

READ 08-010

000699

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMB (FOR AUDITOR'S US) 108
10/21

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): Real Estate Assets Department

3. DATE: August 11, 2008

4. SUBJECT: CONFLICT OF INTEREST CODE - REAL ESTATE ASSETS DEPARTMENT

5. FOR INFORMATION, CONTACT (NAME & MAIL STA.) James F. Barwick, (619) 236-6145, 51A

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Teresa Morse (619) 236-6144, MS 51A

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>A.F. Barwick</i>	8/11/08	8			
2	CFO	<i>Mary Heilm</i>	8/18/08	9			
3	DEPUTY CHIEF	<i>Barry Murray</i>	8/13/08	10			
4	COO	<i>John M. ...</i>	8/19/08	11			
5	CITY ATTORNEY	<i>Thomas Opwale</i>	10/6/08				
6	ORIGINATING DEPARTMENT						
7							

DOCKET COORD: _____ COUNCIL LIAISON: _____

COUNCIL PRESIDENT: SPOB CONSENT ADOPTION

REFER TO: _____ COUNCIL DATE: 10/21/08

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

Adopting the revised Conflict of Interest Code for the Real Estate Assets 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): ALL
COMMUNITY AREA(S): CITYWIDE
ENVIRONMENTAL IMPACT: N/A
HOUSING IMPACT: N/A
OTHER ISSUES: NONE

000701

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: REPORT NO.
ATTENTION: Council President and City Council
ORIGINATING DEPT: Real Estate Assets
SUBJECT: BINNIAL REVIEW: CONFLICT OF INTEREST CODES
COUNCIL DISTRICT: N/A
STAFF CONTACT: Teresa Morse (619) 236-6144
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 27, 2008. The Real Estate Assets Department code has been revised as follows:

Appendix A – Position(s) Removed: Deputy Director, Airports; Airport Operations Manager; Noise Abatement Officer; Senior Civil Engineer (Airports). Airports no longer reports to the Real Estate Assets Department, it is now under Public Works.

Appendix A - Position(s) Added: Asset Manager; Principal Appraiser

Appendix B – Revisions/Additions: There are no longer 4 categories. Category 2, which previously pertained to Airports, has been removed and all other categories renumbered to reflect the current reporting relationships in the Real Estate Assets Department

Category 3 “Consultants” – Paragraph 2, line 1: Airport Operations Manager was removed.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A.

KEY STAKEHOLDS & PROJECTED IMPACTS (if applicable): N/A


James F. Barwick
Real Estate Assets Director


Approved: William Anderson, FAICP
Deputy Chief Operating Officer
Executive Director, City Planning and Development

000703

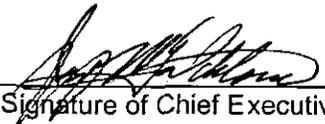
2008 Local Agency Biennial Notice

Name of Agency: City of San Diego - Real Estate Assets Dept.
 Mailing Address: Civic Center Plaza - 1200 Third Ave, Ste 1700
 Contact Person: TERESA MORSE
 Phone Number: (619) 236-6144 Fax Number: (619) 236-6706
 E-mail: tmorse@sandiego.gov

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

- 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)

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

8/19/08
 Date

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

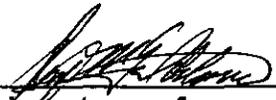
Please return this report by August 22, 2008, to:

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

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's REAL Estate Assets Department
(name of department/agency/board)

after a fair opportunity was offered to the members of the department/agency/board to present their views.



(signature of executive officer)

8-19-08

(date)

000707

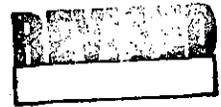
REAL ESTAE ASSETS DEPARTMENT
CONFLICT OF INTEREST CODE
 Revised July 23, 2008

REVISED

APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES

POSITION	DUTIES	CATEGORY
Real Estate Assets		
Department Director	Directs the activities of the Real Estate Assets Department which encompasses negotiations for acquisition, lease, disposal and valuation of real property interests and relocation assistance.	1, 2
Deputy Director, READ	Administers departmental policies and programs involving negotiations for acquisition, lease and disposal of real property interests, appraisal and relocation assistance activities, and acts for the Real Estate Assets Director in his absence. Approves or recommends financial decisions concerning consultant services relating to divisional needs.	1, 2
Asset Manager	Direct, manage and be responsible for difficult and highly complex specialized projects requiring advanced professional knowledge and skills; Oversees and conducts real property negotiation and transactions, including leases, lease amendments, option agreements, use permits, joint-use agreements and lease by out agreements; interacts and/or negotiates with City tenants or their representatives; negotiates the purchase, sale, lease or transfer of City assets and property rights; conducts market analyses of real property and performs periodic renegotiation of rents.	1, 2
Principal Appraiser (Program Manager)	Responsible for managing the Real Estate Valuation Division; provides oversight, coordination and procurement of independent professional appraisers. Reviews complex real estate appraisals and conducts special real estate financial analyses; and develops valuation policy to meet established department goals and objectives.	1, 2
Supervising Property Agent	Supervises negotiations by subordinate Property Agents and negotiates with special clients in the area of acquisition, lease, disposition of real property interest, and relocation assistance; makes and reviews appraisals in connection with real property transactions.	1, 2
Management Trainee Assistant Property Agent Associate Property Agent Property Agent	Negotiates for acquisition; disposal and lease of real property interest; makes and reviews appraisals in connection with real property transactions; provides relocation assistance.	1
Qualcomm Stadium		
Stadium Manager	Oversees and directs the operation of the stadium which includes: Conducting lease and rental negotiations, administering contracts; performing promotional activities; supervising maintenance forces, and coordinating event preparation. Responds to inquiries from City Council, Mayor and citizens; coordinates City events and activities at Qualcomm Stadium.	1, 2
PETCO Park		
Ballpark Administrator	Serves as the City's liaison to PETCO Park; administers the agreement between the City and San Diego Padres; responds to inquiries from City Council, Mayor and citizens; coordinates City events and activities at PETCO Park	1, 2
Consultants		
Consultants	As Stated in Contract. See Appendix B	3

REAL ESTAE ASSETS DEPARTMENT
CONFLICT OF INTEREST CODE
 Revised July 23, 2008



APPENDIX B
DISCLOSURE CATEGORIES

CATEGORY 1

Report all real property in the City of San Diego or within a two-mile radius of its boundaries (except place of principal residence), in which employee has an equity or secured creditor's interest or in which employee has a decision making capacity with respect to the management, use or disposition of that real property.

Report all investments, business positions or source of income or gifts from:

- Persons or entities negotiating with the City for purchase, lease, or sale of public or real property.
- Persons or entities which provide services, supplies, materials, or equipment used by the department.
- Persons or entities which engage in land development, construction, management, or acquisition or sale of real property.

Report all reportable investments, business positions, income and gifts from sources located in or doing business in the City of San Diego, that supply goods or services to the City of San Diego or are granted authority by the City of San Diego to use City facilities

CATEGORY 2

- Investments and business positions in any firm or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- Income and gifts from any person or business entity that supplies goods or services to the City that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.
- Interests in real property owned or used by any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.

CATEGORY 3
(Consultants)

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, Deputy Director, or Mayor 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. 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.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE REAL ESTATE ASSETS
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, and signed by the Mayor on May 27, 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

000710

WHEREAS, by Resolution No. 302213, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Real Estate Assets Department; and

WHEREAS, the Real Estate Assets Department now seeks to revise its conflict of interest code to account for restructuring that removed the Airports Department from the Real Estate Assets Department, by deleting the positions and title descriptions related to Airports (which now has a separate code); including new positions; and revising disclosure categories; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Real Estate Assets 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 Real Estate Assets 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 Real Estate Assets 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 Real Estate Assets Department shall file their statements

000711

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 Real Estate Assets 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
10/07/08
Or.Dept:Real Estate Assets
R-2009-222