

RESOLUTION No. R-252355

(R-80-2423)

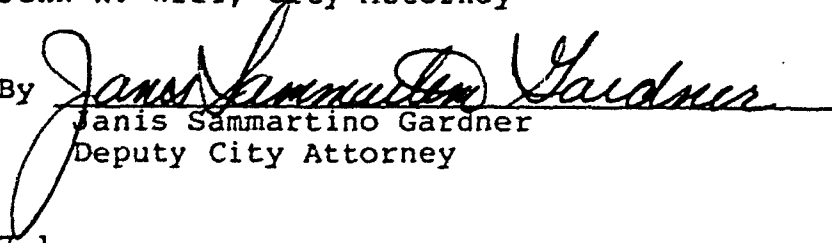
Adopted on JUL 28 1980

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

That the Conflict of Interest Code of the Land Development Advisory Board submitted pursuant to the Political Reform Act of 1974, as amended, is hereby approved.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

JSG:v1:048.7.1

6/5/80

Or. Dept.: Attorney

CONFLICT OF INTEREST CODE
OF THE
LAND DEVELOPMENT ADVISORY BOARD
THE CITY OF SAN DIEGO

I. GENERAL STANDARDS

SECTION 100 PURPOSE AND SCOPE

A. The maintenance of the highest standards of honesty, integrity, impartiality and conduct by the members of the Land Development Advisory Board (herein called "board") is essential to assure the proper performance of City business and maintenance of confidence by citizens in their government. The avoidance of conflicts of interest on the part of board members through informed judgment is indispensable to the maintenance of these standards.

B. Pursuant to the provisions of Government Code Section 87300 et seq., the Land Development Advisory Board of The City of San Diego 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 et seq.). The provisions of this Code are additional to Title 9, Chapter 7 of the Government Code (Section 87100 et seq.) 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.

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C. This Code reflects accepted standards imposed by the criminal and civil law of the State of California. However informational these regulations are, they are not a complete enumeration of all restrictions imposed by statutes. The omission of a reference to such statute in no way affects its validity or applicability to a board member's conduct.

SECTION 101 DEFINITIONS

The definitions set forth in Title 9, Chapter 2 of the Government Code (Section 82000 et seq.) shall govern the interpretation of this Code.

SECTION 102 REMEDIAL ACTION

A. In addition to civil and criminal penalties set forth in Title 9, Chapter 2 of the Government Code (Section 90000 et seq.), a violation of this Code by a member of the Land Development Advisory Board may be the cause for remedial action which may include, but is not limited to:

1. Disqualification for a particular assignment.
2. Removal from the board.

B. Remedial action shall be effected in accordance with all applicable laws for notice, hearing and review.

II. CONDUCT AND RESPONSIBILITIES OF MEMBERS

SECTION 200 PROSCRIBED ACTIONS

A. A board member shall avoid any action, whether or not specifically prohibited by law, which might result in or create the appearance of:

1. Using public office for private gain.
2. Giving preferential treatment to any person.

3. Losing complete independence or impartiality.

B. In addition, every board member shall be familiar with and abide by Council Policy No. 000-4.

SECTION 201 GIFTS, ENTERTAINMENT AND FAVORS

A. A board member shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of more than nominal monetary value, from a person who has dealings with the board and who:

1. Has, or is seeking to obtain, contractual or other business or financial relations with The City of San Diego.

2. Conducts operations or activities that are regulated by The City of San Diego.

3. Has interests that may be substantially affected by the performance or nonperformance of City governmental duties.

B. None of the foregoing shall be deemed to prohibit the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of board members, unsolicited promotional materials of nominal value, or the defrayal by others of a legitimate business expense.

C. A gift or gratuity, the receipt of which is prohibited by this section, shall be returned to the donor when feasible. If no return is feasible, the gift or gratuity shall be conveyed through the secretary of the board to a public charity.

SECTION 203 FINANCIAL INTERESTS

A board member shall not:

A. Have a direct or indirect financial interest that conflicts or appears to conflict with his or her board duties and responsibilities; or

B. Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on information obtained through his or her board affiliation.

SECTION 204 USE OF CITY PROPERTY

A board member shall not directly or indirectly use, or allow the use of City property or any kind for other than official duties.

SECTION 205 CONFLICTS OF INTEREST

A. A conflict of interest may exist whenever a board member has a substantial personal or private interest in a matter which involves duties and responsibilities as a board member. The trust of the citizenry demands that a board member take no action which would constitute the use of his or her position to advance personal or private interests. Each board member should avoid situations which present the possibility or the appearance that such board member's official position might be used to private advantage.

B. Neither the provisions of the California Penal Code, California Government Code, nor the standards of conduct prescribed in this Code, are to be regarded as comprehensive. Each board member must, in each instance involving a personal or private interest in a matter which also involves his or her duties and responsibilities as a board member, make certain that his or her actions do not have the effect or the appearance of the use of

such official position for the furtherance of his or her own interests or those of board member's family or business associates.

C. The statutory provisions of conflict of interest are contained in Title 9, Chapter 7 of the Government Code (Section 87100 et seq.). The violation of these sections is more specifically outlined in Chapter 11 thereof (Section 91000 et seq.).

SECTION 206 DISQUALIFICATION BECAUSE OF FINANCIAL
INTERESTS

Designated board members 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 board member shall be required to disqualify himself or herself with respect to any matter which could not be legally acted upon or decided without his or her participation.

When any person holding an official position as a board member has reason to believe he or she may be disqualified, he or she shall immediately report the nature of the potential conflict and absent himself or herself from further consideration of the matter.

III. STATEMENTS OF FINANCIAL INTERESTS

After review and consultation with the board's legal advisor, it has been determined that by virtue of the board's responsibilities as defined in Section 62.0418 of the San Diego Municipal Code, Board members are not designated employees pursuant to Section 82019 of the California Government Code in that they are unsalaried members of a board or commission which serves a solely advisory function.

The foregoing Conflict of Interest Code has been prepared by the Land Development Advisory Board after a fair opportunity for the members of the board to present their views had been offered. The Code is submitted to the City Council this 11 day of JULY, 1980.

E. F. Cook

Chairperson
Land Development Advisory Board

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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. R-252355, on the _____ day of JUL 28 1980, 1980.

Joseph A. Delapena
City Clerk

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Passed and adopted by the Council of The City of San Diego on JUL 28 1980
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<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"/>
Lucy Killea	<input checked="" 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 Rita Andrews, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 252355 Adopted JUL 28 1980