

RESOLUTION NUMBER R- 306338

DATE OF FINAL PASSAGE NOV 16 2010

RESOLUTION ADOPTING AN AMENDED CONFLICT OF
INTEREST CODE FOR THE STORM WATER 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-304489, the City Council on December 2, 2008 approved an amended Conflict of Interest Code for the Storm Water Department; and

WHEREAS, the Storm Water Department now seeks to amend its conflict of interest code, to remove the Administrative Services Program Manager position, which was eliminated; change the position titles of (1) the Storm Water Environmental Specialist to the Storm Water Inspection Program Manager, and (2) the Education Program Manager to the Supervising Public Information Officer; add the consultant position; and add the Hearing Officer position as requiring full disclosure; 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 Storm Water 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 Storm Water Department as adopted be placed on file in the Office of the City Clerk as Document No. RR- 306338.

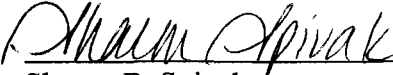
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Storm Water Department shall file their statements of economic

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 Storm Water Department 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
11/02/10
Or.Dept: Storm Water Dept.

Storm Water Department

Conflict of Interest Code
Designated Positions
APPENDIX A

POSITION	DUTIES	CATEGORY
ADMINISTRATION		
Director	Administration of the Storm Water Department.	1
Supervising Management Analyst	Supervises, analyzes and administers department budget, revenue plan data, cost data, agency contracts and payments.	2
POLLUTION PREVENTION DIVISION		
Deputy Director	Manages division activities; approves and/or recommends financial decisions regarding construction/engineering/consulting contracts, procurement of materials and equipment.	1
Storm Water Inspection Program Manager	Reviews and evaluates agreements for professional/technical services, approves procurement of materials; approves contract payments; reviews and approves technical reports and studies.	2
Supervising Public Information Officer	Responsible for the City's Storm Water public information and outreach efforts; negotiates service contracts and consultant agreements; reviews work products and invoices for payment.	2
Project Officer II	Oversees division agency contracts, coordinates with section heads on Council Actions to adherence to City financial and routing guidelines.	2
Sr. Civil Engineer	Reviews and evaluates agreements for professional/technical services, approves procurement of materials; approves contract payments; reviews and approves technical reports and studies.	2
OPERATIONS AND MAINTENANCE DIVISION		
Public Works Superintendent	Represents the City in meetings with citizen groups, architects, engineers, consultants, supervisors, contractors, other City departments and other governmental agencies; supervises the preparation of, and/or approves all documents, plans, specification, bidding procedures and contract awards; responsible for contract payments and management.	2
Deputy Director	Approves or recommends policy and financial decisions regarding construction contracts, engineering contracts, modification to existing facilities, and procurement of materials and equipment; negotiates and administers agency contracts; administers grants; prepares operations and maintenance and capital improvements budgets.	1
Consultant	Performs consultant services for the City of San Diego Storm Water Department.	3 (limited)
Hearing Officers	Adjudicate disputed Storm Water administrative citations.	3 (full)

STORM WATER DEPARTMENT
 CONFLICT OF INTEREST CODE
 DISCLOSURE CATEGORIES
 APPENDIX B

CATEGORY	DESCRIPTION
1	<p>Investments and business positions in any business entity located in or doing business with the City.</p> <p>Income and gifts from sources located in or doing business with the City.</p> <p>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.</p>
2	<p>All investments and business positions in any firm or entity which supplies goods or services to the Storm Water Department of the City, ("Department"), that is a tenant of the Department, that is an adverse party to the Department in a legal proceeding, is granted authority by the City to use Department facilities, or that engages in land development, construction or the acquisition or sale of real property for the Department.</p> <p>All interests in real property owned or used by any firm or entity that supplies goods or services to the Department, that is a tenant of the Department, that is an adverse party to the Department in a legal proceeding, is granted authority by the City to use Department facilities, or that engages in land development, construction or the acquisition or sale of real property for the Department.</p> <p>All sources of income, loans or gifts from any person, firm or entity that supplies goods or services to the Department, that is a tenant of the Department, that is an adverse party to the Department in a legal proceeding, is granted authority by the City to use Department facilities, or that engages in land development, construction or the acquisition or sale of real property for the Department.</p>
3	<p>Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this code subject to the following limitation:</p> <p>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 on that description, a statement of the extent of disclosure requirements. The Department Director or Deputy Directors determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.</p>