

## RESOLUTION NO.

### 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.

#### 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.

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 26<sup>th</sup> DAY OF JANUARY, 2021, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: .....

Attachments incorporated by reference:

1. Conflict of Interest Code with Appendices A and B



**City of  
Santa Clara**  
The Center of What's Possible

## **CITY OF SANTA CLARA 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 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 Clerk, who shall be and perform the duties of filing officer for the City of Santa Clara.

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

<b><u>Governing Bodies/Commissions</u></b>	<b>Disclosure Category</b>
Mayor	1
City Councilmembers	1
Civil Service Commission	1
<b>Cultural Commission</b>	1
Bayshore Project Enhancement Authority	1
<b>Board of Library Trustees</b>	1
<b>Deferred Compensation Committee</b>	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
Parks and Recreation Commission	1
Planning Commission	1
Public Facilities Financing Corporation	1
<b>Parks and Recreation Commission</b>	1
<b>Salary Setting Commission</b>	1
Sports and Open Space Authority	1
<b>Stadium Authority</b>	1
<b><u>City Department</u></b>	
<b>City Attorney's Office</b>	
Assistant City Attorney	1
Chief Assistant City Attorney	1
City Attorney	1
Deputy City Attorney	1
<del>Executive Assistant to City Attorney</del> Legal Executive Assistant	1
<b>City Clerk's Office</b>	
Assistant City Clerk	1
City Clerk/ <del>Auditor</del>	1
Deputy City Clerk	1
<b>City Manager's Office</b>	
Assistant City Manager	1
Assistant to the City Manager	1
Chief Operating Officer	1
City Manager	1
<b>Communications &amp; Outreach Manager</b>	1
<b>Consultant</b>	1
<del>Deputy City Manager</del>	1
Executive Assistant to the City Manager	1

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DESIGNATED POSITIONS REQUIRED TO FILE

City Department	Disclosure Category
<b>City Manager's Office cont'd</b>	
Management Analyst	1
Public Information Officer	1
<del>Risk Manager</del>	1
Senior Management Analyst	1
<b>Community Development</b>	
Assistant Planner I	1
Assistant Planner II	1
Associate Planner	1
Building Official	1
<del>Code Enforcement Technician</del>	1
<del>Combination Inspector</del>	1
<del>Consultant</del>	1
Development Review Officer	1
Director of Community Development	1
Housing Development Officer	1
<del>Housing Inspector</del>	1
Inspection Manager	1
Management Analyst	1
Plan Review Manager	1
Planning Manager	1
<del>Plans Examiner</del>	1
Principal Planner	1
<del>Senior Inspector</del>	1
<del>Senior Inspector (Building)</del>	1
<del>Senior Inspector (Electrical)</del>	1
<del>Senior Permit Technician</del>	1
<del>Senior Plans Examiner</del>	1
<del>Staff Analyst I</del>	1
<del>Staff Analyst II</del>	1
<b>Finance</b>	
<del>Accounting Division Manager</del>	1
<del>Acting Director of Finance</del>	1
Assistant Director of Finance	1
<del>Budget Manager</del>	1
Budget and Treasury Division Manager	1
<del>Buyer</del>	1
<del>Chief Storekeeper</del>	2
<del>Contracts Manager</del>	1
Director of Finance	1
Management Analyst	1
Municipal Services Division Manager	1

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DESIGNATED POSITIONS REQUIRED TO FILE

City Department	Disclosure Category
<b>Finance Cont'd</b>	
Principal Accountant	1
Principal Financial Analyst	1
Senior Management Analyst	1
<b>City Auditor's Office</b>	
Audit Manager	1
Management Analyst	1
<b>Fire</b>	
Assistant Fire Marshal	1
<del>Assistant Training Officer</del>	2
<del>Battalion Chief - Suppression</del>	2
Battalion Chief —24 HRS Training	2
<del>Battalion Chief in EMS Fire Department</del>	2
Deputy Fire Chief	1
<del>Deputy Fire Marshal</del>	1
<del>Deputy Fire Marshal—Hazardous Materials-</del>	1
<del>Emergency Service Coordinator</del>	2
Fire Chief	1
<del>Fire Inspection Aide</del>	2
<del>Fire Marshal I/II/III</del>	1
<del>Fire Prevention Specialist I/II</del>	2
<b>Human Resources</b>	
Assistant Director of Human Resources	1
Director of Human Resources/ <del>MERO</del>	1
Human Resources Division Manager	1
Management Analyst	1
<del>Risk Manager</del>	1,5
<b>Information Technology</b>	
Dir. of Information Technology/Chief Information Officer	1
Information Technology Service Manager	1
Management Analyst	1
Senior Information Technology Services Manager	1
<b>Library</b>	
Assistant City Librarian	1
City Librarian	1
<del>Library Circulation Supervisor</del>	4
Library Division Manager – Support Services	1
<del>Library Program Coordinator—Branch Manager</del>	4
<del>Library Program Coordinator—Reference-</del>	4

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<b>City Department</b>	<b>Disclosure Category</b>
<del>Library Technology Assistant</del>	4
<del>Library Program Coordinator—Technical Services</del>	4
<del>Library Program Coordinator—Technology</del>	4
<del>Library Program Coordinator—Youth Services</del>	4
<del>Literacy Program Supervisor</del>	4
<b>Mayor and Council Office</b>	
Executive Assistant to Mayor and City Council	1
<b>Parks and Recreation</b>	
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
<b>Police</b>	
Assistant Police Chief - Sworn	1
Communications Operations Manager	1
Management Analyst – Non-Sworn	1
Police Captain - Sworn	3
Police Chief - Sworn	1
<del>Police Officer—P.A.L. Director</del>	1
Police Records Manager – Non-Sworn	1
<b>Public Works</b>	
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
<del>Management Analyst</del>	1
<del>Materials Testing Technician</del>	2
Principal Engineer	2
Principal Planner	1
Public Works Inspector	2
Senior Engineer, <del>Civil</del>	2
<del>Staff Analyst 1—Environmental Programs</del>	1
<del>Streets Superintendent</del>	1



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DESIGNATED POSITIONS REQUIRED TO FILE

City Department	Disclosure Category
<b>Public Works Cont'd</b>	
<del>Traffic Engineer</del>	2
Transportation Manager	2
<b>Water and Sewer</b>	
Assistant Director of Water & Sewer Utilities	1
<del>Assistant Water and Sewer Superintendent</del>	1
<del>Code Enforcement Technician</del>	1
Compliance Manager	1
Director of Water & Sewer Utilities	1
Management Analyst	1
<del>Principal Engineer—Water</del>	1
Utility Business Systems Manager	1
Utility Operations Engineer	1
Water and Operations Manager	1
Water and Sewer Superintendent	1
<b>Silicon Valley Power</b>	
Acting Electric Division Manager	1
Assistant Director of Electric Utility/ <del>Energy Distribution</del>	1
<del>Assistant Director of Electric Utility/Planning &amp; Strategic Services</del>	1
<del>Business Analyst/Fiber</del>	4
<del>Business Analyst/Public Benefits</del>	4
Consultant	1
Chief Electric Utility Officer	1
<del>Chief Operating Officer</del>	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
<del>Electric Utility Network Administrator</del>	4
Key Customer Representative	4
<del>Power Account Clerk I</del>	1
Electric Utility Chief Operating Officer	1
Electric Utility Risk Control Analyst	1
<del>Power Account Clerk III</del>	1
<del>Power Contract Specialist</del>	1
Power System Scheduler/ Trader	1

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DESIGNATED POSITIONS REQUIRED TO FILE

Power Trader	1
Principal Electric Utility Engineer	1
Principal Power Analyst	1
Principal Utility Information Systems Manager	4
<del>Resource Analyst II</del>	4
<del>Risk Control Analyst</del>	1
<del>Senior Key Customer Representative</del>	4
Senior Power System Scheduler/Trader	1
<del>Senior Business Analyst</del>	4
Senior Electric Division Manager	1
<b>Other</b>	
Consultant/ <del>New Positions</del> *	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 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 make decisions on behalf of the City 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 City of Santa Clara.

**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.

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>