

DRAFT 08/10/2022 MCT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING THE CONFLICT OF
INTEREST CODE FOR DESIGNATED CITY OFFICERS
AND EMPLOYEES (RESOLUTION NO. 1044-21) AS
REQUIRED BY THE POLITICAL REFORM ACT AND
REGULATIONS OF THE FAIR POLITICAL PRACTICES
COMMISSION**

WHEREAS, the Political Reform Act requires certain City officials specified in section 87200 of the California Government Code, to file economic disclosure forms (“Form 700”) and abstain from making or participating in governmental decisions which have a reasonably foreseeable material effect on an economic interest; and

WHEREAS, the Political Reform Act requires the City to adopt a local conflict of interest code that enumerates specific City positions other than those specified in Government Code section 87200 which involve making or participating in making decisions which have a reasonably foreseeable material effect on an economic interest, and to designate for each position the types of investments, business positions, interests in real property and sources of income which are reportable based on the scope of the decision-making authority of the position; and

WHEREAS, on March 30, 2021, the City Council adopted a Conflict of Interest Code in compliance with the provisions of the Political Reform Act, Government Code Sections 81000, *et seq.*, through the adoption of Resolution No. 1044-21; and

WHEREAS, the City Council has reviewed and considered administratively suggested changes to the listing of designated positions of City officials and employees, along with assigned disclosure categories, in the Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Adoption of Conflict of Interest Code. The City of Sunnyvale Conflict of Interest Code, attached hereto as Appendix A and incorporated herein by this reference, is hereby adopted and includes the following:

- (a) 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 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in

the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the City of Sunnyvale, the Successor Agency to the Former Sunnyvale Redevelopment Agency, and the Oversight Board for the Successor Agency to the Former Redevelopment Agency.

Public officials and employees shall file Statements of Economic Interests (FPPC Form 700) with the City Clerk, who is designated as the Filing Officer. The City Clerk shall administer this Conflict of Interest Code at the local level and shall notify each public official and employee of his or her filing obligation. Public officials and employees are required to file an Assuming Office Statement when they assume a designated position, an Annual Statement each year and a Leaving Office Statement within thirty days of resignation or termination. Once filed the FPPC Form 700 is a public record and the City Clerk shall make all statements available for public inspection and reproduction, pursuant to Government Code Section 81008. Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the City.

- (b) As the code reviewing body for the Successor Agency to the Former Redevelopment Agency of the City of Sunnyvale and the Sunnyvale Finance Authority, the City Council has determined that the Successor Agency and Finance Authority (i) are not new agencies for the purposes of the Political Reform Act; (ii) do not require the adoption of separate conflict of interest codes; and (iii) will be covered by the City's Conflict of Interest Code as amended hereto.
- (c) Filing statements. Designated officials and employees shall file Statements of Economic Interests in compliance with the provisions of California Code of Regulations Section 18730(b)(5).

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

Appendix A

**CITY OF SUNNYVALE – CONFLICT OF INTEREST CODE
DESIGNATED CITY POSITIONS REQUIRED TO FILE**

Position	Disclosure Category
Accountant	1
Administrative Analyst	1
Administrative Librarian	1
Administrative Services Manager	1
Affordable Housing Manager	1
Assistant City Attorney	1
Assistant City Engineer	1
Assistant City Manager	1
Assistant Director of Community Development	1
Assistant Director of Finance	1
Assistant Director of Public Works/City Engineer	1
Assistant to the City Manager	1
Assistant Planner	1
Associate Planner	1
Budget Analyst I/II	1
Budget Manager	1
Building Inspector I/II	1
Business Operations Manager	2
Business Systems Analyst	1
Buyer I/II	1
Chief Building Official	1
Chief Information Officer	1
City Clerk	1
City Property Administrator	1
Civil Engineer	1
Civilian Assistant Fire Marshal	1
Civilian Fire Marshal	1
Communications Officer	1
Community Resources Manager	1
Deputy Chief Public Safety	1
Deputy City Attorney	1
Deputy City Clerk	1
Deputy City Manager	1
Director of Community Development	1
Director of Environmental Services	1
Director of Human Resources	1
Director of Library and Recreation Services	1
Director of NOVA Workforce Services	1
Director of Public Safety	1
Director of Public Works	1
Economic Development Manager	1
Employment Training Manager	1
Environmental Compliance Inspector	3
Environmental Engineering Coordinator	2

Environmental Programs Manager	1
Equity, Access, and Inclusion Manager	1
Finance Manager	1
Fire Protection Engineer I/II	3
Fire Protection Inspector	3
Fleet Manager	2
Golf Operations Manager	2
Hazardous Materials Inspector	3
Housing Officer	1
Housing Programs Analyst	1
Housing Programs Technician	1
Housing Specialist	1
Human Resources Analyst	1
Human Resources Manager	1
Information Technology Coordinator	1
Information Technology Manager	1
Job Seeker Services Manager	1
Laboratory/Pretreatment Manager	1
Library Circulation Manager	1
Management Analyst	1
Neighborhood Preservation Manager	1
Operations Manager: Facilities	3
Parks Manager	2
Payroll Supervisor	1
Permit Center Coordinator	1
Permit Center Manager	1
Permit Technician	1
Plan Check Engineer	1
Plan Checker I/II	1
Planning Officer	1
Principal Accountant	1
Principal Applications Analyst/Project Manager	1
Principal Buyer	1
Principal Human Resources Analyst	1
Principal Network & Systems Engineer	1
Principal Planner	1
Principal Storekeeper	1
Principal Transportation Engineer/Planner	1
Public Safety Captain	1
Public Safety Communications Manager	1
Public Safety Records Manager	1
Public Works Construction Inspector	3
Public Works Supervisor	2
Purchasing Officer	1
Recreation Services Manager	1
Regulatory Programs Division Manager	1
Risk Manager	1
Senior Accountant	1
Senior Assistant City Attorney	1

Senior Building Inspector	1
Senior Buyer	1
Senior Construction Inspector/Coordinator	1
Senior Engineer	1
Senior Environmental Compliance Inspector	1
Senior Environmental Engineer	1
Senior Hazardous Materials Inspector	1
Senior Housing Rehabilitation Specialist	1
Senior Management Analyst	1
Senior Plan Check Engineer	1
Senior Planner	1
Senior Traffic Engineer	1
Senior Transportation Engineer	1
Senior Transportation Planner	2
Solid Waste Contract Administrator	2
Solid Waste Programs Division Manager	1
Storekeeper I/II	1
Storekeeper/Buyer	1
Street Operations Manager	1
Superintendent of Facilities Maintenance	1
Superintendent of Libraries	1
Superintendent of Parks and Golf	1
Superintendent of Public Works Operations	1
Superintendent of Recreation Services	1
Supervising Librarian	1
Transportation and Traffic Manager	1
Urban Landscape Manager	1
Utility Billing Manager	1
Wastewater Operations Manager	1
Water and Sewer Systems Division Manager	1
Water Operations Manager	1
Water Pollution Control Maintenance Manager	1
Water Pollution Control Operations Manager	1
Water Pollution Control Plant Division Manager	1
Youth and Family Resources Manager	1

Newly created positions between conflict code amendments	As applicable*
Consultants	As applicable**
Retired Annuitants	As applicable***
Casual Employees performing work similar to a designated position	As applicable***
Designated appointees:	
Member, Arts Commission	1
Member, Board of Building Code Appeals	1
Member, Heritage Preservation Commission	1
Member, Housing and Human Services Commission	1
Member, Executive Director, Successor Agency Attorney, Secretary and Treasurer to Successor Agency to the Former Sunnyvale Redevelopment Successor Agency	1

Member, Executive Director, Authority Attorney, Secretary and Treasurer to Sunnyvale Financing Authority	1
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<p>State Required Filers: The following positions are <u>NOT</u> covered by the code because they must file under Government Code Section 87200 and are listed for informational purposes only:</p>	
Mayor	
Councilmember	
City Attorney	
City Manager	
Director of Finance	
Member, Planning Commission	
<p>An individual holding one of the above listed positions (State Required Filers) may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.</p>	

CITY'S CONFLICT OF INTEREST CODE
DISCLOSURE CATEGORIES

Category 1

A designated employee in this category must report all investments, interests in real property owned in the City of Sunnyvale, sources of income including gifts, loans and travel payments, and business entities in which he or she is a director, officer, partner, trustee, employee or holds any position of management.

Category 2

A designated employee in this category must report sources of income including gifts, loans and travel payments, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which has done business with the City of Sunnyvale within the previous two years.

Category 3

A designated employee in this category must report sources of income including gifts, loans and travel payments, and business entities in which he or she has an investment or is a director, officer, partner, trustee, employee or holds any position of management, if the business entity or source of income is of the type which within the previous two years has provided services, equipment, lease space, materials or supplies to the City.

* City Clerk to work with appropriate department and City Attorney to determine appropriate disclosure category for any newly created position.

** Consultants who serve in a capacity that is the functional equivalent of a designated position shall disclose pursuant to the disclosure category required by this Code for the comparable designated staff position. The City Manager may determine in writing that a particular consultant, although serving in a capacity that is the functional equivalent of 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. (Gov. Code Section 81008.)

Consultants who serve in a capacity for which there is no equivalent designated position, and whose consulting position entails the making of governmental decisions that may foreseeably have a material effect on any financial interest of the consultant, shall disclose pursuant to Category 1. For purposes of this Code, "making a governmental decision" means to make a decision whether to: (a) approve a rate, rule, or regulation, (b) adopt or enforce a law, (c) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement, (d) authorize the City to enter into, modify, or renew a contract, (e) grant City approval to a contract or to the specifications for such a contract, (f) grant City approval to a plan, design, report, study, or similar item, or (g) adopt, or grant agency approval of, policies, standards, or guidelines for the City. (FPPC Regulation 18700.3.)

*** Retired annuitants and Casual employees may be included in the list of designated employees when the City Manager, or his or her designee, determines that they are performing work that is the functional equivalent of a designated position. If such a determination is made, then disclosure shall be pursuant to the disclosure category required by this Code for the comparable designated staff position.