



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** SUCCESSOR AGENCY  
CONFLICT OF INTEREST CODE

**DATE:** April 18, 2012

## RECOMMENDATION

It is recommended that the City Council adopt a resolution, as the code reviewing body pursuant to the California Political Reform Act, approving the Conflict of Interest Code for the Successor Agency to the Redevelopment Agency of the City of San Jose.

## OUTCOME

Approval of the proposed action will adopt the Successor Agency's Conflict of Interest Code to identify designated employee positions and filing requirements.

## BACKGROUND

On June 28, 2011, the Governor signed AB X1 26, which amended the California Community Redevelopment Law (the "CRL", found at Health and Safety Code Sections 33000 and following) to, among other things, direct the dissolution of all redevelopment agencies in California. On December 29, 2011, the California Supreme Court issued a decision that upheld the constitutionality of AB X1 26. As a result of the Court decision, as of February 1, 2012, by implementation of AB X1 26, the Redevelopment Agency of the City of San Jose was dissolved, the Successor Agency to the Redevelopment Agency of the City of San Jose ("Successor Agency") came in to existence, and the requirement for the appointment of an Oversight Board to the Successor Agency to the Redevelopment Agency of the City of San Jose ("Oversight Board") became effective.

Pursuant to the California Political Reform Act, every governmental agency must adopt a Conflict of Interest Code that sets forth the disclosure filing requirements for officers, employees in designated positions and consultants. Designated employees are employees in positions which involve the making or the participation in the making of governmental decisions and who could effect the outcome of those decisions.

## ANALYSIS

The former Redevelopment Agency Board of Directors approved a Conflict of Interest Code setting forth: (1) designated positions of officers, employees, and consultants; and

HONORABLE MAYOR AND CITY COUNCIL

April 18, 2012

**Subject:** SUCCESSOR AGENCY CONFLICT OF INTEREST CODE

Page 2

(2) required conflict of interest disclosure categories. The proposed Successor Agency Conflict of Interest Code, attached as Appendix I, is based on that the former Redevelopment Agency's Conflict of Interest Code but updated due to changes in organization and authority of the Successor Agency and the establishment of the Oversight Board.

On March 22, 2012, the Oversight Board adopted OSB Resolution No. 2012-03-1003, approving the proposed Successor Agency Conflict of Interest Code and directing Successor Agency staff to submit the Conflict of Interest Code to the City Council as the code reviewing body pursuant to Government Code § 82011(c).

**PUBLIC OUTREACH/INTEREST**

This item appears on the printed and posted Council Agenda.

RICHARD DOYLE  
City Attorney

By   
PATRICIA A. DEIGNAN  
Chief Deputy City Attorney

cc: Debra Figone

For questions please contact Patricia a. Deignan, Chief Deputy City Attorney  
at 535-1201

Attachment

## APPENDIX I

Designated Positions	Reportable Disclosure Categories		
	Investments, Business Positions, Sources of Income	Real Property Interests	Gifts
<b>Oversight Board</b>			
County Board of Supervisors member*	Yes	Yes	Yes
County Finance Agency President*	Yes	Yes	Yes
City of San Jose Mayor*	Yes	Yes	Yes
Deputy City Manager	Yes	Yes	Yes
Santa Clara Valley Water District Director	Yes	Yes	Yes
Santa Clara County Board of Education Chief Business Officer	Yes	Yes	Yes
California Community Colleges Vice Chancellor	Yes	Yes	Yes
<b>Successor Agency Board (City Council)*</b>	Yes	Yes	Yes
<b>City Employees</b>			
Executive Officer (City Manager)*	Yes	Yes	Yes
Deputy City Manager	Yes	Yes	Yes
Director of Finance*	Yes	Yes	Yes
Assistant Director of Finance	Yes	Yes	Yes
Director of Housing	Yes	Yes	Yes
<b>Successor Agency employees</b>			
Managing Director	Yes	Yes	Yes
Chief Financial Officer	Yes	Yes	Yes

\* Indicates Officials listed in California Government Code Section 87200.

The reportable disclosure categories should follow the instructions to the Form 700 – Statement of Economic Interests provided by the Fair Political Practices Commission.