



Council Meeting Date: August 31, 2010

SUBJECT: City of Sunnyvale 2010 Conflict of Interest Code Biennial Notice

DISCUSSION

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 Political Reform Act requires that no later than July 1 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 Conflict of Interest Code was last reviewed and amended in October 2008 (Resolution 351-08).

Pursuant to the Act, department directors were notified on June 29, 2010 to review designated positions and disclosure categories and submit proposed amendments to the Office of the City Clerk.

The Political Reform 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. It has been determined that amendments to the City's Conflict of Interest Code, designated positions and/or disclosure categories are necessary. Within 90 days of Council receiving the City's Conflict of Interest Code Local Agency Biennial Notice (Attachment A), the proposed revisions to the Code (Attachment B) will be brought back to City Council for review and action, tentatively scheduled for November 9, 2010. The review period provides officers, employees, members, consultants of the agency and residents of the City adequate notice to present their views.

EXISTING POLICY

Resolution 351-08, *A Resolution of the City of Sunnyvale Amending Resolution No. 236-06 Designating Positions for which Conflict of Interest Filings are Required*

Council Policy 7.3.7 *Standard Conflict of Interest Code* addresses procedures developed in compliance with the Political Reform Act.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

Copies of this report have been provided to staff and commissioners in positions affected by revisions to the disclosure list.

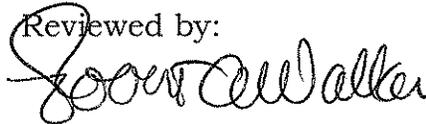
ALTERNATIVES

1. Review and file the Conflict of Interest Code Biennial Notice and direct staff to bring proposed revisions back to Council for approval.
2. Review and file the Conflict of Interest Code Biennial Notice with revisions.

RECOMMENDATION

Staff recommends Alternative 1: Council (as the City's code reviewing body) review and file the Conflict of Interest Code Biennial Notice and direct staff to bring proposed revisions back to Council for approval.

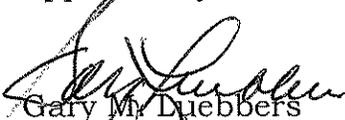
Reviewed by:



Robert Walker, Assistant City Manager

Prepared by: Lisa Natusch, Deputy City Clerk

Approved by:



Gary M. Duebbers
City Manager

Attachments

Attachment A: 2010 Local Agency Biennial Notice

Attachment B: Proposed Conflict of Interest Code (Redline)

Attachment A

2010 Local Agency Biennial Notice

Name of Agency: City of Sunnyvale

Mailing Address: 456 W Olive Avenue, Sunnyvale, CA 94086

Contact Person: Kathleen Franco Simmons Office Phone No: 408-730-7474

E-mail: kfrancosimmons@ci.sunnyvale.ca.us Fax No: 408-730-7696

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. This agency has reviewed its conflict-of-interest code and has determined that *(Check one box)*:

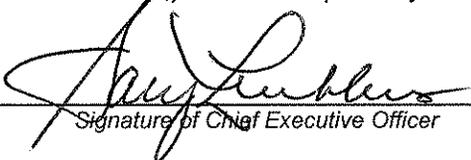
An amendment is required. The following amendments are necessary:
(Mark all that apply.)

- 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)* Add commission members

No amendment is required.

Verification

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

8-20-2010

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2010**, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

City Council, City of Sunnyvale, 456 W Olive Avenue, Sunnyvale, CA 94086

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

Attachment B

**PROPOSED REVISIONS TO
CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE
DESIGNATED CITY POSITIONS REQUIRED TO FILE**
(Pursuant to Resolution No. XXX-10)

Position	Disclosure Category
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 <u>Community Services</u>	1
Assistant Planner	1
Associate Planner	1
<u>Budget Manager</u>	<u>1</u>
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 <u>NOVA Workforce Services</u>	1
Director of Human Resources	1
Director of Information Technology	1
Director of Libraries	1
Director of Parks and Recreation <u>Community Services</u>	1
Director of Public Safety	1
Director of Public Works	1

Economic Development Manager	1
Employment Training Manager	1
Environmental Division Manager	1
Environmental Engineering Coordinator	2
Finance Manager	1
Fire Prevention Protection 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
<u>Management Analyst/Public Safety</u>	<u>1</u>
Manager of Business Operations	2
Manager of Job Seeker Services	1
Neighborhood Preservation Manager	1
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
<u>Principal Human Resources Analyst</u>	<u>1</u>
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
<u>Purchasing Officer</u>	<u>1</u>
Recreation Supervisor	3
Recycling Manager	1
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
<u>Senior Management Analyst/Public Safety</u>	<u>1</u>
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic/ <u>Transportation</u> Engineer	2
Senior Transportation Planner	2
Solid Waste Contract Administrator	2
Solid Waste Program Manager	1
Superintendent of Building Inspection	1
Superintendent of Building <u>Facilities</u> Maintenance	1
Superintendent of Field Services	1
Superintendent of Parks	1
Superintendent of Recreation	1
Superintendent of Trees and Landscape	1
Supervising Librarian	1
<u>Technical Services Manager</u>	<u>1</u>
Transportation and Traffic Manager	1
Urban Landscape Supervisors	1
Volunteer Services Manager	1
Water Operations Manager	1
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
Designated appointees:	
Member, Board of Building Code Appeals	1
Member, Heritage Preservation Commission	1
<u>Member, Housing and Human Services Commission</u>	<u>1</u>
State Required Filers:	
The following positions are <u>NOT</u> covered by the code because they must file under Government Code Section 87200 and are listed for informational purposes only:	
City Attorney	1
City Manager	1

Director of Finance	1
Member, Planning Commission	1
<p>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.</p>	

CITY'S CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES

(As adopted by Resolution No. XXX-10)

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 positions 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. (Gov. Code Section 81008.)