



## Legislation Text

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**File #:** 22-516, **Version:** 1

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Adopt a Resolution Repealing and Reenacting Chapter 4.2 of the San Leandro Administrative Code Relating to the City's Conflict of Interest Code

### **SUMMARY AND RECOMMENDATIONS**

California Government Code §87306.5 requires every government agency to adopt a conflict of interest code with biennial updates in even years. The conflict of interest code designates which positions are 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. 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.

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 underline/strikeout format in the draft Exhibit A Proposed Conflict of Interest Code reflects the changes.

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 shall 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 §87500.2 of the Government Code.

### **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.

Based upon a review of Regulation 18730 and review by the City's department heads, the Designated Positions List (Appendix A) must be revised by Resolution to reflect departmental reorganizations and classifications that were created or eliminated since the last Code update. Typically, positions that involve recommending upon or actually voting on matters, negotiating contracts, or making recommendations on purchases must be included in the Code. Positions are listed by classification titles; 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 full disclosure of their economic interests under Government Code §87200.

### **Current Agency Policies**

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 Actions**

On June 28, 2021, by Resolution No. 2016-146, the City Council last updated the City's conflict of interest code.

### **Fiscal Impacts**

There are no fiscal impacts.

### **ATTACHMENTS**

***Attachment A - Draft Resolution***

***Attachment B - Draft Admin Code §4.2 with edits***

**PREPARED BY:** Kelly B. Clancy, Acting City Clerk