

140  
12/15/06

RESOLUTION NUMBER R- 302191

DATE OF FINAL PASSAGE DEC 15 2006

RESOLUTION ADOPTING THE CONFLICT OF INTEREST  
CODE FOR THE DEFINED CONTRIBUTION BOARD

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a City-wide biennial review of all conflict of interest codes for which the City Council serves as code reviewing body;

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 that must be designated, and relevant changes in the duties assigned to existing positions; and

WHEREAS, the Trustees of the Defined Contribution Board are required to file disclosure statements pursuant to the legal opinion of the Office of the City Attorney dated May 28, 1997; and

WHEREAS, the Mayor and City Attorney recommend that a Conflict of Interest Code be adopted for the Defined Contribution Board; and

WHEREAS, the City Council concurs in this recommendation; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Defined Contribution Board is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

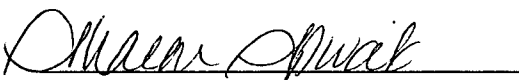
BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Defined Contribution Board as adopted be placed on file in the Office of the City Clerk as Document No. RR- 302191.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the new Conflict of Interest Code for the Defined Contribution Board shall file their statements of economic interest with the City Clerk.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Defined Contribution Board becomes effective upon the date of final passage of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
11/22/06  
Or.Dept: Defined Contribution Board  
R-2007-512

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC - 5 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12-15-06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

DEFINED CONTRIBUTION BOARD  
CONFLICT OF INTEREST CODE

APPENDIX A  
DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
	TRUSTEES	
Trustees	Have the power and authority to invest, acquire, manage or dispose of the assets of the Master Trust.	Statutory filer (Govt. Code sec. 87200)
	STAFF	
Plan Administrator	Manages the administration of the plans. Under direction of the Board, works with Third Party Administrator and Investment Manager to perform duties as directed by the Board. Administers budget. Makes recommendations to the Trustees.	1
Secretary	Assists Plan Administrator with Trustee requests. Responsible for ensuring minutes of all meetings are taken and recorded.	1
	CONSULTANT	
Consultant	Provides investment research as requested by the Board or other duties as requested. See Appendix B.	2

DOCUMENT NO. RR- 302191  
DEC 05 2006  
FILED \_\_\_\_\_  
OFFICE OF THE CITY CLERK  
SAN DIEGO CALIFORNIA

*RR-* 302191

**DEFINED CONTRIBUTION BOARD  
CONFLICT OF INTEREST CODE**

**APPENDIX B  
DISCLOSURE CATEGORIES**

**CATEGORY 1:**

- a. Investments and business positions in any business entity located in or doing business with the City of San Diego.
- b. Income and gifts from sources located in or doing business with the City of San Diego.
- c. Interest in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

**CATEGORY 2:**

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Risk Management Department Director or designated authority 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 described 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 determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

302191  
COMMUNITY AFFAIRS  
CITY OF SAN DIEGO  
CLERK

DEC 05 2006

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

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DEC 15 2006

Date of final passage \_\_\_\_\_

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By

*Mary Cepeda*

Deputy

Office of the City Clerk, San Diego, California

Resolution Number

*R- 302191*