

RESOLUTION NO. 24-9374

**A RESOLUTION 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**

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.

NOW THEREFORE, BE IT 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:

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(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.


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

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 REGULAR MEETING THEREOF HELD ON THE 22ND DAY OF OCTOBER, 2024, 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



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 Reg. 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.

SECTION 2: CONFLICT OF INTEREST CODE – STATEMENTS

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

SECTION 3: SAVINGS CLAUSE

Any changes 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, suite, 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
CITY OF SANTA CLARA CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS REQUIRED TO FILE**

<u>Governing Bodies/Commissions</u>	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
<u>City Department</u>	
City Attorney's Office	
Assistant City Attorney	1
Chief Assistant City Attorney	1
City Attorney	1
Deputy City Attorney	1
Legal Executive Assistant	1
Risk Manager	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
Deputy City Manager	1
Development Project Manager	1
Director of Economic Development & Sustainability (Deputy City Manager)	1
Executive Assistant to the City Manager	1
Management Analyst	1
Public Information Officer	1

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

City Department	Disclosure Category
Community Development	
Assistant Director of Community Development	1
Assistant Planner I	1
Assistant Planner II	1
Associate Planner	1
Building Official	1
Code Enforcement Officer	1
Development Review Officer	1
Director of Community Development	1
Housing Development Officer	1
Inspection Manager	1
Management Analyst	1
Plan Review Manager	1
Planning Manager	1
Principal Planner	1
Senior Planner	1
Finance	
Accounting Division Manager	1
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
City Auditor	1
Management Analyst	1
Fire	
Assistant Fire Marshal	1
Battalion Chief	2
Deputy Fire Chief	1
Deputy Fire Marshall	1
Fire Chief	1
Fire Marshall	1
Fire Protection Engineer	1
Fire Protection Specialist	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
Information Technology	
Dir. of Information Technology/Chief Information Officer	1
Information Technology Service Manager	1
Senior Information Technology Services Manager	1
Library	
Assistant City Librarian	1
City Librarian	1
Library Division Manager – Support Services	1
Management Analyst	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 Manager	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

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

Public Works Cont'd	Disclosure Category
Director of Public Works	1
Environmental Programs Manager	1
Fleet Manager	1
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
Principal Engineer – Water and Sewer	1
Senior Administrative Analyst	1
Utility Systems Business Manager	1
Utility Operations Engineer	1
Water and Sewer Operations Manager	1
Water and Sewer Superintendent	1
Silicon Valley Power	
Electric Division Manager	1
Acting 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 Operating 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

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

Other	
Consultant/New Positions*	1

As defined in 2 Cal. Code of Regs. Section 18700.3, as may be amended from time to time, "Consultant" means an individual who, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

1. Approve a rate, rule, or regulation;
2. Adopt or enforce a law;
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
5. Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
6. Grant agency approval to a plan, design, report, study, or similar item;
7. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code Section 87302.

*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)

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.