

## THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE

## MEMORANDUM

TO: HONORABLE MAYOR, CITY COUNCIL, AND AGENCY BOARD	FROM: HARRY S. MAVROGENES EXECUTIVE DIRECTOR
SUBJECT: SEE BELOW	DATE: JANUARY 25, 2007

SUBJECT: REVISED CONFLICT OF INTEREST CODE

RECOMMENDATION

It is recommended that the Redevelopment Agency Board adopt a resolution approving the Agency's revised Conflict of Interest Code.

OUTCOME

Approval of the proposed action will update the Redevelopment Agency's Conflict of Interest Code to reflect current designated employee and filing requirements.

BACKGROUND

Pursuant to the California Political Reform Act, every governmental agency must adopt a Conflict of Interest Code that sets forth, among other things, employment positions and the disclosure filing requirements for designated employees. The Conflict of Interest Code must be updated from time to time. This action is to update the Redevelopment Agency's Conflict of Interest Code.

ANALYSIS

As a result of changes in the Redevelopment Agency's organizational structure and personnel job responsibility and authority, the list of designated Redevelopment Agency employee positions required to file a Statement of Economic Interest form is outdated. Staff has prepared a schedule (attached) containing an updated list of designated positions that reflects the following changes since the last revision of the Agency Code in 2005:

- The following position titles have been abolished:

Finance Division

Financial Officer

- The following position titles have been added to the list:

Finance Division

Financial Analyst

Budget Manager

Contract Manager

Administration and Parking Division (new division)

Human Resources Analyst

Project Management Division

Project Advocate Officer

Principal Architect

Urban Design Associate

- The following position titles have been revised:

Finance Division

Director/Chief Financial Officer (previously Director of Finance and Administration)

- The following Division titles have been revised:

Finance Division (previously Finance and Administration Division)

Housing/Real Estate Division (previously Real Estate & Housing Division)

PUBLIC OUTREACH/INTEREST

The proposed action does not meet any of the criteria for added outreach efforts. It will be posted on the Agency's website and made available for public review in the Agency's public lobby area.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater; (Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- Criteria 3:** Consideration of proposed changes to service delivery, programs, or staffing that may have impacts to community services and have been identified by staff, the Board or Council, or a community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

#### COORDINATION

This action has been coordinated with the Agency's General Counsel.



HARRY S. MAVROGENES  
Executive Director

Attachments

**APPENDIX I  
SCHEDULE OF DESIGNATED POSITIONS**

Designated Positions	Reportable Disclosure Categories	
* Classification/Position (See Attachment II for Notes)	Investments, Business Positions, Sources of Income	Real Property Interests within two miles of any redevelopment area
<b>Office of the Executive Director</b>		
Executive Director	Yes	Yes
Assistant Executive Director	Yes	Yes
Deputy Executive Director	Yes	Yes
Administrative Officer	Yes	Yes
Administrative Manager	Yes	Yes
Community Relations Officer	Yes	Yes
Director, Policy and Program Develop.	Yes	Yes
<b>Office of the General Counsel</b>		
Covered under the City's Conflict of Interest Code		
<b>Finance Division</b>		
Director/Chief Financial Officer	Yes	Yes
Assistant Director	Yes	Yes
Budget Manager	Yes	Yes
Contract Manager	Yes	Yes
Accounting Supervisor	Yes	Yes
Fiscal Officer	Yes (Note 1, 11)	Yes
Financial Analyst	Yes (Note 1, 11)	Yes
<b>Administration and Parking Division</b>		
Director, Administration and Parking	Yes	Yes
Assistant Director	Yes	Yes
Information Systems Manager	Yes (Note 18)	Yes
Information Systems Analyst	Yes (Note 18)	Yes
Human Resources Manager	Yes (Note 10)	Yes
HR Analyst	Yes (Note 10)	Yes
<b>Downtown Management Division</b>		
Director, Downtown Management	Yes	Yes
Manager	Yes	Yes
Development Officer	Yes	Yes
Development Specialist I/II	Yes	Yes
Executive Director, SJ Dwtwn Assoc.	Yes	Yes

\* All designated position include the senior level of that position as well

Designated Positions	Reportable Disclosure Categories	
* Classification/Position (See Attachment II for Notes)	Investments, Business Positions, Sources of Income	Real Property Interests within two miles of any redevelopment area
<b>Neighborhood &amp; Business Development Division</b>		
Director, Neighborhood & Business Dev.	Yes	Yes
Assistant Director	Yes	Yes
Manager	Yes (Notes 2-9, 11, 15)	Yes
Development Officer	Yes (Notes 2-9, 11, 15)	Yes
Development Specialist I/II	Yes (Notes 2-9, 11, 15)	Yes
<b>Industrial Development Division</b>		
Director, Industrial Development Div.	Yes	Yes
Development Officer	Yes	Yes
Development Specialist I/II	Yes	Yes
<b>Transactions Division</b>		
Director, Transactions	Yes	Yes
Project Manager	Yes	Yes
Development Officer	Yes	Yes
Development Specialist I/II	Yes	Yes
<b>Housing/Real Estate Division</b>		
Director, Housing/Real Estate Division	Yes	Yes
Program Manager	Yes (Notes 2-9, 11, 13, 17)	Yes
Development Officer	Yes (Notes 2-9, 11, 13, 17)	Yes
Development Specialist I/II	Yes (Notes 2-9, 11, 13, 17)	Yes
<b>Communications Division</b>		
Marketing and Communications Specialist	Yes (Notes 6, 11, 14, 15)	Yes

\* All designated position include the senior level of that position as well

Designated Positions	Reportable Disclosure Categories	
* Classification/Position (See Attachment II for Notes)	Investments, Business Positions, Sources of Income	Real Property Interests within two miles of any redevelopment area
<b>Project Management Division</b>		
Director, Project Management	Yes	Yes
Assistant Director	Yes	Yes
Program Manager	Yes (Notes 2-9, 11)	Yes
Project Manager	Yes (Notes 2-9, 11)	Yes
Assistant Project Manager	Yes (Notes 2-9, 11)	Yes
Project Advocate Officer	Yes (Notes 2-9, 11)	Yes
Development Officer	Yes (Notes 2-9, 11)	Yes
Development Specialist I/II	Yes (Notes 2-9, 11, 15)	Yes
Principal Architect	Yes (Notes 2-6, 8, 9, 11)	Yes
GIS Analyst	Yes (Note 18)	Yes
Landscape Architect	Yes (Notes 2-6, 8, 9, 11)	Yes
Architect	Yes (Notes 2-6, 8, 9, 11)	Yes
Urban Design Associate	Yes (Notes 2-6, 8, 9, 11)	Yes

\* All designated position include the senior level of that position as well

## APPENDIX II NOTES

Reportable investments, income and business positions are limited to persons, business entities or other sources which are:

- 1) Financial, Insurance and/or accounting firms;
- 2) Construction Firms;
- 3) Material suppliers which manufacture, distribute or supply construction materials or equipment;
- 4) Manufacturers, distributors or suppliers for surveying, materials lab, office and communications supplies and equipment;
- 5) Civil, soil, foundation, photogrammetric, mechanical, structural, electrical, landscape, surveying or environmental engineering consultants;
- 6) Real Estate developers;
- 7) Public utilities;
- 8) Firms developing products or processes for construction of public improvements;
- 9) Architecture, landscape, architect, graphic designers, interior design, visual arts firms;
- 10) Employee benefits suppliers or consultants, or other human resources consultants;
- 11) Located or owning real property within two miles of any redevelopment area;
- 12) Located or owning real property within two miles of the redevelopment area for which they are a PAC member;
- 13) Real Estate appraisers, title companies;
- 14) Provide entertainment, restaurant, lodging or travel services
- 15) Sponsors, promoters or organizers of cultural, entertainment, artistic or other community events;
- 16) Located or owning real property within two miles of the Downtown Redevelopment Areas.
- 17) Firms supplying property maintenance or security services.
- 18) Computer hardware and software suppliers and consultants.

## APPENDIX III CONSULTANTS

### A. Consultant's Disclosure

- (1) Each "consultant" as defined by the Political Reform Act (Government Code 81000, et seq.) and the implementing regulations adopted by the Fair Political Practices Commission is required to file disclosure Form 700 with the Agency.
- (2) Only those interests which are relevant to the consultant's engagement are required to be disclosed. The appropriate interests to be disclosed shall be determined by the responsible Project Coordinator, in conjunction with the General Counsel's Office. The interests to be disclosed shall be set forth in the agreement for services between the consultant and the Agency.
- (3) Disclosure shall be made as to the interests of each person performing under the agreement, to the extent required by the Political Reform Act.

### B. Disqualification

- (1) Nothing in this resolution should be construed to allow any official, employee or consultant of the Redevelopment Agency of the City of San Jose to make or participate in making or in any way attempt to influence a governmental decision in which he knows or has reason to know he has a financial interest. Disqualification in the event of a conflict of interest is governed by 87100 and following of the Government Code and the State regulations promulgated thereunder.
- (2) All agreements with consultants, whether or not such a consultant is required to file a disclosure statement in accordance with this Resolution, shall provide that the consultant is obligated to disqualify himself or herself if a conflict of interest exists at any time during the term of the Agreement.