

RESOLUTION NUMBER R- 304565

DATE OF FINAL PASSAGE JAN 05 2009

RESOLUTION ADOPTING A CONFLICT OF INTEREST
CODE FOR THE CITY'S AUDIT COMMITTEE

WHEREAS, voters approved Proposition C on the June 3, 2008 ballot, providing that Article V, section 39.1, would be added to the San Diego City Charter to create an Audit Committee; and

WHEREAS, Charter section 39.1 now provides that the Audit Committee shall have oversight responsibility regarding the City's auditing, internal controls and any other financial or business practices required of this Committee by this Charter; and

WHEREAS, the Charter also provides for additional Audit Committee responsibilities, including but not limited to its responsibility for directing and reviewing the work of the City Auditor, recommending to the City Council the retention of the City's outside audit firm, and monitoring the audit firm's engagement; and

WHEREAS, Charter section 39.1 provides that the Audit Committee shall be an independent body consisting of five members, including two members of the City Council and three members of the public; and

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, the Audit Committee's responsibilities are those requiring a conflict of interest code; and

WHEREAS, the City Attorney recommends that a conflict of interest code be adopted, subject to City Council approval, thus requiring members of the Audit Committee to file Statements of Economic Interests (Form 700 of the Fair Political Practices Commission); and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, the City Council concurs that a Conflict of Interest Code be adopted for the Audit Committee; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Audit Committee 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.

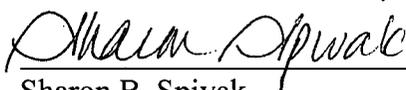
BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Audit Committee as adopted be placed on file in the Office of the City Clerk as Document No. RR- 304565.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Audit Committee shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

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 Audit Committee becomes effective upon the date of adoption of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
12/17/08
Or.Dept:City Atty.
R-2009-743