

RESOLUTION NUMBER R- 306290

DATE OF FINAL PASSAGE NOV 09 2010

RESOLUTION ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE LIBRARY DEPARTMENT

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-304321, the City Council on October 28, 2008 approved an amended Conflict of Interest Code for the Library Department; and

WHEREAS, the Library Department now seeks to amend its conflict of interest code, to revise the disclosure categories of an existing position and remove positions that have been abolished, as detailed in Appendix A, and to revise the list of positions who may make consultant determinations 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 Library Department 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 Library Department as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306290 .

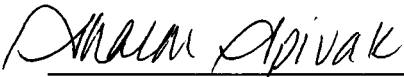
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Library Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices 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 Library Department becomes effective upon the date of adoption of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
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Sharon B. Spivak  
Deputy City Attorney

SBS:als  
10/20/10  
Or.Dept: Library Dept.

**CITY OF SAN DIEGO LIBRARY DEPARTMENT  
CONFLICT OF INTEREST CODE**

**APPENDIX A  
DESIGNATED POSITIONS**

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Director	Administration of the Library Department	1, 2
Deputy Director	Administer the programs and budget of the Branch Libraries, Central Library or Technical Service Division.	1, 2
Technology Resource Program Manager	Administer the Library's Technology Resources.	2
Senior Management Analyst	Supervise and administer the Administrative Section. Analyze cost and budgetary data for Operating, CIP, and Grants budgets. Verify proper disbursements and expenditures.	2
Consultants	The Department Director or Deputy Director 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 in 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 Department Director's or Deputy 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.	3

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 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

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**APPENDIX B  
DISCLOSURE CATEGORIES**

<b>CATEGORY</b>	<b>DESCRIPTION</b>
1.	<p>a) Investments and business positions in business entities which engage in: a) commercial property development and construction of libraries or library sites within the City of San Diego, or b) the acquisition or sale of real property that has been identified by the Library Department of the City of San Diego as a potential library site.</p> <p>b) Sources of income including gifts from persons and business entities which engage in: a) commercial property development and construction of libraries or library sites within the City of San Diego, or b) the acquisition or sale of real property that has been identified by the Library Department of the City of San Diego as a potential library site.</p> <p>c) All interests in real property within the City of San Diego, except for a personal residence, that has been identified by the Library Department as a potential library site, or is within 2 miles of said property.</p>
2.	Investments and business positions in business entities, and sources of income including gifts from persons and business entities which provide services, supplies, materials, machinery or equipment of the type utilized by the Library Department of the City of San Diego.
3.	The Department Director or Deputy Directors 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 Department Director's or Deputy 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.