



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: September 20, 2022

Subject

Consider resolution amending the City of Cupertino Conflict of Interest Code for officials and designated employees per State law requirement on a biennial basis; 2022 Local Agency Biennial Notice

Recommended Action

a.) Adopt Resolution No. 22-___ rescinding Resolution No. 20-115 and amending the City of Cupertino Conflict of Interest Code for officials and designated employees; and b.) Authorize the City Manager to sign the required 2022 Local Agency Biennial Notice

Background

The Political Reform Act, Government Code Section 81000, et seq., requires every local government agency to adopt a conflict of interest code. The code establishes the categories of public officials and designated employees who must disclose certain personal assets and income which might materially affect their governmental decisions. The public officials and designated employees must file a Statement of Economic Interest (Form 700) to make disclosure of their financial interests. The amount of disclosure will depend upon their duties. Positions that involve voting on matters, negotiating contracts, or making recommendations on purchases without substantive review must be included in the code. Persons holding positions listed in Government Code section 87200 (87200 filers) include City Councilmembers, the City Attorney, the City Manager, Planning Commissioners, and persons who manage public investments. They are required by state law to file a full disclosure Form 700.

The information required to be in a code's main body is complex and may change over time. Agencies must review their codes biennially and amend when necessary. An amended code is necessary if the current code is more than five years old; or if there have been any substantial changes to the agencies organizational structure or in duties or responsibilities for any positions; or if positions have been added or deleted, or renamed; or if there have been revisions to the disclosure categories. A biennial notice verifying

review and any amendments must be filed with the code reviewing body no later than October 3, 2022 (Attachment D). The City Council is the code reviewing body for city agencies. The City Council last reviewed and updated the City's Conflict of Interest Code on September 15, 2020 by adoption of Resolution No. 20-115 (Attachment C).

Discussion

An amendment to the City of Cupertino Conflict of Interest Code is necessary this year to make the following changes (Attachment A):

- a.) Add Economic Development Committee;

- b.) Add the positions of Finance - Budget Manager and Purchasing Manager; City Manager's Office - Analyst (Three-Year Limited-Term); Planning - Permit Tech; Housing - Senior Planner and Assistant Planner; Innovation & Technology - Management Analyst; Public Works - Transportation Manager, Senior Public Works Project Manager, Environmental Programs Manager, Senior Planner, and Management Analyst;

- c.) Delete the positions of Planning - Deputy Board Clerk and Innovation & Technology - Information Technology Manager;

Sustainability Impact

There is no fiscal impact.

Fiscal Impact

There is no fiscal impact.

Prepared by: Kirsten Squarcia, City Clerk

Reviewed by: Christopher Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A - Draft Resolution and Conflict of Interest Code (redline)

B - Draft Resolution and Conflict of Interest Code (clean)

C - Adopted Resolution No. 20-115

D - 2022 Local Agency Biennial Notice