

RESOLUTION NO. 21-8939

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SANTA CLARA, CALIFORNIA
AMENDING THE CONFLICT OF INTEREST
CODE FOR DESIGNATED CITY POSITIONS AS
REQUIRED BY THE POLITICAL REFORM ACT
AND REGULATIONS OF THE FAIR POLITICAL
PRACTICES COMMISSION**

BE IT RESOLVED BY THE CITY OF SANTA CLARA 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 City 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 City Council has adopted a Conflict of Interest Code in compliance with the provisions of the Political Reform Act; and,

WHEREAS, the City Council has reviewed and considered administratively suggested changes to the listing of designated positions of City officials and employees, along with assigned disclosure categories, in the Conflict of Interest Code.

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NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City of Santa Clara 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, which is considered the agency within the purview of this code. The Conflict of Interest Code of the City of Santa Clara so adopted amends and replaces any Conflict of Interest Code of the City of Santa Clara 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.

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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 CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 9TH DAY OF FEBRUARY, 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Conflict of Interest Code with Appendices A and B

**APPENDIX A
CITY OF SANTA CLARA CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS REQUIRED TO FILE**

Governing Bodies/Commissions	Disclosure Category
Mayor	1
City Councilmembers	1
Civil Service Commission	1
Cultural Commission	1
Bayshore Project Enhancement Authority	1
Board of Library Trustees	1
Deferred Compensation Committee	1
Housing Authority	1
Housing Rehabilitation Loan Committee	1
Industrial Development Authority	1
Joint Financing Authority	1
Oversight Board for Successor Agency to the City of Santa Clara Redevelopment Agency	1
Planning Commission	1
Public Facilities Financing Corporation	1
Parks and Recreation Commission	1
Salary Setting Commission	1
Sports and Open Space Authority	1
City Department	
City Attorney's Office	
Assistant City Attorney	1
Chief Assistant City Attorney	1
City Attorney	1
Deputy City Attorney	1
Legal Executive Assistant	1
City Clerk's Office	
Assistant City Clerk	1
City Clerk	1
Deputy City Clerk	1
City Manager's Office	
Assistant City Manager	1
Assistant to the City Manager	1
Chief Operating Officer	1
City Manager	1
Communications & Outreach Manager	1
Consultant	1
Executive Assistant to the City Manager	1
Management Analyst	1
Public Information Officer	1
Senior Management Analyst	1

**APPENDIX A
CITY OF SANTA CLARA CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS REQUIRED TO FILE**

City Department	Disclosure Category
Community Development	
Assistant Planner II	1
Associate Planner	1
Building Official	1
Code Enforcement Technician	1
Combination Inspector	1
Development Review Officer	1
Director of Community Development	1
Housing Development Officer	1
Housing Inspector	1
Inspection Manager	1
Management Analyst	1
Plan Review Manager	1
Planning Manager	1
Plans Examiner	1
Principal Planner	1
Senior Inspector	1
Senior Inspector (Building)	1
Senior Inspector (Electrical)	1
Senior Permit Technician	1
Senior Plans Examiner	1
Staff Analyst I	1
Staff Analyst II	1
Finance	
Assistant Director of Finance	1
Budget Manager	1
Budget and Treasury Division Manager	1
Contracts Manager	1
Director of Finance	1
Management Analyst	1
Municipal Services Division Manager	1
Principal Accountant	1
Principal Financial Analyst	1
Senior Management Analyst	1
City Auditor's Office	
Audit Manager	1
Management Analyst	1
Fire	
Assistant Fire Marshal	1
Battalion Chief	2
Deputy Fire Chief	1
Fire Marshal	1
Fire Chief	1

**APPENDIX A
CITY OF SANTA CLARA CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS REQUIRED TO FILE**

City Department	Disclosure Category
Human Resources	
Assistant Director of Human Resources	1
Director of Human Resources	1
Human Resources Division Manager	1
Management Analyst	1
Risk Manager	1, 5
Information Technology	
Dir. of Information Technology/Chief Information Officer	1
Information Technology Service Manager	1
Management Analyst	1
Senior Information Technology Services Manager	1
Library	
Assistant City Librarian	1
City Librarian	1
Library Division Manager – Support Services	1
Mayor and Council Office	
Executive Assistant to Mayor and City Council	1
Parks and Recreation	
Cemetery Operations Manager	2
Deputy Parks & Recreation Director	1
Management Analyst	1
Parks & Recreation Director	1
Parks Construction, Maintenance & Repair Supervisor	4
Recreation Manager	1
Police	
Assistant Police Chief - Sworn	1
Communications Operations Manager	1
Management Analyst – Non-Sworn	1
Police Captain - Sworn	3
Police Chief - Sworn	1
Police Records Manager – Non-Sworn	1
Public Works	
Assistant Director of Public Works /City Engineer	1
Building Maintenance Manager	2
Code Enforcement Officer	1
Code Enforcement Technician	1
Compliance Manager	1
Deputy Public Works Director	1
Director of Public Works	1
Environmental Programs Manager	1
Fleet Manager	1

**APPENDIX A
CITY OF SANTA CLARA CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS REQUIRED TO FILE**

City Department	Disclosure Category
Public Works Cont'd	
Management Analyst	1
Principal Engineer	2
Principal Planner	1
Public Works Inspector	2
Senior Engineer	2
Transportation Manager	2
Water and Sewer	
Assistant Director of Water & Sewer Utilities	1
Compliance Manager	1
Director of Water & Sewer Utilities	1
Management Analyst	1
Utility Business Systems Manager	1
Utility Operations Engineer	1
Water and Operations Manager	1
Water and Sewer Superintendent	1
Silicon Valley Power	
Acting Electric Division Manager	1
Assistant Director of Electric Utility	1
Chief Electric Utility Officer	1
Compliance Manager	1
Electric Division Manager - Engineering	1
Electric Division Manager - Generation	1
Electric Division Manager - Operations	1
Electric Division Manager - Substations	1
Electric Division Manager – Transm Distrib	1
Electric Division Mgr-Mkt A & P	1
Electric Division Manager	1
Electric Program Manager	4
Electric Utility Chief Operation Officer	1
Electric Utility Risk Control Analyst	1
Power System Scheduler/ Trader	1
Power Trader	1
Principal Electric Utility Engineer	1
Principal Power Analyst	1
Principal Utility Information Systems Manager	4
Senior Power System Scheduler/Trader	1
Senior Electric Division Manager	1
Other	
Consultant/New Positions*	1, 5

APPENDIX A
CITY OF SANTA CLARA CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS REQUIRED TO FILE

*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 City Manager 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 City Manager’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 City of Santa Clara make decisions on behalf of the City of Santa Clara 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, and business positions required to be disclosed of those public officials named in Government Code section 87200.

Category 2 - All designated employees in this category shall disclose all sources of income, investments and business entities in which the designated employee holds a management position if the business entity engages in land development; construction; the provision of architectural, engineering or other services in connection with construction; the manufacture or sale of electrical, plumbing and other products used in construction; the acquisition or sale of real property or financing of land acquisition, development or construction.

Category 3 - All designated employees in this category shall disclose all sources of income, investments, and business entities in which the designated employee holds a management position if the business entity is of the type which contracts with the City of Santa Clara to provide services, supplies, materials, machinery or equipment.

Category 4 - All designated employees in this category shall disclose all sources of income, investments, and business entities in which the designated employee holds a management position if the business entity is of the type which contracts with the designated employee's department.

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 City of Santa Clara during the previous two years, or have a claim pending with or against the City of Santa Clara.