

[Note: Added text is shown in *italics and underline*, and deleted text is shown in ~~strikethrough~~.]

Chapter 2 Conflict of Interest

§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* as the City’s conflict of interest code. ~~The three components of the code are:~~

- ~~(a) **Terms of the Code.** Appendix A is the most current version of FPPC Regulation 18730, Provisions of Conflict of Interest Codes.~~
- ~~(b) **Designated Positions.** The persons holding positions listed in Appendix B are designated employees who shall file Form 700 Statement of Economic Interests.~~
- ~~(c) **Disclosure Categories.** The persons holding positions listed in Appendix B shall file schedules as provided in Appendix C.~~

§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—TERMS OF THE CODE

[Section removed]

APPENDIX BA—DESIGNATED POSITIONS

POSITION FILING-DISCLOSURE CATEGORY

City Attorney's Office

Assistant City Attorney	1
Associate Attorneys	1

City Manager's Office

Administrative Analyst	1
Assistant City Manager	1, 5
Assistant Information Services <i>Technology</i> Manager	2
Assistant to the City Manager	1, 5
City Clerk	1
Chief Innovation Officer	1, 5
Consultant	1
Deputy City Clerk	1
Human Resources Director	2
Human Resources Manager	2
Information Services <i>Technology</i> Manager	2
Senior Human Resources Analyst	2

Community Development Department

Administrative Analyst	1, 5
Building Inspector	4
Business Development Manager	1, 5
Chief Building Official	4, 5
Consultant	4
Community Development Director	1, 5
<i>Deputy Community Development Director</i>	<u>1, 5</u>
Housing-CDBG Manager	4, 5
Planning Manager	1, 5
Permits Center Coordinator	4
<i>Principal Planner</i>	<u>4, 5</u>
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 (<i>Administrative Service Manager</i>)	5
City Engineer	1, 5
<i>Engineering Inspector (Encroachment and Grading Inspector)</i>	<u>4, 5</u>
Engineering Inspector (Sidewalk Inspector)	4, 5
Engineering and Transportation Director	1, 5
Principal Engineer	1, 5
Senior Engineer	1, 5
Supervising Engineering Inspector	4, 5

Finance Department

Administrative Specialist III (Purchasing Agent, Risk Management Analyst)	2
Budget and Compliance Manager	2
Consultant	4
Deputy Finance Director	1

Library Department

Administrative Analyst (Support Services Manager)	3
Library Director	2
Library Services Manager	3

Police Department

Police Captain	1
Police Chief	1

Public Works Services Department

Administrative Analyst	3
Administrative Specialist III (Solid Waste & Recycling Specialist)	4
Assistant Water Pollution Control Manager	3, 4
Consultant	4
<i>Deputy Public Works Services Director</i>	<u>1</u>
Environmental Services Supervisor	4
Environmental Protection Specialist I	4
Environmental Protection Specialist II	4
Facilities and Open Space Manager	3
Public Works Services Director	1
Street Maintenance Manager	3
Water Pollution Control Manager	3, 4

Recreation & Human Services Department

Administrative Specialist III	2
Recreation & Human Services Director	1
Recreation & Human Services Manager	2

Arts Commission

<i>Entire Board</i>	<u>4, 5</u>
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Board of Zoning Adjustments

Entire Board	1
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Human Services Commission

Entire Commission	<u>24</u>
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Library-Historical Commission

Entire Commission	4
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Rent Review Board

Entire Board

4, 5

Consultants*To be determined by scope of services or duties**

*For purposes of the City's Conflict of Interest Code, "Consultant" means an individual who, pursuant to a contract with a state or local government agency:

1. Makes a governmental decision whether to:
 - A. Approve a rate, rule, or regulation;
 - B. Adopt or enforce a law;
 - C. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - D. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
 - E. Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
 - F. Grant agency approval to a plan, design, report, study, or similar item;
 - G. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or
2. Serves in a staff capacity with the agency and in that capacity participates in making governmental decisions as defined in FPPC Regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code. (FPPC Regulation 18701.)

**The City Manager shall make a determination in writing when a particular Consultant falls within the above-described criteria requiring the Consultant to be treated as a "designated position." The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

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 CB—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

Editor's Note:

Former Title 4, Chapter 2, City Clerk: Fireworks Stand Permit, was removed and former Title 25, Chapter 1, Conflict of Interest Code: Administrative Regulations, was editorially renumbered to be Title 4, Chapter 2, City Clerk, Conflict of Interest, during the 2005-06 republication. Legislative history for former Title 25, Chapter 1: Resolution No. 80-18, 02/04/1980 [§25.1.100]; Resolution No. 90-204, 09/17/1990 [§25.1.100]; Resolution No. 92-253, 09/08/1992 [§25.1.100]; Resolution No. 95-10, 01/07/1995 [§25.1.100]; Resolution No. 96-186, 12/16/1996 [§25.1.100]; Resolution No. 98-130, 10/05/1998 [§25.1.100]; Resolution No. 2000-156, 10/02/2000 [§25.1.100]; Resolution No. 2003-084, 03/17/2003 [§25.1.100]. Appendix C was revised administratively on 02/27/2008 to reflect changes that FPPC made to the Form 700.

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-___