



# California Fair Political Practices Commission

November 23, 1988

Jerome R. Reynolds, Director  
Personnel Services  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: Your Request for Advice  
Our Advice File No. I-88-440

Dear Mr. Reynolds:

On April 27, 1988, you wrote asking if we could review the contents of the Conflict of Interest Code of the City of Santa Clara for compliance with the Political Reform Act.<sup>1/</sup> Accompanied with that letter was what appeared to be a draft of a memorandum to the city council and another document entitled CMD 100. The conflict of interest code itself was not enclosed. On May 23 I advised you by phone that the code was not included with your letter. You indicated that you would send it in. By June 8, 1988 we wrote to you advising that the code still had not been received and asked if you wanted your request for advice withdrawn. Since we did not receive the code nor a response from you, we withdrew your request for advice.

On November 8 you called asking if we ever received a copy of the code. I advised you that since we had not heard from you, nor ever received the code, the request for advice was considered withdrawn. You asked if we could expedite a review of the proposed code if mailed in immediately as it is your intention to submit the code to your city council on or about the 21st of November. I advised you to send the code in and we would attempt to expedite a review.

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Jerome R. Reynolds, Director  
November 23, 1988  
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Since the Commission is not by statute required to review your conflict of interest code, but is merely reviewing it to be of assistance to the City of Santa Clara, your request for advice is being considered a request for informal assistance.<sup>2/</sup>

The conflict of interest code was received on November 10, 1988. The code has been given a cursory review. Due to the limited amount of time available to review the code, an indepth review was not possible. The results of that review and my recommendations for revision are attached. Since we do not have the job descriptions or duty statements for the positions contained in the appendix of designated positions, we cannot determine if the disclosure categories assigned for each position are appropriate.

After you have reviewed the attached, if you have any questions, or wish to discuss any of this, please feel free to give me a call at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Jeanette E. Turvill  
Political Reform Consultant  
Legal Division

DMG:JET:jet:REYNOLDS

Attachment

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<sup>2/</sup> The Commission may give informal assistance to any person with a duty to advise other persons relating to duties or actions under the Act. Informal assistance does not provide the requestor with the immunity set forth in either Government Code Section 83114(a) or (b). (2 Cal. Code of Regs. Section 18329(c)).

### General Comments Regarding Disclosure Categories

For each category requiring the disclosure of investments, the disclosure of business positions should be required as well. The statute governing the content of conflict of interest codes was amended in 1987 to specifically require the codes to include disclosure of business positions (see Government Code Section 87302).

In addition, if a disclosure category requires the disclosure of investments, then the category should also require the disclosure of income and vice versa. If a person in a designated position has an investment in a particular entity, any income received from that entity provides potential for disqualification and should also be disclosed. If an employee receives income from a particular entity, an investment in that entity also provides potential for conflict and should be disclosed.

Your contracting disclosure categories, such as 8, 9, 13, etc., should require the disclosure of business entities which are "of the type" to provide services, supplies, machinery or equipment to the city. The contracting categories as presently written only require the disclosure of entities which have in fact contracted with the city. The potential for a conflict lies if a business entity is a vendor or bidder being considered for a contract or business with the city, not just one who has been awarded the contract.

### General Comments Regarding Designated Employees

You need to review the categories assigned to the designated employees. In some instances, employees are assigned the broadest disclosure possible, i.e., all interests in business entities, and then also assigned a more limited disclosure, i.e., businesses providing medical services. Since the broad disclosure category covers all businesses, the assignment of a more limited disclosure category is unnecessary.

The fire department personnel should be assigned another disclosure category which would read "Investments and business positions in business entities, and income from sources which supply or manufacture fire fighting equipment or supplies."

The assistant fire chief probably should have disclosure comparable to the fire chief. If the assistant has the

authority to function as the fire chief in the fire chief's absence, he or she should have similar disclosure.

The assistant director of Parks and Recreation probably should have disclosure comparable to the director of Parks and Recreation for the same reasons described above.

Concerns or Problems with the Appendix Entitled "Master List of Disclosure Categories":

1) Include Business Positions in the heading of the master list and in the introductory paragraph on the first page of the Appendix B.

Category 1: Delete current Category 1 in its entirety. Conflict of interest codes do not need to make any reference to those officials required to file under Government Code Section 87200. A new Category 1 should be established which would read "All investments and business positions in business entities, sources of income and interests in real property." This category is for those designated employees whose duties are so broad and undefinable that you cannot develop limited disclosure categories.

Category 2: It is unclear just what is required to be disclosed under Category 2. This category requires the disclosure in accordance with Sections 300B and 500B of the code. This appears to be your broad and undefinable category. Designated employees presently assigned Category 2 can be assigned the revised Category 1.

Category 3 and 4: Both of these categories should be deleted. A review of your appendix of designated employees indicates there are no employees assigned to either Category 3 or 4.

Category 5: This category should be rewritten to read: "Investments and business positions in business entities, and all sources of income."

Category 6: This can be deleted. All those assigned Category 6 would then be assigned Category 5. By specifically requiring the disclosure of income in Category 5, this category becomes unnecessary. (Note: Gifts, as a type of income, are reportable at the \$50 threshold).

Category 7: This category appears to be a real property disclosure category. It requires the disclosure of investments or income from real property, but not the real property itself. This category should be merely require the disclosure of "Interests in real property."

Category 8: This category should be rewritten to read: "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."

Category 9: This category can be deleted. Those persons assigned Category 9 can now be assigned Category 8.

Category 10: This category can be deleted. Those positions assigned Category 10 are those persons in the Finance Department who also disclose under Category 5 which requires the disclosure of all interests in all business entities, which would include financial institutions.

Category 11: Category 11 appears to require the disclosure of interests in real property and in real estate agencies and is assigned to the Director and assistant director of public works. These positions are already assigned Category 5, the disclosure of business entities (which would include real estate agencies), and Category 7, which requires the disclosure of real property. Category 11 can be deleted as it is unnecessary.

Category 12: This category should read: "Investments and business positions in, and income from entities which are book outlets, vendors or provides of business services." Since these individuals are also assigned Category 5, your general contracting category, this disclosure category may be unnecessary.

Categories 13 and 14: These categories appear to be contracting categories for your Department of Parks and Recreation personnel. These two categories could be deleted and Category 5 assigned instead.

Category 15: This category should be revised to read: "Investments and business positions in business entities and income from sources engaged in construction, building, or material supply."

Category 16: This category should be revised to read:  
"Investments and business positions in business entities and income from sources which supply or manufacture solar energy systems."

Category 17: This category should be revised to read:  
"Investments and business positions in business entities and income from sources engaged in construction, or development."  
Note: This category also asks for the disclosure of real property. Rather than include real property disclosure into this category, Category 7 should be assigned as well.

Category 18: This category should be revised to read:  
"Investments and business positions in, and income from sources engaged in the construction of public works projects."  
Category 7 would be assigned as well.

Category 19: This category should be revised to read:  
"Investments and business positions in business entities and income from construction companies involved in progress payments." Since I do not know what a "progress payment" is I cannot determine if this is an appropriate disclosure category.

Category 20: This category should be revised to read:  
"Investments and business positions in, and income from construction firms involved in construction projects subject to acceptance by the city council." Category 7, interests in real property should be assigned as well.

Category 21: This category should be revised to read:  
"Investments and business positions in business entities and income from business entities of the type to provide bids, supplies, vehicles and equipment."

Category 22: This category should be revised to read:  
"Investments and business positions in, and income from entities which provide training, services or facilities of the type utilized by the city."

Category 23: This category should be revised to read:  
"Investments and business positions in business entities and sources of income which provide services and supplies of the type used in emergency services coordination and training activities."

Category 24: This category should be revised to read:  
"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 memorandums." Note: This category may be inappropriate. It places a burden on the designated employee to know or have reason to know what investments are held by the fund and whether those investments will be affected by negotiations. If there is a potential for a designated position to affect the investments held by the Fund, then perhaps it would be more appropriate to disclose "Investments and business positions in, and income from business entities," which is the same as revised Category 5.

Category 25: This category should be revised to read: "Investments and business positions in, and income from entities providing medical services or facilities of the type used by the city."

Category 26: This category should be revised to read: "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."

Category 27: This category should be revised to read: "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."

Category 28: This category should be revised to read: "Investments and business positions in, and income from business entities providing supplies, services, equipment or machinery of the type used by the City of Santa Clara."

Category 29: This category can be deleted and revised Category 7 assigned in its place.

Category 30: This category can be deleted. Those designed employees assigned this category are also assigned Category 28, which is a broad contracting disclosure category and would include entities which sell paper or typesetting services.

Category 31: This should be amended to read: "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."

Category 32: This category should be rewritten to read: "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."

Category 33: This category can be deleted. It appears to be assigned only to your personnel services staff who would also be assigned Category 5.

Category 34: This category should be deleted. At present it is not assigned to any designated position.

3. Appendix B ATTACHMENT

MASTER LIST OF DISCLOSURE CATEGORIES

SPECIFICATION SHEET

REPORTABLE INVESTMENTS, INTERESTS IN REAL PROPERTY, AND INCOME

<sup>^</sup> BUSINESS POSITIONS,

CONFLICT OF INTEREST CODE

AGENCIES OF THE CITY OF SANTA CLARA

delete

An investment, interest in real property or income shall be made reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by a person in the designated position by virtue of the position.

DEFINITION: "Unit" as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

Disclosure Category

delete

A person holding this position is required pursuant to Government Code Section 87200 to disclose investments, interests in real property and income. No disclosure requirements are imposed by this code. <sup>Category 1</sup>

*All investments, and business positions, in sources of income and interests in real property.*

? Duties are so broad or indefinable that the requirements of Section 87309 of the Government Code cannot be complied with and disclosure shall be made in accordance with Sections 300B and 500B of this code.

delete

A person holding this position is also a member of the City Council and subject to the broader disclosure requirements. No disclosure requirements are imposed by this code.

delete

Reportable financial interests may vary and shall be determined as the need to fill the position is established. Reportable financial interests shall include any financial interests which may foreseeably be affected in the course of performing required tasks or by virtue of the position held.

Investments or interests in businesses located or doing business in the City.                      ? what does this mean

~~Contents of personal~~ income, including gifts aggregating \$25 or more, from businesses located or doing business in the City.

Investments in or income from real property within the jurisdiction.

Investments <sup>and business positions</sup> in, <sup>and</sup> or income from business entities contracting with or selling to the Unit.

Investments <sup>and business positions</sup> in, <sup>are</sup> or income from business entities which provide materials,

supplies, equipment or services to the Unit.

Investments <sup>or business positions</sup> in ~~or~~ income from financial institutions which serve as City of Santa Clara depositories. 10

Interests in real property <sup>and</sup> ~~or~~ real estate agency within the City. <sup>and business positions</sup> ~~and~~ Investments/in, and income from entities 11

Investments <sup>and business positions</sup> and ~~business positions~~ in ~~and~~ income <sup>which</sup> ~~are~~ Direct ownership or stock control in book outlets, vendors or <sup>real estate</sup> ~~business services~~ <sup>company, brokers or agents</sup> 12

Investments <sup>and business positions</sup> in ~~or~~ income from any business entities engaged in supplying, providing recreation equipment. <sup>manufacturing or selling</sup> 13

Investments <sup>and</sup> in ~~or~~ income from ~~any~~ business entities <sup>and</sup> providing construction, landscaping or other services or supplies <sup>required to construct,</sup> ~~properly maintain and operate~~ parks and cemeteries <sup>utilized by the city's</sup> 14

Investments <sup>and bps and</sup> in, ~~or~~ income from business entities in the construction, building, material supply or equipment supply industries doing business within the jurisdiction. 15

Investments <sup>and bps and</sup> in, ~~or~~ income from business <sup>entities which supply, manufacture</sup> interests of solar energy <sup>or provide</sup> systems. 16

Investments <sup>and bps and</sup> in, ~~or~~ income from ~~real property and~~ business <sup>entities engaged</sup> interests in the construction, ~~private~~ land development and/or contractors within the jurisdiction, <sup>and all interests in real property.</sup> 17

Investments <sup>and bps in, and income from,</sup> ~~interest in~~ construction firms, ~~or real property~~ involved in the construction of public works improvements, <sup>and interest in real property</sup> 18

Investment <sup>and bps in, and income from</sup> ~~interest in~~ construction firms involved in progress payments? <sup>property</sup> 19

Investments <sup>and bps in, and income from</sup> ~~interest in~~ construction firms, ~~or real property~~ involved in construction projects subject to acceptance by City Council, <sup>and interests in real property.</sup> 20

Investments <sup>and</sup> in ~~or~~ income from, business entities engaged in providing bids, supplies, vehicles and equipment. 21

Investments <sup>and business positions in, and income from</sup> ~~financial interest in~~ agencies providing training instructors and/or <sup>of the type</sup> ~~investment in or income from~~ facilities usable for training purposes. <sup>provide training services, facilities or</sup> 22

Investments <sup>and bps and</sup> in ~~or~~ income from business entities, <sup>of the type</sup> which provide services and supplies used in emergency services coordination and training activities. 23

Investments in Union Pension Funds that may be affected by the outcome of negotiations involving monetary settlements and employer-employee memorandums. 24

Investments <sup>and bps and</sup> in ~~or~~ income from business entities engaged in providing medical service or facilities. 25

Disclosure Category

*and bps and*  
Investments <sup>and bps and</sup> in or income from business entities engaged in providing eye examinations and eyeglasses. 26

*and bps and*  
Investments <sup>and bps and</sup> in or income from business entities supplying electronic equipment, supplies and/or services. 27

*and bps and* *one of the titles to*  
Investments <sup>and bps and</sup> in or income from any business entities which ~~do or may~~ <sup>supply or equipment of the</sup> foreseeably provide goods and/or services to the City of Santa Clara. 28

? *supplies or equipment of the City*  
Interest in real property rented or leased by any business entity doing business with the City of Santa Clara. 29

*Investments and bps*  
Interest <sup>and bps and</sup> in or income from any business entities which sell paper or typesetting services 30

*and bps and*  
Investments <sup>and bps and</sup> in or income from employment agencies or business entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, job classification studies and salary surveys. 31

*Investments and business positions*  
~~Financial interest~~ in business entities which provide any of the various types of employee insurance coverage and/or actuarial services. 32

*and income from*  
Investments <sup>and bps and</sup> in or income from restaurants within the jurisdiction. 33

~~Employment by firm providing science advisor services to the City; stockholder position in firm. Financial interest in potential vendors or suppliers other than parent firm.~~ 34

*Investments and business practices and income from entities*

### 3. Appendix B

#### EXHIBIT "A"

#### City of Santa Clara Conflict of Interest Code

#### LIST OF DESIGNATED POSITIONS

Department: Administration

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Assistant City Manager	1 2
Administrative Assistant/Operations Auditor	1 2
Community Relations Officer	1 2
Assistant City Attorney	1 2
Director, Personnel Services	6, 9, 24, 25, 26, 31, 32, 33
Assistant Director, Personnel Serv./ Affirmative Action Officer	6, 9, 25, 26, 31, 32, 33
Personnel Division Manager	6, 9, 25, 26, 31, 32, 33
Emergency Services Coordinator/ and Training & Safety Officer	22, 23, 25, 26, 28
Purchasing Agent	20, 21, 23, 28, 29, 30
Buyer	20, 21, 23, 28, 30
Chief Storekeeper	20, 21, 23, 28, 29, 30
Central Services Operator	30
Director of Communications	22, 23, 27
City Clerk	1 2
Assistant City Clerk/City Auditor	1 2
Consultants*	1 2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Electric

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Electric Utility	8
Assistant Director of Electric Util.	8
Electric Division Manager	8
Electric General Foreman/Forewoman	8
Consultants*	21

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara ·  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Finance

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Finance	5, 9, 10
Assistant Director of Finance	5, 9, 10
Financial Management Administrator	5, 9, 10
Accounting Services Division Manager	5, 9, 10
Revenue Collection/Division Supervisor	5, 9, 10
Utility Billing & Customer Services Division Manager	5, 9, 10
Tax & License Administrator	5, 9, 10
Accountant	5, 9, 10
License Inspector	5, 9, 10
Senior Accountant	5, 9, 10
Consultants*	21

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Fire

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Fire Chief	5, 6, 7, 8, 9, 15
Assistant Fire Chief	6, 8, 9, 15
Administrative Services Coordinator	6, 8, 9, 15
Battalion Chief/Training	6, 8
Battalion Chief/Suppression	6, 8
Fire Marshal	5, 6, 7, 8
Deputy Fire Marshal	5, 6, 8
Fire Inspector	5, 6, 8
Fire Protection Technician	5, 6, 8
Hazardous Materials Administrator	5, 6, 8, 9
Hazardous Materials Specialist	5, 6, 8
Consultants*	21

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Library

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
City Librarian	12, 9, 11
Assistant City Librarian	12, 9, 11

Consultants\*

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Parks & Recreation

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Parks & Recreation Director	7, 13, 14
Assistant Director of Parks & Recreation	13 <i>← should have disclosure</i>
Park Superintendent	7, 14 <i>comparable</i>
Cemetery Superintendent	14 <i>Parks!</i>
Consultants*	<i>21</i> <i>Per Decree</i>

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Planning & Inspection

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>	
Director of Planning & Inspection	1	2
Building Official		2
City Planner		2
Building Plans Engineer		2
Senior Planner		2
Associate Planner		2
Assistant Planner		2
Code Enforcement Officer		2
Senior Building Inspector		2
Senior Electrical Inspector		2
Senior Plumbing Inspector		2
Building Inspector		2
Electrical Inspector		2
Plumbing Inspector		2
Plans Examiner		2
Combination Inspector		2
Community Services Division Manager		2
Housing Rehabilitation Specialist		2
Housing Inspector		2
Consultants*		2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Police

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Police Chief	8, 6, 5
Assistant Police Chief	8, 6, 5
Police Captain	8, 6, 5
P.A.L. Director	8, 6, 5, 7
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Public Works

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Public Works	5, 6, 7, 8, 9, 11, 17, 18, 19, 20, 21, 27, 28
City Engineer/Assistant Director of Public Works	5, 6, 7, 8, 9, 11, 17, 18, 19, 20, 21, 27, 28
Traffic Engineer	5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 27, 28
Principal Engineer - Land & Property Dev.	5, 6, 7, 8, 11, 17, 18, 20
Principal Engineer - Design	6, 7, 8, 18
Principal Engineer - Field Services	6, 7, 8, 18, 19, 20
Construction Engineer	6, 7, 8, 18, 19, 20
Public Works Inspector (all positions)	6, 7, 18, 19, 20
Materials Testing Technician	6, 7, 18, 19, 20
Street Superintendent	6, 8, 9, 18, 20, 21, 27, 28
Assistant Street Superintendent	6, 8, 9, 21
Landscape Supervisor	6, 8, 9, 21
Street Sanitation Supervisor	6, 8, 9, 21
Automotive Services Superintendent	6, 8, 9, 21, 27
Building Maintenance Superintendent	6, 8, 9, 15, 16, 20, 27, 28
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Water/Sewer

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Water & Sewer Utilities	7, 8, 15, 16, 17
Water Superintendent	15, 17
Senior Water Engineer	8, 15, 17
Sanitary Sewer Superintendent	15, 17
Solar/Mechanical Engineer	8, 15, 17
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

# THE CITY OF SANTA CLARA CALIFORNIA

PERSONNEL DEPT.  
1500 WARBURTON AVE.  
SANTA CLARA, CA 95050  
(408) 984-5122

November 9, 1988

Ms. Jeanette E. Turvill  
Legal Assistant, Legal Division  
California Fair Political Practices Commission  
428 J Street, Suite 800  
P.O. Box 807  
Sacramento, CA 94804-0807

NOV 10 8 51 AM '88  
FPPC

Dear Ms. Turvill:

Enclosed is the material that we discussed for your review of the proposed revised Conflict of Interest Code for the City of Santa Clara.

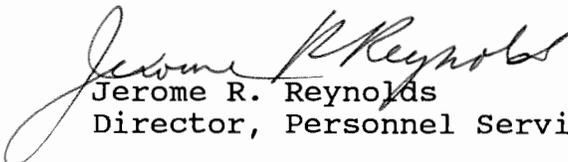
As I understood our conversation of this morning, you needed the following materials for your review:

1. Conflict of Interest Code
2. Appendix A - designated officials and employees  
City form is Conflict of Interest - Form 730 list of positions and incumbents
3. Appendix B - disclosure categories  
City form is "Exhibit A" and definition of categories

Please contact me at (408) 984-5122 as soon as possible after you have received this information to verify that you have all the material necessary to complete your review of the proposed new Code.

Thank you for your cooperation in this matter.

Sincerely,

  
Jerome R. Reynolds  
Director, Personnel Services

/

CONFLICT OF INTEREST CODE

CITY OF SANTA CLARA

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. Adm. Code 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. Adm. Code 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: Same - 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.

C I T Y O F S A N T A C L A R A

CONFLICT OF INTEREST - FORM 730

FOR

CITY EMPLOYEES

October 25, 1988

<u>DEPARTMENT</u>	<u>JOB TITLE</u>	<u>INCUMBENT</u>
City Manager	Assistant City Manager Community Relations Officer Administrative Assistant	T. Goulding C. Johnson C. Hoskins
Director of Public Works	Director of Public Works	R. Mortenson
City Clerk	City Clerk Assistant City Clerk/City Auditor	J. Boccignone C. Miller
City Attorney	Assistant City Attorney Assistant City Attorney	M. Downey R. Pfeifer
Purchasing	Purchasing Agent Buyer Chief Storekeeper Central Services Operator	G. Edgerton D. Hanson M. Cabral E. Ogle
Emergency Services	Emergency Services Coordinator/Training & Safety Officer	G. Harris
Personnel	Director of Personnel Services Assistant Director of Personnel Services/AAO Personnel Division Manager	J. Reynolds J. Hollender Vacant

<u>DEPARTMENT</u>	<u>JOB TITLE</u>	<u>INCUMBENT</u>
Finance	Director of Finance	K. Machnick
	Assistant Director of Finance	R. Garratt
	Financial Management Administrator	K. Hickey
	Accounting Services Division Manager	K. McClellan
	Revenue Collection Division Supervisor	L. Long
	Utility Billing & Customer Services Division Mgr.	J. Viola
	Tax & License Administrator	P. Craig
	Financial Analyst	M. White
	Accountant	M. Supan (As-Needed)
	Accountant	H. Presley
	License Inspector	R. Welker
	License Inspector	A. Zeller
	Senior Accountant	F. Schulenburg
	Engineering	City Engineer/Assistant Director of Public Works
Traffic Engineer		C. Fernandez
Principal Engineer		S. Yoshida
Principal Engineer		P. Trenholme
Principal Engineer		J. Parissenti
Public Works Inspector		K. Kratz
Public Works Inspector		D. Kocina
Public Works Inspector		D. Morrison
Public Works Inspector		J. Kruger
Public Works Inspector		G. Friedenbach
Materials Testing Technician		H. Rentsch
Planning & Inspection	Director of Planning & Inspection	G. Goodfellow
	City Planner	A. Henriques
	Senior Planner	F. Carlson
	Associate Planner	K. Riley
	Associate Planner	D. Handerson
	Assistant Planner	J. Ledbetter
	Code Enforcement Officer	J. LoFranco
	Building Official	D. Pasquinelli
	Building Plans Engineer	I. Chen
	Senior Building Inspector	L. Comer

<u>DEPARTMENT</u>	<u>JOB TITLE</u>	<u>INCUMBENT</u>
	Plans Examiner	S. Maliniak
	Plans Examiner	M. Choy
	Combination Inspector	P. Faulkenburg
	Combination Inspector	R. Ruiz
	Senior Electrical Inspector	H. Knight
	Building Inspector	C. Miller
	Building Inspector	Vacant
	Building Inspector	M. Shelby
	Building Inspector	R. Stimson
	Electrical Inspector	R. Santos
	Senior Plumbing Inspector	T. Schmidt
	Plumblng Inspector	J. Salberg
	Housing Inspector	J. Lucchesi
	Housing Inspector	T. Okano
	Housing Inspector	Vacant
	Community Services Division Manager	J. Pedersen
	Housing Rehabilitation Specialist	Vacant
<b>Police</b>	Police Chief	F. Vasquez
	Assistant Police Chief	C. Arolla
	Police Captain	R. Adair
	Police Captain	T. Carmody
	Police Captain	D. Britt
	P.A.L. Director	D. Oeschger
<b>Fire</b>	Fire Chief	R. Sharps
	Assistant Fire Chief	E. Rose
	Administrative Services Coordinator	J. Young
	Battalion Chief in Training	L. Mohrmann
	Battalion Chief in Suppression	J. Hale
	" " "	R. Murgallis
	" " "	F. vanderBroeck
	Hazardous Materials Admin- istrator	D. Parker
	Hazardous Materials Specialist	R. Campbell
	" " "	L. Monette

<u>DEPARTMENT</u>	<u>JOB TITLE</u>	<u>INCUMBENT</u>
	Fire Marshal	W. Gianatasio
	Deputy Fire Marshal	G. Thompson
	" " "	R. Munson
	" " "	J. Signorino
	" " "	S. Leonardi
	" " "	R. K. Peterson
	Fire Inspector	S. Ortega
	Fire Inspector	J. Valenti
	Fire Protection Technician	Vacant
<b>Street</b>	Deputy Director of Public Works/ Street Superintendent	R. Mauck
	Assistant Street Superin- tendent	A. Argo
	Landscape Supervisor	J. Mendoza
	Street Sanitation Supervisor	W. Alexander
	Public Works Inspector	W. Corbella
<b>Building Maintenance</b>	Building Maintenance Superintendent	C. Milam
<b>Automotive Services</b>	Automotive Services Superintendent	R. Teebay
<b>Parks &amp; Recreation</b>	Parks & Recreation Director	E. Carmichael
	Assistant Director of Parks and Recreation	L. Wolfe
	Park Superintendent	J. Scott
	Cemetery Superintendent	J. Bale
<b>Library</b>	City Librarian	E. Svee
	Assistant City Librarian	M. Schmidt
<b>Communications</b>	Director of Communications	M. Watson
<b>Electric</b>	Director of Electric Utility	J. Beck
	Assistant Director of Electric Utility	Vacant
	" " "	J. Roukema
	" " "	E. P. Wilson

<u>DEPARTMENT</u>	<u>JOB TITLE</u>	<u>INCUMBENT</u>
	Electric Division Manager	J. McGuire
	Electric Division Manager	P. Eichenberger
	" " "	W. Truxillo
	" " "	J. Fox
	" " "	R. Adams
	" " "	W. Ware
	" " "	M. Hopper
	Electric General Foreman/ Forewoman	R. Blankenship
Water & Sewer	Director of Water & Sewer Utilities	R. Hathorn
	Senior Water Engineer	D. Ma
	Water Superintendent	R. Bezerra
	Sanitary Sewer Superintendent	A. DeRocha
	Solar/Mechanical Engineer	R. Saunders

Note: This list does not include CONTRACTORS who are required to file Form 730 or CITY OFFICIALS who are required to file Form 721.

Distribution: Assistant Director of Personnel Services (Original)  
City Clerk, Filing Officer  
City Manager  
Director of Personnel Services  
Personnel Analyst I, Personnel Dept.  
Personnel Technician, Records and Benefits

3 Appendix B ATTACHMENT

MASTER LIST OF DISCLOSURE CATEGORIES

SPECIFICATION SHEET

REPORTABLE INVESTMENTS, INTERESTS IN REAL PROPERTY, AND INCOME

CONFLICT OF INTEREST CODE

AGENCIES OF THE CITY OF SANTA CLARA

An investment, interest in real property or income shall be made reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by a person in the designated position by virtue of the position.

DEFINITION: "Unit" as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

Disclosure  
Category

- |   |   |
|---|---|
| A person holding this position is required pursuant to Government Code Section 87200 to disclose investments, interests in real property and income. No disclosure requirements are imposed by this code.   | 1 |
| Duties are so broad or indefinable that the requirements of Section 87309 of the Government Code cannot be complied with and disclosure shall be made in accordance with Sections 300B and 500B of this code.   | 2 |
| A person holding this position is also a member of the City Council and subject to the broader disclosure requirements. No disclosure requirements are imposed by this code.  | 3 |
| Reportable financial interests may vary and shall be determined as the need to fill the position is established. Reportable financial interests shall include any financial interests which may foreseeably be affected in the course of performing required tasks or by virtue of the position held. | 4 |
| Investments or interests in businesses located or doing business in the City.   | 5 |
| Contents of personal income, including gifts aggregating \$25 or more, from businesses located or doing business in the City.   | 6 |
| Investments in or income from real property within the jurisdiction.  | 7 |
| Investments in or income from business entities contracting with or selling to the Unit.  | 8 |
| Investment in or income from business entities which provide materials,   | 9 |

supplies, equipment or services to the Unit.

Investment in or income from financial institutions which serve as City of Santa Clara depositaries. 10

Interest in real property or real estate agency within the City. 11

Direct ownership or stock control in book outlet, vendor or business service. 12

Investment in or income from any business entities engaged in providing recreation equipment. 13

Investment in or income from any business entity providing construction, landscaping or other services or supplies required to construct, properly maintain and operate parks and cemeteries. 14

Investments in or income from business entities in the construction, building, material supply or equipment supply industries doing business within the jurisdiction. 15.

Investments in or income from business interests of solar energy systems. 16

Investments in or income from real property and business interests in the construction, private land development and/or contractors within the jurisdiction. 17

Interest in construction firms, or real property involved in the construction of public works improvements. 18

Interest in construction firms involved in progress payments. 19

Interest in construction firms, or real property involved in construction projects subject to acceptance by City Council. 20

Investment in or income from, business entities engaged in providing bids, supplies, vehicles and equipment. 21

Financial interest in agencies providing training instructors and/or investment in or income from facilities usable for training purposes. 22

Investments in or income from business entities which provide services and supplies used in emergency services coordination and training activities. 23

Investments in Union Pension Funds that may be affected by the outcome of negotiations involving monetary settlements and employer-employee memorandums. 24

Investments in or income from business entities engaged in providing medical service or facilities. 25

Disclosure  
Category

Investments in or income from business entities engaged in providing eye examinations and eyeglasses.	26
Investments in or income from business entities supplying electronic equipment, supplies and/or services.	27
Investments in or income from any business entities which do or may foreseeably provide goods and/or services to the City of Santa Clara.	28
Interest in real property rented or leased by any business entity doing business with the City of Santa Clara.	29
Interest in or income from any business entities which sell paper or typesetting service.	30
Investments in or income from employment agencies or business entities which provide employment or pre-employment services. Services include, but are not limited to, testing, training, consulting, job classification studies and salary surveys.	31
Financial interest in business entities which provide any of the various types of employee insurance coverage and/or actuarial services.	32
Investments in or income from restaurants within the jurisdiction.	33
Employment by firm providing science advisor services to the City; stockholder position in firm. Financial interest in potential vendors or suppliers other than parent firm.	34

### 3. Appendix B

#### EXHIBIT "A"

#### City of Santa Clara Conflict of Interest Code

#### LIST OF DESIGNATED POSITIONS

Department: Administration

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Assistant City Manager	2
Administrative Assistant/Operations Auditor	2
Community Relations Officer	2
Assistant City Attorney	2
Director, Personnel Services	6, 9, 24, 25, 26, 31, 32, 33
Assistant Director, Personnel Serv./ Affirmative Action Officer	6, 9, 25, 26, 31, 32, 33
Personnel Division Manager	6, 9, 25, 26, 31, 32, 33
Emergency Services Coordinator/ and Training & Safety Officer	22, 23, 25, 26, 28
Purchasing Agent	20, 21, 23, 28, 29, 30
Buyer	20, 21, 23, 28, 30
Chief Storekeeper	20, 21, 23, 28, 29, 30
Central Services Operator	30
Director of Communications	22, 23, 27
City Clerk	2
Assistant City Clerk/City Auditor	2
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Electric

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Electric Utility	8
Assistant Director of Electric Util.	8
Electric Division Manager	8
Electric General Foreman/Forewoman	8
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Finance

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Finance	5, 9, 10
Assistant Director of Finance	5, 9, 10
Financial Management Administrator	5, 9, 10
Accounting Services Division Manager	5, 9, 10
Revenue Collection/Division Supervisor	5, 9, 10
Utility Billing & Customer Services Division Manager	5, 9, 10
Tax & License Administrator	5, 9, 10
Accountant	5, 9, 10
License Inspector	5, 9, 10
Senior Accountant	5, 9, 10
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Fire

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Fire Chief	5, 6, 7, 8, 9, 15
Assistant Fire Chief	6, 8, 9, 15
Administrative Services Coordinator	6, 8, 9, 15
Battalion Chief/Training	6, 8
Battalion Chief/Suppression	6, 8
Fire Marshal	5, 6, 7, 8
Deputy Fire Marshal	5, 6, 8
Fire Inspector	5, 6, 8
Fire Protection Technician	5, 6, 8
Hazardous Materials Administrator	5, 6, 8, 9
Hazardous Materials Specialist	5, 6, 8
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Library

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
City Librarian	12, 9, 11
Assistant City Librarian	12, 9, 11
Consultants*	

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Parks & Recreation

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Parks & Recreation Director	7, 13, 14
Assistant Director of Parks & Recreation	13
Park Superintendent	7, 14
Cemetery Superintendent	14
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Planning & Inspection

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Planning & Inspection	2
Building Official	2
City Planner	2
Building Plans Engineer	2
Senior Planner	2
Associate Planner	2
Assistant Planner	2
Code Enforcement Officer	2
Senior Building Inspector	2
Senior Electrical Inspector	2
Senior Plumbing Inspector	2
Building Inspector	2
Electrical Inspector	2
Plumbing Inspector	2
Plans Examiner	2
Combination Inspector	2
Community Services Division Manager	2
Housing Rehabilitation Specialist	2
Housing Inspector	2
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Police

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Police Chief	8, 6, 5
Assistant Police Chief	8, 6, 5
Police Captain	8, 6, 5
P.A.L. Director	8, 6, 5, 7
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Public Works

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Public Works	5, 6, 7, 8, 9, 11, 17, 18, 19, 20, 21, 27, 28
City Engineer/Assistant Director of Public Works	5, 6, 7, 8, 9, 11, 17, 18, 19, 20, 21, 27, 28
Traffic Engineer	5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 27, 28
Principal Engineer - Land & Property Dev.	5, 6, 7, 8, 11, 17, 18, 20
Principal Engineer - Design	6, 7, 8, 18
Principal Engineer - Field Services	6, 7, 8, 18, 19, 20
Construction Engineer	6, 7, 8, 18, 19, 20
Public Works Inspector (all positions)	6, 7, 18, 19, 20
Materials Testing Technician	6, 7, 18, 19, 20
Street Superintendent	6, 8, 9, 18, 20, 21, 27, 28
Assistant Street Superintendent	6, 8, 9, 21
Landscape Supervisor	6, 8, 9, 21
Street Sanitation Supervisor	6, 8, 9, 21
Automotive Services Superintendent	6, 8, 9, 21, 27
Building Maintenance Superintendent	6, 8, 9, 15, 16, 20, 27, 28
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

EXHIBIT "A"

City of Santa Clara  
Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Water/Sewer

Date: August 5, 1976  
Revised Jan. 25, 1988

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director of Water & Sewer Utilities	7, 8, 15, 16, 17
Water Superintendent	15, 17
Senior Water Engineer	8, 15, 17
Sanitary Sewer Superintendent	15, 17
Solar/Mechanical Engineer	8, 15, 17
Consultants*	2

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or her designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager or her designee'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.

MAY 2 3 15 PM '88

# THE CITY OF SANTA CLARA CALIFORNIA

PERSONNEL DEPT.  
TESTING & CLASSIFICATION DIVISION  
1500 WARBURTON AVE.  
SANTA CLARA, CA 95050  
(408) 984-5122

April 27, 1988

Ms. Jeanette Turvill  
Legal Assistant, Legal Division  
Fair Political Practices Commission  
428 J Street  
Sacramento, CA 95804

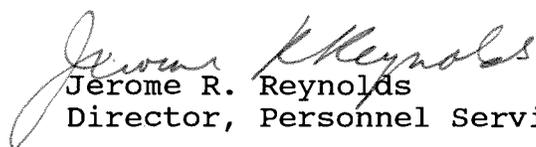
Dear Ms. Turvill:

Enclosed is a copy of a proposed memorandum to the City Council of the City of Santa Clara, along with a copy of a Proposed City Manager's Directive which deal with the adoption and enforcement of the Standardized Conflict of Interest Code.

It is proposed that this Standardized Code be adopted for application to affected employees of the City of Santa Clara and it is requested that you review the contents for compliance with the State Code.

If you have any questions, please contact me at (408) 984-5122.

Sincerely,

  
Jerome R. Reynolds  
Director, Personnel Services

encl.

April 11 1988

City Council

City Manager

Update of Conflict-of-Interest Code and Code of Ethics

The City adopted its current Conflict-of-Interest Code in 1976 and revised it in 1981. It adopted a code of Ethics in 1963, most recently amended in 1974. Both codes should be brought up to date.

#### Conflict-of-Interest Code

The Political Reform Act of 1974 requires all state and local government agencies in California to adopt Conflict-of-Interest Codes. The codes apply to all positions "which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interests [Government Code Section 87302 (a)]. Section 87200 of the Government Code has specific requirements for City Council members, Planning Commissioners, City Managers, and City Attorneys. These requirements are apart from, but similar to, those of local codes.

The Fair Political Practices Commission (FPPC), which administers and implements the act, has prepared a standardized Conflict-of-Interest Code for local agencies. A Conflict-of-Interest Code adopted pursuant to the Political Reform Act consists of two basic parts:

1. The body of the code which contains the basic provisions, including the manner of reporting financial interests and

the procedure for filing Statements of Economic Interests; and

2. The appendices of the code which list the positions of the designated employees of the agency and the corresponding disclosure categories for each position.

Commission Regulation 18730 contains provisions for the body of a Conflict-of-Interest Code which are standardized to be applicable to all agencies. Incorporating Regulation 18730 by reference as the body of an agency's code means that all changes to the financial disclosure provisions of the Political Reform Act and Regulation 18730 will automatically be a part of our code. The code will always be up to date and in compliance with the law. The Commission gives notice of all changes to Regulation 18730, and all agencies are given an opportunity to comment on the changes before the Commission adopts them.

To incorporate Regulation 18730, the FPPC suggests that agencies use the model language it has prepared (and which the City Attorney has made the basis of the attached, updated Conflict-of-Interest Code). The code is complete when the agency adds to this statement the appendices listing the designated employees and spelling out their assigned disclosure categories.

The purpose of our 1981 Revision was to have our code comply with 2 Cal ADM Code Section 18730. While it still does so in substance, this aim

is better accomplished by following the FPPC's advice and adopting its standardized code. This will not affect our lists of designated positions and of disclosure categories, which would be Appendices A and B of the new code. As it has in the past, staff will recommend to you changes in the appendices as this appears appropriate.

In 1977 the City Manager issued Directive 100. It no longer describes our procedures accurately and has therefore been revised. A copy is attached for your information.

At our request, the FPPC's Legal Division has reviewed the proposed code with its appendices and the revised CMD 100 and has no objection (or whatever the FPPC says).

#### Code of Ethics

The Code of Ethics is a voluntary affirmation of governmental principles. While not based on the Political Reform Act, it must not, of course, be inconsistent with it; the proposed revision accomplishes this aim.

The main departure from the 1963 Code of Ethics is sub-section 4.c., Gifts and Favors. The existing sub-section is at variance with the Political Reform Act of 1974 and the City's Conflict-of-Interest Code. In its place, the proposal confirms the City Manager's responsibility for establishing rules for City employees. For your information, I am attaching a copy of the City Manager's Directive,

which I intend to issue next week.

RECOMMENDATION

Adopt the attached Conflict-of-Interest Code and the attached Code of Ethics.

Jennifer Sparacino  
City Manager

JS:aw

CMD 100 (REVISED 4-11-88)

Subject

Conflict of Interest Code

Policy

There will be full compliance with the letter and spirit of the Political Reform Act of 1974 and the Conflict of Interest Code adopted by the City Council for the City of Santa Clara.

Applicability

The City's Conflict of Interest Code and this directive do not apply to City Councilors, Planning Commissioners, the City Manager, and the City Attorney because they file statements of economic interest under and are controlled by Article 2, Title 9 (Sec. 87200 et seq) of the Government Code. This directive applies to employees designated in Appendix A of the Conflict of Interest Code to file statements of economic interest and, in accordance with steps 10 and 11, to consultants.

Responsibility

Action

Dir. of Pers.  
Services

1. Continually review existing and proposed classifications to determine whether they involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest.

2. Maintain and, when appropriate, distribute list of designated positions and designated employees required to file Statements of Economic Interest.

Dept. Heads

3. Using the criteria in item 1 above, continually review positions in the department. While not limited to these occasions, such review is particularly necessary when:

Creating new positions.

Hiring new employees.

Revising job descriptions and specifications or changing duty assignments.

Eliminating, combining, or dividing positions.

4. Inform Director of Personnel Services of positions to be added to or deleted from existing lists of designated positions.

Dir. of Pers.

5. Submit to the City Council, as

Services

Code Reviewing Body, proposed changes to existing lists of designated positions and/or disclosure categories.

6. On approval by the City Council, inform affected department heads.

7. Include appropriate notation in all class specifications and employment announcements that require statements of economic interest.

8. On behalf of the City Clerk (Filing Officer), distribute filing materials for "Assuming Office" and "Leaving Office" statements of economic interest as appropriate.
- Designated Employee 9. Complete and file "Assuming Office" or "Leaving Office" statement, following steps 16 thru 19 below.
- Department Heads 10. Before engaging consultants, apply the same criteria as to employee positions.
  - a. If the department head believes that a consultant need not fully comply with the disclosure requirement, submit a written request for such a determination to the City Manager, indicating the limitations of the consultant's scope of duties.
  - b. If either the department head or the City Manager determines that the disclosure requirements should apply, include appropriate language in the agreement with the consultant.
11. As appropriate, obtain statements of economic interest from consultants and file them with the City Clerk.

Annual Statement Process

- |                           |   |
|---------------------------|---|
| Dir. of Pers.<br>Services | 12. Each December, verify with department heads that lists of designated positions and of disclosure categories are current.  |
|                           | 13. If there are changes, follow steps 5, 6, and 7 above, to be accomplished by January 25.   |
|                           | 14. Each February, distribute, on behalf of City Clerk as Filing Officer, disclosure statement materials to department heads.   |
| Dept. Heads               | 15. Distribute disclosure statement materials to designated employees.  |
| Designated<br>Employee    | 16. Complete statement of economic interest.  |
|                           | 17. Before due date, return completed statement, (original only) directly to City Clerk. Retain one copy, if desired.   |
|                           | 18. At all times, report any chemical spills or threatened spills to the Chemical Division of the City Fire Department (Ext. 3084) or, during off hours, to the county at |

emergency number 911.

19. Disqualify self from any action in which there is a potential conflict of interest.

The City Clerk, the City Attorney, and the Personnel Services Department will assist in carrying out this directive. You may also call the Legal Division of the Fair Political Practices Commission collect at (916) 322-5901.

Cross References:

Conflict-of-Interest Code

Code of Ethics

CMD 67, Gifts and Favors

CMD 70, Gifts to the City



# California Fair Political Practices Commission

May 11, 1988

Jerome R. Reynolds  
Director, Personnel Services  
City of Santa Clara  
1500 Warburton Ave.  
Santa Clara, CA 95050

Re: 87-175

Dear Mr. Reynolds:

Your letter requesting advice under the Political Reform Act was received on May 11, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeanette Turvill, in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, we will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths".

Diane M. Griffiths  
General Counsel

DMG:plh

MAY 2 3 15 PM '88

# THE CITY OF SANTA CLARA

## CALIFORNIA

PERSONNEL DEPT.  
TESTING & CLASSIFICATION DIVISION  
1500 WARBURTON AVE.  
SANTA CLARA, CA 95050  
(408) 984-5122

April 27, 1988

Ms. Jeanette Turvill  
Legal Assistant, Legal Division  
Fair Political Practices Commission  
428 J Street  
Sacramento, CA 95804

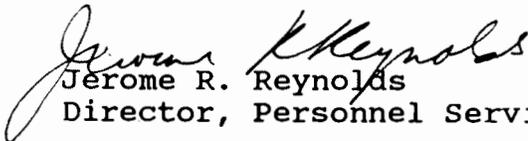
Dear Ms. Turvill:

Enclosed is a copy of a proposed memorandum to the City Council of the City of Santa Clara, along with a copy of a Proposed City Manager's Directive which deal with the adoption and enforcement of the Standardized Conflict of Interest Code.

It is proposed that this Standardized Code be adopted for application to affected employees of the City of Santa Clara and it is requested that you review the contents for compliance with the State Code.

If you have any questions, please contact me at (408) 984-5122.

Sincerely,

  
Jerome R. Reynolds  
Director, Personnel Services

encl.

April 11 1988

City Council

City Manager

Update of Conflict-of-Interest Code and Code of Ethics

The City adopted its current Conflict-of-Interest Code in 1976 and revised it in 1981. It adopted a code of Ethics in 1963, most recently amended in 1974. Both codes should be brought up to date.

Conflict-of-Interest Code

The Political Reform Act of 1974 requires all state and local government agencies in California to adopt Conflict-of-Interest Codes. The codes apply to all positions "which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interests [Government Code Section 87302 (a)]. Section 87200 of the Government Code has specific requirements for City Council members, Planning Commissioners, City Managers, and City Attorneys. These requirements are apart from, but similar to, those of local codes.

The Fair Political Practices Commission (FPPC), which administers and implements the act, has prepared a standardized Conflict-of-Interest Code for local agencies. A Conflict-of-Interest Code adopted pursuant to the Political Reform Act consists of two basic parts:

1. The body of the code which contains the basic provisions, including the manner of reporting financial interests and

the procedure for filing Statements of Economic Interests; and

2. The appendices of the code which list the positions of the designated employees of the agency and the corresponding disclosure categories for each position.

Commission Regulation 18730 contains provisions for the body of a Conflict-of-Interest Code which are standardized to be applicable to all agencies. Incorporating Regulation 18730 by reference as the body of an agency's code means that all changes to the financial disclosure provisions of the Political Reform Act and Regulation 18730 will automatically be a part of our code. The code will always be up to date and in compliance with the law. The Commission gives notice of all changes to Regulation 18730, and all agencies are given an opportunity to comment on the changes before the Commission adopts them.

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CMD 100 (REVISED 4-11-88)

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Responsibility

Action

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Dept. Heads

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4. Inform Director of Personnel Services of positions to be added to or deleted from existing lists of designated positions.

Dir. of Pers.  
Services

5. Submit to the City Council, as Code Reviewing Body, proposed changes to existing lists of designated positions and/or disclosure categories.

6. On approval by the City Council, inform affected department heads.

7. Include appropriate notation in all class specifications and employment announcements that require statements of economic interest.

8. On behalf of the City Clerk (Filing Officer), distribute filing materials for "Assuming Office" and "Leaving Office" statements of economic interest as appropriate.
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emergency number 911.

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The City Clerk, the City Attorney, and the Personnel Services Department will assist in carrying out this directive. You may also call the Legal Division of the Fair Political Practices Commission collect at (916) 322-5901.

Cross References:

Conflict-of-Interest Code

Code of Ethics

CMD 67, Gifts and Favors

CMD 70, Gifts to the City



# California Fair Political Practices Commission

June 8, 1988

Jerome R. Reynolds  
Director, Personnel Services  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: Your Request for Advice  
Our File No. A-88-175

Dear Mr. Reynolds:

On April 27, 1988 you wrote to us asking that we review the proposed amendments to the conflict of interest code for the City of Santa Clara. I contacted you by phone on May 23 and advised you that attached to your letter was a copy of your document identified as CMD 100. That document advises various employees within the city of their duties with respect to disseminating and reviewing statements of economic interests. We did not receive a copy of the proposed amended code itself. You indicated that you would put the amended code in the mail immediately. As of this writing, the amended code has not been received.

If you have decided not to send in the proposed amendments and would like us to consider your request for advice withdrawn, please so advise. If that is not the case, we would be happy to respond to your April 27 letter once the proposed amendments are received.

Sincerely,

Diane M. Griffiths  
General Counsel

  
By: Jeanette E. Turvill  
Legal Assistant  
Legal Division

DMG:JET:plh