

RESOLUTION NUMBER R- 284818

ADOPTED ON OCT 31 1994

ADOPTING REVISED CONFLICT OF
INTEREST CODE FOR THE PARK AND
RECREATION DEPARTMENT.

WHEREAS, Government Code section 87306.5 requires biennial review of local conflict of interest codes every even-numbered year; and

WHEREAS, by Resolution No. 284140, adopted June 27, 1994, the City Council directed each City Department to make its biennial report and to update its conflict of interest code as necessary; and

WHEREAS, the Park and Recreation Department's Conflict of Interest Code must be revised to update the designated employees required to file disclosure forms (Appendix A) and to update the disclosure categories (Appendix B); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the revised Conflict of Interest Code of the Park and Recreation Department of The City of San Diego, including Appendix A in which employees are designated and Appendix B in which disclosure categories are set forth, is hereby approved. A copy of the Conflict of Interest Code as revised is attached hereto and on file in the office of the City Clerk as Document No. RR- 284818.

BE IT FURTHER RESOLVED, that pursuant to section (b)(4) of the Conflict of Interest Code, designated employees shall file

their Statements of Economic Interest ("SEI's") with the Director and upon receipt of the statements, the Director shall make and retain a copy and forward the original of these statements to the City Clerk.

BE IT FURTHER RESOLVED, that the revised Conflict of Interest Code shall become effective upon the date of adoption of this resolution.

APPROVED: JOHN W. WITT, City Attorney

By *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

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CONFLCIT OF INTEREST CODE FOR
THE PARK AND RECREATION DEPARTMENT

(Regulations of the Fair Political Practices Commission, Title 2,
Division 6 of the California Code of Regulations)

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

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SAN DIEGO, CALIFORNIA

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C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

² See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

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 one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

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

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 ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. State Agency Prohibition on Receipt of Honoraria. No member of a state board or commission, and no designated employee of a state agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: Authority: Section 83112, Gov. Code
Reference: Sections 87300-87302, 89503, and 89504, Gov. Code

APPENDIX A

DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Director	Park and Recreation policy formulation, departmental supervision, community relations	1
Assistant to Director	Park and Recreation budget administration, strategic planning, grants program, public relations, special projects	1
Deputy Director/ Lifeguard Chief	Division administration, division policy formulation, community relations	1
Assistant Deputy Director	Assist the Deputy Director in the administration of work programs and budget of their department division	1
Project Officer II/ Senior Civil Engineer	Planning, designing, construction and negotiation for park projects	1
Marine Safety Lieutenant/ Lifeguard Sergeant (Junior Lifeguard Program)	Assists in supervision of lifeguard services	3
Assistant Engineer/ Associate Engineer (Civil, Structural, Electrical, Mechanical)	Planning, designing, construction and negotiation for park projects	1
Project Assistant	Review development proposals, negotiate with developers and their agents. Planning and negotiation of park acquisitions.	1
Park Designer	Planning, designing, construction and negotiation for park projects	1
Senior Planner (Natural Resources)	Develop plans and programs to manage, enhance, and protect natural resources within parks and open space	4
Senior Planner (Open Space)	Review environmental and planning documents; negotiate with other agencies and/or developers & their agents	1
Administrative Analyst (Special Projects- Financial Administrator)	Financial Administration of Balboa Park/Mission Bay Park Special Projects Capital Improvements Program and BP/MBP Certificates of Participation funding coordination.	1
Administrative Analyst (Grants Administrator)	Administer department grants program and Management Division budget, and coordinate and oversee special department-wide assignments	1
District Manager	District administration, division policy formulation, community relations, negotiation with developers and their agents	1

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**CONFLICT OF INTEREST CODE
CITY OF SAN DIEGO
PARK AND RECREATION DEPARTMENT**

APPENDIX B

DISCLOSURE CATEGORY

- Category 1:** All reportable interests in real property, all reportable business positions or investments in, or all reportable income from any person, firm or entity which supplies goods or services to the Park and Recreation Department of the City of San Diego, including businesses with leaseholds in City parks, construction firms, architectural, design, engineering or consulting firms, recreational equipment or supply firms, financial institutions, aquatic equipment or supply firms, ground or custodial maintenance or supply firms, fire or safety equipment firms.
- Category 2:** All reportable interests in business positions, investments, or income from any person, firm or entity which supplies goods or services to the Park and Recreation Department of the City of San Diego, including construction firms, architectural, design, engineering or consulting firms, recreational equipment or supply firms, financial institutions, aquatic equipment or supply firms, ground or custodial maintenance or supply firms, fire or safety equipment firms.
- Category 3:** All reportable interests in business positions, investments, or income from any person, firm or entity which supplies goods or services to the Park and Recreation Department of the City of San Diego, including recreational equipment or supply firms, fire or safety equipment firms, aquatic equipment or supply firms, ground or custodial maintenance equipment or supply firms.
- Category 4:** All reportable interests in real property, all reportable business positions or investments in or all reportable income from construction firms, architectural, design, engineering or consulting firms.
- Category 5:** All reportable interests in business positions, investments, or income from training consultant businesses (technical, safety and professional growth training), audiovisual equipment, supplies or consultant firms, recreational equipment or supply firms, fire or safety equipment firms, aquatic equipment or supply firms, ground or custodial maintenance equipment or supply firms.
- Category 6:** The Department Director, Deputy Director, or Assistant Deputy Director 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's, Deputy Director's, or Assistant Deputy Director'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.

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