

001765

REQUEST FOR COUNCIL ACTION  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 146  
11/18

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): Environmental Services Department

3. DATE: August 22, 2008

4. SUBJECT: Conflict of Interest Code for Environmental Services Department

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)  
Kate Claytor, MS-1102A, 858-492-5082

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)  
Matthew Cleary, MS-1102A, 858-492-5076

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	NA		
DEPT.			
ORGANIZATION			
OBJECT ACCOUNT			
JOB ORDER			
C.I.P. NUMBER			
AMOUNT			

9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	8/8/08	8	DEPUTY CHIEF	<i>[Signature]</i>	8/14/08
2				9	COO	<i>[Signature]</i>	8/19/08
3				10	CITY ATTORNEY	<i>[Signature]</i>	10/13/08
4				11	ORIG. DEPT	<i>[Signature]</i>	11/20/08
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<i>[Signature]</i>	<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 11/18/08

11. PREPARATION OF:  RESOLUTIONS  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

Adopting the revised Conflict of Interest Code for Environmental Services Department.

11A. STAFF RECOMMENDATIONS: Approve the revised Conflict of Interest Code and appendices as submitted.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)  
COUNCIL DISTRICT(S):  
COMMUNITY AREA(S):  
ENVIRONMENTAL IMPACT: -  
HOUSING IMPACT:  
OTHER ISSUES:

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**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED: \_\_\_\_\_ REPORT NO: \_\_\_\_\_  
ATTENTION: City Council  
ORIGINATING DEPARTMENT: Environmental Services Department  
SUBJECT: Conflict of Interest Codes  
COUNCIL DISTRICT(S): N/A  
CONTACT/PHONE NUMBER: Kate Claytor, (858) 492-5082

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION: Pass Resolution

EXECUTIVE SUMMARY: This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R- 303718 adopted on May 20, 2008. The Environmental Services Department code has been revised to include a new position (Information Systems Administrator) which had not been previously designated, abolished position (Assistant to the Director) previously included in the Departments Conflict of Interest Code.

FISCAL CONSIDERATIONS: 0

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

  
\_\_\_\_\_  
Chris Gonaver, Env. Servs. Dept. Director  
Originating Department

  
\_\_\_\_\_  
Deputy Chief/Chief Operating Officer

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## 2008 Local Agency Biennial Notice

Name of Agency: Environmental Services Department

Mailing Address: 9601 Ridgehaven Ct.. Ste 210, San Diego, CA 92123

Contact Person: Kate Claytor, Division Analyst, Office of the Director

Phone Number: (858) 492-5082 Fax Number: (858) 492-5021

E-mail: KClaytor@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

XXXX The code needs to be amended and the following amendments are necessary:

*(Check all that apply)*

Include new positions (including consultants) which must be designated (App. A)

Delete positions that manage public investments from the list of designated positions.

Revise disclosure categories (App. B)

Revise the titles of existing positions (App. A)

Delete the titles of positions that have been abolished (App. A)

Other

Summary of documented dispute and resolution

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

Chris Gonaver, Environmental Services Director

8/8/08  
Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst  
Office of the City Clerk  
202 C Street, MS 2A, San Diego, CA 92101

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2008 Local Agency Biennial Notice  
Continued, page 2

This Department has reviewed its conflict of interest code and has determined that the code needs to be amended and the following amendment is necessary:

1. Revise the title of existing position from Assistant to the Director to Information Systems Administrator. The description of duties and category 1 remain the same.

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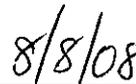
Certification

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's Environmental Services Department after a fair opportunity was offered to the members of the Department to present their views.



\_\_\_\_\_  
Chris Gonaver

Environmental Services Director



\_\_\_\_\_  
Date

ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX A

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DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Environmental Services Director	Manages the Environmental Services Department. Approves major purchases of equipment, vehicles, supplies or services relating to department needs, including consultants, as described in each division.	1
Assistant Environmental Services Director	Assists Director in managing the Environmental Services Department. Approves major purchases of equipment, vehicles, supplies or services relating to department needs, including consultants, as described in each division.	1
Deputy Director & Program Manager (unclassified), Environmental Services Department	Approves and/or makes recommendations concerning financial decisions for contracts, equipment purchases, consultant contracts, equipment leases, work clothes, service contracts, contracts for purchase and installation of equipment relating to identification, handling and disposal of hazardous and household hazardous waste, landfilling, energy, residential refuse, recycling and curbside greenery (yard waste) collection, and renewable resources (landfill gas, photovoltaic cells, etc.). Administers service contracts and grants. Prepares and administers budgets and manages division activities.	1
<u>Information Systems Administrator</u>	Approves and/or makes recommendations regarding financial decisions concerning contracts, equipment purchases, consultant contracts, equipment leases, work clothes, service contracts, contracts for purchase and installation of equipment relating to identification, handling and disposal of hazardous and household hazardous waste, landfilling, energy, residential refuse, recycling and curbside greenery (yard waste) collection, information system hardware and software. Evaluates compliance with contract specifications. Develops and manages department management information systems and geographic information systems. Manages all information system programs and activities.	1

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ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX A

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DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Supervising Management Analyst	Analyzes need for and/or recommends purchase of equipment, vehicles, supplies or services relating to department needs including consultants as described in each division. Acts as Project Manager and authorizes activities, contracts, supplies and/or equipment as needed on a special project basis. Supervises, analyzes and administers revenue data, cost and budgetary data, grants or agency contracts and payments.	1
Information Systems Analyst IV	Approves and/or provides management with recommendations concerning information system hardware, software and consulting services. Evaluates compliance with contract specifications. Develops and manages department management information systems and geographic information systems.	4
Program Manager (Classified)	Approves and/or provides management with recommendations concerning program supplies, services and equipment requirements. Evaluates compliance with contract specifications. Develops and manages the material handling and compliance programs, identification of abatement projects. Advises in the awarding of contracts and assigns/oversees the completion of projects; prepares and administers program budget; policy formulation; writing Manager's Reports which include making recommendations to decision makers.	2
Senior Civil Engineer & Senior Mechanical Engineer	Approves and/or makes recommendations regarding financial decisions concerning, consultant contracts and contracts for purchase and installation of equipment. Acts as project manager and authorizes activities, contracts, supplies and/or equipment as needed on a project basis.	3

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ESD09082006.doc

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ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX A

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DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Project Officer II	Advises in the awarding of contracts and administers the construction of larger, complex construction projects from the design stage through completion of construction.	2
Community Development Specialist III (Lead Safe Neighborhood Program Coordinator)	Approves and/or provides management with recommendations concerning program supplies, services and equipment requirements. Evaluates compliance with contract specifications. Develops and manages identification and abatement projects.	2
Consultants	Determined by contract. Disclosure will be as required. See Appendix B.	5

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Deleted: 8/29/2006

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**ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX A**

**DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Environmental Services Director	Manages the Environmental Services Department. Approves major purchases of equipment, vehicles, supplies or services relating to department needs, including consultants, as described in each division.	1
Assistant Environmental Services Director	Assists Director in managing the Environmental Services Department. Approves major purchases of equipment, vehicles, supplies or services relating to department needs, including consultants, as described in each division.	1
Deputy Director & Program Manager (unclassified), Environmental Services Department	Approves and/or makes recommendations concerning financial decisions for contracts, equipment purchases, consultant contracts, equipment leases, work clothes, service contracts, contracts for purchase and installation of equipment relating to identification, handling and disposal of hazardous and household hazardous waste, landfilling, energy, residential refuse, recycling and curbside greenery (yard waste) collection, and renewable resources (landfill gas, photovoltaic cells, etc.). Administers service contracts and grants. Prepares and administers budgets and manages division activities.	1
Information Systems Administrator	Approves and/or makes recommendations regarding financial decisions concerning contracts, equipment purchases, consultant contracts, equipment leases, work clothes, service contracts, contracts for purchase and installation of equipment relating to identification, handling and disposal of hazardous and household hazardous waste, landfilling, energy, residential refuse, recycling and curbside greenery (yard waste) collection, information system hardware and software. Evaluates compliance with contract specifications. Develops and manages department management information systems and geographic information systems. Manages all information system programs and activities.	1

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ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX A

DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Supervising Management Analyst	Analyzes need for and/or recommends purchase of equipment, vehicles, supplies or services relating to department needs including consultants as described in each division. Acts as Project Manager and authorizes activities, contracts, supplies and/or equipment as needed on a special project basis. Supervises, analyzes and administers revenue data, cost and budgetary data, grants or agency contracts and payments.	1
Information Systems Analyst IV	Approves and/or provides management with recommendations concerning information system hardware, software and consulting services. Evaluates compliance with contract specifications. Develops and manages department management information systems and geographic information systems.	4
Program Manager (Classified)	Approves and/or provides management with recommendations concerning program supplies, services and equipment requirements. Evaluates compliance with contract specifications. Develops and manages the material handling and compliance programs, identification of abatement projects. Advises in the awarding of contracts and assigns/oversees the completion of projects; prepares and administers program budget; policy formulation; writing Manager's Reports which include making recommendations to decision makers.	2
Senior Civil Engineer & Senior Mechanical Engineer	Approves and/or makes recommendations regarding financial decisions concerning, consultant contracts and contracts for purchase and installation of equipment. Acts as project manager and authorizes activities, contracts, supplies and/or equipment as needed on a project basis.	3

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ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX A

DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Project Officer II	Advises in the awarding of contracts and administers the construction of larger, complex construction projects from the design stage through completion of construction.	2
Community Development Specialist III (Lead Safe Neighborhood Program Coordinator)	Approves and/or provides management with recommendations concerning program supplies, services and equipment requirements. Evaluates compliance with contract specifications. Develops and manages identification and abatement projects.	2
Consultants	Determined by contract. Disclosure will be as required. See Appendix B.	5

**ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX B**

**DISCLOSURE CATEGORIES**

<u>CATEGORY</u>	<u>DESCRIPTION</u>
1	Investments and business positions in any business entity located in or doing business with the City. Income, including gifts, loans, and travel payments 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.
2	<p>Investments and business positions in firms or business entities that supply goods or services to the Environmental Services Department. Income, including gifts, loans, and travel payments from any person or business entity that supplies goods or services to the Environmental Services Department. Interests in real property owned or used by any person or business entity that supplies goods or services to the Environmental Services Department, or which is located in the City within a two-mile radius of any property used as a disposal site, transfer station, resource recovery facility and/or renewable resource site (e.g., photovoltaic installation).</p> <p>For purposes of this Category, “supplies goods or services” to the Environmental Services Department means manufactures or provides general or specialized motive equipment and/or materials; maintenance and industrial service companies; sustainability, refuse collection, recycling or disposal services or containers; and management consultants for services required by the Department.</p>
3	All interests in real property owned or used by, all investments and positions in any person, firm or entity which manufactures or supplies refuse collection, refuse disposal, or refuse recovery equipment, general motive equipment, or work clothes. Also any reportable investments in or income, including gifts, loans and travel payments from any person, firm or entity which provides refuse collection, refuse disposal or resource recovery services including consultants as required by the division.
4	All interests in real property owned or used by, all gifts, income, loans and travel payments from all investments and positions in any person, firm or entity which manufactures or provides management information systems (MIS) or geographic information systems (GIS) equipment, services or supplies. Also, all reportable gifts, investments in or income from any person, firm, or entity which provides Information Systems and/or GIS consulting services.

ENVIRONMENTAL SERVICES DEPARTMENT  
APPENDIX B

DISCLOSURE CATEGORIES

CATEGORY

DESCRIPTION

5 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 Department Director, Assistant Department Director, Deputy Directors or Assistant to the 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 upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

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RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE ENVIRONMENTAL SERVICES 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-303718 (approved by the City Council on May 20, 2008), 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

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WHEREAS, by Resolution No. 302204, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Environmental Services Department; and

WHEREAS, the Environmental Services Department now seeks to revise its conflict of interest code to revise the title of an existing position from Assistant to the Director to Information Services Administrator; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Environmental Services Department; 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 Environmental Services 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 Environmental Services Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-\_\_\_\_\_.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Environmental Services Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in

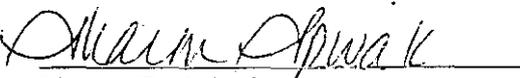
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Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office 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 Environmental Services Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
10/13/08  
Or.Dept:Environmental Services  
R-2009-212