



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: BIENNIAL REVIEW OF
CONFLICT OF INTEREST CODE**

DATE: September 14, 2018

RECOMMENDATION

Adopt a resolution amending the Conflict of Interest Code for the City of San José.

OUTCOME

The recommended action ensures compliance with the California Political Reform Act and updates the list of those officers and employees in designated positions who are required to file the California Fair Political Practice Commission (FPPC) Form 700 – Statement of Economic Interests for the City of San José.

BACKGROUND

The Political Reform Act requires all public officials, employees, and consultants who make or participate in the making of government decisions to disclose any economic interests that could be affected by those decisions. The City Council has previously adopted by resolution a Conflict of Interest Code for the City of San José, which sets forth reporting requirements for all City departments and certain boards and commissions. Per the California Government Code, the Conflict of Interest Code must be updated biennially by October 1 of each even-numbered year.

ANALYSIS

The City Council last adopted its biennial Conflict of Interest Code on September 27, 2016. Since then, departments identified additional changes, including newly created positions and the Conflict of Interest Code was amended on January 24, 2017.

As part of the 2018 biennial review, City departments have identified additional changes, including newly created positions, which are redlined in the attached resolution. Noteworthy changes include:

- Changing working titles to job classification titles
- Adding the Voluntary Employee Beneficiary Association (VEBA) Committee
- Moving the Office of Emergency Services from Fire Department to the Office of the City Manager
- Adding positions for the newly created Community Energy Department

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- Addition of Recreation Supervisor in Parks, Recreation, and Neighborhood Services Department per the City Auditor's Report 18-06 recommendation to include positions in the Conflict of Interest Code that are involved in the award of reuse agreements.

The proposed resolution and appendices reflect the changes for certain departments and positions which are being added to or deleted from the list of designated positions. Upon Council approval, the Office of the City Clerk will notify the affected employees as to their filing status.

EVALUATION AND FOLLOW-UP

No subsequent City Council action on this issue is necessary.

PUBLIC OUTREACH

This memorandum will be posted on the City's website for the September 25, 2018 City Council agenda.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

CEQA

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.



Toni J. Taber, CMC
City Clerk

For questions, please contact Elaine Trinh, Deputy City Clerk, at (408) 535-1260.