

RESOLUTION NO. 18-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
RESCINDING RESOLUTION NO. 16-090 AND AMENDING THE
CITY OF CUPERTINO CONFLICT OF INTEREST CODE
FOR OFFICIALS AND DESIGNATED EMPLOYEES AND REQUIRING
ELECTRONIC FILING OF ALL STATEMENTS OF ECONOMIC INTEREST**

WHEREAS, the Political Reform Act of 1974 Government Code Sections 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 strict 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, officers and designated employees, per the City's Conflict of Interest Code; and

WHEREAS, the Political Reform Act, require 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 6, 2016 by adoption of Resolution No. 16-090; and

WHEREAS, the City Council now desires to amend the City's Conflict of Interest Code to update the list of designated positions and expressly require electronic filing of all Statements of Economic Interest with the City Clerk.

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

1. That Resolution No. 16-090 is hereby rescinded; and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, B, and C, 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 18th day of September 2018, by the following vote.

Vote

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Darcy Paul, Mayor, City of Cupertino

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 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 the attached Appendix 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 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 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
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 Director of Recreation and Community Services

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 Recreation and Community Services

Director of Public Works

Finance Manager

Human Resources Manager

Senior Assistant City Attorney

** 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 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 Building Official
Deputy City Clerk
Economic Development Manager
Engineering Technician
Environmental Programs Manager
Environmental Programs Specialist
GIS Program Manager
Information Technology Manager
Innovation and Technology Manager

Management Analyst
Multimedia Communication Specialist
Park Restoration and Improvement Manager
Permit Center Manager
Permit Technician
Plan Check Engineer
Public Affairs ~~Director~~ **Manager**
Public Information Officer
Public Works Inspector
Public Works Projects Manager
~~Maintenance Supervisor~~
~~Maintenance Superintendent~~
Public Works Supervisor
Recreation Manager
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~~
Service Center Superintendent
Sustainability Manager
Transportation Manager

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