



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: September 4, 2024

Subject

Resolution amending the City of Cupertino Conflict of Interest Code for officials and designated employees as required by State law on a biennial basis; 2024 Local Agency Biennial Notice

Recommended Action

- 1.) Adopt Resolution No. 24-___ rescinding Resolution No. 22-120 and amending the City of Cupertino Conflict of Interest Code for officials and designated employees; and
- 2.) Authorize the City Manager to sign the required 2024 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 1, 2024 (Attachment D). The City Council is the code reviewing body for city agencies.

On September 15, 2020, the City Council adopted Resolution No. 20-115 amending the City's Conflict of Interest Code to require electronic filing of all Statements of Economic Interest. The e-file requirement has resulted in greater compliance and a large reduction in staff time and paper usage.

Reasons for Recommendation

The City's Conflict of Interest Code must be reviewed every two years to determine if it is accurate or if it must be amended. The City Council last reviewed and updated the City's Code on September 20, 2022, by adoption of Resolution No. 22-120 (Attachment C). A biennial review of the City's Code was conducted, and an amendment is necessary to reflect various changes to staff positions/classifications that have occurred in the last two years.

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

- a.) Add the positions of Senior Management Analyst - City Manager's Office, Environmental Programs Assistant (Safe Routes to School), Senior Housing Coordinator, and Senior Management Analyst – Parks and Recreation; and
- b.) Delete the positions of Economic Development Committee, Deputy City Attorney, Sustainability Manager, Emergency Services Coordinator, Analyst (Three Year Limited Term), Public Affairs Manager, Public Information Officer, Permit Center Manager, Senior Planner – Housing, Assistant Planner - Housing, GIS Program Manager, Assistant Director of Parks and Recreation, Park Restoration and Improvement Manager, and Recreation Supervisor; and
- c.) Rename the titles of Fine Arts Commission to Arts and Culture Commission, City Engineer to Senior Planner (Transit and Transportation Planner) and Senior Planner to City Engineer/Traffic & Engineering.
- d.) Transfer the positions of Assistant to the City Manager, Management Analyst, and Community Relations Coordinator to Emergency Management, Multimedia Communications Specialist to Innovation & Technology, and Plan Check Engineer to Building; and
- e.) Amend the assigned disclosure categories for the positions of Environmental Programs Manager and Environmental Programs Specialist, Assistant Engineer, and Senior Civil Engineer.

Sustainability Impact

Implementation of electronic filing of all Form 700s has reduced paper consumption.

Fiscal Impact

There is no fiscal impact.

California Environmental Quality Act

Not applicable.

Prepared by: Kirsten Squarcia, City Clerk

Reviewed by: Michael Woo, Senior Assistant 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. 22-120

D - 2024 Local Agency Biennial Notice