

RESOLUTION NO. 20-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
RESCINDING RESOLUTION NO. 18-092 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 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 18, 2018 by adoption of Resolution No. 18-092; and

WHEREAS, the City Council now desires to amend the City’s Conflict of Interest Code to update the disclosure categories and list of designated positions, as well as to reorganize the list so that positions are grouped by department.

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

1. That Resolution No. 18-092 is hereby rescinded; and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 15th day of September 2020, by the following vote.

Vote Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, 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 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 (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 (Govt Code § 87200 filer)
Finance Manager (Deputy City Treasurer)	1 (Govt Code § 87200 filer)
Human Resources Manager	2
<u>Senior Management Analyst</u>	<u>5</u>
<u>Human Resources Analyst I/II</u>	<u>5</u>
<u>Accountant I/II</u>	<u>5</u>
<u>Senior Accountant</u>	<u>5</u>
<u>Account Clerk I/II</u>	<u>5</u>
<u>Accounting Technician</u>	<u>5</u>
APPOINTED OR ELECTED OFFICIALS & COMMISSIONS	
City Council	1 (Govt Code § 87200 filers)
Audit Committee	2
Bicycle Pedestrian Commission	4
Fine Arts Commission	4
Housing Commission	1
Library Commission	4
Parks and Recreation Commission	4
Planning Commission	1 (Govt Code § 87200 filers)
Public Safety Commission	4
Sustainability Commission	4
Technology, Information, & Communications Commission	3
CITY ATTORNEY'S OFFICE	
City Attorney	1 (Govt Code § 87200 filer)
Deputy City Attorney	1
Senior Assistant City Attorney	1
Assistant City Attorney	1
<u>Legal Services Manager</u>	<u>1</u>

Title	Assigned Disclosure Category
CITY MANAGER'S OFFICE	
City Manager	1
Assistant City Manager for Community Development & Strategic Planning	1
Deputy City Manager	1
Assistant to the City Manager	1
Sustainability Manager	6
Management Analyst	6
<u>Emergency Services Coordinator</u>	<u>6</u>
<u>Executive Assistant to the City Manager</u>	<u>6</u>
City Clerk's Office	
City Clerk	1
Deputy City Clerk	1
Communications & Public Information	
Public Affairs Manager	3
Public Information Officer	3
Multimedia Communication Specialist	3
Economic Development	
Economic Development Manager	6
COMMUNITY DEVELOPMENT	
Director of Community Development	1
Assistant Director of Community Development	1
Planning	
<u>City Planner</u> <u>Planning Manager</u>	1
Senior Planner	1
Associate Planner	6
Assistant Planner	6
Management Analyst	6
Deputy Board Clerk	1
Building	
Building Official	4

Title	Assigned Disclosure Category
Deputy Building Official	4
Senior Building Inspector	4
Building Inspector	4
Permit Center Manager	6
Permit Technician	6
Housing	
Housing Manager	1
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
Information Technology Manager	5
Innovation and Technology Manager	5
GIS Program Manager	5
<u>Business Systems Analyst</u>	<u>5</u>
PUBLIC WORKS	
Director of Public Works	1
Assistant Director of Public Works	1
Capital Improvement Program Manager	1
Public Works Projects Manager	1
Service Center Superintendent	5
Public Works Supervisor	6
Public Works Inspector	6
Senior Management Analyst	6
Environmental Services & Environmental Affairs	
Environmental Programs Manager	6
Environmental Programs Specialist	6
<u>Environmental Compliance Technician</u>	<u>6</u>

Title	Assigned Disclosure Category
Traffic & Engineering	
City Engineer	1
Assistant Engineer	1
Transportation Manager	1
Senior Civil Engineer	4
Associate Civil Engineer	4
Senior Engineering Technician	6
Engineering Technician	6
Plan Check Engineer	6
PARKS AND RECREATION	
Director of <u>Parks and Recreation</u> & Community Services	1
Assistant Director of -Parks and Recreation & Comm. Serv.	1
Park Restoration and Improvement Manager	6
Recreation Manager	5
Recreation Supervisor	5
<u>Management Analyst</u>	<u>6</u>

Appendix B

DISCLOSURE CATEGORIES AND DEFINITIONS

1. **FULL DISCLOSURE**

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**

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**

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.

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 at 2 Cal. Code Regs. Section 18730 shall apply.