

(R-99-227)

RESOLUTION NUMBER R- 290848

ADOPTED ON OCT 19 1998

RESOLUTION ADOPTING THE REVISED
CONFLICT OF INTEREST CODE FOR THE
OFFICE OF THE SAN DIEGO CITY ATTORNEY.

WHEREAS, by Resolution R-288364 adopted on February 25, 1997, the City Council approved the City Attorney's Conflict of Interest Code, which was revised and updated following the required City-wide biennial review of all conflict of interest codes for which the City Council serves as code reviewing body; and

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

WHEREAS, Government Code section 87306 requires agencies to amend their conflict of interest codes whenever an amendment is necessitated by changed circumstances, including the creation of new positions which must be designated and relevant changes in the duties assigned to existing positions; and

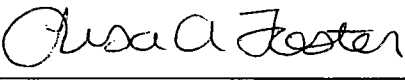
WHEREAS, the City Attorney has proposed changes to Appendix A and Appendix B of that office's conflict of interest code to accurately reflect designated positions and appropriate disclosure categories; NOW, THEREFORE,

BE IT RESOLVED that the City Attorney's proposed changes to Appendix A and Appendix B of that office's conflict of interest code are hereby approved and are incorporated into its conflict of interest code.

BE IT FURTHER RESOLVED that revised Appendix A and Appendix B to the City Attorney's Conflict of Interest Code be placed on file in the Office of the City Clerk as Document No. RR- **290848**

BE IT FURTHER RESOLVED that the revised Conflict of Interest Code for the Office of the City Attorney become effective upon the date of adoption of this resolution.

APPROVED: CASEY GWINN, City Attorney

By 
Lisa A. Foster
Deputy City Attorney

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**CITY ATTORNEY'S
CONFLICT OF INTEREST CODE
APPENDIX A**

August 1, 1998

POSITION	DUTIES	CATEGORY
City Attorney	Chief legal advisor of and attorney for the City and all departments and offices thereof as specified in San Diego City Charter Section 40.	Files 700 Form (Statutory Requirement - Gov't Code § 87200)
Assistant City Attorneys	Under administrative direction, to provide legal counsel to the City Council, City Manager and major department heads; to assist the City Attorney in planning, directing and coordinating the work of all divisions in the City Attorney's office; and to perform related work.	1
All Deputy City Attorneys in Civil Division, and in Code Enforcement and Consumer and Environmental Protection Unit of Criminal Division	Perform duties as assigned by the City Attorney.	1
The Attorney who sits with the Funds Commission in the place of the City Attorney		Files 700 Form (Statutory and Regulatory Requirement - Gov't Code § 87200; 2 Cal. Code of Regs. § 18720)
All other Deputy City Attorneys in Criminal Division	Perform duties as assigned by the City Attorney.	2

POSITION	DUTIES	CATEGORY
Special Assistant to the City Attorney (Principal Assistant)	Under administrative direction, to assist the City Attorney in the administration of the office of the City Attorney; and to perform related work.	2
Director Human Resources and Administrative Services (Deputy Director)	Under direction, to assist the City Attorney in the administration of the office in the areas of budget, personnel, policy development, and organization effectiveness.	2
Supervising Management Analyst	Analyzes need for and/or recommends purchase or lease of equipment, supplies, service contracts and other purchases and service agreements for the department. Acts as project manager and authorizes activities, supplies and/or equipment as needed on a special project basis.	2
Dispute Resolution Officer	Under general supervision, to resolve citizen disputes without formal court proceedings; to conduct informal office hearings to obtain compliance with the law; and to perform related work.	2
Investigation Support Manager	Under direction, to develop, plan, coordinate and direct through subordinate supervisors, a wide variety of pre-trial investigations for City liability and other cases; and to perform related work.	2
Principal Litigation Investigator	Under direction, to plan, assign, supervise and coordinate a wide variety of pre-trial investigations for City liability and other cases; to conduct special investigations; and to perform related work.	3
Senior Litigation Investigator	Under direction, to perform the more difficult and complex pre-trial investigations for City liability and other cases going to trial; to perform sensitive and complex special investigations and projects; to supervise litigation investigators; and to perform related work.	3

POSITION	DUTIES	CATEGORY
Litigation Investigator	Under direction, to perform a wide variety of investigations for City liability and other cases going to trial; to conduct special investigations; and to perform related work.	3
Senior Legal Assistant	Under direction, to train, supervise and review the work of subordinate Legal Assistants within a work unit; to perform the more difficult, complex and sensitive paralegal duties; and to perform related work.	3
Legal Assistant	Under direction, to assist Deputy City Attorneys by performing routing paralegal duties in the City Attorney's office; and to perform related work.	3
Librarian III (Law Librarian)	Under direction, to organize and maintain 3 division libraries, including acquisitions from law publishers and legal information suppliers, records management and indexing, litigation support, and managing in-house training in legal research and database searching, and acting as in-house automation consultant; and to perform related work.	3
Information Systems Analyst II	Under direction, at the journey level, to serve as the departmental representative and liaison between a City department and the San Diego Data Processing Corporation or private computer vendors in the development, testing, implementation, and modification of complex automated information systems; and to perform related work.	3
Associate Management Analyst	Under direction, at the journey level, to perform difficult and complex budgetary, fiscal, organizational and administrative studies and assignments; to prepare, administer and analyze operating and capital improvements, budgets; and to perform related work.	3

POSITION	DUTIES	CATEGORY
Consultants	A Deputy City Attorney who is head of a unit, Assistant City Attorney or City Attorney 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 Deputy City Attorney who is head of a unit, Assistant City Attorney or City Attorney'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.	3

<p>The City Attorney has determined that the following consultants are subject to the City Attorney Conflict of Interest Code and to file disclosure forms:</p> <ul style="list-style-type: none"> • Attorneys on retainer who serve in a staff capacity and who provide legal services on an ongoing basis. The scope of disclosure will be determined at the time of formation of the contract. 	
<p>The City Attorney has determined that the following categories of consultants are not subject to the City Attorney's Conflict of Interest Code and shall not be required to file economic disclosure forms:</p> <ul style="list-style-type: none"> • Attorneys who volunteer services to the City Attorney. • Attorneys who provide limited duties for specific litigation or special projects. • Expert witnesses • Consultants who provide expertise in limited areas for specific litigation or special projects. 	

**CITY ATTORNEY
CONFLICT OF INTEREST CODE
APPENDIX B**

As used in Appendix B, "the City" means the City of San Diego itself as well as all entities for which the Office of the City Attorney provides legal services.

Category 1: Investments and business positions in any business entity located in or doing business with the City.

Income and gifts from sources located in or doing business with the City.

Interests in real property located in the City, including property located within a two-mile radius of any property owned or used by the City.

Category 2:

- (a) Investments and business positions in any firm or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- (b) Interests in real property owned or used by any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- (c) Income and gifts from any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.

Category 3: For purposes of this category, any person or business entity means one which reasonably foreseeably will be the subject of an investigation by the City, is an adverse party to the City in a legal proceeding, or is contracting with, or selling goods or services to, the City.

Investments or business positions in any business entity, income and gifts from any person or business entity, interests in real property held jointly or in common with any person or business entity.

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Category 4: As required. A Deputy City Attorney who is head of a unit, Assistant City Attorney, or City Attorney 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 Deputy City Attorney who is head of a unit, Assistant City Attorney, or City Attorney'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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CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by The City of San Diego Office of the City Attorney after a fair opportunity was offered to the members of the department to present their views.

Danell Scarborough

Danell Scarborough

Deputy Director

Administration

7/31/98
Date

The certification is attached to the amended code, following the appendices.

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