



City of San Leandro

Meeting Date: June 28, 2021

Staff Report

File Number: 21-409

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.D.

TO: City Council

FROM: Fran Robustelli
City Manager

BY:

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for a City of San Leandro City Council Resolution to Approve and Repeal and Reenact Chapter 4.2 of the City of San Leandro Administrative Code to Update the City's Conflict of Interest Code as Required by State Law

SUMMARY AND RECOMMENDATION

Government Code Section 87306.5 requires the biennial adoption of a Conflict of Interest Code. As the Code reviewing body under the Political Reform Act, the City Council accepted the Notice of Draft Amendments and reviewed the proposed changes to the City's Conflict of Interest Code at its April 5, 2021 City Council meeting. The attached resolution makes the proposed changes to the Code based on conditions occurring since the last update in 2018. The Notice of Intent was published for the requisite public comment period. No comments were received. The proposed amendments reflect title changes of positions that already exist in the Code and/or the addition of positions based on an examination of their involvement in the decision-making process.

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

- Exhibit A Proposed Conflict of Interest Code

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

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)	1
Assistant Finance Director	1
Budget and Compliance Manager	1
Financial Services Manager	1
Finance Director	2 1
Deputy Finance Director	1
Police Business Manager	1
Purchasing Technician	1

<u>Library Department</u>	
Library Director	2
Library Services Manager	3
<u>Police Department</u>	
Police Captain	1
Police Chief	1
<i>Police Support Services Manager</i>	<i>1</i>
<i>Police Business Manager</i>	<i>1</i>
<u>Public Works Services Department</u>	
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
<u>Recreation & Human Services Department</u>	
Recreation and Human Services Director	1
Recreation and Human Services Manager	1
<u>Arts Commission</u>	
Entire Board	4, 5
<u>Board of Zoning Adjustments</u>	
Entire Board	1
<u>Human Services Commission</u>	
Entire Commission	4
<u>Library-Historical Commission</u>	
Entire Commission	4
<u>Rent Review Board</u>	
Entire Board	5
<u><i>Community Advisory Budget Task Force</i></u>	
<i>Entire Board</i>	<i>1</i>
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: June 28, 2021

Resolution - Council

File Number: 21-410

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Fran Robustelli
City Manager

BY:

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION of the City of San Leandro City Council to Approve and 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
