

RESOLUTION NUMBER R- **306291**

DATE OF FINAL PASSAGE **NOV 09 2010**

RESOLUTION ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM.

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-304325, the City Council on October 28, 2008 approved an amended Conflict of Interest Code for the San Diego City Employees' Retirement System; and

WHEREAS, the San Diego City Employees' Retirement System now seeks to amend its conflict of interest code, to include new positions that must be designated, to delete positions, and to revise the duties of the department director, as detailed in Appendix A of its code; 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 San Diego City Employees' Retirement System 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 San Diego City Employees' Retirement System as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306291.

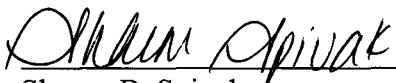
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the San Diego City Employees' Retirement System shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) 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 San Diego City Employees' Retirement System 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  
10/22/10  
Or.Dept:SDCERS

**SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM  
 CONFLICT OF INTEREST CODE  
 APPENDIX A  
 Designated Positions**

<u>Position</u>	<u>Duties</u>	<u>Category</u>
1. <u>Members of the Retirement Board</u>	Board Members exercise responsibility for the management of public Investments, and are identified in SDMC §§27.3503, 27.3510 as statutory filers subject to Government Code §87200)	Form 700 (Gov't Code § 87200)
2. <u>Chief Executive Officer</u>	Under policy direction of the Retirement Board, manages the routine affairs of Retirement Office and staff; directs SDCERS Staff, sets policy direction for Staff; counsels and informs employees regarding Options and benefits; has primary responsibility to deal with actuaries, provides assistance and recommendations to the Board and its committees.	1 – Form 700 (Local Code Filer Under SDMC §27.3503; Gov't Code §87300)
3. <u>General Counsel</u>	Under the direction of the CEO, provides legal representation, advice, and recommendations to the Board and staff; directs and reviews the work of SDCERS' Legal Division and outside legal firms.	1
4. <u>Chief Financial Officer</u>	Under the direction of the CEO, directs, manages and coordinates finance, accounting and budget operations; develops and administers department budget; prepares reports for the Board as assigned; directs preparation of annual financial report (CAFR) and all interactions with the Independent Auditor; develops staff policy direction, goals and schedules to provide information as requested by the independent actuary for completion of annual actuarial valuations; develops and implements department goals, objectives, policies and procedures. directs and manages benefits administration staff in the delivery of services and benefits to SDCERS' members, including calculating and preparing pension payments; administering health benefits processing enrollments and terminations; tracking service credit and member contributions; reconciling deceased member accounts; and processing beneficiary payments.	1

DOCUMENT NO. RR-306291  
 FILED NOV 09 2010  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

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| 5.  | <b><u>Chief Investment Officer</u></b>                  | Under the direction of the CEO, prepares recommendations regarding investment policy, practices, allocations, and instruments; coordinates and participates in the review, selection, evaluation, and termination of investment managers; negotiates contracts for investment managers and other investment-related activities.   | 1 |
| 6.  | <b><u>Chief of Staff</u></b>                            | Under the direction of the CEO, oversees the status and completion of cross-divisional projects; directs internal human resource activities, programs and strategies; directs public and media relations projects and internal and external communications, including SDCERS Website; and assists the CEO in developing organizational goals, objectives, policies and procedures.  | 1 |
| 7.  | <b><u>Associate General Counsel</u></b>                 | Under the direction of the General Counsel, acts on behalf of the General Counsel when necessary, and provides legal representation, advice, and recommendations to the Board and staff.  | 1 |
| 8.  | <b><u>Member Services Division Director</u></b>         | Under the direction of the CEO, oversees customer service functions, including Call Center, direct correspondence and meetings with Members. Resolves complex Member benefit issues, and directs all member counseling, education and outreach activities   | 1 |
| 9.  | <b><u>Chief Information Officer</u></b>                 | Under the direction of the CEO, directs and manages information technology staff, contractors, consultants, vendors and technical services contracts; manages technical infrastructure and facilities, desktop services, application support, Help Desk, IT procurement and system implementation and integration projects; manages Board of Administration audio/video production; develops and manages division budget to support business operations; develops and implements IT Strategic Plan and initiatives to support SDCERS' business objectives; develops, implements and enforces organizational IT policies and procedures. | 1 |
| 10. | <b><u>Assistant Investment Officer</u></b>              | Under the direction of the Chief Investment Officer, advises and makes recommendations to the Chief Investment Officer, CEO, and the Board by conducting research and investigations, preparing or presenting reports and/or analysis.  | 1 |
| 11. | <b><u>Internal Auditor/Chief Compliance Officer</u></b> | Under the direction of the Board Audit Committee and Board, plans, conducts, and reports on internal audit  | 1 |

projects; evaluates SDCERS' internal control procedures and processes; evaluates compliance with governing laws, policies and procedures; coordinates audit efforts with external auditors; assists the Audit Committee in its review of the Comprehensive Annual Financial Report (CAFR); and performs investigations or other duties as requested by SDCERS' CEO or the Audit Committee; develops and maintains procedures to prevent illegal, unethical or improper conduct; develops and updates ethics standards for Board and staff; ensures compliance with federal tax laws; and monitors compliance with local, state and federal laws.

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| 12. | <b><u>Disability Review Officer</u></b> | Under the direction of the General Counsel, reviews disability applications for compliance with medical and administrative requirements; makes recommendations to the Board of Administration and the Disability Committee regarding eligibility for disability retirements by preparing or presenting reports and analysis.   | 1 |
| 13. | <b><u>Principal Accountant</u></b>      | Under the direction of the CFO, directs and manages accounting staff; prepares financial reports for the Board; prepares financial analyses for management, actuaries, plan sponsors, and consultants as assigned; implements department goals, objectives, policies and procedures; oversees the maintenance of accounting system and related interfaces; oversees the preparation of the annual state comptroller's report; coordinates preparation of the annual financial report (CAFR) and interactions with the independent auditor. | 1 |
| 14. | <b><u>Consultant</u></b>                | An individual who, pursuant to a contract with SDCERS: (1) authorizes SDCERS to enter into, modify or renew a contract requiring agency approval, (2) grants agency approval to a contract requiring agency approval, or (3) serves in a staff capacity and, in that capacity, performs duties that would otherwise be performed by a designated position without supervision of that designated position.   | 1 |
| 15. | <b><u>Investment Manager</u></b>        | Exercises discretionary authority over those funds or accounts designated to be under his or her supervision. Directs investments in those accounts without prior consultation with the Board or Staff. Initiates, negotiates, and completes purchases and sales of securities and properties within the portfolio(s)  | 1 |

under his or her supervision. Makes decisions and recommendations within the Board's Investment Guidelines and City Charter.

**SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM**  
**CONFLICT OF INTEREST CODE**  
**APPENDIX B**  
**Disclosure Categories**

Category 1:

Investments and business positions in any business entity that supplies goods or services to SDCERS, and in any security which was or is held by any fund administered by Board of Administration wherein the reporting party's interest in said security amounts to 1% or more of the issue of that security.

Income and gifts from any person or business entity that supplies goods or services to SDCERS.

Interests in real property.

For the purposes of this Appendix, "goods or services" means goods or services supplied by any actuarial, accounting, banking, financial, investment, or consulting firm.

For the purposes of this Appendix, an "interest in real property" is any real property located in or within two miles of the City of San Diego, or within two miles of any land owned by SDCERS as set forth in the Attachment to this Appendix, which lists the real properties owned by SDCERS in its Direct and Co-Investment Real Estate Portfolio. A copy of this Attachment is also on file in SDCERS' Office.





**Direct Real Estate Portfolio Holdings as of June 30, 2010**

	PROPERTY NAME	PROPERTY TYPE
1.	4040 North Central Expressway Dallas, TX 75204	Office
2.	Airport 100 Industrial, Inc. Hanover, Maryland	Industrial
3.	Barton Creek Office Building II Austin, TX	Office
4.	Chelmsford Office Bldg Chelmsford, MA	Office
5.	Eagan Town Center Eagan, MN	Retail
6.	Foothills Corporate Center Phoenix, AZ	Office
7.	Fremont Business Center Fremont, CA	Industrial
8.	Latitudes at the Moors Miami, FL	Multi-Family
9.	Metropolitan Business Center Trevose, PA	Industrial
10.	New Ridge Benson Hanover, MD	Industrial
11.	Towers Industrial Park City of Industry, CA	Industrial
12.	Windsor Commons Jacksonville, FL	Retail
13.	Country Club Plaza Miami, FL	Retail
14.	Caballero Industrial Buena Park, CA	Industrial
15.	La Costa Apartments Boynton Beach, FL	Multi-Family
16.	Pacella Park Randolph, MA	Industrial
17.	Super Stop & Shop Plaza Stoughton, MA	Retail
18.	Rancho Hills Apartments Vista, CA	Multi-Family
19.	Caballero Industrial II Buena Park, CA	Industrial