

RESOLUTION NO. 16-

A RESOLUTION OF THE CUPERTINO CITY COUNCIL
RESCINDING RESOLUTION NO. 14-168 AND ADOPTING A REVISED
CONFLICT OF INTEREST CODE OF THE CITY OF CUPERTINO
FOR OFFICIALS AND DESIGNATED EMPLOYEES

RESOLVED, by the City Council of the City of Cupertino as follows:

1. Amendment and Repeal

That the Code entitled, "Conflict of Interest Code of the City of Cupertino for Officials and Designated Employees" is hereby amended, approved, and adopted as set forth in Exhibit A, along with attached appendices A, B, and C incorporated herein by reference in which members and employees are designated hereto and by this reference made a part hereof. It is further resolved that Resolution 14-168 is hereby rescinded.

2. Filing of Resolution

The City Clerk is hereby directed to file a copy of this resolution with her office and to make it available to members of the general public.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 6th day of September, 2016, by the following vote.

Vote Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Barry Chang, Mayor
City of Cupertino

EXHIBIT A

CONFLICT OF INTEREST CODE OF THE CITY OF CUPERTINO
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 of 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 of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with attached Appendix in which members and employees are designated and disclosure categories are set forth constitutes the conflict of interest code of the City of Cupertino.

Officials and designated employees [under Government Code Section 87200](#) shall file statements of economic interests (Form 700) with the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code Section 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 make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. The City Clerk will 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
Deputy City Treasurer

APPENDIX A

DESIGNATED POSITIONS AND
APPLICABLE REPORTABLE INTEREST CATEGORIES

The following positions shall report all applicable interests in these six categories:

CATEGORIES

- Investments - Stocks, Bonds and Other Interests (Ownership is Less Than 10%)
- Investments, Income and Assets of Business Entities and Trusts (Ownership is 10% or Greater)
- Interests in Real Property (Including Rental Income)
- Income, Loans and Business Positions (Other than Gifts and Travel Payments)
- Income - Gifts
- Income – Gifts (Travel Payments, Advances, and Reimbursements)

DESIGNATED POSITIONS

Assistant City Attorney

Assistant Director of Public Works

Assistant Director of Community Development

Assistant City Manager - Community Development and Strategic Planning

Assistant to the City Manager

Chief Technology Officer

City Attorney

City Manager

Consultants**

Deputy City Attorney

Deputy City Manager

Director of Administrative Services

Director of Community Development

Director of Parks and Recreation Director of Recreation and Community Services

Director of Public Works

~~Finance Director~~

Finance Manager

~~Human Resources Director~~

Human Resources Manager

** A Consultant is defined as an individual who contracts with or whose employer contracts with state or local government agencies and who makes, participates in making, or acts in a staff capacity for making governmental decisions.

FPPC Regulation 18700.3 ~~4~~ defines “consultants” as including the following individuals who make a governmental decision whether to:

- Approve a rate, rule, or Regulation
- Adopt or enforce a law
- Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
- Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval
- Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract
- Grant agency approval to a plan, design, report, study, or similar item
- Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any of its subdivisions

A consultant also is an individual who serves in a staff capacity with the agency and:

- Participates in making a governmental decision; or
- Performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency’s conflict-of-interest code.

The City Manager may determine in writing that a particular consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements 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’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.

APPENDIX B

DESIGNATED POSITIONS AND
APPLICABLE REPORTABLE INTEREST CATEGORIES

The following positions shall report all applicable interests in these three categories:

CATEGORIES

- Investments, Income and Assets of Business Entities and Trusts (Ownership is 10% or Greater)
- Income, Loans and Business Positions (Income other than Gifts and Travel Payments)
- Income – Gifts (Travel Payments, Advances, and Reimbursements)

DESIGNATED POSITIONS

Employees:

Assistant Engineer

Assistant Planner

Associate Civil Engineer

Associate Planner

Building Inspector

Building Official

Capital Improvement Program Manager

City Clerk

City Engineer

City Planner

Code Enforcement Officer

Deputy City Clerk

Economic Development Manager

Engineering Technician

Environmental Programs Manager

Environmental Programs Specialist

GIS Program Manager

Information Technology Manager

Management Analyst

Media Coordinator ~~Media~~ Multimedia Communication Specialist

Park Restoration and Improvement Manager

Permit Technician

Plan Check Engineer

Public Affairs Director

Public Information Officer

Public Works Inspector

Public Works Projects Manager

~~Service Center Superintendent~~ Maintenance Superintendent

~~Public Works Supervisor~~ Maintenance Supervisor

Recreation Supervisor

Economic Development Manager

Senior Building Inspector

Senior Civil Engineer

Senior Code Enforcement Officer

Senior Engineering Technician

Senior Management Analyst

Senior Planner

Senior Recreation Supervisor

Sustainability Manager

~~Web Specialist~~

APPENDIX C

COMMISSIONS AND
APPLICABLE REPORTABLE INTEREST CATEGORIES

The following positions shall report all applicable interests in these two categories:

CATEGORIES

- Investments, Income and Assets of Business Entities and Trusts (Ownership is 10% or Greater)
- Income, Loans and Business Positions (Income other than Gifts and Travel Payments)

COMMISSIONS

Audit Committee

Bicycle Pedestrian Commission

Fine Arts Commission

Housing Commission

Library Commission

Parks and Recreation Commission

Public Safety Commission

Technology, Information, and

Communications Commission

| Sustainability Commission