. Section 87303). The Fair Political Practices Commission is the code reviewing body for city councils. City councils' are the code reviewing body for all city agencies (Gov.C. Section 82011).

The enclosed material, which includes (1) a model code for all agencies other than the city council, (2) a model code for the city council, (3) two documents containing suggested enactment procedures and (4) an explanatory letter, was developed by the Ad Hoc Committee of City Attorneys and County Counsels to enable city agencies to begin work on their codes immediately and develop a workable code in time to meet any deadline imposed next year.

The model code incorporates the definitions contained in both the Act and the regulations adopted by the FPPC. As suggested in the letter from the committee, you may want to include an addendum of the relevant definitions in the Act and the regulations. The FPPC is currently considering proposed regulations which define key phrases in Article I of Chapter 7 of the Act and plans to adopt these regulations in December or January. While the League will notify cities of the adoption of these regulations, you may wish to obtain a copy of the proposed regulations from the FPPC (Proposed Regulations 18700-18703). An addendum would include at least the following definitions in the Act: (1) Section 82003. "Agency", (2) Section 82005. "Business Entity", (3) Section 82009. "Civil service employee", (4) Section 82011. "Code Reviewing Body", (5) Section 82019. "Designated employee", (6) Section 82028. "Gift", (7) Section 82029. "Immediate family", (8) Section 82030. "Income", (9) Section 82033. "Interest in real property", (10) Section 82034. "Investment", (11) Section 82035. "Jurisdiction", (12) Section 82041. "Local government agency", and (13) 82048. "Public official".

Every public official is already subject to the general prohibition contained in Government Code Section 87100. However, an injunction is the exclusive remedy for a violation of this section (Gov.C. Section 87102). Thus the importance of the disqualification provisions in the conflict of interest codes is that the other penalties and remedies in Chapter 11 of the Act are applicable (Gov.C. Section 87300).

In drafting the code the Ad Hoc Committee followed the general principal of requiring disclosure only when it was thought to be legally mandated. The only exception to this rule is found in Section 500(d) which adds the category: "Management Positions." The origin of this category is Section 87103(d) which is the only kind of interest which need not be disclosed but which is an interest to which the prohibition in Section 87100 applies. Section 500(d) was added by the Committee to allow the disqualification provision (Section 600) to be limited to interests which are reported. If a person reports an interest, that person then knows that he or she may not make or participate in the making of a decision which may materially affect the reportable interest. This relationship between disclosure and disqualification can be easily understood by the thousands of officials covered by the codes. The employees will be told specifically when they must disqualify themselves instead of being forced to apply broad disqualification provisions to their own circumstances. However, adding this category does require some employees to disclose information which is not required of council members. Agencies which do not wish to add this disclosure category may instead wish to add language to Section 600. For example, the following sentence could be inserted as the second sentence in that section:

"Designated employees must also disqualify themselves from making or participating in the making of any decisions when they are a director, officer, partner, trustee, employee, or hold any position of management in any business entity when it is reasonably foreseeable that such business entity may be materially affected by the decision."

The League would appreciate receiving copies of codes from cities so that we may respond to requests from city officials who are developing their own codes.



League of California Cities

California Cities
Work Together

Sacramento, California
November, 1975

TO: City Attorneys and County Counsels

RE: Model Conflict of Interest Code -- Proposition 9 (Govt. Code Sections 81000 et seq)

Enclosed is a model Conflict of Interest Code which has been drafted by a statewide committee of City Attorneys and County Counsels under the auspices of the League of California Cities and the County Supervisors Association. This Code is intended as a guide to use in drafting codes for the agencies which you represent. The Code is succinct because the committee determined that matters which are specified in the Fair Political Practices Act and/or regulations adopted pursuant to the Act should not be repeated in local codes.

The Model Code, as presented, involves a number of legal judgments about which reasonable differences of opinion may arise. Many of the decisions of the committee were based on a consensus, fully recognizing that valid arguments existed on the other side of difficult issues.

The Code is designed to contain an Appendix "A" and Appendix "B". Appendix "A" is a list of all of the employees in the adopting agency who will be designated employees. Suggested guidelines are set forth below. Specification of these positions must necessarily be done by each local agency. Appendix "B" should conform various disclosure categories which should relate to the employees responsibilities. Inasmuch as different classes of employees have somewhat different disclosure requirements, the committee determined that the most feasible drafting device would be by assigning the different classes of designated employees to various disclosure categories. Although this approach is not as precise as a specific statement for each employee would be, we believe that it complies with the letter and intent of the law and simplifies what could otherwise be an extraordinarily complicated and lengthy process.

The committee also recommended that each code should, for the purposes of public information and to enable employees to understand their obligations, contain an addendum consisting of both the Act's definitions and the regulations of the commission, insofar as they are pertinent to the local conflict of interest codes. Your attention is specifically directed to Section 100 of the Model Code which provides that the Codes provisions are additional to Govt. Code 87100 and other laws pertaining to conflict of interest.

In the course of its deliberations, the committee also developed a number of suggestions which may be of assistance to you in complying with this process. The following are

not intended to be definitive statements of the law, but rather a consensus view and are primarily transmitted for the purpose of alerting you to possible issues you may encounter.

I. Enactment. Conflict of interest codes must be enacted by each department of the city or county government. In some cases it may be necessary that they be enacted by sub-departments. The committee believes that this is compelled by the provisions of Sections 87300 and 87301. If, for example, a city deemed itself the agency and adopted regulations which applied to all departments, according to Section 81005 all of the original statements would have to be forwarded to the FPPC, the code reviewing body - a result obviously not intended by the law.

Therefore, the model code which we are forwarding is designed to be adopted by each department or sub-department. It is then, in the cases of cities and counties, sent to the City Council or Board of Supervisors which is the code reviewing body. If approved by that governing body, it becomes the conflict of interest code for the department and should be appropriately promulgated. Conflict of interest codes for City Councils and the Boards of Supervisors must be forwarded to the FPPC. In this connection, it is important to note that the committee believes that the staffs of the city council or board of supervisors should be considered a separate department and their code should be reviewed by the governing body itself rather than the FPPC. A suggested procedure for enactment is enclosed.

It also follows that as job descriptions change and responsibilities of employees change, their obligations under the law may have to be redefined. In some instances, this may involve an amendment to the department's conflict of interest code.

II. Meet and Confer. Some committee members believe that the enactment of a code of this type would be subject to the meet and confer provisions of the Myers-Milias-Brown Act, inasmuch as it pertains to conditions of employment. Thus, before recommending adoption, you should give serious consideration to scheduling meetings with the labor organizations that represent your employees for the purpose of reviewing the proposed code.

III. Private Corporation. Although the language of the Act is limited to governmental agencies, you should consider the possibility that certain non-profit corporations which are performing governmental services at the behest of a public agency might, by implication, be subject to the provisions of the law. This is a determination which each city attorney or county counsel must make based on particular facts.

IV. Designated Employees. Inasmuch as the total number of codes required under the Act may approach 30,000 statewide and embrace hundreds of thousands of employees, it was impossible for the committee to draft definitive guidelines to determine which of an agency's employees are designated employees within the meaning of the Act. The committee did, however, spend a substantial amount of time discussing various generic categories of governmental officers and employees. The following comments represent the committee's best effort to deal with a staggering multitude of vagaries. These comments, by definition, must necessarily be very general and may or may not apply in your jurisdiction. On the other hand, we

are setting them forth because they may provide some standard against which you can weigh your own opinion.

A. Purchasing.

All officials who are in any appreciable way, involved in the purchasing of services or supplies will be considered designated employees, even though the official might not otherwise be considered a designated employee by virtue of the principal function of the department. For example, a city clerk might not normally be considered as a designated employee, but if the city clerk has significant purchasing responsibilities, then that person would become a designated employee. Thus, when we indicate that a particular job would not qualify as a designated employee below, this designation is subject to the condition that if the person engages in purchasing he might nonetheless be a designated employee for that reason.

B. Department Heads and Elected Officials.

As a general rule, all department heads and elected officials will be subject to conflict of interest codes. The only exception might be department heads who have a clearly and unequivocally ministerial function such as County Recorder or City Clerk.

C. Chief Executive Officer.

All deputies are designated employees.

D. Ministerial, Clerical or Manual Employees.

Employees whose jobs are solely clerical, ministerial or involve manual labor are not designated employees and are not required to file. When departments are indicated below the recommendation to include employees of a particular department does not include clerical, ministerial and manual employees.

E. Police.

Police and sheriff's officers who hold administrative or policy making positions are designated employees and required to file. City policemen and sheriff's deputies who are engaged in patrol, custodial, investigation or other line police work are not designated employees.

F. Fire.

Officials and employees of the fire department, including fire marshalls, who hold administrative or policy making positions are designated employees. Line firemen and other non-policy making personnel are not designated employees.

G. Planning Department.

All planning officials and employees who exercise judgment with respect to

the planning process and/or planning applications at any level are designated employees.

H. Public Defender.

The Public Defender will be required to file, but deputies are not designated employees.

I. District Attorney and City Prosecutors.

The District Attorney or City Prosecutor is a designated employee. Their deputies will not normally be considered designated employees unless it is likely that they will handle, or may be assigned cases which involve business crimes and/or regulatory laws.

J. City Attorney, County Counsel, Department Attorneys.

All civil attorneys at every level will probably be considered as designated employees, although there may be some local exceptions for attorneys whose duties are narrowly limited.

K. Assessor and Assessment Appeals Board.

The Assessor and all individuals who have the authority to appraise property or supervise the appraisal of property are designated employees. All members of the Assessment Appeals Board and Assessment Hearing Officers are designated employees.

L. Tax Collector.

The Tax Collector is a designated employee, but other employees of the department shall be exempt unless they have discretionary authority regarding tax levies or seizure of property.

M. Treasurer.

The Treasurer and all employees who exercise judgment in the department are designated employees.

N. Fiscal Officers.

The Chief Fiscal Officer and all persons employed in that office, who have the authority to approve or recommend the approval of claims are designated employees.

O. Retirement Board Members.

All retirement board members and policy making staff are designated employees.

P. City Clerk.

City Clerks who have only ministerial duties would normally not be considered

designated employees. However, City Clerks who exercise discretion in connection with the purchasing of election supplies and services or who otherwise have discretionary authority in connection with election procedures are designated employees.

Q. County Clerk.

The County Clerk and all employees in that department who exercise discretion in connection with the purchasing of election supplies and services or otherwise have discretionary authority in connection with election procedures, are designated employees.

R. Municipally Owned Utilities.

The Director, Administrator, and policy making staff of municipally owned utilities are designated employees.

S. Department of Public Works.

The Director of Public Works and all members of his administrative staff are designated employees. In addition, any of the employees of that department who are engaged in the following procedures are also designated employees:

- (1) Parcel Map Approval. Everyone who exercises judgment with respect to the approval of parcel maps is a designated employee.
- (2) Engineering. The engineering staff, except for employees engaged in nondiscretionary drafting and preparation of calculations, are designated employees.
- (3) Right of Way. All right of way agents are included.
- (4) Road Maintenance. Road maintenance employees are included only to the extent that they have administrative and policy making authority.

T. Public Guardian and Public Administrator.

Employees of these departments are designated employees.

U. Social Services Departments.

Only the top administrative personnel of the department, or subordinate agencies, will be considered designated employees. However, individuals who are engaged in the placement of clients in rest homes or have authority in connection with the purchasing of medical services and supplies shall be considered designated employees for the purpose of making limited disclosures.

V. Personnel Department.

The Personnel Director and Personnel Commissioners will be exempt.

W. Conservatorships.

Individuals who serve as conservators by virtue of their public employment will not normally be included unless they have discretion with respect to medical services.

X. Building Inspectors.

All building inspectors and deputies are included.

Y. Sealer of Weights and Measures.

All sealers of weights and measures and deputies are included.

Z. Health Department.

The administrative staff of the department and individuals engaged in regulatory actions are designated employees. Individuals rendering services directly to the public or performing medical research and analysis are exempt.

AA. Agricultural Commissioner and Agricultural Advisor.

These are quasi-state officers and will come under the state conflict of interest code.

BB. Librarians.

The administrative staff of the library and individuals who have discretionary duties regarding the purchasing of books will be included. All others exempt.

CC. Human Rights Commission.

All Human Rights Commissioners and the director of such a department will be considered designated employees.

DD. Consumer Protection Officer.

All personnel of such a department, engaged in enforcing the law or processing consumer complaints, will be included.

EE. Environmental Impact Reporting or Evaluation Departments.

All judgmental personnel in these departments are included.

FF. Industrial Development Department.

Employees in this department will be designated employees.

GG. Parks and Recreation

(1) The Parks and Recreation Commission will be exempted if it is

purely advisory. If, however, the commission has policy authority with respect to the location, maintenance or establishment of parks or park services, the members of the commission will become designated employees.

(2) The director and policy making members of the department are designated employees.

HH. Superintendent of Schools.

The Superintendent of Schools, deputies, and all policy making employees are included.

II. Miscellaneous.

Any other board, commission or department which influences or implements governmental policy should be carefully considered.

V. Designation of Agencies. There are certain semi-independent agencies which might be involved with the city and/or county. The members of the committee considered some of them as follows:

A. County Service Areas, Lighting Districts, Permanent Road Divisions.

These entities are not agencies within the meaning of the Act.

B. LAFCO.

The Local Agency Formation Commission is an agency within the meaning of the Act. It must adopt its own code which will be reviewed by the Board of Supervisors. The members of the commission and administrative staff are designated employees.

C. Joint Powers Agencies.

A joint powers agency may be an agency within the meaning of the Act. This determination must be based on the provisions of the contract which establishes it.

D. Redevelopment Agency, Housing Authority or Community Development Commission.

Such entities are agencies within the meaning of the Act. The director and all policy making and administrative staff are designated employees.

VI. Duplicate Positions. An individual who has to file a disclosure statement should be required to do so only once if he is a member of multiple agencies or boards which are within the same territorial jurisdiction. In such cases he may complete the filing requirements by filing a copy of the original with the designated officer.

In cases where the territorial jurisdiction of the different agencies is not

the same, the individual will have to file more than one disclosure statement.

VII. Time Limits. The law does not contain a specific deadline. It provides that the deadline for submission of codes should be "not earlier than April 1, 1976", but our committee has proceeded on the assumption that local agencies will try to meet the April 1 deadline. We have submitted this draft in what we believe is sufficient time to achieve this objective.

Insofar as codes for the Board of Supervisors and City Councils are concerned, these codes must be reviewed by the FPPC. A model code for the City Council or Board of Supervisors is enclosed.

CONCLUSION

The Act is complicated. It contains apparent inconsistencies, and mandates with which literal compliance is difficult. Our committee has worked closely with representatives of the Attorney General and the Fair Political Practices Commission. When questions of interpretation and application arose, we have consistently interpreted the law in a manner which requires the greatest amount of disclosure and the greatest degree of application, because we believe that this is the primary intent and purpose of the Act.

In the final analysis, however, the enactment of such codes is the responsibility of local counsel and each attorney is urged to read the law and the regulations of the Fair Political Practices Commission carefully before recommending a draft code to your clients.

Questions should not be directed to members of the committee but rather to the League of California Cities, the County Supervisors Association, or the Fair Political Practices Commission, as appropriate.

Good Luck!

* AD HOC COMMITTEE OF CITY ATTORNEYS AND COUNTY COUNSELS
TO FORMULATE MODEL CONFLICT OF INTEREST CODE

City Members

Anthony S. Alperin, Deputy City Attorney, City of Los Angeles
Ted Bromfield, Deputy City Attorney
City of San Diego
William Bullard, Deputy City Attorney, City of Santa Rosa
James A. Hildebrand, City Attorney, City of Sunnyvale
Diane Lee, Deputy City Attorney, City of San Jose
James A. Nicklin, City Attorney, Cities of El Monte and South El Monte

County Members

Douglas Maloney, (Chairman), County Counsel, County of Marin
DeWitt Clinton, Assistant County Counsel, County of Los Angeles
William J. Schwartz, Jr., Deputy County Counsel, County of San Diego
Shannon Trower, Assistant County Counsel, County of Ventura
Arthur Walenta, Assistant County Counsel, Contra Costa County

CONFLICT OF INTEREST CODE
OF THE
OF _____

SECTION 100. Purpose. Pursuant to the provisions of Government Code Sections 87300, et seq., the _____ of _____ hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 ^{1/} and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

SECTION 200. Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned on Exhibit "B".

SECTION 400. Place and Time of Filing.

(a) All designated employees required to submit a statement of financial interests shall file the original with the _____

1/ If the adopting agency desires to include references to specific codes, they may be inserted at this point, e.g., "including, but not limited to, Government Code Sections 1090, et seq."

(b) The Clerk or Secretary of the agency which receives the statement of financial interest shall make and retain a copy and forward the original to

(c) A designated employee required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.

2/
(d) (Civil service) / (Merit system) employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of employment.

(e) All other employees appointed, promoted or transferred to designated positions shall file initial statements not less than 10 days before assuming office (or if subject to confirmation, 10 days before being confirmed), unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.

(f) Annual statements shall be filed during the month of February by all designated employees. Such statements shall cover the period of the preceding calendar year.

(g) A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

SECTION 500. Contents of Disclosure Statements. Disclosure statements

2/ Select whichever is appropriate.

3/ This phrase shall be included only if the agency has employees which are subject to some type of confirmatory process.

shall be made on forms supplied by the Clerk of _____, and

shall contain the following information:

(a) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

(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, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(b) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) 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 was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the amount and the date on which the gift was received.

(c) Contents of Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain;

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's prorata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

(d) Contents of Management Positions Reports:

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which he is a director, officer, partner, trustee, employee, or in which he holds any position of management.

(e) Initial Statement:

The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.

(f) Acquisition or Disposal During Reporting Period:

In the case of a statement filed under Section 400 (f), if the investment,

or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

SECTION 600. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

CONFLICT OF INTEREST CODE
OF THE

_____ (Agency)

OF

_____ (Code Reviewing Jurisdiction)

The agency designated above hereby submits the following Conflict of Interest Code to the code reviewing body of the jurisdiction designated above.

_____ (signature)

_____ (official capacity)

Received on behalf of the code reviewing body of the jurisdiction designated above:

Date: _____
_____ (signature)

_____ (official capacity)

The following Conflict of Interest Code, having been submitted by the agency designated above, was approved by order of the code reviewing body on _____.
_____ (date)

Other action, (if any):

_____ (signature)

_____ (official capacity)

RESOLUTION OF THE COUNCIL OF THE CITY OF _____
ADOPTING A CONFLICT OF INTEREST CODE APPLICABLE TO THE
MEMBERS OF THE CITY COUNCIL PURSUANT TO THE POLITICAL
REFORM ACT OF 1974

THE CITY COUNCIL OF THE CITY OF _____ HEREBY RESOLVES
AS FOLLOWS:

SECTION 1. ADOPTION OF CONFLICT OF INTEREST CODE. In compliance
with Section 87300 of the Government Code the City Council hereby adopts this
Conflict of Interest Code.

SECTION 2. APPLICATION OF CODE. This Conflict of Interest Code shall
be applicable to members of the City Council.

SECTION 3. DISCLOSURE. Councilmembers are already required to
disclose investments, interest in real property and income under Sections 87200
and following of the Government Code. Therefore no other or additional disclosure
requirements are imposed by this Conflict of Interest Code.¹

SECTION 4. CIRCUMSTANCES REQUIRING DISQUALIFICATION. Any City
Councilmember must disqualify himself or herself from making or participating in
the making of a decision when he or she has a financial interest, as defined in
Section 87103 of the Government Code, when it is reasonably foreseeable that it
may be affected materially by the decision, unless the rule of necessity set forth
in Section 87101 of the Goverment Code applies.²

SECTION 5. The City Clerk is directed to forward a certified copy of this
resolution to the Fair Political Practices Commission.

1. / See last sentence in Section 87302 (b) of the Government Code.

2. / Subsection (c) of Section 87302 appears to require the code to contain this
provision.

CONFLICT OF INTEREST CODES

PROCEDURE FOR ENACTMENT

1. Designation of agencies.

Every city council shall:

- a. Designate the agencies subject to it which are required to adopt a Conflict of Interest Code.
- b. Establish a deadline for submission of a proposed Conflict of Interest Code by each designated agency. Such deadline shall not be earlier than April 1, 1976.
- c. Distribute the proposed model Conflict of Interest Code to each designated agency and recommend its use.

2. Preparation of tentative Codes.

Every designated agency shall:

- a. Prepare a draft Conflict of Interest Code.
- b. Prepare a tentative list of designated positions.
- c. Prepare a tentative list of disclosure categories and assignments to designated positions.

3. Review of tentative Codes.

Every designated agency shall:

- a. Give notice of the tentative code to the public, employee organizations, officers and employees.
- b. Hold a public hearing on the tentative code.
- c. Consider recommendations or complaints.

4. Submission of proposed Codes.

Not later than the established deadline each designated agency shall:

- a. Formulate a proposed Conflict of Interest Code.
- b. Submit the proposed Code to the City Council.

5. Approval of proposed Codes.

Not later than 90 days after submission of the proposed Code, the City Council shall:

- a. Approve the proposed Code, or
- b. Revise and approve the proposed Code, or
- c. Return the proposed Code for revision.