

158
12/5

RESOLUTION NUMBER R- 302207

DATE OF FINAL PASSAGE DEC 15 2006

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

WHEREAS, by Resolution No. R-297305, the City Council on November 18, 2002,
adopted a revised Conflict of Interest Code for the Office of the City Attorney; 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 that must be designated, and relevant changes in the duties assigned
to existing positions; and

WHEREAS, the Office of the City Attorney has proposed changes to add positions,
revise job titles and duties assigned for several existing positions, and to update required filing
categories; NOW THEREFORE,

BE IT RESOLVED, that the Office of the City Attorney's proposed changes to Appendix
A of that department's Conflict of Interest Code are hereby approved and incorporated into its
Conflict of Interest Code.

BE IT FURTHER RESOLVED, that revised Appendix A to the Conflict of Interest Code
for the Office of the City Attorney be placed on file in the Office of the City Clerk as Document
No. RR- 302207.

BE IT FURTHER RESOLVED, that the revised Conflict of Interest Code for the Office of the City Attorney shall become effective on the date of final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/3/06
Or.Dept: City Attorney
R-2007-481

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 [Signature]
Deputy City Clerk

Approved: 12/15-06
(date)

[Signature]
JERRY SANDERS, Mayor

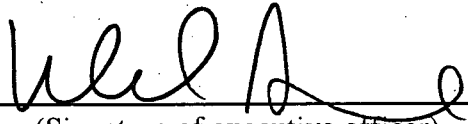
Vetoed: _____
(date)

JERRY SANDERS, Mayor

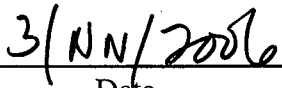
R- 302207

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.



(Signature of executive officer)



Date


DOCUMENT NO. 302207
DEC 05 2006
FILED
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

**OFFICE OF THE CITY ATTORNEY
CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS
APPENDIX A**

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 Attorney (Civil Division)	Under administrative direction, to provide legal counsel to the City Council, Mayor and City Departments; and to assist the City Attorney in planning, directing and coordinating the work of the division in the City Attorney's office; and to perform related work.	1
Assistant City Attorney (Criminal Division)	Under administrative direction, to oversee the operations of the Criminal Division; and to assist the City Attorney in planning, directing and coordinating the work of the division 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)

R-302207

POSITION	DUTIES	CATEGORY
All other Deputy City Attorneys in Criminal Division	Perform duties as assigned by the City Attorney.	2
Communications Director (Principal Assistant)	Under administrative direction, to assist the City Attorney in the administration of the office of the City Attorney, including communications work, and to perform related work.	2
Intergovernmental Affairs Manager (Program Manager)	Under administrative direction, to assist City Attorney with the duties related to intergovernmental and public relations; and to perform related work.	1
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 Human Resources Analyst	Under direction, supervises and administers the budget, personnel, and information systems services of the office; and performs related work.	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
Senior Management Analyst	Under direction, analyzes need for and/or recommends purchase or lease of equipment, supplies, service contracts and other purchases for the division. Performs difficult and complex budgetary, fiscal, organizational and administrative studies and assignments; and performs related work.	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

POSITION	DUTIES	CATEGORY
Principal City Attorney 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 City Attorney 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
City Attorney 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
Principal Legal Assistant	Under direction, to plan, assign, supervise, and direct through subordinate supervisors, a variety of paralegal duties; to perform the more difficult, complex, and sensitive paralegal projects; 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 routine 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

POSITION	DUTIES	CATEGORY
Information Systems Analyst III	Under direction, serves as the departmental representative and liaison between department and San Diego Data Processing Corporation, the court system, and other law enforcement agencies; trains and supervises the work of subordinate information systems staff; develops and implements complex automated information systems; and performs related work.	2
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
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

The City Attorney has determined that the following consultants are subject to the City Attorney Conflict of Interest Code and to file disclosure forms:

- 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.

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:

- 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.

I:\Conflict of Interest Code\Designated_positions.wpd

R- 302207

**OFFICE OF THE CITY ATTORNEY
CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES
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, that is a defendant in a law enforcement action being prosecuted on behalf of the City of San Diego or People of California by the City Attorney's Office, 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, that is a defendant in a law enforcement action being prosecuted on behalf of the City of San Diego or People of California by the City Attorney's Office, 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, that is a defendant in a law enforcement action being prosecuted on behalf of the City of San Diego or People of California by the City Attorney's Office, or an attorney representing a defendant in a law enforcement action being prosecuted on behalf of the City of San Diego or People of California by the City Attorney's Office, or is granted authority by the City to use City facilities.

R- 302207

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, that is a defendant in a law enforcement action being prosecuted on behalf of the City of San Diego or People of California by the City Attorney's Office, or is contracting with, or selling goods and 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.

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.

R- 302207

2005113

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 Zumaya, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R- 302207