

COVER PAGE

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A Public Document

2009 AUG 28 AM 8:03

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER
Boake	Stephen	Kitts	(714) 869-8730
MAILING ADDRESS (May use business address)		CITY	STATE ZIP CODE
19609 Mayfield Circle, Huntington Beach, CA 92648		HUNTINGTON BEACH	OPTIONAL: FAX / E-MAIL ADDRESS

1. Office, Agency, or Court

Name of Office, Agency, or Court:
City of Huntington Beach

Division, Board, District, if applicable:
Huntington Beach Department of Public Works

Your Position:
President / CEO

▶ If filing for multiple positions, list additional agency(ies)/ position(s): (Attach a separate sheet if necessary.)

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box)

State

County of _____

City of Huntington Beach, CA

Multi-County _____

Other _____

3. Type of Statement (Check at least one box)

Assuming Office/Initial Date: ____/____/____

Annual: The period covered is January 1, 2008, through December 31, 2008.

-or-

The period covered is ____/____/____, through December 31, 2008.

Leaving Office Date Left: ____/____/____ (Check one)

The period covered is January 1, 2008, through the date of leaving office.

-or-

The period covered is ____/____/____, through the date of leaving office.

Candidate Election Year: _____

4. Schedule Summary

▶ Total number of pages including this cover page: 5

▶ Check applicable schedules or "No reportable interests."

I have disclosed interests on one or more of the attached schedules:

Schedule A-1 Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 Yes - schedule attached
Investments (10% or greater Ownership)

Schedule B Yes - schedule attached
Real Property

Schedule C Yes - schedule attached
Income, Loans, & Business Positions (Income Other than Gifts and Travel Payments)

Schedule D Yes - schedule attached
Income - Gifts

Schedule E Yes - schedule attached
Income - Gifts - Travel Payments

-or-

No reportable interests on any schedule

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed August 28, 2009
(month, day, year)

Signature Stephen Boake
(File the originally signed statement with your filing official.)

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

1. BUSINESS ENTITY OR TRUST
Hilton Waterfront Beach Resort
Name
2100 PCH, Huntington Beach, CA 92648
Address
Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY
Hotel

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ACQUIRED 08 9-08 DISPOSED

NATURE OF INVESTMENT
 Sole Proprietorship Partnership Other

YOUR BUSINESS POSITION Investor

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499 \$10,001 - \$100,000
 \$500 - \$1,000 OVER \$100,000
 \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)
Hilton Waterfront Beach Resort

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Hilton Waterfront Beach Resort
Name of Business Entity or
Street Address or Assessor's Parcel Number of Real Property

Hotel
Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ACQUIRED 08 9-08 DISPOSED

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Yrs. remaining Other _____

Check box if additional schedules reporting investments or real property are attached

1. BUSINESS ENTITY OR TRUST
Hyatt Regency Resort
Name
21500 PCH, Huntington Beach, CA 92648
Address
Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY
Hotel

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ACQUIRED 08 08 DISPOSED

NATURE OF INVESTMENT
 Sole Proprietorship Partnership Other

YOUR BUSINESS POSITION Investor

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499 \$10,001 - \$100,000
 \$500 - \$1,000 OVER \$100,000
 \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)
Hyatt Regency Resort

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Hyatt Regency Resort
Name of Business Entity or
Street Address or Assessor's Parcel Number of Real Property

Hotel
Description of Business Activity or
City or Other Precise Location of Real Property

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ACQUIRED 08 08 DISPOSED

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Yrs. remaining Other _____

Check box if additional schedules reporting investments or real property are attached

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION
 Name _____

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Hilton West-Front Beach Resort

ADDRESS 2100 PCH
Huntington Beach, CA

BUSINESS ACTIVITY, IF ANY, OF SOURCE
Hotel

YOUR BUSINESS POSITION
Partner

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment
 Sale of _____
(Property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more

Other Investment
(Describe)

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Hilton Agency Resort

ADDRESS 2150 PCH
Huntington Beach, CA

BUSINESS ACTIVITY, IF ANY, OF SOURCE
Hotel

YOUR BUSINESS POSITION
Investor

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment
 Sale of _____
(Property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more

Other Investment
(Describe)

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____

ADDRESS _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

INTEREST RATE _____% None

TERM (Months/Years) _____

SECURITY FOR LOAN
 None Personal residence
 Real Property _____
Street address

City
 Guarantor _____
 Other _____
(Describe)

Comments: _____

**SCHEDULE D
 Income - Gifts**

Name _____

▶ NAME OF SOURCE
Ron Shekman
 ADDRESS 121 Nichols Street
Huntington Beach CA 92647
 BUSINESS ACTIVITY, IF ANY, OF SOURCE
Garbage

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>10/10/07</u>	<u>\$ 20</u>	<u>Golf</u>
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE

 ADDRESS _____
 BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE
Shirley DeHoff
 ADDRESS 6821 Laurelhurst
Huntington Beach CA 92647
 BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>10/24/07</u>	<u>\$ 150</u>	<u>H.B. Boyce Club Dinner</u>
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE

 ADDRESS _____
 BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE

 ADDRESS _____
 BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

▶ NAME OF SOURCE

 ADDRESS _____
 BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____
___/___/___	\$ _____	_____

Comments: _____

RICHARDSON GRAY
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-348-1928
richardson.gray@yahoo.com

August 19, 2009

HAND DELIVERED

Jennifer McGrath
City Attorney
City of Huntington Beach
City Hall
Fourth Floor
2000 Main Street
Huntington Beach, CA 92648

**Re: Steve Bone, President and CEO, and all Members of the Board of Directors
Huntington Beach Marketing and Visitors Bureau
Form 700 Statements of Economic Interest, To Be Filed with the City Clerk**

Dear Jennifer:

From the attached three pages in the Huntington Beach Marketing and Visitors Bureau's (Bureau) contract with the City, dated September 18, 2006 and expiring October 1, 2011 (and two pages in the accompanying Request for City Council Action) (Contract), you can see that Steve Bone, as President of the Bureau, and all Members of the Bureau's Board of Directors (Board Members), each are required annually to file a Form 700 Statement of Economic Interests (Form 700s) with the City Clerk. Per the enclosed February 19, 2008 biannual City Council review and action, the application of the City Conflict of Interest Code to the Bureau was reconfirmed, including setting out **the due date for the filing of Form 700s as April 1st** each year.

From this information, you also can see that Steve Bone and the Board Members for 2009 are still required to file Form 700s with the City Clerk. Finally, I have attached a copy of **Section 2.100.065 of the City Municipal Code**, which states in part that "[a]ny such person who fails to file a Statement of Economic Interests as provided in this section shall automatically vacate the office."

As of my personal visit yesterday afternoon to the City Clerk's office, the City Clerk's staff informed me that they have been attempting to obtain Steve Bone's and the Board Members' 2009 Form 700s for the last few months, with no success to date. **In my opinion, Steve Bone's and the Board Members' refusals, for nearly five months beyond their due date, to provide the City Clerk with their 2009 Form 700s, are a flagrant disregard of their**

codified ethical and legal obligations to the City, and its residents, property owners, taxpayers, and voters.

Please let me know as soon as possible when I can obtain copies of Steve Bone's and the Boards Members' 2009 Form 700s. This information is crucially important to me for a number of reasons.

1. As I understand it, Steve Bone and the Board Members are some of the leading proponents, if not the absolute foremost proponents, of the cultural center proposed for Triangle Park (Proposed Center) in the June 12, 2009 draft of the Downtown Specific Plan (June DTSP) and its accompanying Draft Environmental Report of July 20, 2009 (Draft EIR).
2. I believe that Mr. Bone led the developments of both the Hilton Hotel (Hilton) and the Hyatt Hotel (Hyatt), located on Pacific Coast Highway near downtown Huntington Beach.
3. **Should Steve Bone continue to hold a financial stake in either the Hilton or Hyatt or both, in my opinion, this financial stake would create a substantive conflict of interest for Steve Bone in championing the Proposed Center.**

This conflict would arise from Steve Bone's compensation from the Bureau, provided in large part through City taxpayer dollars, and the direct benefit he would receive in the increased value and increased revenues of the Hilton or the Hyatt or both, expected to be derived from the increased occupancy at downtown hotels flowing from the Proposed Center as a new major tourist attraction. From the Contract, you can see that **the Bureau, and the Huntington Beach Hotel/Motel Business Improvement District that the Bureau administers, together receive approximately twenty percent (20%) of the City's room taxes, a total amount estimated to be \$1,160,000 for fiscal year 2006-2007.**

4. **If Steve Bone does have a conflict such as the one described above, this conflict is even more pronounced due to the widespread opposition to the Proposed Center at Triangle Park, from downtown residents, property owners, taxpayers, and voters. To date, nearly 5,000 Huntington Beach residents have signed a petition opposing the location of the Proposed Center at Triangle Park. The vast majority of these residents live downtown.**
5. If Steve Bone does have a conflict similar to the one described above, this conflict would be greatly exacerbated by the massive transfer of wealth, for which the construction of the Proposed Center at Triangle Park would provide the catalyst. I estimate that **the loss in property values for residences in the north end of downtown, within a several block radius of Triangle Park, would reach at least tens of millions of dollars in total, if the Proposed Center were built at Triangle Park. Directly mirroring this loss of residential values, the coastal hotels near downtown, including the Hilton and Hyatt, should have increases**

in values also reaching the tens of million dollars in total, if the Proposed Center is built, caused by their improved revenues and occupancy rates flowing from the Proposed Center.

6. On account of this potential conflict of interest for Steve Bone, and possibly comparable conflicts for other Board Members, **Steve Bone's and the Board Members' 2009 Form 700s should be made public at least one month before the Planning Commission's vote on the June DTSP and Draft EIR, currently scheduled for September 22, 2009.**

To repeat myself, please let me know as soon as possible when I can obtain copies of Steve Bone's and the Board Members' 2009 Form 700s. Thank you for your prompt attention to this important matter.

Sincerely yours,

Richardson Gray

cc: Joan Flynn, City Clerk (Hand Delivered)

GRANT AGREEMENT BETWEEN THE CITY OF
HUNTINGTON BEACH AND THE HUNTINGTON BEACH
CONFERENCE AND VISITORS BUREAU FOR PUBLIC
RELATIONS SERVICES

THIS AGREEMENT is made and entered into by and between the CITY OF HUNTINGTON BEACH, a municipal corporation of the State of California, hereinafter referred to as "CITY," and the HUNTINGTON BEACH CONFERENCE AND VISITORS BUREAU, a California non-profit corporation, hereinafter referred to as "GRANTEE."

WHEREAS, CITY desires to grant funds to GRANTEE to perform promotional services, and provide a conference and visitors bureau in the City of Huntington Beach; and

GRANTEE has agreed to accept such funds and to perform such services;

NOW, THEREFORE, it is agreed by CITY and GRANTEE as follows:

1. GRANT OF FUNDS

CITY hereby grants to GRANTEE a sum equivalent to ten percent (10%) of CITY'S Transient Occupancy Tax (TOT) collections each month, payable monthly, following collection of same.

2. PUBLIC PURPOSES LIMITATION/DURATION OF AGREEMENT

All funds granted herein shall be used only for the promotion of the City of Huntington Beach, to attract visitors and convention business, to provide information to persons interested in doing business in the community, to represent CITY on related regional activities such as the Film Commission, to operate a conference and visitors bureau to benefit CITY, and to perform all services as set forth in the Scope of Services attached hereto as **Exhibit "A"** and incorporated by this reference as though fully set forth herein.

In addition to the tasks identified in the Scope of Services (Exhibit A), GRANTEE shall perform the following tasks:

- Attend the City Council's Downtown Economic Development Committee meetings.
- Conduct status meetings with CITY'S Director of Economic Development no less than four (4) times per year as mutually agreed upon between the Director Economic Development and the President of GRANTEE.
- Provide monthly written status reports to CITY'S Director of Economic Development.
- Until no longer required by CITY'S Conflict of Interest Code, the Board and President shall annually complete Form 700 Statement of Economic Interest, and file the completed form with the City Clerk.

3. TERM; ANNUAL EXTENSION; TERMINATION

This Agreement shall commence on October 1, 2006. The initial term of this Agreement is five (5) years. Commencing October 1, 2011, and on the 1st of October of each succeeding year thereafter, this Agreement shall be annually extended for a new one (1) year term.

All work required hereunder shall be performed in a good and workmanlike manner. Either party may terminate this Agreement at any time without cause, upon one (1) year prior written notice to the other party. In the event of termination, all finished and unfinished documents, exhibits, reports, and evidence shall, at the option of CITY, become its property and shall be promptly delivered to it by GRANTEE.

CITY reserves the right to terminate this Agreement for cause upon thirty (30) days written notice to GRANTEE, in the event the City Council determines, based upon substantial evidence, that :

17. ENTIRETY

The foregoing sets forth the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed

by-and through their authorized officers September 18, 2006

HUNTINGTON BEACH CONFERENCE
AND VISITORS BUREAU, a California
corporation:

CITY OF HUNTINGTON BEACH, A
municipal corporation of the State of
California

By: [Signature]
DOUGLAS C. TRAVIS
print name

[Signature]
Mayor

ITS: (circle one) Chairman/President/Vice President

[Signature]
City Clerk

AND

By: [Signature]
Cheryl Phelps
print name

APPROVED AS TO FORM:

ITS: (circle one) Secretary/Chief Financial
Officer/Asst. Secretary - Treasurer

[Signature]
City Attorney 11/29/06 Pre 8/29/06

INITIATED AND APPROVED:

REVIEWED AND APPROVED:

[Signature]
Director of Economic Development

[Signature]
City Administrator

9/20
RL

S. SMALEWITZ, EDD
C. MENDOZA, Risk Mgr
(in city)

RECEIVED

Council/Agency Meeting Held: <u>9-18-06</u> 2006 SEP - 7 PM 5: 29	
Deferred/Continued to: _____	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Conditionally Approved
CITY CLERK CITY OF HUNTINGTON BEACH	
<i>Rolando J. Lopez</i> Asst City Clerk's Signature	
Council Meeting Date: 9/18/2006	Department ID Number: ED 06-38

CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE GULBRETH-GRAFT, DPA, CITY ADMINISTRATOR

PREPARED BY: STANLEY SMALEWITZ, DIRECTOR OF ECONOMIC DEVELOPMENT *SES*

SUBJECT: Approve Five Year Grant Agreement Between the City of Huntington Beach and the Huntington Beach Conference and Visitors Bureau Beginning October 1, 2006

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: On May 15, 2006 the City Council approved a five (5) year grant agreement with the Huntington Beach Conference and Visitors Bureau with funding set at ten percent (10%) of the Transient Occupancy Tax (TOT) collections each month beginning October 1, 2006.

Funding Source: Funding for the Grant Agreement is included in the proposed budget for fiscal year 2006-07, Account No. 10080101.74020

Recommended Action: Motion to:
Approve and authorize execution by the Mayor and City Clerk of the attached five year Grant Agreement between the City of Huntington Beach and the Huntington Beach Conference and Visitors Bureau for 10% of the TOT revenues, beginning October 1, 2006.

Alternative Action(s): Do not approve the Grant Agreement and direct staff accordingly.

Analysis: The Huntington Beach Conference and Visitors Bureau (HBCVB) was formed in November 1989 to represent the community in the solicitation of leisure travelers, tour groups and conferences. Over the years, the HBCVB has developed annual Huntington Beach Visitors Guides, meeting planners' kits, multi-lingual brochures, a website, and numerous other marketing materials to further the goals of the City relating to conferences and tourism.

During the current 2005-06 fiscal year, the Bureau was able to complete the following:

- Development of four specialty press kits for birders/naturalists, families, seniors and couples
- Launch of the new filming venue website "www.filmhuntingtonbeach.com"
- Marketing with Surfing America to host the '06 Junior World Games and '07 World Games

E-5

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 9/18/2006

DEPARTMENT ID NUMBER: ED 06-38

- Printing a new Dining Guide in a marketing alliance with the H B Restaurant Association
- A full-page co-op ad in the California Visitors Guide
- A 76-page color *Huntington Beach Visitors Guide* with 150,000 copies distributed
- The most comprehensive special events calendar at "www.surfcityevents.com"
- Management of a comprehensive digital photo library of 1,000+ images
- Operation of a weekday Visitor Center responding to more than 1,300 walk-in visitors; 1,500 telephone calls from out of town potential visitors; 900 requests from local residents; and 800 e-mail requests for information annually

Through this five year Grant Agreement, the HBCVB anticipates that new funding will allow it to continue and expand the programs previously outlined as well as accomplish the following objectives:

- Expanded operations of a new Pier Plaza Visitor Center
- Completion of a local arts and community project for residents overnight visitors
- Printing of Downtown Guide in an alliance with the Downtown Merchants Association

The attached Grant Agreement requires either party to give (1) one year written notice to terminate said agreement without cause, and includes language that automatically extends the agreement in (1) one year increments each October subsequent to the completion of the initial (5) five year period.

On August 5, 2002, at the request of the City's hotels and motels, the City formed a Hotel/Motel Business Improvement District (BID). Through this BID, an additional 1% levy is assessed on all overnight stays in Huntington Beach and given to the HBCVB. The 1% BID levy generates the same amount each year as this Grant Agreement for 10% of the TOT; and each will generate an estimated \$580,000 for the fiscal year 2006-07, increasing each year as the local hotels also increase their business through better and coordinated marketing. The BID funds, coordinated with the monies provided by the City in the attached Grant Agreement, will allow the HBCVB to increase its advertising, marketing and public relations of Huntington Beach as a year-round, overnight destination.

Environmental Status: Not Applicable

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Five year Grant Agreement between the City of Huntington Beach and the HBCVB for Fiscal Years 2006/07—2010/11

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 2/19/2008

DEPARTMENT ID NUMBER: AD 08-003

Analysis: State law requires the City Council, Planning Commission, City Treasurer, and City Attorney, among others, to file such Conflict of Interest Statements. The City Code acknowledges and broadens State law to also include those positions designated by the Council. Persons so designated are required to file a Statement upon assuming their position, an annual statement each April 1, and a Statement upon leaving their position. The Code requires such persons to disqualify themselves from participating in decisions or influencing decisions in which they have a conflict. The City's Conflict of Interest Code was most recently amended in 2005. Since then, employee job titles and descriptions have been added, deleted, and changed making it necessary to update the Code. Designated employees, boards, commissions, and committees are shown on "Exhibit B" to the resolution.

Staff continues to review all employee positions for inclusion or removal from the list, and the City Attorney staff will be presenting ethics training sessions for all filers on an ongoing basis to ensure compliance with AB 1234.

Council policy requires the City Council, City departments, and all boards, commissions, and committees to formally review the City Code of Ethics annually, during the month of January. This Code is not intended to supersede or invalidate any statute, ordinance, or civil service rule or regulation. A slight amendment to the Second Policy Section has been recommended to clarify the requirement of officials to comply with "local and" state law.

Strategic Plan Goal: C-2: "Provide quality public services with the highest professional standards to meet community expectations and needs, assuring that the City is sufficiently staffed and equipped overall."

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	Resolution No. <u>2008-09</u> A Resolution of the City Council of the City of Huntington Beach, California Amending its Conflict of Interest Code.
20	2.	City Code of Ethics.

BOARDS, COMMISSIONS AND COMMITTEES

City Council
Convention and Visitors Bureau
Design Review Board
Planning Commission

CONSULTANTS

Consultants shall be included in the list of designated officials and employees and shall disclose interests subject to the following limitation: The City Administrator 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 this is not required to fully comply with the disclosure requirements described in Section 5 above. Such written determination shall include a description of Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

(City Council) Approved the Amended Project Concept for the Orange County Transportation Authority (OCTA) Go Local Grant Program in Partnership with the Cities of Stanton, Westminster, and Fountain Valley to Conduct a Needs Analysis and Transit Connection Study — Approved the amended Go Local, Step One Project Concept overview to conduct a needs analysis and transit connection study. Submitted by the Director of Public Works. **Funding Source:** OCTA has allocated up to \$100,000 for each Orange County local agency to study alternatives. City participation funds are not required and not anticipated to be needed to complete the study effort.

(City Council) Adopted Resolution No. 2008-08 Accepting \$40,000 in Grant Funds from the Orange County Regional Integrated Waste Management Department for Recycling and Public Education Programs — Adopted Resolution No. 2008-08, "*A Resolution of the City Council of the City of Huntington Beach Accepting Funds From the Orange County Regional Recycling and Waste Diversion Grant Program.*" Submitted by the Director of Public Works. **Funding Source:** No funding is required for this action. Revenue of \$40,000 for recycling and public education programs is anticipated.

(City Council) Approved Project Plans and Specifications and Award Construction Contract in the Amount of \$167,123.40 to Golden State Constructors, Inc. for the Construction of Curb Access Ramps at Various Locations, MSC-453 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney — 1) Approved the project specifications; 2) Accepted the lowest responsive and responsible bid submitted by Golden State Constructors, Inc. in the amount of \$167,123.40 for MSC 453; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works and the Director of Economic Development. **Funding Source:** Funds in the total amount of \$180,000 have been budgeted for this project from Community Development Block Grant (CDBG), FY 2007/08, Citywide ADA Ramps, Account No. 85782010.82300. The engineer's cost estimate for this project is \$170,000.

(City Council) Adopted Resolution No. 2008-09 Amending the Conflict of Interest Code Requiring Designated Employees and Members of City Boards, Commissions and Committees to File a Statement of Economic Interest; and, Reviewed and Approved the Amended City Code of Ethics — 1) Adopted Resolution No. 2008-09, "*A Resolution of the City Council of the City of Huntington Beach Amending Its Conflict of Interest Code;*" and 2) Reviewed and approved City Code of Ethics. Submitted by the City Attorney and the Deputy City Administrator. **Funding Source:** None.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Trust Agreement with California Public Retirement System (CalPERS) to Provide Investment Services and Prefund Retiree Medical Benefits; Adopted Resolution No. 2008-11 Approving the Agreement with the California Employers Retiree Benefit Trust (CERBT) Program; and, Adopted Resolution No. 2008-12 Delegating the Authority to Request Disbursements From the CERBT — 1) Approved and authorized the Mayor and City Clerk to execute the California Employer's Retiree Benefit Trust Program (CERBT) Agreement and Election of the City of Huntington Beach to Prefund Other Post Employment Benefits Through CalPERS; 2) Adopted Resolution No. 2008-11, "*A Resolution of the City Council of the City of Huntington Beach Approving Agreement With the California Employers Retiree Benefit Trust Program and Authorizing the Mayor to Sign Such An Agreement on Behalf of the City;*" 3) Adopted Resolution No. 2008-12, "*A Resolution of the City Council of the City of Huntington*