



Legislation Details (With Text)

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3/18/2013	1	City Council	Received and Filed	Pass

Staff Report for Resolution Repealing and Reenacting Title 4, Chapter 2 of the San Leandro Administrative Code Relating to the City’s Conflict of Interest Code

SUMMARY AND RECOMMENDATION

State law requires every 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 the types of financial interests that may create conflicts of interest. State law also requires every 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 San Leandro Administrative Code to update the City’s conflict of interest code.

BACKGROUND

The Political Reform Act (the “Act”) requires every 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 include such provisions as the manner to report financial interests, the disqualification procedures, etc.; 2) Designated Positions, which are those positions that make or participate in the making of decisions which may foreseeably have a material effect on 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 may affect in their decision-making.

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. Regulation 18730, including legislative and regulatory changes, is incorporated into the City's Code as Appendix A.

Based upon a review of the current Regulation 18730, review by the department heads, and discussion with Human Resources, the Designated Positions List (Appendix B) has been revised to reflect departmental reorganizations and classifications which were created or eliminated since the last Code update. Typically, positions that involve 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. Classifications remain on the Designation Positions List if there is a classification specification for the position, even if there is no incumbent or allocated position.

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 disclosure of their economic interests.

There are no changes to the Disclosure Categories (Appendix C).

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 January 18, 2011, by Resolution No. 2011-005, the City Council last updated the City's conflict of interest code.

ATTACHMENTS

Attachment(s) to Staff Report

None

Attachment(s) to Related Legislative File(s)

- Attached to the proposed resolution is the Draft San Leandro Administrative Code Title 4, Chapter 2 - Conflict of Interest Code, including:
 - Appendix A - Terms of the Code (the most current version of Regulation 18730)
 - Appendix B - Designated Positions (with marked revisions)
 - Appendix C - Disclosure Categories (no changes)

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