

RESOLUTION NUMBER R-**306333**

DATE OF FINAL PASSAGE NOV 16 2010

RESOLUTION ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE MAYOR AND CHIEF OPERATING OFFICER

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-302211, the City Council on December 5, 2006 approved an amended Conflict of Interest Code for the Office of the Mayor and Chief Operating Officer; and

WHEREAS, the Office of the Mayor and Chief Operating Officer now seeks to amend its conflict of interest code, to delete a position and update titles, as detailed in Appendix A of the 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 Office of the Mayor and Chief Operating Officer 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 Mayor and Chief Operating Officer as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306333 .

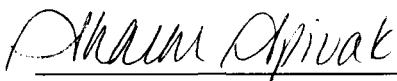
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Office of the Mayor and Chief Operating Officer shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) 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 Mayor and Chief Operating Officer 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: Mayor/COO

**OFFICE OF THE MAYOR AND CHIEF OPERATING OFFICER
CONFLICT OF INTEREST CODE**

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

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Chief Operating Officer	Assist the Mayor as required. Supervise the administration of the affairs of the City except as otherwise specifically provided in the Charter; make recommendations to the Mayor and Council concerning the affairs of the City; keep the Mayor advised of the financial condition and future needs of the City; prepare the budget; see that the ordinances of the City and the laws of the State are enforced; perform other duties prescribed by Charter, ordinance or Council resolution.	Files Form 700 (Statutory Require Government Code section 87200)
Assistant Chief Operating Officer	Assist the Mayor and Chief Operating Officer as required.	1
Deputy Chief Operating Officers	Assist the Mayor, the Chief Operating Officer and Assistant Chief Operating officer as required.	1
Consultant	Performs consultant services for the Office of the Mayor and Chief Operating Officer.	2

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FILED NOV 16 2010
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

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**APPENDIX B
DISCLOSURE CATEGORIES**

CATEGORY 1:

- a. All reportable investments and business positions in any firm or business entity that supplies goods or services to the City of San Diego, or is granted authority by the City of San Diego to use City facilities.
- b. All reportable investments, business positions, and income from sources located in or doing business in the City of San Diego.
- c. All reportable interests 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.
- d. All reportable interests in real property owned or used by any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, or is granted authority by the City of San Diego to use City facilities.
- e. All reportable income, including gifts, from any person or business entity that supplies goods or services to the City of San Diego, that is a tenant of the City of San Diego, or is granted authority by the City of San Diego to use City facilities.

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 Mayor, Chief Operating Officer, Assistant Chief Operating Officer or Deputy Chief Operating Officers 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 Mayor's, Chief Operating Officer's, Assistant Chief Operating Officer's or Deputy Chief Operating Officers' determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.