



Council Meeting Date: August 28, 2012

SUBJECT: City of Sunnyvale 2012 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 Conflict of Interest Code was last reviewed in 2010 and amended November 9, 2010 by Resolution 458-10.

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. 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 458-10, *A Resolution of the City of Sunnyvale Amending Resolution No. 351-08 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 in positions affected by revisions to the disclosure list.

ALTERNATIVES

1. Review the Conflict of Interest Code Biennial Notice (*Attachment A*) pursuant to state law and direct staff to return to Council within 90 days a resolution amending the Conflict of Interest Code to include proposed revisions to designated City positions as submitted (*Attachment B*).
2. Review the Conflict of Interest Code Biennial Notice (*Attachment A*) pursuant to state law and direct staff to return to Council within 90 days a resolution amending the Conflict of Interest Code to include proposed revisions to designated City positions with modifications.

RECOMMENDATION

Staff recommends Alternative 1: Review the Conflict of Interest Code Biennial Notice (*Attachment A*) pursuant to state law and direct staff to return to Council within 90 days a resolution amending the Conflict of Interest Code to include proposed revisions to designated City positions as submitted (*Attachment B*).

Reviewed by:

Robert Walker, Assistant City Manager

Prepared by: Kathleen Franco Simmons, City Clerk

Approved by:

Gary M. Luebbers

City Manager

Attachments

Attachment A: 2012 Local Agency Biennial Notice

Attachment B: Conflict of Interest Code Designated Positions proposed revisions (redline)

Attachment C: Resolution No. 458-10 Amending the Conflict of Interest Code, dated November 9, 2010

Attachment A

2012 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: cityclerk@ci.sunnyvale.ca.us Fax No: (408) 730-7696

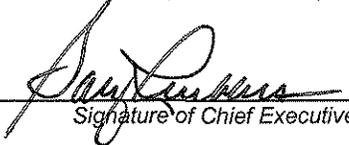
Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

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.
 - Revise disclosure categories.
 - Revise the titles of existing positions.
 - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
 - Other *(describe)* _____
- No amendment is required.**
- The code is currently under review by the code reviewing body.**

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

8-23-12

Date

Complete this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

2012 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Office Phone No: _____

E-mail: _____ Fax No: _____

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- Other *(describe)* _____

No amendment is required.

The code is currently under review by the code reviewing body.

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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.

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Attachment B

ATTACHMENT B

**CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE
DESIGNATED CITY POSITIONS REQUIRED TO FILE
(Pursuant to Resolution)**

Position	Disclosure Category
Accountant/Treasury	1
Administrative Analyst/Public Works Property Management	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 Community Services Parks / Recreation	1
Assistant Planner	1
Associate Planner	1
Budget Manager	1
Building Inspector/ Coordinator	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 Environmental Services	1
Director of NOVA Workforce Services	1
Director of Human Resources	1
Director of Information Technology	1
Director of Libraryies and Community Services	1
Director of Community Services	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-Treasury Manager	1
Fire Protection Inspector	3
Fleet Manager	2
Golf Operations Supervisor	2
Hazardous Materials Coordinator	3
Hazardous Materials Inspector	3
Housing Analyst	1
Housing Officer	1
Housing Technician	1
Human Resources Analyst	1
Human Resources Manager	1
Industrial Waste Environmental Compliance 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 Manager	2
Parks Supervisor	3
Permit Technician	1
Plan-Check-Permit Center 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 Community Services Manager	3
Recycling Manager	1
Regulatory Programs Division Manager	1
Revenue Systems Supervisor Utility Billing Manager	1
Risk Manager	1
Senior Assistant City Attorney	1
Senior Building Inspector/ Coordinator	1
Senior Buyer	1

Senior Engineer	1
<u>Senior Housing Rehab Specialist</u>	<u>1</u>
Senior Industrial Waste <u>Environmental Compliance</u> Inspector	1
Senior Internal Auditor	1
Senior Construction Inspector/Coordinator	1
Senior Management Analyst/ Economic Development <u>Human Resources</u>	1
Senior Management Analyst/Finance	1
Senior Management Analyst/Public Safety	1
<u>Senior Management Analyst/Office of the City Manager</u>	<u>1</u>
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic/Transportation Engineer	2
Senior Transportation Planner	2
<u>Street Operations Manager</u>	<u>1</u>
Solid Waste Contract Administrator	2
Solid Waste Programs <u>Division</u> Manager	1
<u>Storekeeper/Buyer</u>	<u>1</u>
Superintendent of Building Inspection	1
Superintendent of Facilities Maintenance	1
Superintendent of Field Services	1
Superintendent of Parks <u>and Golf</u>	1
Superintendent of Recreation <u>Community Services</u>	1
Supervising Librarian	1
Technical Services Manager	1
Transportation and Traffic Manager	1
Urban Landscape Supervisors <u>Manager</u>	1
<u>Waste Water Operations Manager</u>	<u>1</u>
<u>Water and Sewer Systems Division Manager</u>	<u>1</u>
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
<u>Water Pollution Control Plant Division Manager</u>	<u>1</u>
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 Government Code Section 87200 and are listed for informational purposes only:	
Councilmembers	1
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

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.)

Attachment C

RESOLUTION NO. 458-10

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;

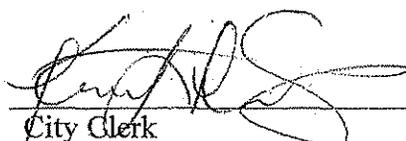
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT it amends the Appendix to the City's Conflict of Interest Code as set forth in Exhibit "A" attached hereto and incorporated herein. Designated officials and employees shall file Statements of Economic Interests in compliance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

Adopted by the City Council at a regular meeting held on November 9, 2010, by the following vote:

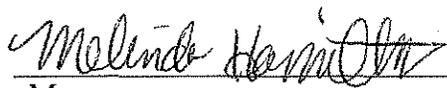
AYES: LEE, GRIFFITH, MOYLAN, HAMILTON, SPITALERI, WHITTUM, SWEGLES
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST:

APPROVED:

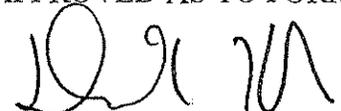


City Clerk
(SEAL)



Mayor

APPROVED AS TO FORM AND LEGALITY:



David Kahn, City Attorney

EXHIBIT "A"

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(Pursuant to Resolution No. 458-10)**

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Administrative Services Manager	1
Affordable Housing Manager	1
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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 Community Services	1
Assistant Planner	1
Associate Planner	1
Budget Manager	1
Building Inspector/Coordinator	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 NOVA Workforce Services	1
Director of Human Resources	1
Director of Information Technology	1
Director of Libraries	1
Director of Community Services	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 Protection Inspector	3
Fleet Manager	2
Golf Operations Supervisor	2
Hazardous Materials Coordinator	3
Hazardous Materials Inspector	3
Housing Officer	1
Human Resources Analyst	1
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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
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Planning Officer	1
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Recycling Manager	1
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Solid Waste Contract Administrator	2
Solid Waste Program Manager	1
Superintendent of Building Inspection	1
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Superintendent of Parks	1
Superintendent of Recreation	1
Supervising Librarian	1
Technical Services Manager	1
Transportation and Traffic Manager	1
Urban Landscape Supervisors	1
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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
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Designated appointees:	
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