

RESOLUTION NUMBER R-306334

DATE OF FINAL PASSAGE NOV 16 2010

RESOLUTION ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE SAN DIEGO CITY COUNCIL, COUNCIL ADMINISTRATION AND OFFICE OF THE INDEPENDENT BUDGET ANALYST

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-304416, the City Council on November 18, 2008 approved an amended Conflict of Interest Code for the City Council, Council Administration and the Office of the Independent Budget Analyst; and

WHEREAS, the City Council, Council Administration and the Office of the Independent Budget Analyst now seek to amend their conflict of interest code, to revise the duties of the Independent Budget Analyst to include the duty of representing the City Council in the labor negotiations process; 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 City Council, Council Administration and the Office of the Independent Budget Analyst 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 City Council, Council Administration and the Office of the Independent Budget Analyst as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306334.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the City Council, Council Administration and the Office of the

Independent Budget Analyst 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 City Council, Council Administration and the Office of the Independent Budget Analyst becomes effective upon the date of adoption of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak  
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
10/12/10  
Or.Dept: Council & Council Admin.

**CONFLICT OF INTEREST CODE FOR THE CITY COUNCIL DEPARTMENTS,  
COUNCIL ADMINISTRATION, AND OFFICE OF INDEPENDENT BUDGET ANALYST**

**APPENDIX A**

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Executive Assistant	Acts as principal assistant to the Councilmember with administrative responsibilities for the operation of the Council office. Performs research and analysis of issues and makes recommendations thereon. Provides staff support to the Councilmember as required.	1
Council Representatives I and II	Responsible for constituent services. Represents the Councilmember before community groups and other organizations. Performs research and analysis of issues and makes recommendations thereon.	1
Independent Budget Analyst	Acts as principal legislative and budgetary resource to the City Council as a whole by providing fiscal and legislative analyses. Makes recommendations regarding proposals brought by the Mayor and executive departments. Assists Council in drafting legislation. Makes presentations to Council and provides review and analyses on all budgeting proposals and the City's annual budget process. Represents the City Council in the labor negotiations process.	1
Deputy Director, Independent Budget Analyst	Reporting to the Independent Budget Analyst, oversees staff and operations of the Office of the IBA. Performs research and analysis of issues and makes recommendations thereon.	1
Budget/Legislative Analyst I & II	Reporting to the Independent Budget Analyst, performs research and analysis of issues and makes recommendations consistent with the duties of the Independent Budget Analyst.	1
Consultant (Category to be determined on a case-by-case basis)	<p>Consultant 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:</p> <p>The Councilmember 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.</p>	

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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 Councilmember'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.

The following classifications are not subject to this Conflict of Interest Code and shall not be required to file economic disclosure forms:

1. Uncompensated Interns
2. Hourly employees (interns) who do not fall into one of the categories listed above and who are not permanent employees

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**APPENDIX B**

As used in Appendix B, “the City” means the City of San Diego.

Category 1: Investments and business positions in any business entity located in or doing business with the City.

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

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

Category 2: Consultants shall be included in the list of designated employees and shall (As required) disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Councilmember 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 Councilmember’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.