

RESOLUTION NUMBER R- **306288**

DATE OF FINAL PASSAGE **NOV 09 2010**

RESOLUTION ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE CITY CLERK

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 required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-305874 (adopted by the City Council on May 25, 2010), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; 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, by Resolution No. R-302202, the City Council on December 5, 2006 approved an amended Conflict of Interest Code for the Office of the City Clerk; and

WHEREAS, the Office of the City Clerk now seeks to amend its conflict of interest code to make minor additions to a disclosure category in Appendix B; 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 Office of the City Clerk 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.

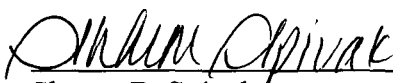
BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of the City Clerk as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306288.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Office of the City Clerk 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 Office of the City Clerk 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
10/19/10
Or.Dept: City Clerk

**CITY CLERK'S
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
City Clerk	Plans, directs and coordinates all departmental activities and programs; provides procedural and technical support at City Council, Redevelopment Agency, Housing Authority, and Industrial Development Authority meetings; formulates policies for the protection and maintenance of official City records and all records generated by each of the City departments; administers municipal elections; serves as the public's clearinghouse for City business, and provides internal administrative support to office staff.	1
Deputy Director	Under administrative direction, plans, coordinates, and administers the City's Municipal Election process, Records Management program, and Legislative Services activities.	1
Consultant	Performs consultant services for the City Clerk's Office.	2

**CITY CLERK
CONFLICT OF INTEREST CODE**

**APPENDIX B
DISCLOSURE CATEGORIES**

CATEGORY 1:

All investments, business positions, interests in real property*, and income, including gifts, loans and travel payments, from sources:

- that provide printing services in the City of SD; or
- that print and publish a newspaper with classified advertising in the City of SD; or
- that provide printing services or furnish classified advertising in the City of SD; or
- that provide contractual election services, including those related to electronic disclosure filing; or information technology services, including those related to legislative documents; or micrographics, records storage, records imaging or records destruction services in the City of SD; or
- that manufacture or distribute equipment, systems or supplies used in packaging, storing, protecting, securing, tracking, restoring or retrieving records in a records file room or warehouse; or
- that provide catering services or catered meals in the City of SD.

*An interest in real property is located in the jurisdiction if any part of the property is located in, or within two miles of, the City of San Diego, or if the property is located within two miles of any land owned or used by the City of San Diego.

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 City Clerk 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 City Clerk'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.