



## Legislation Text

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**File #:** 18-258, **Version:** 1

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Staff Report for a Resolution of the City Council for the City of San Leandro to Repeal and Reenact Chapter 4.2 of the City of San Leandro Administrative Code Relating to the City's Conflict of Interest Code

### SUMMARY AND RECOMMENDATION

State law requires each 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 certain financial interests that may create conflicts of interest under California's Political Reform Act. State law also requires each 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 City of San Leandro Administrative Code to update the City's conflict of interest code.

### BACKGROUND

The Political Reform Act (California Government Code section 87100 *et seq.*, or the "Act") requires each 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 includes provisions to report financial interests, disqualification procedures, etc.; 2) Designated Positions, which are positions that make or participate in the making of decisions which may foreseeably have a material effect on those individual's 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 are required to report upon in their Form 700.

### 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 without substantive review must be included in the Code. Positions are listed by classification titles, followed by working titles in parentheses if applicable. 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.

### **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 November 7, 2016, by Resolution No. 2016-146, the City Council last updated the City's conflict of interest code.

### **ATTACHMENT**

#### **Attachment to Resolution**

- Proposed conflict of interest code

**PREPARED BY:** Tamika Greenwood, City Clerk, City Manager's Office