



# City of San Leandro

Meeting Date: July 16, 2018

## Staff Report

---

**File Number:** 18-258

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.R.

**TO:** City Council

**FROM:** Jeff Kay  
Acting City Manager

**BY:** Jeff Kay  
Acting City Manager

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** Staff Report for a Resolution of the City Council for the City of San Leandro to Repeal and Reenact Chapter 4.2 of the City of San Leandro Administrative Code Relating to the City's Conflict of Interest Code

---

### SUMMARY AND RECOMMENDATION

State law requires each government agency to adopt a conflict of interest code, which designates positions required to file a Statement of Economic Interests (Form 700). The Form 700 is a public document intended to alert public officials and members of the public to certain financial interests that may create conflicts of interest under California's Political Reform Act. State law also requires each government agency to update its conflict of interest code every two years. Staff recommends that the City Council adopt the resolution repealing and reenacting Title 4, Chapter 2 of the City of San Leandro Administrative Code to update the City's conflict of interest code.

### BACKGROUND

The Political Reform Act (California Government Code section 87100 *et seq.*, or the "Act") requires each public agency to adopt a conflict of interest code (the "Code") and review the Code biennially. The Code contains three components: 1) Terms of the Code, which comprise the main body of the Code and includes provisions to report financial interests, disqualification procedures, etc.; 2) Designated Positions, which are positions that make or participate in the making of decisions which may foreseeably have a material effect on those individual's economic interests; and 3) Disclosure Categories, which identify the types of investments, interests in real property, sources of income and business positions that designated positions are required to report upon in their Form 700.

### Analysis

The State's Fair Political Practices Commission (the "FPPC") recommends that cities

incorporate by reference Regulation 18730 of Title 2, Division 6 of the California Code of Regulations because the type of information required to be in the main body of the Code is quite complex, and Regulation 18730 contains all of these provisions for compliance with the Act.

Based upon a review of Regulation 18730 and review by the City's department heads, the Designated Positions List (Appendix A) must be revised by Resolution to reflect departmental reorganizations and classifications that were created or eliminated since the last Code update. Typically, positions that involve recommending upon or actually voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in the Code. Positions are listed by classification titles, followed by working titles in parentheses if applicable. The positions of City Manager, City Attorney, Finance Director, Mayor and City Councilmembers, and Planning Commissioners are not listed in the City's Code, as these positions are already required by State law to file full disclosure of their economic interests.

### **Current City Council Policy**

In order to comply with the requirements of the Political Reform Act, the City Council must review the City's conflict of interest code biennially to determine if it is accurate or if amendments are needed.

### **Previous City Council Action(s)**

On November 7, 2016, by Resolution No. 2016-146, the City Council last updated the City's conflict of interest code.

## **ATTACHMENT**

### **Attachment to Resolution**

- Proposed conflict of interest code

**PREPARED BY:** Tamika Greenwood, City Clerk, City Manager's Office



# City of San Leandro

Meeting Date: July 16, 2018

## Resolution - Council

---

**File Number:** 18-259

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:**

**TO:** City Council

**FROM:** Jeff Kay  
Acting City Manager

**BY:** Jeff Kay  
Acting City Manager

**FINANCE REVIEW:** David Baum  
Finance Director

**TITLE:** RESOLUTION of the City Council for the City of San Leandro to Repeal and Reenact Chapter 4.2 of the City of San Leandro Administrative Code to Update the Conflict of Interest Code as Required by State Law

---

WHEREAS, the Political Reform Act of 1974 (California Government Code section 81000 *et seq.*) requires every government agency to adopt a conflict of interest code and review this code every two years; and

WHEREAS, the City Council is the code reviewing body for the City of San Leandro; and

WHEREAS, the City Council reviewed the amendments to the City's conflict of interest code; and

WHEREAS, the City Clerk recommends the adoption of said amendments.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE that Title 4, Chapter 2 of the City of San Leandro Administrative Code relating to the City's conflict of interest code is hereby repealed in its entirety and immediately reenacted, as provided in the copy which is attached hereto and incorporated herein by this reference,.

## Chapter 2 Conflict of Interest

[Added text is shown in *italics and underscore*; deleted text is shown by ~~strikeout~~.]

**§4.2.100: LEGAL REQUIREMENT.** Under the Political Reform Act, California Government Code Sections 81000 et seq., all public agencies are required to adopt a conflict of interest code. This code designates positions required to file Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interest to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interests.

**§4.2.105: ADOPTION OF CONFLICT OF INTEREST CODE.** Fair Political Practices Commission (FPPC) Regulation 18730 in Title 2, Division 6 of the California Code of Regulations is adopted and incorporated into this Chapter by reference. FPPC Regulation 18730, together with the designated positions set forth in Appendix A and the disclosure categories set forth in Appendix B, constitutes the formation and promulgation of the City's conflict of interest code.

**§4.2.110: FILING OF FORM 700.** All designated officials and employees shall file the required Form 700 pursuant to provisions of this Chapter with the City Clerk, the City's filing officer. Failure to timely file the required Form 700 may result in disciplinary action by the relevant department head and/or in the imposition of administrative, criminal, and civil sanctions as provided in California Government Code Sections 81000-91014.

**§4.2.115: PUBLIC INSPECTION AND REPRODUCTION.** Every Form 700 filed pursuant to this Chapter shall be open for public inspection and reproduction in the Office of the City Clerk during regular business hours.

### **APPENDIX A—DESIGNATED POSITIONS**

| <b><u>POSITION</u></b>                 | <b><u>DISCLOSURE CATEGORY</u></b> |
|----------------------------------------|-----------------------------------|
| <b><u>City Attorney's Office</u></b>   |                                   |
| Assistant City Attorney                | 1                                 |
| Associate Attorney                     | 1                                 |
| <b><u>City Manager's Office</u></b>    |                                   |
| Administrative Analyst I               | 1                                 |
| Assistant City Manager                 | 1, 5                              |
| Assistant Information Services Manager | 2                                 |
| Assistant to the City Manager          | 1, 5                              |
| City Clerk                             | 1                                 |
| Consultant                             | 1                                 |
| Deputy City Clerk                      | 1                                 |
| Deputy City Manager                    | 1,5                               |
| Human Resources Director               | 2                                 |

|                                |   |
|--------------------------------|---|
| Human Resources Manager        | 2 |
| Information Services Manager   | 2 |
| Senior Human Resources Analyst | 2 |

### **Community Development Department**

|                                                  |                 |
|--------------------------------------------------|-----------------|
| Administrative Analyst                           | 1, 5            |
| Building Inspector                               | 4               |
| <del>Business</del> Economic Development Manager | 1, 5            |
| Chief Building Official                          | 4, 5            |
| Chief Innovation Officer                         | 1, 5            |
| <del>Consultant</del>                            |                 |
| <del>Code Enforcement Officer</del>              | <del>1</del>    |
| Community Development Director                   | 1, 5            |
| Deputy Community Development Director            | 1, 5            |
| <del>Housing CDBG Manager</del>                  | <del>4, 5</del> |
| Planning Manager                                 | 1, 5            |
| Permits Center Coordinator                       | 4               |
| Principal Planner                                | 4, 5            |
| Project Specialist I                             | 4, 5            |
| Project Specialist II                            | 4, 5            |
| Senior Building Inspector                        | 4               |
| Senior Engineer                                  | 4, 5            |
| Senior Project Specialist (Senior Planner)       | 4, 5            |
| Supervising Building Inspector                   | 4, 5            |

### **Engineering/Transportation Department**

|                                            |                 |
|--------------------------------------------|-----------------|
| Administrative Analyst/ <del>Manager</del> | 5               |
| City Engineer                              | 1, 5            |
| Engineering Inspectors                     | 4, 5            |
| <del>Sidewalk Inspectors</del>             | <del>4, 5</del> |
| Engineering and Transportation Director    | 1, 5            |
| Principal Engineer                         | 1, 5            |
| Senior Engineer                            | 1, 5            |
| Supervising Engineering Inspector          | 4, 5            |

### **Finance Department**

|                                    |              |
|------------------------------------|--------------|
| Administrative Specialist III      | 2            |
| Risk Management Analyst)           |              |
| Assistant Finance Director         |              |
| Budget and Compliance Manager      |              |
| Finance Director                   | 2            |
| Deputy Finance Director            | 1            |
| <del>Police Business Manager</del> | <del>1</del> |
| Purchasing Technician              |              |

### **Library Department**

|                  |   |
|------------------|---|
| Library Director | 2 |
|------------------|---|

|                          |   |
|--------------------------|---|
| Library Services Manager | 3 |
|--------------------------|---|

**Police Department**

|                |   |
|----------------|---|
| Police Captain | 1 |
|----------------|---|

|              |   |
|--------------|---|
| Police Chief | 1 |
|--------------|---|

|                                    |              |
|------------------------------------|--------------|
| <del>Police Business Manager</del> | <del>1</del> |
|------------------------------------|--------------|

**Public Works Services Department**

|                          |   |
|--------------------------|---|
| Administrative Analyst I | 3 |
|--------------------------|---|

|                           |      |
|---------------------------|------|
| Administrative Analyst II | 3, 4 |
|---------------------------|------|

|                                                                    |   |
|--------------------------------------------------------------------|---|
| Administrative Specialist III (Solid Waste & Recycling Specialist) | 4 |
|--------------------------------------------------------------------|---|

|                       |              |
|-----------------------|--------------|
| <del>Consultant</del> | <del>1</del> |
|-----------------------|--------------|

|                                       |   |
|---------------------------------------|---|
| Deputy Public Works Services Director | 1 |
|---------------------------------------|---|

|                                   |   |
|-----------------------------------|---|
| Environmental Services Supervisor | 4 |
|-----------------------------------|---|

|                                       |   |
|---------------------------------------|---|
| Environmental Protection Specialist I | 4 |
|---------------------------------------|---|

|                                        |   |
|----------------------------------------|---|
| Environmental Protection Specialist II | 4 |
|----------------------------------------|---|

|                                              |              |
|----------------------------------------------|--------------|
| <del>Facilities and Open Space Manager</del> | <del>3</del> |
|----------------------------------------------|--------------|

|                                |   |
|--------------------------------|---|
| Public Works Services Director | 1 |
|--------------------------------|---|

|                                       |              |
|---------------------------------------|--------------|
| <del>Street Maintenance Manager</del> | <del>3</del> |
|---------------------------------------|--------------|

|                                 |      |
|---------------------------------|------|
| Water Pollution Control Manager | 3, 4 |
|---------------------------------|------|

|                                   |                  |
|-----------------------------------|------------------|
| <del>Sustainability Manager</del> | <del>2,3,4</del> |
|-----------------------------------|------------------|

**Recreation & Human Services Department**

|                                          |              |
|------------------------------------------|--------------|
| <del>Administrative Specialist III</del> | <del>1</del> |
|------------------------------------------|--------------|

|                                                             |              |
|-------------------------------------------------------------|--------------|
| <del>Recreation and Human Services Assistant Director</del> | <del>1</del> |
|-------------------------------------------------------------|--------------|

|                                        |   |
|----------------------------------------|---|
| Recreation and Human Services Director | 1 |
|----------------------------------------|---|

|                                                  |              |
|--------------------------------------------------|--------------|
| <del>Recreation and Human Services Manager</del> | <del>1</del> |
|--------------------------------------------------|--------------|

**Arts Commission**

|              |      |
|--------------|------|
| Entire Board | 4, 5 |
|--------------|------|

**Board of Zoning Adjustments**

|              |   |
|--------------|---|
| Entire Board | 1 |
|--------------|---|

**Human Services Commission**

|                   |   |
|-------------------|---|
| Entire Commission | 4 |
|-------------------|---|

**Library-Historical Commission**

|                   |   |
|-------------------|---|
| Entire Commission | 4 |
|-------------------|---|

**Rent Review Board**

|              |   |
|--------------|---|
| Entire Board | 5 |
|--------------|---|

|                                                 |   |
|-------------------------------------------------|---|
| Consultants as defined by FPPC Regulation 18701 | * |
|-------------------------------------------------|---|

\*A consultant's disclosure category is determined by the responsible department head in consultation with the City Attorney based on the scope of services or duties.

**NOTE:** Members of the City Council, members of the Planning Commission, City Manager, City Attorney and Finance Director are required under California Government Code Section 87200 to file full disclosure of economic interests (Disclosure Category 1).

## **APPENDIX B DISCLOSURE CATEGORIES**

### **CATEGORY 1 – BROAD RESPONSIBILITIES**

All designated employees and officials in this category shall disclose all sources of income, all interests in real property, and all investments and business positions in business entities.

Employees in this category must complete **all** schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule B: Interest in Real Property
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts
- Schedule E: Income – Travel Payments, Advances, and Reimbursements

### **CATEGORY 2 – PURCHASING DECISION FOR CITY**

All designated employees in this category shall disclose investments, business positions and sources of income from business entities which provide services, supplies, materials, machinery or equipment of the type utilized by the City of San Leandro.

Employees in this category must complete the following schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts

### **CATEGORY 3 – PURCHASING DECISION FOR DEPARTMENT**

All designated employees in this category shall disclose investments, business positions and sources of income from business entities which provide services, supplies, materials, machinery or equipment of the type utilized by the designated employee's department or division.

Employees in this category must complete the following schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts

- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts

#### **CATEGORY 4 – REGULATORY / PERMIT / LICENSING / GRANT AUTHORITY**

All designated employees and officials in this category shall disclose all investments, business positions and sources of income from business entities, and interests in real property, which are subject to the regulatory, permit or licensing authority of the City of San Leandro, or which may receive grants from the City of San Leandro.

Employees in this category must complete **all** schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule B: Interest in Real Property
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts
- Schedule E: Income – Travel Payments, Advances, and Reimbursements

#### **CATEGORY 5 – REAL PROPERTY DECISION**

All designated employees and officials in this category shall disclose all investments, business positions and sources of income from business entities which engage in land development, construction or the acquisition or sale of real property, and all interests in real property.

Employees in this category must complete **all** schedules on the Form 700 Statement of Economic Interests Form:

- Schedule A-1: Investments
- Schedule A-2: Investments, Income, and Assets of Business Entities/Trusts
- Schedule B: Interest in Real Property
- Schedule C: Income, Loans, and Business Positions
- Schedule D: Income – Gifts
- Schedule E: Income – Travel Payments, Advances, and Reimbursements

#### **Legislative History:**

Resolution No. 2006-123, 11/20/2006 [§§4.2.100-4.2.105]; Resolution No. 2006-128, 12/04/2006 [§§4.2.100-4.2.105]; Resolution No. 2008-144, 12/15/2008 [Appendices A, B, C]; Resolution No. 2011-005, 01/18/2011 [Appendices A, B, C]; Resolution No. 2013-033, 03/18/2013 [Appendices A, B, C]; Resolution No. 2015-029, 02/17/2015 [§§4.2.100-4.2.115, Appendices A, B, C]