

**RESOLUTION NO. XX-X (BNPEA)**

**A RESOLUTION OF THE SANTA CLARA BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY AMENDING THE CONFLICT OF INTEREST CODE FOR DESIGNATED POSITIONS AS REQUIRED BY THE POLITICAL REFORM ACT AND REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION**

**BE IT RESOLVED BY THE SANTA CLARA BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY AS FOLLOWS:**

**WHEREAS**, the Political Reform Act of 1974, Government Code Sections 81000 et seq., requires certain public agency officials and employees to file economic disclosure forms ("Form 700") and abstain from making or participating in governmental decisions which have a reasonably foreseeable material effect on an economic interest;

**WHEREAS**, the Political Reform Act requires the Bayshore North Project Enhancement Authority to adopt a local conflict of interest code that enumerates specific official and employee positions other than those specified in Government Code § 87200 which involve making or participating in making decisions which have a reasonably foreseeable material effect on an economic interest, and to designate for each position the types of investments, business positions, interests in real property and sources of income which are reportable based on the scope of the decision-making authority of the position;

**WHEREAS**, the Bayshore North Project Enhancement Authority has adopted a Conflict of Interest Code in compliance with the provisions of the Political Reform Act; and,

**WHEREAS**, the Bayshore North Project Enhancement Authority has reviewed and considered administratively suggested changes to the listing of designated positions of Authority officials, along with assigned disclosure categories, in the Conflict of Interest Code.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE SANTA CLARA BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY AS FOLLOWS:**

1. That the Santa Clara Bayshore North Project Enhancement Authority Conflict of Interest Code, attached hereto and incorporated herein by reference, is hereby adopted and includes the following:

(a) The Political Reform Act, Government Code Sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which officials and employees are designated and Appendix B in which disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Santa Clara Bayshore North Project Enhancement Authority, which is considered the agency within the purview of this code. The Conflict of Interest Code so adopted amends and replaces any Conflict of Interest Code previously in effect to conform to this newly adopted code.

(b) Designated officials, employees, and consultants shall file statements of economic interests with the City Clerk, who shall be and perform the duties of filing officer for the City of Santa Clara Bayshore North Project Enhancement Authority.

2. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE 26th DAY OF January 2021, BY THE FOLLOWING VOTE:

AYES: AUTHORITY MEMBERS  
NOES: AUTHORITY MEMBERS:  
ABSENT: AUTHORITY MEMBERS:  
ABSTAINED: AUTHORITY MEMBERS:

ATTEST: \_\_\_\_\_  
NORA PIMENTEL, MMC  
SECRETARY  
BAYSHORE NORTH PROJECT ENHANCEMENT  
AGENCY OF THE CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Conflict of Interest Code with Appendices A and B

# **BAYSHORE NORTH PROJECT ENHANCEMENT AUTHORITY CONFLICT OF INTEREST CODE**

## **SECTION 1: CONFLICT OF INTEREST CODE - ADOPTED**

The Political Reform Act, Government Code Sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which officials and employees are designated and Appendix B in which disclosure categories are set forth, constitute the Conflict of Interest Code of the Bayshore North Project Enhancement Authority, which is considered the agency within the purview of this code. The Conflict of Interest Code of the Bayshore North Project Enhancement Authority so adopted amends and replaces any Conflict of Interest Code of the Bayshore North Project Enhancement Authority previously in effect to conform to this newly adopted code.

## **SECTION 2: CONFLICT OF INTEREST CODE - STATEMENTS**

Designated employees shall file statements of economic interests with the Santa Clara City Clerk, who shall be and perform the duties of filing officer for the Bayshore North Project Enhancement Authority.

## **SECTION 3: SAVINGS CLAUSE**

Any change provided for in this conflict of interest code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other conflict of interest code; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered in connection with any other conflict of interest code.

**Appendix A: On file in City Clerk's Office**

**Appendix B: Attached**

**APPENDIX A TO CONFLICT OF INTEREST CODE BAYSHORE NORTH  
PROJECT ENHANCEMENT AUTHORITY  
DESIGNATED POSITIONS REQUIRED TO FILE**

**Officials Who Manage Public Investments**

Pursuant to Government Code section 87200, officials who manage public investments as defined by 2 California Code of Regulations § 18701(b) are also subject to the disclosure requirements of the Political Reform Act and are required to file full Statements of Economic Interests. It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

- Authority Members
- Executive Director
- Authority General Counsel
- Authority Finance Director, Treasurer and Auditor

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

<b>Department</b>	<b>Designated Position</b>	<b>Categories</b>
Bayshore North Project Enhancement Authority	Consultant/ <b>New Positions*</b>	1, 5

\*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: the Executive Director may determine in writing that a particular consultant or new position, although a “designated person,” is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties, and based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Sec. 81008.)

In addition, Consultants include all natural persons who are independent contractor consultants or such members, officers or employees of companies who by contract with the Bayshore North Project Enhancement Authority make decisions on behalf of the Bayshore North Project Enhancement Authority that may foreseeably have a material effect on any of their financial interests.

## APPENDIX B

### MASTER LIST OF DISCLOSURE CATEGORIES

**Category 1** - All designated employees in this category shall disclose all sources of income, investments, interests in real property owned in the City of Santa Clara, 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.

**Category 2** - All designated employees in this category shall disclose all sources of income, investments, 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.

**Category 3** - All designated employees in this category shall disclose all interests in real property owned in the City of Santa Clara.

**Category 4** - All designated employees in this category shall disclose all sources of income, investments, 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 provides services, equipment, lease space, materials or supplies to the Bayshore North Project Enhancement Authority..

**Category 5** - All designated positions in this category shall disclose all investments and business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from, sources that filed a claim with or against the Bayshore North Project Enhancement Authority during the previous two years, or have a claim pending with or against the Bayshore North Project Enhancement Authority.

1.	<del>All investments and business positions in business entities, sources of income and interests in real property</del>
2.	<del>Investments and business positions in business entities, and all sources of income.</del>
3.	<del>Interests in real property</del>
4.	<del>Investments and business positions in business entities, and sources of income from entities providing supplies, services, equipment or machinery of the type used by the designated employee's unit.</del>
5.	<del>Investment and business positions in, and income from entities which are book-outlets, vendors or providers of business services.</del>
6.	<del>Investments and business positions in business entities and income from sources engaged in construction, building, or material supply.</del>
7.	<del>Investments and business positions in business entities and income from sources which supply or manufacture solar energy systems</del>
8.	<del>Investments and business positions in business entities and income from source engaged in constructions or development</del>

9.	<del>Investments and business positions in, and income from sources engaged in construction, building, or material supply.</del>
10.	<del>Investments and business positions in business entities and income from construction companies or public works projects.</del>
11.	<del>Investments and business positions in, and income from construction firms involved in construction projects subject to acceptance by the City Council.</del>
12.	<del>Investments and business positions in business entities and income from entities of the type to provide bids, supplies, vehicles and equipment.</del>
13.	<del>Investments and business positions in, and income from entities which provide training, services or facilities of the type utilized by the City.</del>
14.	<del>Investments and business positions in business entities and source of income which provide services and supplies of the type used in emergency services coordination and training activities.</del>
15.	<del>Investments and business positions in, and income from, Union Pension Funds that may be affected by the outcome of negotiations involving monetary settlements and employer-employee memorandum.</del>
16.	<del>Investments and business positions in, and income from entities providing medical services or facilities of the type used by the City.</del>
17.	<del>Investments and business positions in, and income from business entities engaged in providing eye examinations and eye glasses, including but not limited to opticians, ophthalmologists, etc.</del>
18.	<del>Investments and business positions in and income from business entities supplying or manufacturing electronic equipment, supplies or services of the type utilized by the employee's unit.</del>
19.	<del>Investments and business positions in, and income from business entities providing supplies, services equipment or machinery of the type used by the City.</del>
20.	<del>Investments and business positions in, and income from employment agencies or entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, job classification studies and salary surveys.</del>
21.	<del>Investments and business positions in, and income from, business entities which are of the type to provide any of the various types of employee insurance coverage and/or actuarial services.</del>
22.	<del>Investments and business positions in business entities, and income from sources which supply or manufacture firefighting equipment or supplies.</del>