

RESOLUTION NO. 24-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
RESCINDING RESOLUTION NO. 24-083 AND AMENDING THE
CITY OF CUPERTINO CONFLICT OF INTEREST CODE
FOR OFFICIALS AND DESIGNATED EMPLOYEES**

WHEREAS, the Political Reform Act of 1974, Government Code section 81000 *et seq.* (the “Act” or “Political Reform Act”), governs the disclosure of political campaign contributions and spending by candidates and ballot measure committees, and sets ethics rules for state and local government officials that impose limits on decisions or votes that affect the official's financial interests; and

WHEREAS, the City Clerk is the local filing officer for all filings and statements required by the Political Reform Act including campaign contribution and expenditure reports from candidates for City Council, controlled committees, and independent expenditure committees, as well as Statements of Economic Interest from current City officials and designated employees, per the City's Conflict of Interest Code; and

WHEREAS, the Political Reform Act requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the City Council last updated the City’s Conflict of Interest Code on September 4, 2024 by adoption of Resolution No. 24-083; and

WHEREAS, the City Council now desires to amend the City’s Conflict of Interest Code to update the disclosure categories and the list of designated positions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES HEREBY RESOLVE AS FOLLOWS:

1. That Resolution No. 24-083 is hereby rescinded; and
2. That the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the FPPC shall, along with the Code entitled, “City of Cupertino Conflict of Interest Code for Officials and Designated Employees” as set forth in Exhibit A along with attached Appendices A and B, in which members, consultants, and employees are

designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Cupertino; and

3. That all Statements of Economic Interest shall be filed electronically with the City Clerk.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 19th day of November 2024, by the following vote.

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Sheila Mohan, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date

EXHIBIT A

CITY OF CUPERTINO CONFLICT OF INTEREST CODE FOR OFFICIALS AND DESIGNATED EMPLOYEES

The Political Reform Act, Government Code section 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. Code Regs. section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act. Therefore, the terms of 2 Cal. Code Regs. 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 Appendices A and B in which members, consultants, and employees are designated and disclosure categories are set forth shall constitute the conflict of interest code of the City of Cupertino.

Officials and designated employees under Government Code section 87200 shall file electronic statements of economic interests (Form 700) with the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code, § 81008,)

Upon receipt of the statements (Form 700) of the City of Cupertino City Council, City Manager, City Attorney, City Treasurer, and Planning Commissioners, the agency shall electronically forward the original of these statements to the Fair Political Practices Commission. The City Clerk will electronically retain original statements for all other designated employees.

It has been determined that the positions listed below manage public investments and will file a statement of economic interests (Form 700) pursuant to Government Code section 87200:

City Treasurer (Director of Administrative Services)
Deputy City Treasurer (Finance Manager)

APPENDIX A

DESIGNATED POSITIONS AND APPLICABLE REPORTABLE INTEREST CATEGORIES

Title	Assigned Disclosure Category
ADMINISTRATIVE SERVICES, FINANCE & HUMAN RESOURCES	
Director of Administrative Services (Treasurer)	1 (Gov. Code § 87200 filer)
Finance Manager (Deputy City Treasurer)	1 (Gov. Code § 87200 filer)
Human Resources Manager	2
Budget Manager	2
Purchasing Manager	2
Senior Management Analyst	<u>53</u>
Human Resources Analyst I/II	<u>53</u>
Accountant I/II	<u>53</u>
Senior Accountant	<u>53</u>
Account Clerk I/II	<u>53</u>
Accounting Technician	<u>53</u>
APPOINTED OR ELECTED OFFICIALS & COMMISSIONS	
City Council	1 (Gov. Code § 87200 filers)
Audit Committee	2
Bicycle Pedestrian Commission	<u>41</u>
Arts and Culture Commission	<u>41</u>
Housing Commission	1
Library Commission	<u>41</u>
Parks and Recreation Commission	<u>41</u>
Planning Commission	1 (Gov. Code § 87200 filers)
Public Safety Commission	<u>41</u>
Sustainability Commission	<u>41</u>
Technology, Information, & Communications Commission	3
CITY ATTORNEY'S OFFICE	
City Attorney	1 (Gov. Code § 87200 filer)

Title	Assigned Disclosure Category
Senior Assistant City Attorney	1
Assistant City Attorney	1
Legal Services Manager	1
CITY MANAGER'S OFFICE	
City Manager	1
Assistant City Manager	1
Deputy City Manager	1
Administration	
Management Analyst	6 1
Senior Management Analyst	6 1
Executive Assistant to the City Manager	6 1
City Clerk's Office	
City Clerk	1
Deputy City Clerk	1
Communications & Public Information	
Communications and Marketing Coordinator	1
Emergency Management	
Assistant to the City Manager	1
Management Analyst	6 1
Community Relations Coordinator	6 1
Economic Development	
Economic Development Manager	6 1
COMMUNITY DEVELOPMENT	
Director of Community Development	1
Assistant Director of Community Development	1
Planning	
Planning Manager	1
Senior Planner	1

Title	Assigned Disclosure Category
Associate Planner	61
Assistant Planner	61
Management Analyst	61
Permit Technician	61
Building	
Building Official	41
Deputy Building Official	41
Senior Building Inspector	41
Building Inspector	41
Permit Technician	61
Plan Check Engineer	61
Housing	
Housing Manager	1
Senior Housing Coordinator	61
Code Enforcement	
Senior Code Enforcement Officer	4
Code Enforcement Officer	4
Consultants	
Consultants (see Appendix B definitions)	As determined by City Manager
INNOVATION & TECHNOLOGY	
Chief Technology Officer	1
Innovation and Technology Manager	53
Business Systems Analyst	53
Multimedia Communication Specialist	3
Management Analyst	61
PUBLIC WORKS	
Director of Public Works	1
Assistant Director of Public Works	1
Capital Improvement Programs Manager	1
Transportation Manager	1

Title	Assigned Disclosure Category
Senior Public Works Project Manager	1
Public Works Projects Manager	1
Environmental Programs Manager	1
Service Center Superintendent	53
Public Works Supervisor	61
City Engineer	1
Public Works Inspector	61
Senior Management Analyst	61
Management Analyst	61
Environmental Services & Environmental Affairs	
Environmental Programs Manager	1
Environmental Programs Specialist	53
Environmental Programs Assistant	53
Environmental Compliance Technician	61
Traffic & Engineering	
Senior Planner (Transit and Transportation)	1
Assistant Engineer	41
Transportation Manager	1
Senior Civil Engineer	1
Associate Civil Engineer	41
Senior Engineering Technician	6
Engineering Technician	6
Environmental Programs Assistant (Safe Routes to School)	53
PARKS AND RECREATION	
Director of Parks and Recreation	1
Recreation Manager	53
Senior Management Analyst	61
Management Analyst	61

Appendix B

DISCLOSURE CATEGORIES AND DEFINITIONS

1. ~~FULL DISCLOSURE~~ Category 1

What to report? All investments, positions in business entities, sources of income (including gifts, loans, and travel payments), and interests in real property.

What Form 700 schedules? All Schedules (A through E)

2. ~~ALL INCOME~~ Category 2

What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments).

What Form 700 schedules? A, C, D, E

3. ~~CITY RELATED INCOME~~ Category 3

What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments) from sources of the type that provide services, supplies, materials, machinery or equipment to the City ~~if the source provides goods or services of the type utilized by or subject to the review or approval of the City.~~

What Form 700 schedules? A, C, D, E

~~4. CITY RELATED INCOME, REAL PROPERTY~~

~~What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides goods or services, of the type utilized by or subject to the review or approval of the City and all interests in real property.~~

~~What Form 700 schedules? All Schedules (A through E)~~

~~5. DEPARTMENT RELATED INCOME~~

~~What to report? All investments, positions, in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides goods or services of the type utilized by or subject to the review or approval of the department in which that person is employed.~~

~~What Form 700 schedules? A, C, D, E~~

~~6. DEPARTMENT RELATED INCOME & REAL PROPERTY~~

~~What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides~~

~~goods or services of the type utilized by or subject to the review or approval of the department in which that person is employed, and all interests in real property.~~

~~What Form 700 schedules? All Schedules (A through E)~~

Definitions

For the purposes of these disclosure categories, the definitions and regulations contained in the Political Reform Act, Government Code sections 81000 *et seq.*, and the Fair Political Practices Commission regulations, 2 Cal. Code Regs. section 18730, shall apply.