

RESOLUTION NUMBER R- **285991**  
ADOPTED ON **JUN 26 1995**

RESOLUTION ADOPTING A CONFLICT OF  
INTEREST CODE FOR THE CIVIC EVENTS  
AND PROMOTIONAL PROGRAMS ALLOCATION  
BOARD.

WHEREAS, the Civic Events and Promotional Programs Allocation Board ("Board") was created in February 1993 by the San Diego City Council to provide advice on the allocation of Transient Occupancy Tax ("TOT") funds to various civic events and promotional programs; and

WHEREAS, the Board's recommendations have been adopted without substantial change since the Board's inception; and

WHEREAS, state law requires advisory boards' whose recommendations have been adopted without substantial change over an extended period of time to have, and be subject to, a conflict of interest code; and

WHEREAS, the City Manager has prepared a conflict of interest code, including the requisite appendix describing the scope of disclosure for the Board's members; and

WHEREAS, the Board has had an opportunity to review the scope of disclosure proposed by the City Manager; and

WHEREAS, the City Council agrees with the City Manager's recommendations; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that a conflict of interest code consisting of standard language embodied in 2 California Code of Regulations section 18730 and an

appendix showing the disclosure category for the Board's members is hereby adopted. A copy of the Conflict of Interest Code as adopted is attached hereto and is on file with the Office of the City Clerk as Document No. RR- 285991.

BE IT FURTHER RESOLVED, that pursuant to section (b)(4) of the Conflict of Interest Code, designated members shall file their Statements of Economic Interest ("SEI's") with the City Manager's liaison to the Board, and upon receipt of the statements, the City Manager's liaison shall make and retain a copy of each SEI and forward the originals of these statements to the City Clerk.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Board 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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CONFLICT OF INTEREST CODE  
FOR THE CIVIC EVENTS AND  
PROMOTIONAL PROGRAMS ALLOCATION BOARD

(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

C) The filing officer is the same for both agencies.<sup>1</sup>

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.<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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 property<sup>3</sup> is required to be reported,<sup>4</sup> 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,<sup>5</sup> the statement shall contain:

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

<sup>4</sup> 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.

<sup>5</sup> 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.

Subdivisions (b), (c), (d), and (e) of Government Code Section 89502 shall apply to the prohibitions in this section.

(8.1) Section 8.1. State Agency Prohibition on Receipt of Gifts of \$250 or More. No member of a state board or commission, and no designated employee of a state agency, shall accept gifts with a total value of more than two hundred fifty dollars (\$250) in a calendar year from any single 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.

Subsections (b), (c), (d), and (e) of Government Code Section 89504 shall apply to the prohibitions in this section.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(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.

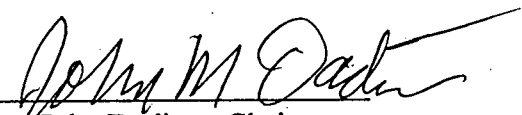
(11) Section 11. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that 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.

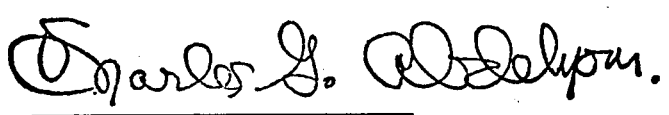
Note: Authority: Section 83112, Gov. Code  
Reference: Sections 87300-87302, 89503, and 89504, Gov. Code

The foregoing Conflict of Interest Code was prepared by the City of San Diego Civic Events and Promotional Programs Allocation Board after a fair opportunity was offered to the members of the Board to present their views.

The Code is submitted to the City Council this            day of JUN 26 1995, 1995

  
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John Dadian, Chair  
Civic Events and Promotional  
Programs Allocation Board

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 Number R-285991 on JUN 26 1995.

  
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Charles G. Abdelnour  
City Clerk

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## APPENDIX

### Conflict of Interest Code

#### City of San Diego Civic Events and Promotional Programs Allocation Board

##### A. Designated Positions:

Chair and members of the Board

##### B. Disclosure Categories:

1. All reportable investments and business positions in any firm or business or a non-profit arts and cultural organization that: (a) supplies goods or services to the City of San Diego; (b) is a tenant of the City of San Diego; (c) is granted authority by the City of San Diego to use City facilities; or, (d) is a non-profit arts and cultural organization (e.g., museum, theater, etc.) doing business in the City of San Diego, which currently receives City funding, or has in the past received City funding.
2. All reportable interests in real property owned or used by any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, or that is granted authority by the City of San Diego to use City facilities.
3. All reportable income, including gifts of fifty dollars (\$50) or more, from any person or business entity that: (a) supplies goods or services to the City of San Diego; (b) is a tenant of the City of San Diego; (c) is granted authority by the City of San Diego to use City facilities; or, (d) is a non-profit arts and cultural organization (e.g., museum, theater, etc.) doing business in the City of San Diego, which currently receives City funding, or has in the past received City funding.