



Legislation Text

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Staff Report for a City of San Leandro City Council Resolution to Amend the City of San Leandro Administrative Code to add Chapter 8 to Title 5 to Permit City Elected and Appointed Officials and City Employees the Option to Have Planning Applications that Affect Their Personal Economic Interests be Reviewed by Independent Third Parties

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council consider and approve the proposed resolution to amend the City of San Leandro Administrative Code to add administrative regulations that allow the option of an independent third party plan review for Community Development Department applications in which City of San Leandro elected officials, appointed officials, and employees may have an involved personal economic interest.

BACKGROUND AND ANALYSIS

From time to time, City elected and appointed officials, and employees ("City public official") either voluntarily submit or must submit applications (for example, to address Code violations on their property) to the Community Development Department ("CDD application") that affect real property in San Leandro in which they have a personal economic interest. To address any actual or perceived conflicts of interest under relevant State laws, and/or counter any claims of bias for or against the City public official and/or the City public official's CDD application, staff recommends to the City Council that it would be prudent to provide an option to have these CDD applications reviewed for compliance with City Codes and CDD application procedures by an independent third party, and not City staff.

All fees and costs for the independent third party's review services would be paid for by the applicant in addition to all applicable City and CDD application fees. The City would approve and contract with a list of independent third party reviewers whose fees and costs would be passed through the City to the applicant. The independent third party would analyze the City public official's application against the relevant City Codes, and provide services to the applicant similar to what the City staff would do for any other applicant.

The independent third party reviewer would ultimately make a recommendation to the relevant City approving body. The City public official would have to seek their own conflicts of interest analysis as to whether they should or should not participate in the making of any decision. Thus, although it is possible that a City public official would be recused from participating in any City decision concerning their CDD application, this option could effectively eliminate any claims that a City public official was using their City public official position to influence a governmental decision through all stages of the application process.

The availability of this option could assist public officials in the performance of their duties, and help

preserve the integrity of the City's planning and building application approval processes.

Previous Actions

None

Current Agency Policies

City Council Goals:

- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation.
- Maintain and enhance San Leandro's infrastructure.

Applicable General Plan Procedures

This action complies with Chapter 11 of the General Plan, specifically City Operating Procedures, Pages 11-9, 11-10.

Legal Analysis

The resolution and staff report to add Title 5, Chapter 8 to the City of San Leandro Administrative Code were co-drafted between the City Attorney's Office and the Community Development Department, and approved as to form by the City Attorney.

Fiscal Impacts

No fiscal impacts are anticipated since this will be a cost recovery program

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