



OFFICE OF THE CITY CLERK

REPORT

REPORT TO THE HONORABLE MAYOR AND COUNCIL

DATE: September 28, 2012

REPORT NO.: CC-12-02

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 details the status of the City's biennial conflict of interest code amendment process. This Report includes two lists:

- First, the Report lists those City departments, corporations, agencies, boards and commissions that will be submitting proposed amendments to their conflict of interest codes for Council review and approval this year.
- Second, the Report lists those departments, agencies, boards and commissions that have filed forms with the City Clerk's Office declaring that changes are not necessary to their codes this year. This list also includes several dormant boards that are not meeting this year, but whose codes will remain in place for future panels (such as the Redistricting Commission and Charter Review Committee).

Government Code section 87303 requires those entities that seek to amend their code to submit proposed amendments to the Council within 90 days of October 1, to ensure that the codes are considered and approved before the end of the year. The City Attorney's Office is now 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 2012. At this time, we anticipate that 28 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 Amending Conflict Of Interest Codes

City Departments: The Council will receive 19 proposed amended codes from City departments, as follows:

- Administration
- Chief Operating Officer (amending the code titled “Mayor’s Office and Chief Operating Officer”)
- City Attorney
- City Clerk
- Debt Management
- Development Services (merges with Planning & Community Investment code)
- Disability Services
- Fire-Rescue
- Human Resources
- Information Technology
- Mayor (amending the code titled “Community & Legislative Services”)
- Park & Recreation
- Public Utilities
- Public Works - Engineering & Capital Projects
- Public Works - General Services
- Purchasing & Contracting
- Real Estate Assets
- Risk Management
- Transportation & Storm Water

Corporations, Agencies, Boards and Commissions: The Council will receive 9 proposed amended codes from these entities, as follows:

- Audit Committee
- Civic San Diego (including former CCDC/SEDC codes)
- Community Parking District Advisory Boards
- Horton Plaza Theatres Foundation
- Salary Setting Commission
- San Diego Housing Commission
- San Diego City Employees' Retirement System (SDCERS)
- San Diego Convention Center Corporation
- San Diego Regional Revolving Loan Fund Loan Advisory Board (includes Metro Revolving Loan Fund Loan Advisory Board; sunsets Technology Fund Loan Committee)

II. Entities That Will Not Be Amending Codes

The following departments, corporations, agencies, boards and commissions will not be amending their conflict of interest codes in 2012:

City Departments

- Business Office
- City Auditor
- City Comptroller
- City Council, Council Administration & Office of the Independent Budget Analyst
- City Treasurer
- Environmental Services
- Finance
- Financial Management
- Homeland Security
- Library
- Personnel
- Police
- Special Events

Corporations, Agencies, Boards and Commissions

- Building Appeals and Advisors
- Charter Review Committee
- Civic Events Fund (San Diego Festivals, Inc.).
- Civil Service Commission
- Commission for Arts and Culture
- Consolidated Plan Advisory Board
- Convention Center Expansion Financing Authority
- Defined Contribution Plan Board of Trustees
- Ethics Commission
- Facilities and Equipment Leasing Corporation
- Funds Commission
- Historical Resources Board
- Housing Advisory and Appeals Board
- Independent Rates Oversight Committee
- Local Enforcement Agency Hearing Panel
- Managed Competition Independent Review Board
- Mission Bay Park Committee
- Park and Recreation Board
- Public Facilities Financing Authority
- Qualcomm Stadium Advisory Board
- Redevelopment Project Area Committees.
- Redistricting Commission
- San Diego Data Processing Corporation

There are 12 additional boards governed by San Diego Municipal Code section 26.0106, the Land Use Code, which requires conflict of interest disclosures from those serving on the listed boards. This Municipal Code section is not being amended at this time. The section is being reviewed for later revision after determinations are made regarding which boards may be inactive and steps are taken to deem any such boards inactive.

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

Elizabeth Maland
City Clerk

cc: City Attorney