

RESOLUTION NUMBER R- **306332**

DATE OF FINAL PASSAGE NOV 16 2010

RESOLUTION ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF HOMELAND SECURITY

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-302199, the City Council on December 5, 2006 approved an amended Conflict of Interest Code for the Office of Homeland Security; and

WHEREAS, the Office of Homeland Security now seeks to amend its conflict of interest code, to include new positions that had not previously been designated, update the duties of an existing position, remove the previously designated Director position, and update the required filing categories for each designated position, as detailed in Appendix A; and

WHEREAS, the Office of Homeland Security also seeks to amend its conflict of interest code to update the disclosure categories and titles 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 Homeland Security 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 Homeland Security as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306332.

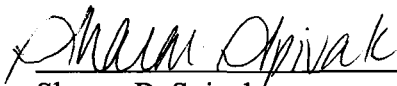
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Office of Homeland Security shall file their statements of

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 Homeland Security 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  
10/26/10  
Or.Dept:Homeland Security

**OFFICE OF HOMELAND SECURITY  
CONFLICT OF INTEREST CODE**

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

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
<u>ADMINISTRATION</u>		
Program Manager	Administration of the Office of Homeland Security. Approves or recommends policy and financial decisions, provides departmental supervision, interfaces with City Council and Committees, and approves contracts.	1
<u>FINANCE AND RECOVERY</u>		
Supervising Homeland Security Coordinator	Supervises and oversees the Finance and Recovery Section of Homeland Security, recommends financial decisions, oversees grant program, coordinates projects, and interfaces with committees and task forces.	2
<u>PREPAREDNESS AND RESPONSE</u>		
Supervising Homeland Security Coordinator	Supervises and oversees the Preparedness and Response Section of Homeland Security, recommends financial decisions, oversees response program, coordinates projects, and interfaces with committees and task forces.	2
<u>CONSULTANTS</u>		
Consultant	Performs consultant services for the Office of Homeland Security.	3

**OFFICE OF HOMELAND SECURITY  
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**Appendix B  
Disclosure Categories**

**Category 1**

Investments and business positions in any business entity either located in or doing business with the City of San Diego.

Income and gifts from sources located in or doing business with the City of San Diego.

Interest in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

**Category 2**

Investments and business positions in any firm or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.

Income and gifts from any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.

Interest in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

**Category 3**

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 Program Manager of Homeland Security 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 Program Manager of Homeland Security or designated authority'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.