



City of San Leandro

Meeting Date: April 5, 2021

Staff Report

File Number: 21-207

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.G.

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY:

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a MOTION Accepting the Notice of Draft Amendments to the Conflict of Interest Code for the 2021 Calendar Year Pursuant to Government Code Section 87306.5 and Directing the City Clerk to Publish the Notice of Intent

SUMMARY AND RECOMMENDATION

As the Code reviewing body under the Political Reform Act, the City Council is required to review the City's Conflict of Interest Code biennially to determine whether or not an amendment to the Code is necessary. The attached draft Exhibit A makes proposed changes to the Code based on conditions occurring since the last update 2018. The attached resolution is in draft form and the Notice of Intent must be published to begin the 45-day public comment period on the proposed changes. A final version will be brought back to the Council for approval on June 7, 2021.

The proposed changes reflect title changes of positions that already exist in the code, reclassifications, vacancies, and/or the addition and deletion of positions based on an examination of their involvement in the decision making process. The changes are reflected in underline/strikeout format in the draft Exhibit A Proposed Conflict of Interest Code. The City Attorney, City Clerk and Executive Management staff reviewed the proposed changes and concur with the recommendation.

Any elected officer, employee, consultant, or other person required to file a statement of economic interests as required by Chapter 7 of the Political Reform Act may electronically file such statements using the City Clerk's online system according to procedures established by the City Clerk. These procedures shall ensure that the online system complies with the requirements set forth in Section 87500.2 of the Government Code.

FISCAL IMPACT: None

ATTACHMENT

- Notice of Intent

- Biennial Notice
- Draft Resolution
- Exhibit A Proposed Conflict of Interest Code

PREPARED BY: Leticia I. Miguel, City Clerk, City Manager's Office

2020 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

NOTICE OF INTENT TO AMEND THE CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the City of San Leandro intends to amend its existing conflict of interest code. Revisions to the existing conflict of interest code and list of designated employees who are required to file Statement of Economic Interests may include position title changes, reclassifications, vacancies, and/or the addition and deletion of positions based on an examination of their involvement in the decision making process. A full copy of the proposed amended conflict of interest code is available in the Office of the City Clerk for review and inspection.

NOTICE IS FURTHER GIVEN that the City of San Leandro has established a written comment period for interested persons to submit comments pertaining to the proposed amended conflict of interest code. Comments must be submitted in writing to the Office of the City Clerk no later than May 20, 2021, at 5:00 p.m. to be considered by the City Council when it takes action on the proposed amended conflict of interest code. The City Council is scheduled to take action on the proposed conflict of interest code on June 7, 2020, at 7:00 p.m. Due to COVID-19 the meeting is accessible remotely. If you would like to speak on this item at the City Council meeting, you can access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://zoom.us/j/506831637>

If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous.

Or join by phone: *67 877- 853-5247 (Toll Free) or 888- 788-0099 (Toll Free)

Enter Meeting ID: 506 831 637

If you want to comment during the public comment portion of the agenda, Press *9 and we will select you from the meeting queue.

NOTE: Your phone number will appear on the screen unless you first dial *67 before dialing the numbers as shown above.

Inquiries concerning the proposed amended conflict of interest code may be directed to the Office of the City Clerk at (510) 577-3367 or by email to clerk@sanleandro.org

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, California Government Code Section 87500 *et seq.* provides that a legislative body of a local government agency may permit the electronic filing of a statement of economic interests as required by Political Reform Act Articles 2 and 3; and

WHEREAS, the software used by the City Clerk's electronic filing system, SouthTech Systems, Granicus, has been certified by the Secretary of State and meets the requirements set by Government Code Section 87500.2; and

WHEREAS, the City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 87500.2 and any other applicable laws; 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 either in hard copy or through the City’s electronic filing system. 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

<u>POSITION</u>	<u>DISCLOSURE CATEGORY</u>
<u>City Attorney’s Office</u>	
Assistant City Attorney	1
Associate Attorney	1
<u>City Manager’s Office</u>	
Administrative Analyst I	1
Assistant City Manager	1, 5
Assistant Information Services Manager	2
Assistant to the City Manager	1, 5
City Clerk	1
Chief Technology Officer	1
Consultant	1
Deputy City Clerk	1

Deputy City Manager	1,5
Human Resources Director	2
Human Resources Manager	2
Information Services Manager	2
Innovation Tech Analyst	2
Senior Human Resources Analyst	2
 <u>Community Development Department</u>	
Administrative Analyst	1,5
Administrative Specialist III (Development Coordinator)	1
Building Inspector	4
Chief Building Official	4, 5
Chief Innovation Officer	1,5
Code Enforcement Officer	1
Code Enforcement Supervisor	4
Community Development Director	1, 5
Deputy Community Development Director	1,5
Economic Development Manager	1, 5
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
 <u>Engineering/Transportation Department</u>	
Administrative Analyst II (Admin Services Manager)	1, 5
City Engineer	1, 5
Engineering Inspectors	4, 5
Engineering and Transportation Director	1, 5
Principal Engineer	1, 5
Senior Engineer	1, 5
Supervising Engineering Inspector	4, 5
 <u>Finance Department</u>	
Administrative Specialist III (Risk Management)	2
(Risk Management Analyst)	
Assistant Finance Director	1
Budget and Compliance Manager	
Financial Services Manager	1
Finance Director	2 1
Deputy Finance Director	1
Police Business Manager	1
Purchasing Technician	1

Library Department

Library Director	2
Library Services Manager	3

Police Department

Police Captain	1
Police Chief	1
<i>Police Support Services Manager</i>	<i>1</i>
<i>Police Business Manager</i>	<i>1</i>

Public Works Services Department

Administrative Analyst I	3
Administrative Analyst II	3, 4
Administrative Specialist III (Solid Waste & Recycling Specialist)	4
Consultant	1
Deputy Public Works Services Director	1
Environmental Services Supervisor	4
Environmental Protection Specialist I	4
Environmental Protection Specialist II	4
Public Works Services Director	1
<i>Administrative Analyst II (Sustainability Manager)</i>	<i>2, 3, 4</i>
Water Pollution Control Manager	3, 4

Recreation & Human Services Department

Recreation and Human Services Director	1
Recreation and Human Services Manager	1

Arts Commission

Entire Board	4, 5
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Board of Zoning Adjustments

Entire Board	1
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Human Services Commission

Entire Commission	4
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Library-Historical Commission

Entire Commission	4
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Rent Review Board

Entire Board	5
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Community Advisory Budget Task Force

<i>Entire Board</i>	<i>1</i>
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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—4.2.105, Appendices A, B]; Resolution No. 2016-146, 11/07/2016 [§§4.2.100—4.2.115, Appendices A, B]; Resolution No. 2018-075, 7-16-2018 [§§4.2.100—4.2.115, Appendices A, B]



City of San Leandro

Meeting Date: April 5, 2021

Minute Order - Council

File Number: 21-120

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY:

FINANCE REVIEW: Not Applicable

TITLE: MOTION Accepting the Notice of Draft Amendments to the Conflict of Interest Code for the 2021 Calendar Year Pursuant to Government Code section 87306.5 and Directing the City Clerk to Publish the Notice of Intent
