

RESOLUTION No. 221934

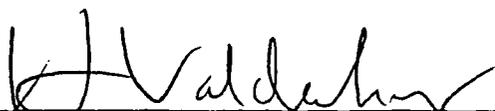
(R. 79-306)

Adopted on OCT 2 1978

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the Conflict of Interest Code of the Centre City Development Corporation, submitted pursuant to the Political Reform Act of 1974, as amended, is hereby approved.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug, Deputy

HOV:dm  
8/15/78  
Or. Dept. CCDC

MICROFILMED

OCT -2 1978

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<del>Jess D. Hare</del>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Rex A. Mason*, Deputy.

MICROFILMED

Office of the City Clerk, San Diego, California

Resolution Number **221934** Adopted **OCT -2 1978**

RECEIVED  
CITY CLERK'S OFFICE  
1978 SEP 22 AM 11: 29  
SAN DIEGO, CALIF.

5100000000

11-13-1978

11-13-1978

00513-A

100's

174

COPY

CONFLICT OF INTEREST CODE  
OF  
CENTRE CITY DEVELOPMENT CORPORATION

MICROFILMED  
00514

221934

10/2/78

TABLE OF CONTENTS

	<u>Page</u>
Article 1. Scope of Code	1
1.1 Purpose	1
1.2 Definitions	1
1.3 Cross References	2
Article 2. Disclosure Statements	2
2.1 General Requirements of Disclosure Statements	2
2.2 Interests of Spouse and Dependent Children Includable	3
2.3 Interests of Business Entities Includable	3
2.4 Exclusions from Income	3
2.5 Limitation on Contents of Initial Report	3
2.6 Time of Filing Disclosure Statements	3
2.6.1 First Disclosure Statement After Effective Date of Code	3
2.6.2 Annual Disclosure Statement	4
2.6.3 Disclosure Statement of New Designated Employee	4
2.6.4 Disclosure Statement of Former Employee	4
2.7 Forms of Disclosure Statements	5
2.8 Place of Filing Disclosure Statements	5
Article 3. Manner of Reporting	6
3.1 Contents of Investment and Real Property Reports	6

3.1.1	Description of Investment or Interest	6
3.1.2	Identification of Business Entity	6
3.1.3	Location of Real Property	6
3.1.4	Value of Investment or Interest	6
3.1.5	Investment or Interest of Business Entity	6
3.1.6	Transactions During Period	7
3.1.7	Exclusion of Principal Residence	7
3.2	Contents of Income Reports	7
3.2.1	Description of Source of Income	7
3.2.2	Amount of Income	7
3.2.3	Consideration for Income	8
3.2.4	Gifts	8
3.3	Contents of Business Entity Income Reports	8
3.3.1	Description of Business	8
3.3.2	Legal and Brokerage Clients	8
3.3.3	Identification of Customers	8
3.3.4	Exceptions to Business Entity Income Disclosure Requirements	9
Article 4. Disqualification		9
4.1	General Rule if Disqualified	9
4.2	Tax Rate Exception	10
4.3	Procedure if Disqualified	
4.3.1	Director	10
4.3.2	Employee	10

MICROFILMED

221934

00516

4.3.3	Consultant	10
4.4	Right to Act as Citizen	11
4.5	Rule of Necessity	11
Article 5.	Opinions of the Commission and Counsel	11
5.1	Opinion Requests	11
5.2	Opinion of FPPC	12
5.3	Opinion of Attorney of Corporation	12
Article 6.	Statute of Limitations	12
Appendix A		A1
Appendix B		
Definitions		B1
1.	"Business entity"	B1
2.	"Consultant"	B1
3.	"Designated employee"	B1
4.	"Financial interest"	B2
5.	"Income"	B3
6.	"Indirect investment or interest"	B5
7.	"Interest in real property"	B5
8.	"Investment"	B6
9.	"Jurisdiction"	B7
10.	"Making governmental decisions"	B7
11.	"Material financial effect"	B8
12.	"Official"	B11
13.	"Participating in the making of governmental decisions"	B11

MICROFILMED

CONFLICT OF INTEREST CODE  
OF  
CENTRE CITY DEVELOPMENT CORPORATION

Article 1. SCOPE OF CODE

1.1 Purpose.

It is the purpose of this Conflict of Interest Code to provide for the disclosure of assets and income of designated employees which may be materially affected by their official actions, and, in appropriate circumstances, to provide that designated employees should be disqualified from acting in order that conflicts of interest may be avoided. This Code is intended to implement the Political Reform Act of 1974 (Government Code §81000 et seq.), and nothing contained herein is intended to modify or abridge the provisions of that or of any other applicable law (such as Government Code §§1090-97 and 1100-02).

1.2 Definitions.

Except as otherwise indicated, the definitions contained in the Political Reform Act of 1974 (Government Code §81000 et seq.) and applicable regulations adopted pursuant thereto are incorporated into this Code. Except for section titles all underlined words are defined in Appendix B of this Code.

MICROFILMED

221934

00518

1.3 Cross References.

Parenthetical references are to related provisions of the Political Reform Act of 1974, which are found in the Government Code, or to regulations issued by the Fair Political Practices Commission which are found in Title 2 of the California Administrative Code.

Article 2. DISCLOSURE STATEMENTS

.2.1 General Requirements of Disclosure Statements.

Each designated employee shall file statements, at the time and in the manner presented in this Code, disclosing certain interests in real property within the jurisdiction, investments in business entities, income, or sources of income which might foreseeably be affected materially by operations of the Corporation. The Board of Directors has determined that it is foreseeable that the types of investments, interests in real property, income, and sources of income listed in the Column II of Appendix A, opposite the job title of the designated employee, may be affected materially by decisions made or participated in by the designated employee by virtue of his or her position and are reportable if held by the designated employee. (§87103, §87302(b), Reg. 18703.)

2.2 Interests of Spouse and Dependent Children Includable.

For the purposes of this Code, investments and interests in real property of a designated employee include the investments and interests in real property of the spouse and dependent children of the designated employee, and income of a designated employee includes any community property interest in income of the spouse of the designated employee.

(§82029, §82030, §87103.)

2.3 Interests of Business Entities Includable.

For the purposes of this Code, investments, interests in real property and income of a designated employee include a pro rata share of such investments, interests in real property, and income of any business entity or trust in which the designated employee or his spouse owns, directly, indirectly or beneficially, a 10 percent or greater interest.

(§82030, §82033, §82034.)

2.4 Exclusions from Income.

Those items listed in subparagraph b of paragraph 5 of Appendix B of this Code are not reportable because they are not income. (§82030(b).)

2.5 Limitation on Contents of Initial Report.

Statements filed pursuant to Section 2.6.1 and 2.6.3 shall not include disclosure of income or sources of income. (§87302(b).)

2.6 Time of Filing Disclosure Statements.

2.6.1 First Disclosure Statement After Effective Date of Code.

MICROFILMED

All designated employees shall file disclosure statements within 30 days after the effective date of this Code. (§87303(b).)

2.6.2 Annual Disclosure Statement.

Annual disclosure statements for the previous calendar year shall be filed by all designated employees on or before April 30 of each year.

(§87302(b).)

2.6.3 Disclosure Statement of New Designated Employee.

All new designated employees shall file disclosure statements not less than 10 days before assuming office, or, if subject to confirmation by the board of directors, 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 after assumption of the office.

(§87302(b).)

2.6.4 Disclosure Statement of Former Employee.

A designated employee who leaves his or her position and does not assume another designated position with the Corporation shall file within 30 days after leaving the position a statement disclosing his or her reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code, except that investments and interests in real property which have been disclosed on a disclosure

statement filed pursuant to this Code within the previous 60 days may be incorporated by reference. A designated employee who leaves his or her position and immediately assumes another position designated in Appendix A shall file an amended statement only if additional reporting is required pursuant to Appendix A. (§87204, §87208.)

#### 2.7 Forms of Disclosure Statements.

Disclosure statements shall be verified and signed under penalty of perjury by the person filing the statement on forms supplied by the Corporation. (§81004.)

#### 2.8 Place of Filing Disclosure Statements.

The original of each disclosure statement shall be filed with the Secretary of the Corporation. In the case of statements filed by members of the board of directors and the Executive Vice President, the Secretary shall make and retain a copy and forward the original to the Clerk

of the City of San Diego.

(§21005(g).)

Article 3. MANNER OF REPORTING

3.1 Contents of Investment and Real Property Reports.

When an investment or interest in real property is required to be disclosed under this Code, the disclosure statement shall contain (§87206):

3.1.1 Description of Investment or Interest.

A statement of the nature of the investment or interest.

3.1.2 Identification of Business Entity.

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.

3.1.3 Location of Real Property.

The address or other precise location of the real property.

3.1.4 Value of Investment or Interest.

A statement whether the fair market value of the investment or interest in real property exceeds \$10,000 and whether it exceeds \$100,000.

3.1.5 Investment or Interest of Business Entity.

In the case of an investment which constitutes 50 percent or more of the ownership interest in a business entity, disclosure of the investments and

interest in real property of the business entity.

3.1.6 Transactions During Period.

In the case of an annual statement filed under Sections 2.6.2 and 2.6.4, 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.

3.1.7 Exclusion of Principal Residence.

For purposes of Articles 2 and 3 of this Code, "interest in real property" does not include the principal residence of the filer. (§87206.5.)

3.2 Contents of Income Reports.

When income is required to be reported under this Code, the disclosure statement shall contain, except as provided in Section 3.3 (§87207(a)):

3.2.1 Description of Source of Income.

The name and address of each source of income aggregating \$250 or more in value per year, or \$25 or more in value if the income was a gift, and a general description of the business activity, if any, of the source.

3.2.2 Amount of Income.

A statement whether the aggregate value of the income from each source was greater than \$1,000 and whether it was greater than \$10,000.

MICROFILMED

3.2.3 Consideration for Income.

A description of the consideration, if any, for which the income was received.

3.2.4 Gifts.

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

3.3 Contents of Business Entity Income Reports.

When income of a business entity, including income of a sole proprietorship, is required to be reported under this Code, the statement shall contain (§87207(b)):

3.3.1 Description of Business.

The name and address and general description of the business activity of the business entity.

3.3.2 Legal and Brokerage Clients.

In the case of a business entity which provides legal or brokerage services, the name of every person from whom the business entity received payments if the filer's pro rata share of fees from such person was equal to or greater than \$1,000 during a calendar year. (§87207(b) (2).)

3.3.3 Identification of Customers.

In the case of a business entity not covered by Section 3.3.2, 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 during a calendar

year. (§87207(b) (3).)

3.3.4 Exceptions to Business Entity Income Disclosure Requirements.

(a) Income of a business entity shall not be reported unless the filer or his spouse owns, directly, indirectly, or beneficially, a 10 percent interest or greater. (§82030.)

(b) The disclosure of persons who are clients or customers of a business entity is only required if the person has an interest of the type set forth in Appendix A opposite the position of the designated employee.

(c) A designated employee need not disclose the name of a person who paid fees or made payments to a business entity if disclosure of the person's name would violate a legally recognized privilege under California law. A designated employee who does not disclose a person's name because he believes it is protected by a legally recognized privilege shall follow the procedure set forth in Section 18740 of Title 2 of the California Administrative Code.

Article 4. DISQUALIFICATION

4.1 General Rule of Disqualification.

A designated employee is disqualified from making or participating in the making of any governmental decision when the designated employee has a financial interest in the decision, as defined in Section 4 of Appendix B of

this Code, and it is reasonably foreseeable that such interest may be affected materially by the decision in a manner distinguishable from the effect upon the public generally. (§87103, §87302(b).)

4.2 Procedure if Disqualified.

If a designated employee is disqualified, the designated employee shall immediately refrain from making or participating in the decision and the following steps shall be taken:

4.2.1 Director: Announce at a meeting of the Board of Directors that he is disqualified, refrain from participating in deliberations of the Board, and abstain from voting on the matter;

4.2.2 Employee: Within a reasonable time, report in writing to his superior the nature of the matter and the existence of the financial interest so that the work may be assigned to another;

4.2.3 Consultant: Within a reasonable time, report in writing to the manager the nature of the matter and the existence of the financial interest. (Reg. 18700(b).)

MICROFILMED

00527 221934

the existence of the financial interest.

(Reg. 18700(b).)

#### 4.3 Right to Act as Citizen.

After disqualification as provided herein, a designated employee may make an appearance, submit information, or express views on the same basis as any other citizen on matters related solely to his or her personal interest, provided that it is done in public and provided that the person clearly indicates he or she is acting in a private capacity.

#### 4.4 Rule of Necessity.

Article 4 of this Code does not prevent a designated employee from making or participating in the making of a governmental decision to the extent that his or her participation is legally required for the action or decision to be made. The fact that a designated employee's vote is needed to break a tie does not make his or her participation legally required for the purpose of this section.

(§87101; Reg. §18701.)

### Article 5. OPINIONS OF THE COMMISSION AND COUNSEL

#### 5.1 Opinion Requests.

Any designated employee who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the Fair Political Practices Commission (FPPC) or an opinion from the attorney of the Corporation.

MICROFILMED

5.2 Opinion of FPPC.

A designated employee who acts in good faith on an opinion issued to him by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that the material facts are stated in the opinion request.

(§83114(a).)

5.3 Opinion of Attorney of Corporation.

If an opinion is rendered by the attorney of the Corporation stating in full the facts and the law upon which the opinion is based, compliance by the designated employee with such opinion shall be evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act of 1974 or this Code. The designated employee's good faith compliance with the opinion of the Corporation's attorney shall also act as a complete defense to any disciplinary action that the Corporation may bring under Section 91003.5 of said act or this Code.

Article 6. STATUTE OF LIMITATIONS

No action based on a disqualification provision of this Code shall be brought pursuant to Government Code Section 91003(b) to restrain the execution of or to set aside official action of the Corporation unless commenced within 90 days following the official action.

APPENDIX A

Column I PUBLIC OFFICIAL'S FUNCTION OR TITLE	Column II TYPE OF BUSINESS ENTITY, INVEST- MENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE
President Secretary Treasurer Directors	<ol style="list-style-type: none"> <li>1. Real property</li> <li>2. Real estate development</li> <li>3. Construction, building materials and demolition</li> <li>4. Engineering, surveying, architectural and appraising</li> <li>5. Soils testing, analysis, and compaction</li> <li>6. Office equipment and supplies</li> <li>7. Newspapers, printing and reproduction services</li> <li>8. Banks and savings and loans</li> <li>9. Securities and investment companies</li> <li>10. Title insurance and escrow</li> <li>11. Financial audit services</li> <li>12. Public utilities</li> <li>13. Insurance, including brokers and agencies</li> <li>14. Consulting (including each of the Consultant categories listed on page A2)</li> </ol>
Executive Vice President Assistant Vice President Corporation Counsel Project Manager	

The officials listed above are "designated employees" and are required to disclose all of the interests shown in Column II.

MICROFILMED

The officials listed below are also "designated employees" who are subject to the provisions of this Code. Each such designated employee is required to disclose interests only in those categories set forth above which are identified by the numbers listed opposite his or her title.

Column I	Column II
PUBLIC OFFICIAL'S FUNCTION OR TITLE	TYPE OF BUSINESS ENTITY, INVESTMENT, SOURCE OF INCOME, OR REAL PROPERTY DISCLOSABLE
Financial Manager	1, 2, 6, 8, 9, 10, 11, 13, 14
Community Relations Coordinator	1, 2, 7, 14
Property Agent	1, 2, 4, 8, 9, 10, 12, 14
Associate Planner	1-5, 12, 14
Consultants *	
Fiscal	1, 2, 4, 8-14
Financial	1, 2, 4, 8-14
Architectural	1-5, 10, 14
Legal	1, 2, 4, 10, 14
Engineering	1-5, 10, 12, 14
Planning	1-5, 12, 14
Relocation & Property Management	1, 2, 4, 7, 10-14
Management & Administration	1-13, 14
Economic	1, 2, 4, 8, 9, 11-14
Real Estate Consultants	1-5, 9, 10, 12, 14
Appraisers	1-5, 9, 10, 12, 14
Acquisition Agents	1, 2, 4, 9, 10, 12, 14

MICROFILMED

\*Because the list of Consultants with whom the Corporation contracts is subject to change from time to time, this Schedule sets forth only the general categories of consulting services retained by the Corporation, with the Corporation Board delegating to the Executive Vice President the authority to determine on a case-by-case basis, in consultation with the Corporation Counsel and each of the Consultants concerned, which of the Consultants to be retained by contract in any one of the categories listed herein shall be considered as being "designated employees" pursuant to this Code because their positions entail the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest, and what degree of disclosure shall be required.

MICROFILMED

APPENDIX B

TABLE OF CONTENTS

	Page
DEFINITIONS	B 1
1. "Business entity"	B 1
2. "Consultant"	B 1
3. "Designated employee"	B 1
4. "Financial interest"	B 2
5. "Income"	B 3
6. "Indirect investment or interest"	B 5
7. "Interest in real property"	B 5
8. "Investment"	B 6
9. "Jurisdiction"	B 7
10. "Making governmental decisions"	B 7
11. "Material financial effect"	B 8
12. "Official"	B11
13. "Participating in the making of governmental decisions"	B11

MICROFILMED

00533

221934

APPENDIX B

DEFINITIONS:

1. "Business entity": any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. (§82005.)
2. "Consultant": any natural person who provides, under contract, information, advice, recommendation or counsel to the Corporation. But "consultant" shall not include a person who:

- (1) Conducts research and arrives at conclusions with respect to his rendition of information, advice, recommendation or counsel independent of the control and direction of the Corporation or of any official, other than normal contract monitoring; and

- (2) Possesses no authority with respect to any Corporation decision beyond the rendition of information, advice, recommendation or counsel.

(Reg. 18700(a).)

3. "Designated employee": any official of the Corporation whose position is designated in Appendix A of this Code. Appendix A sets forth those positions which entail the making or participation in the making of governmental decisions which may foreseeably have a material financial

MICROFILMED

effect on any financial interest, but does not include any unsalaried member of any board or commission which serves a solely advisory function. (§82019.)

4. "Financial interest": a designated employee has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, including all property owners within the Corporation's jurisdiction, or all those served by the Corporation, or on any significant segment of the property owners within the Corporation's jurisdiction, or those served by the Corporation or of the public generally, on:

a. Any business entity in which the designated employee has a direct or indirect investment worth more than \$1,000;

b. Any real property in which the designated employee has a direct or indirect interest worth more than \$1,000;

c. Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the designated employee within twelve months prior to the time when the decision is made; or

MICROFILMED

d. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

(§87103.)

5. "Income":

a. "Income means, except as provided in subsection b, income of any nature from any source located within the jurisdiction of the Corporation, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, capital gain, return of capital, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness, discount in the price of anything of value unless the discount is available to members of the public without regard to official status, rebate, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10 percent interest or greater.

b. "Income" does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

"Income" also does not include:

- (1) Income from a source which is a former employer if: all income from the employer was received by or accrued to the designated employee prior to the time he or she became a designated employee; the income was received in the normal course of the previous employment; and there was no expectation by the designated employee at the time he or she assumed the designated position of renewed employment with the former employer;
- (2) Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;
- (3) Salary and reimbursement for expenses or per diem received from a state or local government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization;
- (4) Gifts of informational material, such as books pamphlets, reports, calendars or periodicals;
- (5) Gifts which are not used and which, within thirty days after receipt, are returned to donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
- (6) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered income if the donor is acting as an agent or intermediary for any person not covered by this paragraph;
- (7) Any devise or inheritance;
- (8) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance

MICROFILMED

policy, interest credited on employee's contribution to public retirement plans, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

- (9) Dividends, interest or any other return on a security which is registered with the Securities & Exchange Commission of the United States Government. (§82030.)

6. "Indirect investment or interest": any investment or interest owned by the spouse or dependent child of the designated employee, held or owned by an agent on behalf of the designated employee, held or owned by any business entity controlled by the designated employee or by a trust in which the designated employee has a substantial interest. A business entity is controlled by the designated employee if the designated employee, his agents, spouse and dependent children hold more than 50% of the ownership interest in the entity. A designated employee has a substantial interest in the trust when the designated employee, his spouse and dependent children have a present or future interest worth more than \$1,000. (§87103.)

7. "Interest in real property" includes any leasehold, beneficial or ownership interest or option to acquire such an interest in real property within the jurisdiction if the fair market value of the interest is greater than \$1,000. Interests in real property of an individual include a pro rata share

MICROFILMED

of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater.

(§82033.)

8. "Investment": any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business within the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this Code.

No asset shall be deemed an investment unless its fair market value exceeds \$1,000. "Investment" does not include:

- a. A time or demand deposit in a financial institution.
- b. Any shares in a credit union.
- c. Any insurance policy.
- d. Any bond or other debt instrument issued by any government or government agency.

Investments of an individual include a pro rata share of investments of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10% interest or greater. (§82034.)

MICROFILMED

9. "Jurisdiction": the geographical area within the Centre City Plan Boundary, as shown on Exhibit "A" attached hereto, except that real property shall be deemed to be within the "jurisdiction" of the Corporation if it is located within or not more than two miles outside the Centre City Plan Boundary.

10. "Making governmental decisions": a designated employee is involved in "making governmental decisions," except as provided in subsection b of Section 13 of this Appendix B, when he, acting within the authority of his office:

- a. Votes on a matter;
- b. Appoints a person;
- c. Obligates or commits the Corporation to any course of action;
- d. Enters into any contractual agreement on behalf of the Corporation;
- e. Determines not to act, within the meaning of subparagraphs a, b, c, d, unless such determination is made because of his financial interest. When the determination not to act occurs because of his financial interest, the designated employee's determination must be accompanied by disclosure of the financial interest in the manner prescribed in Article 4 of this Code. (Reg. 18700(b).)

MICROFILMED

11. "Material financial effect":

a. The financial effect of a governmental decision on a financial interest of a designated employee is material if, at the time the designated employee makes, or participates in making the decision, in light of all the circumstances and facts known at the time of the decision, the designated employee knows or has reason to know that the existence of the financial interest might interfere with the performance of his duties in an impartial manner free from bias. (Reg. §18702(a).) However, the making or participation in the making of a governmental decision by a contract consultant or by a person retained to provide information, advice, recommendation or counsel has no material financial effect on a business entity or source of income in which such consultant or person retained is an officer, employee, sole proprietor or partner, if the only financial effects of the decision are the modification, perpetuation or renewal of the contractual or retainer agreement and/or the opportunity to bid competitively upon a project or contract.

(Reg. §18702(c).)

b. In determining the existence of a material effect upon a financial interest, consideration should be given, but not be limited to, an analysis of the following factors:

MICROFILMED

(1) In the case of a business entity in which the designated employee has a direct or indirect investment worth more than \$1,000, or in the case of a designated employee who is a director, officer, partner, trustee, employee, or holds any position of management in a business entity:

(a) Whether the effect of the decision will be to increase or decrease the annualized gross revenue of the business entity by one percent or more or the annual net income of the business entity by .5 percent or more:

(b) Whether the effect of the decision will be to increase or decrease the assets or liabilities of the business entity by \$50,000 or more, or by 0.5% (one-half of one percent) of its current assets or liabilities, whichever is less. (Reg. 18702(b).)

(2) In the case of real property within the jurisdiction, in which the designated employee has a direct or indirect interest worth more than \$1,000:

(a) Whether the effect of the decision will be to increase the income-producing potential of the real property by \$100 or five percent per month, whichever is less;

MICROFILMED

(b) Whether the effect of the decision will be to increase the fair market value of the real property by \$1,000 or more or by a .5 percent, whichever is greater.

(3) In the case of a source of income of a designated employee:

(a) The decision will affect the source of income in the manner described in paragraph (1) above;

(b) Whether the governmental decision will directly affect the amount of income to be received by the designated employee;

(c) Whether there is a connection between the governmental decision and the purpose for which the designated employee receives income.

(Reg. §18702(b).)

c. The specific dollar or percentage amounts set forth above do not constitute either absolute maximum or minimum levels, but are merely intended to provide guidance and should be considered along with other relevant factors in determining whether a financial interest may interfere with the designated employee's exercise of his duties in rendering a decision.

(Reg. §18702(b).)

MICROFILMED

12. "Official": any natural person who is a member of the Board of Directors, or is an officer, employee or consultant of the Corporation. (§82048.)
13. "Participating in the making of governmental decisions":
- a. A designated employee "participates in the making of a governmental decision" except as provided in subsection (b) of this definition, when he or she, acting within the authority of his or her position:
- (1) Negotiates without significant substantive review, with a governmental entity or private person regarding the decision; or
  - (2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:
    - (i) Conducting research or investigations which require(s) the exercise of judgment on the part of the designated employee and the purpose of which is to influence the decision, or
    - (ii) Preparing or presenting any report, analysis, or opinion, orally or in writing, which requires the exercise of judgment on the part of a designated employee and the purpose of which is to influence the decision.

MICROFILMED

b. Making or "participating in the making of a governmental decision" shall not include:

(1) Actions of designated employees which are solely ministerial, secretarial, manual or clerical;

(2) Appearances by a designated employee as a member of the general public before an agency in the course of its prescribed governmental function to represent himself or herself on matters related solely to his or her personal interests; or

(3) Actions by designated employees or their representatives relating to their compensation or the terms or conditions of their employment contract.

MICROFILMED

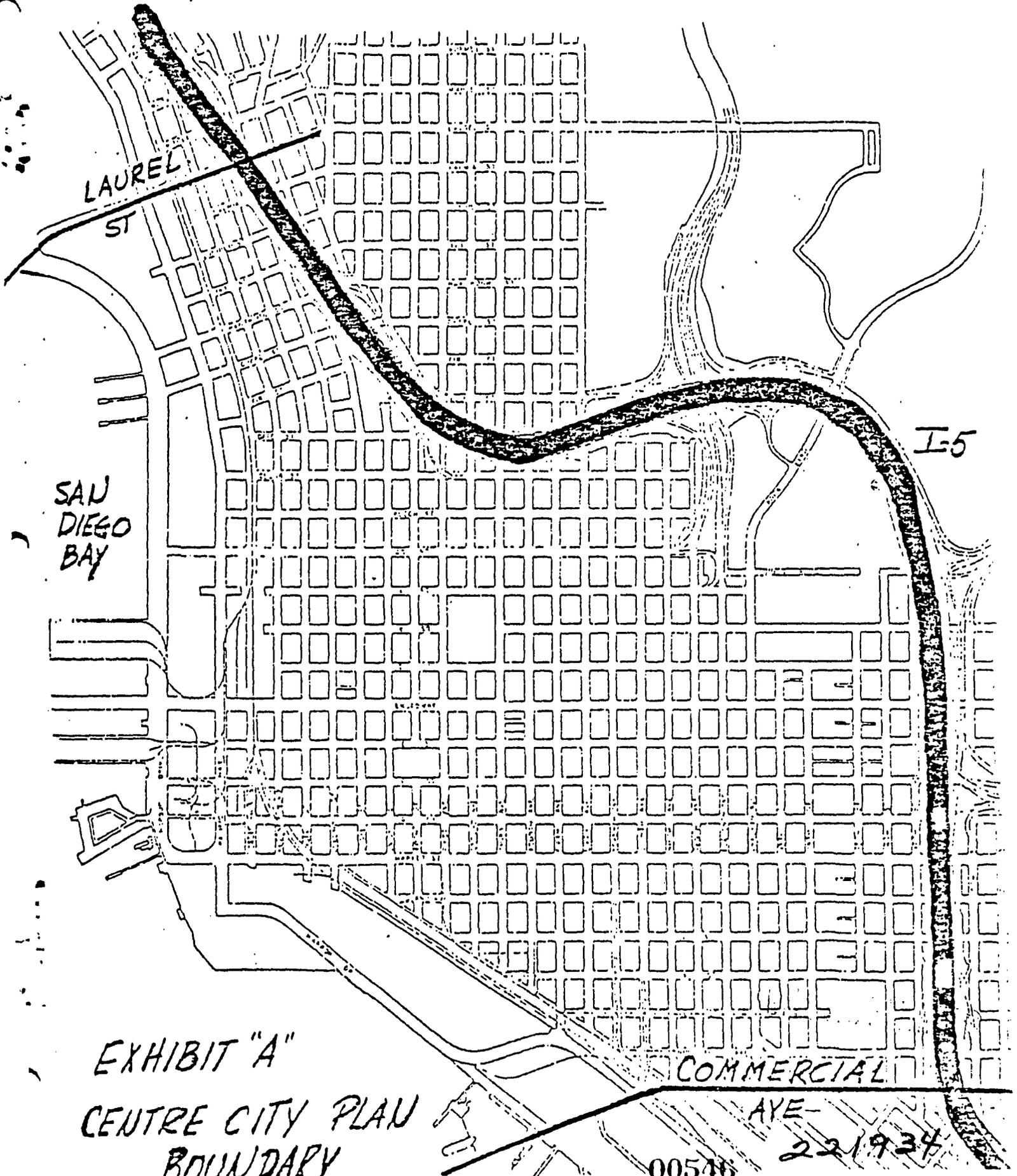


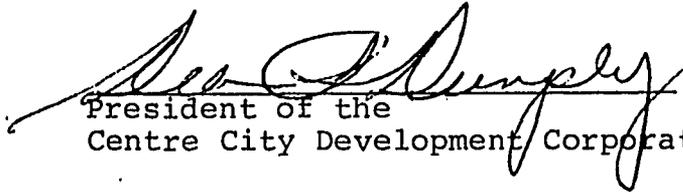
EXHIBIT "A"  
CENTRE CITY PLAN  
BOUNDARY

COMMERCIAL  
AVE

00546

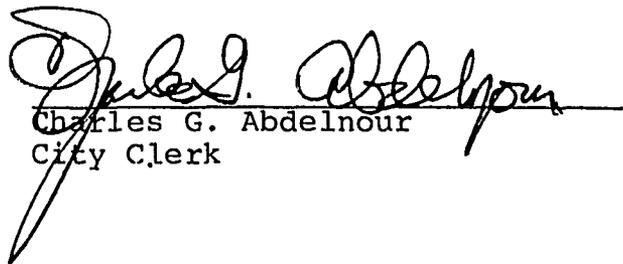
221934

The foregoing Conflict of Interest Code has been prepared by the Centre City Development Corporation after a fair opportunity for the public and members of the board to present their views had been offered. The Code is submitted to the City Council this 2 day of October, 1978.

  
President of the  
Centre City Development Corporation

\* \* \* \* \*

The above Conflict of Interest Code was approved by the Council of The City of San Diego, acting as the code reviewing body pursuant to the Political Reform Act of 1974, as amended, by Resolution No. 221934, on the 2 day of October, 1978.

  
Charles G. Abdelnour  
City Clerk

MICROFILMED

221934

00547