



## OFFICE OF THE CITY CLERK

# REPORT

### REPORT TO THE HONORABLE MAYOR AND COUNCIL

DATE: September 29, 2016

REPORT NO.: CC-16-06

**SUBJECT: BIENNIAL REPORT ON AMENDMENTS TO CITY'S CONFLICT OF INTEREST CODES IN COMPLIANCE WITH STATE LAW**

#### ***INFORMATIONAL REPORT (FOR COUNCIL ACTION LATER THIS YEAR)***

The California Government Code designates the City Council as the City's "code reviewing body" for conflict of interest codes for City departments, agencies, boards and commissions. California Government Code section 87306.5 states that, no later than July 1 of each even numbered year, code reviewing bodies are required to direct each local agency under their jurisdiction that has a previously adopted conflict of interest code ("Code") to review that agency's code. "Local agencies" includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission).

California Government Code section 87306.5 requires local agencies to submit a biennial report identifying proposed changes to their Code, or a statement that the Code does not need to be amended at this time. These biennial reports have been submitted to the City Clerk, who collects them under state law no later than October 1 of each even-numbered year for the Council.

This report catalogs the biennial reports submitted by the City's local agencies and notes forthcoming changes to be made to conflict of interest codes.

Government Code section 87303 requires those entities that seek to amend their code to submit proposed amendments to the Council to ensure that the codes are considered and approved before the end of the year. Each of the 34 entities intending to amend a code this year submitted their proposed amendments to the City Clerk for review. The City Attorney's Office is now conducting a legal review of all proposed amendments, working with each of the City departments, agencies, boards and commissions that intend to amend their codes and assisting those entities to bring their proposed codes before the Council between October and December 2016. The 34 codes will be brought to Council on the consent agenda. The newly amended codes will take effect on the date of their adoption by the Council, and are not subject to mayoral veto.

I. Entities That Will Be Amending Conflict Of Interest Codes

**City Departments:** The Council will receive 28 proposed amended codes from City departments, as follows:

- ADA Compliance and Accessibility
- Chief Operating Officer & Administration
- City Clerk
- City Treasurer
- Communications
- Council Administration & Independent Budget Analyst
- Debt Management
- Development Services
- Economic Development
- Environmental Services
- Financial Management
- Fire-Rescue
- Fleet Services
- Homeland Security, Office of
- Human Resources
- Information Technology, Department of
- Library
- Park & Recreation
- Performance & Analytics
- Planning Department
- Police
- Public Utilities
- Public Works (fka Engineering & Capital Projects, and General Services)
- Purchasing and Contracting
- Real Estate Assets
- Risk Management
- Special Events & Filming
- Transportation & Storm Water

**Corporations, Agencies, Boards and Commissions:** The Council will receive six (6) proposed amended codes from these entities, as follows:

- Commission for Arts and Culture
- Consolidated Plan Advisory Board
- Ethics Commission
- San Diego City Employees' Retirement System (SDCERS)
- San Diego Convention Center Corporation
- San Diego Housing Commission

## II. Entities That Will Not Be Amending Conflict of Interest Codes

The following departments, corporations, agencies, boards and commissions will not be amending their conflict of interest codes in 2016:

### **City Departments**

- Chief Financial Officer
- City Attorney
- City Auditor
- City Comptroller
- Mayor, Office of the
- Neighborhood Services
- Personnel

### **Corporations, Agencies, Boards and Commissions**

- Audit Committee
- Board of Building Appeals and Advisors
- Citizens' Review Board on Police Practices (included within Neighborhood Services code)
- Civic San Diego
- Civil Service Commission
- Community Parking District Advisory Board
- Convention Center Expansion Financing Authority
- Defined Contribution Plans Board
- Facilities and Equipment Leasing Corporation
- Funds Commission
- Gang Prevention and Intervention, Commission on (included within Neighborhood Services code)
- Horton Plaza Theatres Foundation
- Housing Advisory and Appeals Board
- Human Relations Commission (included within Neighborhood Services code)
- Independent Rates Oversight Committee
- Managed Competition Independent Review Board
- Mission Bay Park Committee
- Oversight Board of the Redevelopment Successor Agency
- Park and Recreation Board
- Planning Commission
- Qualcomm Stadium Advisory Board
- Salary Setting Commission
- San Diego Revolving Loan Fund Board
  
- Land Use Boards - San Diego Municipal Code section 26.0106, "Members of Land Use Boards and Commissions," is not being amended at this time. The

section requires conflict of interest disclosures from those serving on land use boards, including but not limited to the following:

- Agriculture Board
- Crest Canyon Park Reserve Advisory Committee
- Grading Advisory Board
- Historical Resources Board
- La Jolla Shores Planned District Advisory Board
- La Jolla Underwater Park Advisory Committee
- Los Peñasquitos Canyon Preserve
- Mission Trails Regional Park Task Force
- Old Town San Diego Planned District Design Review Board
- Relocation Appeals Board
- Tecolote Canyon Citizens Advisory Board
- Tecolote Canyon Natural Park Task Force
- Wetlands Advisory Board

Please note that the code for the Public Facilities Financing Authority may be amended during this year's biennial update process, but is currently undergoing legal review by the City Attorney's Office. Additionally, codes in place for boards or commissions which are currently dormant, e.g. the Redistricting Commission, remain in place for use by future panels. Those boards or commissions are not listed within this report.

If you have any questions, please contact me at (619) 533-4080 or Deputy Director Bonnie Stone at (619) 533-4060.



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cc: City Attorney