

RESOLUTION NUMBER R- 315925

DATE OF FINAL PASSAGE DEC 09 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO ADOPTING AN AMENDED CONFLICT OF  
INTEREST CODE FOR THE COMPLIANCE DEPARTMENT.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. California Government Code (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 an individual's financial interests, and for each position, the financial interests which are reportable.

B. In compliance with Government Code section 87306.5, the City of San Diego (City) is conducting a required City-wide biennial review of all conflict of interest codes for which the Council serves as the code-reviewing body.

C. By San Diego Resolution R-315625 (Jun. 11, 2024), the Council directed every City department, agency, board, and commission for which the Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes, as necessary.

D. As the City's code-reviewing body, the 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 adopted by the FPPC, as part of each conflict of interest code for which the Council has responsibility.

E. By Resolution No. R-314534 (Dec. 13, 2022), the Council approved an amended Conflict of Interest Code for the Compliance Department.

F. The Compliance Department now seeks to amend its conflict of interest code to delete positions, add new positions, and revise the duties and titles of existing positions, all as detailed in Appendix A.

G. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

H. 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the Conflict of Interest Code for the Compliance Department, consisting of standard language in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation adopted by the Fair Political Practices Commission, with Appendix A identifying the designated positions and their duties, and Appendix B identifying the applicable disclosure categories.

2. A copy of Appendix A and Appendix B to the Conflict of Interest Code for the Compliance Department, as adopted, will be placed on file in the Office of the City Clerk as Document No. RR- **315925** .

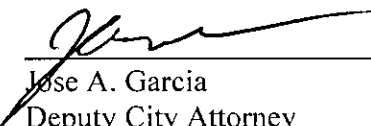
3. The persons whose positions are designated in the Conflict of Interest Code for the Compliance Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political

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.

4. The statements of economic interest filed by designated persons will be retained by the Office of the City Clerk and will be made available for public inspection and reproduction.

5. The Conflict of Interest Code for the Compliance Department becomes effective upon the date of adoption of this Resolution.


APPROVED: MARA W. ELLIOT, City Attorney

By   
Jose A. Garcia  
Deputy City Attorney

JAG:nsf  
November 20, 2024  
Or.Dept: Compliance Department  
Doc. No.: 3883911

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on  
DEC 09 2024

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

**COMPLIANCE DEPARTMENT  
CONFLICT OF INTEREST CODE**

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

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Chief Compliance Officer/ Department Director	Directs, provides oversight and manages the Compliance Department. Recommends policies and courses of action to the Mayor, Chief Operating Officer, Executive Team and Department Directors. Provides appropriate enforcement pertaining to City wage laws and labor standards, monitoring of the City's Project Labor Agreement program (with the exception of Pure Water), compliance with the City's Privacy Technology Ordinance, City responses to internal and external audits, facilitation of the City's Title VI program, and compliance with external agency regulations. Also supervises the Department's Deputy Director who provides oversight to the City's Administrative Hearing and Occupational Safety and Health programs.	1
Deputy Director	Assists the Chief Compliance Officer/Department Director in administrative operations of the Compliance Department and serves as support and back up on appropriate enforcement pertaining to City wage laws and labor standards, the City's Project Labor Agreement program (with the exception of Pure Water), City responses to internal and external audits, compliance with the City's Privacy Technology Ordinance, facilitation of the City's Title VI program, and compliance with external agency regulations. This position supervises the Occupational Safety and Health and the City's Administrative Hearing programs.	1
Program Manager Administrative Hearings	Supports the Chief Compliance Officer/Department Director and Deputy Director in managing programs and projects and ensuring that City policies, and federal and State rules and regulations are being followed. Provides oversight for departmental programs including supervising program staff and ensures that program requirements are met. Assists in negotiating contracts as needed.	2
Program Manager Audits and Title VI	Supports the Chief Compliance Officer/Department Director, Deputy Director, and other City departments in managing programs and projects and ensuring that City policies, and federal and State rules and regulations are being followed. Provides oversight for departmental programs and ensures that program requirements are met. Assists in negotiating contracts as needed.	2

**COMPLIANCE DEPARTMENT  
CONFLICT OF INTEREST CODE**

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<u><i>Position</i></u>	<u><i>Duties</i></u>	<u><i>Category</i></u>
Program Manager Occupational Safety and Health	Supports the Chief Compliance Officer/Department Director and Deputy Director in managing programs and projects and ensuring that City policies, and federal and State rules and regulations are being followed. Provides oversight for departmental programs including supervising program staff and ensures that program requirements are met. Assists in negotiating contracts as needed.	2
Program Manager Office of Labor Standards Enforcement	Supports the Chief Compliance Officer/Department Director and Deputy Director in managing programs and projects and ensuring that applicable City, State, and federal labor laws are being followed by City contractors and City of San Diego businesses. Provides oversight for departmental programs including supervising program staff and ensures that program requirements are met. Assists in negotiating contracts as needed.	2
Program Manager Project Labor Agreement	Supports the Chief Compliance Officer/Department Director as the primary point of contact for the public and City staff for the City's Project Labor Agreement, works with City contractors and Trade Council representatives ensuring that City policies, and federal and State rules and regulations are being followed. This position supervises program staff and ensures that program requirements are met. Assists in negotiating contracts as needed.	2
Program Manager Privacy Technology Ordinance	Supports the Chief Compliance Officer/Department Director as the primary point of contact for the public and City staff for the City's Surveillance Ordinance Compliance program, works with departments to ensure that the City's technology is in compliance with the Surveillance Ordinance, assists with drafting policies as needed, communicates with City departments and members of the Privacy Board.	2
Program Coordinator	Supports the Chief Compliance Officer/Department Director, Deputy Director, and Program Managers in managing programs and projects and ensuring that City policies, and federal and State rules and regulations are being followed. Provides oversight for departmental programs and ensures that program requirements are met.	2

**COMPLIANCE DEPARTMENT  
CONFLICT OF INTEREST CODE**

**APPENDIX A  
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<u><i>Position</i></u>	<u><i>Duties</i></u>	<u><i>Category</i></u>
Supervising Compliance Officer	Assists the Compliance Officer/Department Director, and Program Manager; plans, assigns, supervises, review and evaluate the work of subordinate staff; administers programs and conducts administrative, organizational, and programmatic analyses. Develops negotiation plans and strategies, and prepares reports.	2
Senior Compliance Officer/Senior Management Analyst	Assists the Compliance Officer/Department Director, Deputy Director, and Program Manager; plans, assigns, supervises, review and evaluate the work of subordinate staff; administers programs and conducts administrative, organizational, and programmatic analyses. Develops negotiation plans and strategies, and prepares reports.	2
New Positions and Consultants	<p>Consultants and New Positions 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 Chief Compliance Officer/Department Director or Deputy Director may determine in writing that a particular consultant or new position, 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 or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Department Director’s or Deputy Director’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.</p>	3

**COMPLIANCE DEPARTMENT  
CONFLICT OF INTEREST CODE**

**APPENDIX B  
DISCLOSURE CATEGORIES**

**CATEGORY 1**

1. All reportable investments, business positions, and income (including gifts) from any firm or business entity located in or doing business with the City of San Diego.
2. 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.
3. 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, is a tenant of the City of San Diego, or is granted authority by the City of San Diego to use City facilities.
4. All reportable income, including gifts, from any person 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.

**CATEGORY 2**

1. All reportable investments and business positions in any firm or business entity that supplies goods or services to the City, is a tenant of the City, is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
2. All reportable income, including gifts, from any person or business entity that supplies goods or services to the City, is a tenant of the City, is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
3. All reportable interests in real property owned or used by any person or business entity that supplies goods or services to the City, is a tenant of the City, is an adverse party to the City in a legal proceeding or is granted authority by the City of San Diego to use City facilities.

**CATEGORY 3**

Consultants/new positions 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 Director may determine in writing that a particular consultant/new position, although a “designated person,” 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/new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Director’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.

Passed by the Council of The City of San Diego on DEC 09 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 09 2024

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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