



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Price, MMC, City Clerk
Richard Doyle, City Attorney

SUBJECT: Revisions to the City of San
Jose Conflict of Interest Code

DATE: February 26, 2009

RECOMMENDATION

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

OUTCOME

The recommended action ensures compliance with the California Political Reform Act and updates the list of those public employees and employees who are required to file the Fair Political Practices Commission (FPPC) Form 700 – Statement of Economic Interests.

BACKGROUND

On December 9, 2008, the City Council adopted Resolution 74709 to amend the City's Conflict of Interest Code as a part of a biennial review required by the California Political Reform Act. The resolution revised the list of designated public officials and employees. The revisions reflected the following types of changes: (1) decision-making positions were created or deleted; (2) positions were modified to increase responsibilities, resulting in new or additional disclosures; or (3) positions were determined not to be decision-making, resulting in deleting disclosures or no longer requiring the official or employee to file a Form 700. As a part of the Resolution, an Appendix was included for each department which reflected the official or employees designated to file and the appropriate disclosure categories.

ANALYSIS

Upon adoption of the Resolution, the Offices of the City Attorney and City Clerk began the process to implement the revised Code. Implementation included training for filing officers in each City department, including the introduction of on-line filing for all designated officials and employees. At this point, all officials and employees required to file the Form 700 and the City's Family Gift Reporting Form have been notified of their duty to file by April 1, 2009.

As a result of the initial implementation, several departments identified the need to make adjustments to some designated positions. In some cases, employees who should be designated filers were not included while in other cases, some employees should be deleted and relieved of

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the disclosure requirements due to the nature of their role or responsibilities. The revisions are being brought forward for action at this time to assure that all City officials and employees who should file the Statement of Economic Interests are identified and properly notified of their obligations. The draft Resolution and Appendices reflect 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.

PUBLIC OUTREACH/INTEREST

This action does not meet the criteria set below; however the Office of the City Clerk will post the item on the City's Website for the March 10, 2009 Council Agenda.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

- Criterion 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)**

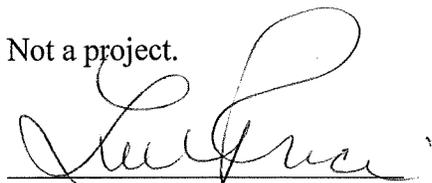
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

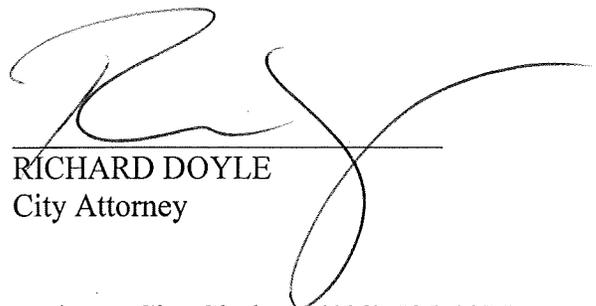
This memorandum has been coordinated with the affected City departments.

CEQA

Not a project.



LEE PRICE, MMC
City Clerk



RICHARD DOYLE
City Attorney

For questions, please contact Dennis Hawkins, Assistant City Clerk, at (408) 535-1275.