

RESOLUTION NUMBER R- 305049

DATE OF FINAL PASSAGE JUL 07 2009

RESOLUTION ADOPTING A CONFLICT OF INTEREST
CODE FOR THE MISSION BAY PARK COMMITTEE

WHEREAS, voters approved Proposition C on the November 4, 2008 Municipal Special Election ballot, amending the San Diego City Charter to add Section 55.2; and

WHEREAS, Charter section 55.2 requires that annual lease revenue generated in Mission Bay Park exceeding \$23 million initially, and decreasing to \$20 million after five years, be appropriated 75 percent for capital improvements in Mission Bay Park and 25 percent for capital improvements in Chollas Lake, Balboa, Mission Trails, Otay River Valley, Presidio and San Diego River Parks; open space parks; coastal beaches and contiguous coastal parks; and future regional parks [the San Diego Regional Parks]; and

WHEREAS, Charter section 55.2 established the Mission Bay Park Improvement Fund, to receive and spend Mission Bay Park lease revenues for the benefit of Mission Bay Park; and a San Diego Regional Parks Improvement Fund, to receive and spend Mission Bay Park lease revenues for the benefit of the San Diego Regional Parks; and

WHEREAS, Charter section 55.2 established the Mission Bay Park Improvement Fund Oversight Committee and the San Diego Regional Parks Improvement Fund Oversight Committee [the Committees], as those determined by ordinance of the City Council to carry out the oversight responsibilities described in the Charter section; and

WHEREAS, the Committees are to meet at least quarterly to audit and review the implementation of the Charter section, to recommend priorities for expenditures and capital

improvements and to verify the appropriate funds are collected, segregated, retained and allocated according to the intent of the Charter section, and spent as prioritized; and

WHEREAS, the City Council has determined that the Mission Bay Park Committee, established in San Diego Municipal Code section 26.30(g), will serve as the Mission Bay Park Improvement Fund Oversight Committee, as described in Charter section 55.2; and

WHEREAS, the City Council has determined that the City's Park and Recreation Board, established in San Diego Municipal Code section 26.30(b), will serve as the San Diego Regional Parks Improvement Fund Oversight Committee, as described in Charter section 55.2; and

WHEREAS, Charter section 55.2 becomes effective July 1, 2009; 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, when the Mission Bay Park Committee takes on the responsibility of serving as the Mission Bay Park Improvement Fund Oversight Committee its responsibilities will be those of the type 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 Mission Bay Park 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 Mission Bay Park 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 Mission Bay Park 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 Mission Bay Park Committee as adopted be placed on file in the Office of the City Clerk as Document No. RR- 305049.

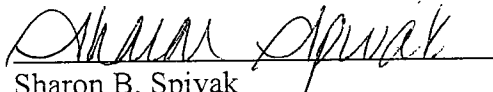
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Mission Bay Park Committee shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political 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 Mission Bay Park 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:sbs
06/18/09
Or.Dept:City Atty.
R-2009-1267