



Council Meeting: November 9, 2010

SUBJECT: City of Sunnyvale 2010 Conflict of Interest Code Biennial Review and Amendment

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. An amendment would be necessary to include new positions which have either been added to or deleted from the City's classification plan and salary resolution, revise titles of existing positions, or revise disclosure categories.

The City's Conflict of Interest Code was last amended on November 18, 2008. Consistent with requirements of the Political Reform Act, the City conducted a biennial review of its Conflict of Interest Code and determined that an amendment is necessary. This action was taken on August 31, 2010 (RTC 10-221), and Council directed staff to submit the proposed revisions to Council for approval within 90 days. The review period has provided officers, employees, members, consultants of the agency and residents an opportunity to review the proposed amendments to the Code.

Staff recommends Council adopt the proposed resolution (Attachment A) amending the Conflict of Interest Code.

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 (Attachment A, Exhibit "A").

ALTERNATIVES

1. Adopt the proposed resolution (Attachment A) amending the City's Conflict of Interest Code, as submitted.
2. Adopt the proposed resolution (Attachment A) amending the City's Conflict of Interest Code, with modifications.
3. Take no action.

RECOMMENDATION

Alternative No. 1: Adopt the proposed resolution (Attachment A) amending the City's Conflict of Interest Code, as submitted.

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by: Lisa Natusch, Deputy City Clerk

Approved by:

Gary M. Luebbbers
City Manager

Attachments

Attachment A: Proposed Resolution and Exhibit "A"

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING RESOLUTION NO. 351-08
DESIGNATING POSITIONS FOR WHICH CONFLICT OF
INTEREST FILINGS ARE REQUIRED**

WHEREAS, the City of Sunnyvale has previously adopted a Conflict of Interest Code in compliance with the provisions of the Political Reform Act, Government Code §81000, *et seq.*, by incorporating, by reference, California Code of Regulations §18730, along with the attached Appendix designated Exhibit "A," in which officials and employees of the City of Sunnyvale are designated and disclosure categories are set forth to constitute the Conflict of Interest Code of the City of Sunnyvale; and

WHEREAS, the City Council has reviewed and considered administratively suggested changes to the Appendix listing designated positions of City officials and employees along with assigned disclosure categories;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT it amends the Appendix to the City's Conflict of Interest Code as set forth in Exhibit "A" attached hereto and incorporated herein. Designated officials and employees shall file Statements of Economic Interests in compliance with the provisions of California Code of Regulations §18730(b)(4)(A).

Adopted by the City Council at a regular meeting held on _____, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

EXHIBIT "A"

**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
Management Analyst/Public Safety	1
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
Principal Human Resources Analyst	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
Purchasing Officer	1
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
Senior Management Analyst/Public Safety	1
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic/ Transportation Engineer	2
Senior Transportation Planner	2
Solid Waste Contract Administrator	2
Solid Waste Program Manager	1
Superintendent of Building Inspection	1
Superintendent of Building Facilities Maintenance	1
Superintendent of Field Services	1
Superintendent of Parks	1
Superintendent of Recreation	1
Superintendent of Trees and Landscape	1
Supervising Librarian	1
Technical Services Manager	1
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
Member, Housing and Human Services Commission	1
State Required Filers:	
The following positions are <u>NOT</u> covered by the code because they must file under <u>Government Code S</u> section 87200 and <u>, therefore,</u> are listed for informational purposes only:	
Councilmembers	1
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

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.)