TO: President and Directors of the Bellflower Public Facilities Corporation
ATTENTION: Jeffrey L. Stewart, City Manager
FROM: Mayra Ochiqui, City Clerk
SUBJECT: Consideration and possible action to receive and file the 2022 Local Agency Biennial Notice determining no amendment is required for the Bellflower Public Facilities Corporation’s Conflict of Interest Code.
DATE: September 27, 2022

EXECUTIVE SUMMARY
A Conflict of Interest Code (COIC) tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statements of Economic Interests (Form 700). Under the Political Reform Act (Government Code § 8100, et seq.), every local agency must review its COIC on a biennial basis. If positions or titles changed in the local agency’s organization, then the legislative body must amend the COIC before October 3, 2022. On June 13, 2022, the City Council directed the City Clerk to review the COIC pursuant to the Political Reform Act (PRA) (Government Code § 87306.5). The City Clerk, in consultation with the City Attorney, City Manager, and Department Heads, completed the review of the 2022 Conflict of Interest Codes for the City and Bellflower Public Facilities Corporation (“BPFC”) and determined that only the City’s code requires an amendment. No amendment is required for the BPFC’s Conflict of Interest Code.

RECOMMENDATION TO BELLFLOWER PUBLIC FACILITIES CORPORATION
1) Receive and file the 2022 Local Agency Biennial Notice; or
2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT
None

ATTACHMENTS
2022 Local Agency Biennial Notice… ................................................................. 2
Resolution No. BPFC-18-01 – Conflict of Interest Code for the BPFC………………….. 3
2022 Local Agency Biennial Notice

Name of Agency: Bellflower Public Facilities Corporation
Mailing Address: 16600 Civic Center Drive, Bellflower, CA 90706
Contact Person: Mayra Ochiqui, City Clerk
Phone No. (562) 804-1424, ext. 2222
Email: mochiqui@bellflower.org
Alternate Email: cclerk@bellflower.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency’s code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

☐ An amendment is required. The following amendments are necessary:

(Check all that apply.)
☐ Include new positions
☐ Revise disclosure categories
☐ Revise the titles of existing positions
☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
☐ Other (describe)

☐ The code is currently under review by the code reviewing body.

☐ No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency’s code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

September 12, 2022

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than October 3, 2022, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.
BELLFLOWER PUBLIC FACILITIES CORPORATION

RESOLUTION NO. 18-01

A RESOLUTION ADOPTING THE 2018 CONFLICT OF INTEREST CODE FOR THE BELLFLOWER PUBLIC FACILITIES CORPORATION IN ACCORDANCE WITH THE POLITICAL REFORM ACT, AND SUPERSEDING RESOLUTION NO. 99-06

THE BELLFLOWER PUBLIC FACILITIES CORPORATION RESOLVES AS FOLLOWS:

SECTION 1. The Bellflower Public Facilities Corporation finds, determines, and declares as follows:

A. The Political Reform Act (Government Code §§ 81000, et seq.; the “PRA”) and regulations adopted pursuant to the PRA (2 Cal. Code of Regs. §§ 18700, et seq.; “FPPC Regs.”) require local government to adopt Conflict of Interest codes (“COI”).

B. The Fair Political Practices Commission promulgated FPPC Regs. § 18730, which contains the terms of a standard conflict of interest code that can be incorporated by reference as the Bellflower Public Facilities Corporation’s COI.

C. In July 2018, the City Council directed the City Clerk to review the COI pursuant to the PRA (Government Code § 87306.5) after identifying certain changes.

D. The City Clerk finished that review and made recommendations which the City Council adopted on September 10, 2018 (City Council Resolution No. 18-57) and the Bellflower Public Facilities Corporation incorporated into this Resolution.

E. To fulfill its obligations under the PRA and FPPC Regs., the Bellflower Public Facilities Corporation adopts this 2018 Bellflower Public Facilities Corporation COI as set forth in this Resolution.

SECTION 2. 2018 Bellflower Public Facilities Corporation COI — Generally. FPPC Regs. § 18730 is adopted by reference as the Bellflower Public Facilities Corporation’s 2018 COI. Except as modified in this Resolution, all requirements of FPPC Regs. § 18730 apply as if fully set forth in this Resolution.

SECTION 3. 2018 Bellflower Public Facilities Corporation COI - Changes. The 2018 Bellflower Public Facilities Corporation COI includes the following changes:

A. The term “investment” applies to financial interests in non-profit organizations as well as business entities;

B. The term “Appendix” refers to Section 4 of this Resolution.
C. The term "agency" applies to the Bellflower Public Facilities Corporation; and

D. The phrase "interest in real property" refers to interests in real property located within a one-mile radius of any property owned or used by the Bellflower Public Facilities Corporation.

SECTION 4. Designated Officials, Officers, and Consultants. For purposes of FPPC Regs. § 18730, designated employees and consultants are set forth below:

A. Designated Officials, Officers, and Consultants:

The positions listed below are designated positions. Officers and officials holding those positions are designated officials/officers and are deemed to make or participate in making decisions which may foreseeably have a material effect on a financial interest. Disclosure includes specific types of investments, business positions, interests in real property, and sources of income which may foreseeably be materially affected by any decision made or participated in by the designated official/officer. Such disclosures must be made at the times and circumstances described by the Bellflower Public Facilities Corporation Conflict of Interest Code.

When a new position classification is created, the Board of Directors will recommend that the City Council decide whether the new position will be required to file a Statement of Economic Interest and be included as a designated position in the Bellflower Public Facilities Corporation Conflict of Interest Code.

President
Vice President
Director
Secretary/Treasurer
*Consultants (as defined by Fair Political Practices Regulation 18700)

* The department Director, with the concurrence of the City Manager, may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The department Director, with the concurrence of the City Manager, may also determine whether a particular consultant is performing duties so as to constitute a "consultant" as the term is defined in the Political Reform Act and regulations promulgated thereunder. The department Director’s determination, with the City Manager’s concurrence, is public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

Note: The City Manager, City Attorney, and Director of Finance/City Treasurer are not included as "designated positions" as the disclosure obligations for these positions are set forth by Government Code § 87200, et seq.
SECTION 5. Statement of Economic Interests: Place of Filing. Designated officials/officers must file Statements of Economic Interests with the City of Bellflower, on forms created by the Fair Political Practices Commission, in conformance with the individual disclosure categories and state guidelines, when requested by the City Clerk. The City Clerk will retain custody of the Statements and make them available for public inspection and reproduction. All designated officials/officers must file one original Statement of Economic Interest with the City Clerk.

SECTION 6. Disclosure and Disqualification – Interest and Positions in Non-Profit Organizations. Whenever a disclosure category requires disclosure of specific financial interests or positions in business entities, disclosure of equivalent financial interests or positions in non-profit organizations is required. Disqualification must be required as to a disclosed interest or position in a non-profit organization whenever disqualification would have been required as a result of an equivalent financial interest or position in a business entity.

SECTION 7. Travel Payments, Advances and Reimbursements. If a payment, including an advance or reimbursement, for travel is required to be reported pursuant to Government Code § 87207, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interests. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

SECTION 8. BPFC Resolution No. 99-06 (adopted May 17, 1999) and any other BPFC resolution or policy purporting to establish a conflict of interest code are superseded by this Resolution.

SECTION 9. Repeal of any provision of any resolution or policy herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 10. Any change provided for in this Conflict of Interest Code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other Conflict of Interest Code.

SECTION 11. The President, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Bellflower Public Facilities Corporation, and the Secretary, or Assistant Secretary, is directed to attest thereto.
SECTION 12. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE BELLFLOWER PUBLIC FACILITIES CORPORATION THIS 25TH DAY OF SEPTEMBER 2018.

George E. Franzen, President
Bellflower Public Facilities Corporation

ATTEST:

Mayra Ochiqui, Secretary

APPROVED AS TO FORM:

Karl H. Berger, City Attorney