



**Council Meeting: September 30, 2008**

**SUBJECT: City's 2008 Conflict of Interest Code Biennial Notice**

**REPORT IN BRIEF**

Pursuant to requirements of the Political Reform Act, the City has conducted a biennial review of its Conflict of Interest Code and has determined that amendments to the list of City positions subject to its provisions are necessary.

**BACKGROUND**

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if the Code is accurate, or alternatively, that the Code must be amended. The Public Records Act requires that no later than October 1 of each even-numbered year, each agency must submit to its code reviewing body, a notice indicating whether or not an amendment is necessary.

**EXISTING POLICY**

Council Legislative Policy No. 7.3.7: – Standard Conflict of Interest Code (Attachment A) addresses procedures developed in compliance with the Political Reform Act.

**DISCUSSION**

Per the Political Reform Act, City Council is required to review and file the City's Conflict of Interest Code Biennial Notice (Attachment B) no later than October 1 in order to allow adequate noticing to officers, employees, members and consultants of the agency, and to residents of the jurisdiction, and to allow an opportunity to present their views.

Staff complied with the Political Reform Act requirement that no later than July 1st of each even-numbered year, code reviewing bodies (City Council) must notify each agency within their jurisdiction (City of Sunnyvale) to review their Conflict of Interest Code. The City of Sunnyvale notified Department Directors that positions and disclosure categories were to be reviewed and all proposed amendments returned to the Office of the City Clerk.

It has been determined that amendments to the City's Conflict of Interest Code and/or Disclosure Categories are necessary, and the proposed revisions

(Attachment C) will be forwarded to City Council for review and action within 90 days after Council reviews and files the City's Conflict of Interest Code Biennial Notice (Attachment B). The review period provides officers, employees, members, consultants of the agency and residents of the City adequate notice to present their views.

**FISCAL IMPACT**

There is no fiscal impact as a result of this action.

**CONCLUSION**

Based on the 2008 review, staff determined that amendments to the City's Conflict of Interest Code and the Disclosure Categories are necessary. A revised Conflict of Interest Code will be returned to Council for review and action and is tentatively scheduled for the Council meeting of November 18, 2008.

**PUBLIC CONTACT**

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, publication of the Council agenda in the *San Jose Mercury News*, and the availability of the report at the Sunnyvale Library, Public Safety Lobby, Senior Center, Council Chambers Kiosk, Community Center and the Office of the City Clerk.

**RECOMMENDATION**

It is recommended that the City Council (as the City's code reviewing body) review and file the Conflict of Interest Code Biennial Notice.

Reviewed by:

Robert Walker, Assistant City Manager  
Prepared by: Janice Clark, Deputy City Clerk

Approved by:

Amy Chan, City Manager

**Attachments**

Attachment A: Council Policy 7.3.7 – Standard Conflict of Interest Code  
(without Appendix A)

Attachment B: 2008 Local Agency Biennial Notice

Attachment C: Proposed Conflict of Interest Code (with strikeouts)

## **Attachment A**

## **Policy 7.3.7      Standard Conflict of Interest Code**

---

### **POLICY PURPOSE:**

The purpose of this policy is to establish procedures developed in compliance with the terms of the Political Reform Act and related regulations concerning the adoption of Conflict of Interest Codes.

### **POLICY STATEMENT:**

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730, which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference and which may be amended by the FPPC to conform to amendments in the Political Reform Act; these provisions are incorporated by reference as the City's Conflict of Interest Code. The standard Conflict of Interest Code requires a list of City positions subject to its provisions, and these are found in Appendix A. City Councilmembers, Planning Commissioners, City Managers, City Treasurers and City Attorneys are treated separately under the Political Reform Act and are not listed in the Appendix as designated employees. The persons holding positions listed in Appendix A are designated employees. Members of the Board of Building Code Appeals and the Heritage Preservation Commission also have been designated in the Conflict of Interest Code. It has been determined that these persons make or participate in making decisions which may have an effect on financial issues. The disclosure categories they must file under are set forth following the list of positions.

In accord with Government Code Section 87306.5, the Conflict of Interest Code is reviewed in even-numbered years and Appendix A is updated, if necessary.

All designated employees and certain Board and Commission members shall file Statements of Economic Interests, on forms required by the Fair Political Practices Commission, with the City Clerk no later than April 1 of each calendar year.

(Adopted: RTC 91-3CA (2/29/1991); Amended: 92-265 (6/9/1992), 94-351 (6/14/1994), 96-386 (10/1/1996), 98-326 (9/22/1998), 00-307 (9/12/2000), 02-415 (10/22/2002), 04-342 (9/28/2004); (Clerical/clarity update, Policy Update Project 7/2005), Amended: 06-326 (10/24/2006))

Lead Department: Office of the City Manager

**Attachment B**

### 2008 Local Agency Biennial Notice

Name of Agency: City of Sunnyvale  
 Mailing Address: P.O. Box 3707 Sunnyvale, CA 94088-3707  
 Contact Person: Janice Clark Office Phone No: (408) 730-7595  
 E-mail: jclark@ci.sunnyvale.ca.us Fax No: (408) 730-7696

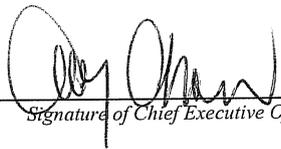
This agency has reviewed its conflict-of-interest code and has determined that:

**An amendment is required. The following amendments are necessary:**  
*(Check all that apply.)*

- Include new positions (including consultants) that must be designated.
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished.
- Other *(describe)* \_\_\_\_\_

**Code is currently under review by the code-reviewing body.**

**No amendment is required.**  
 The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
 \_\_\_\_\_  
*Signature of Chief Executive Officer*

9-23-08  
 \_\_\_\_\_  
*Date*

Complete this notice regardless of how recently your code was approved or amended.  
 Please return this notice no later than **October 1, 2008**, to:

***(PLACE RETURN ADDRESS OF CODE- REVIEWING BODY HERE)***

Office of the Mayor and Council  
 Sunnyvale City Hall  
 456 W. Olive St.  
 Sunnyvale, CA 94088

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

**Attachment C**

**\*DRAFT CHANGES/CORRECTIONS  
EXHIBIT "A"**

**CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE  
DESIGNATED CITY POSITIONS REQUIRED TO FILE**

(Pursuant to Resolution No. [REDACTED])

<b>Position</b>	<b>Disclosure Category</b>
Accountant –Treasury	1
Administrative Assistant	1
Administrative Librarian	1
Administrative Services Manager	1
Affordable Housing Manager	1
Applications Development Manager	1
Assistant Buyer	2
Assistant City Attorney	1
Assistant City Engineer	1
Assistant City Manager	1
Assistant Director of Public Works/City Engineer	1
Assistant to the City Manager	1
Assistant to the Director of Parks and Recreation	1
Assistant Planner	1
Associate Planner	1
Building Inspector/Coordinator	1
Bureau of Technical Services Manager	1
Buyer	1
Child Care Manager	1
City Clerk	1
City Property Administrator	1
Civil Engineer	1
Communications Officer	1
Community Resources Manager	1
Deputy City Attorney	1
Deputy City Clerk	1
Deputy Communications Officer	1
Director of Community Development	1
Director of Employment Development	1
Director of Human Resources	1
Director of Information Technology	1
Director of Libraries	1
Director of Parks and Recreation	1
Director of Public Safety	1
Director of Public Works	1

*\*Subject to Council approval*

Economic Development Manager	1
Employment Training Manager	1
Environmental Division Manager	1
Environmental Engineering Coordinator	2
Finance Manager	1
Fire Prevention Inspectors	3
Fleet Manager	2
Golf Operations Supervisor	2
Hazardous Materials Coordinator	3
Hazardous Materials Inspector	3
Housing Officer	1
Human Resources Analyst	1
Human Resources Manager	1
Human Resources Supervisor	2
Industrial Waste Inspector	3
Information Technology Services Manager	1
Intergovernmental Relations Officer	1
Internal Auditor	1
Manager of Business Operations	2
Manager of Job Seeker Services	1
<b>Neighborhood Preservation Officer - Title Change</b>	1
<b>Neighborhood Preservation Manager - New Title</b>	
Onizuka BRAC Project Manager	1
Operations Manager	3
Parks Supervisor	3
Permit Technician	1
Plan Check Coordinator	1
Plan Check Engineer	1
Plan Checker	1
Planning Officer	1
Principal Buyer	1
Principal Planner	1
Program Quality and Operations Manager	2
Public Safety Captain	1
Public Safety Deputy Chief	1
Public Works Construction Inspector	3
Public Works Supervisor	1
Recreation Supervisor	3
<b>Recycling Supervisor - Title Change</b>	1
<b>Recycling Manager - New Title</b>	
Revenue Systems Supervisor	1
Senior Assistant City Attorney	1
Senior Building Inspector/Coordinator	1
Senior Buyer	1

Senior Engineer	1
Senior Industrial Waste Inspector	1
Senior Internal Auditor	1
Senior Construction Inspector/Coordinator	1
Senior Management Analyst/Economic Development	1
Senior Management Analyst /Finance	1
Senior Management Analyst /Human Resources	1
<b>Senior Plan Check Engineer – New Addition</b>	<b>1</b>
Senior Planner	1
Senior Traffic Engineer	2
Senior Transportation Planner	2
Solid Waste Contract Administrator	2
Solid Waste Program Manager	1
Superintendent of Building Inspection	1
Superintendent of Building Maintenance	1
Superintendent of Field Services	1
Superintendent of Parks	1
Superintendent of Recreation	1
Superintendent of Trees and Landscape	1
Supervising Librarian	1
Transportation and Traffic Manager	1
Urban Landscape Supervisors – <b>Disclosure Category Change</b>	<b>3 1</b>
Volunteer Services Manager	1
<b>Water Operations Manager – New Addition</b>	<b>1</b>
Water Pollution Control Lab and Pretreatment Manager	1
Water Pollution Control Maintenance and Facility Manager	1
Water Pollution Control Operations Manager	1
Youth and Family Resources Manager	1
Consultants	1
<b>Designated appointees:</b>	
Member, Board of Building Code Appeals	1
Member, Heritage Preservation Commission	1
<b>State Required Filers:</b>	
The following positions are <u>NOT</u> covered by the code because they must file under section 87200 and, therefore, are listed for informational purposes only:	
City Attorney	1
City Manager	1
Director of Finance	1
Member, Planning Commission	1
An individual holding one of the above listed positions (State Required Filers) may	

contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.

**CITY'S CONFLICT OF INTEREST CODE**  
**DISCLOSURE CATEGORIES**

(As adopted by Resolution No. 263-06)

Category 1

A designated employee in this category must report all investments, interests in real property owned in the City of Sunnyvale, **sources of income including gifts, loans and travel payments**, and business entities in which he or she is a director, officer, partner, trustee, employee or holds any position of management.

Category 2

A designated employee in this category must report **sources of income including gifts, loans and travel payments**, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which has done business with the City of Sunnyvale within the previous two years.

Category 3

A designated employee in this category must report **sources of income including gifts, loans and travel payments**, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which within the previous two years has provided services, equipment, lease space, materials or supplies to the City.

\*Consultants are included in the list of designated employees and shall disclose pursuant to Category 1 subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.