



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 3/1/2011

Report Type: Consent

Title: (Council/Redevelopment Agency) Updated Conflict of Interest Code

Report ID: 2011-00240

Location: Citywide

Recommendation: 1) Adopt a City Resolution amending the Conflict of Interest Code for the City of Sacramento (Resolution 2010-071) to exclude the redevelopment advisory committees; and 2) adopt a Redevelopment Agency Resolution to include the redevelopment advisory committees to the Conflict of Interest Code Agency for the Redevelopment Agency Resolution 2009-060.

Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093, Office of the City Clerk; Vickie Smith, Agency Clerk, (916) 440-1363, Sacramento Housing and Redevelopment Agency

Presenter: None

Department: City Clerk / SHRA

Division: City Clerk

Dept ID: 04001011

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-City Resolution
- 4-Redevelopment Agency Resolution

City Attorney Review

Approved as to Form
Matthew Ruyak
2/24/2011 8:04:34 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
2/16/2011 11:21:45 AM

Approvals/Acknowledgements

Department Director or Designee: Shirley Concolino - 2/23/2011 11:31:56 AM

Assistant City Manager: Patti Bisharat - 2/23/2011 4:49:05 PM



Description/Analysis

Issue: With these actions, the City Council and the Redevelopment Agency will amend their conflict of interest codes to shift reporting requirements and the filing officer responsibilities for the redevelopment advisory committees from the City and City Clerk to the Agency and Agency Clerk.

Policy Considerations: Is it more appropriate for the members of redevelopment advisory committees to be covered in the Agency's conflict of interest code and to file Statement of Economic Interests forms with the Agency Clerk.

Environmental Considerations: None

Sustainability: None

Commission/Committee Action: None

Rationale for Recommendation: Move the filing requirement for the redevelopment advisory committees to the agency that manages the committees.

Financial Considerations: None

Emerging Small Business Development (ESBD): Not applicable.



Background:

Since the creation of the redevelopment advisory committees (RACs) and their addition to the City's Conflict of Interest Code (Code), there has been continued question as to the appropriate placement of these filers within the City's Code. Although the City Clerk's Office collects applications for vacancies on the RACs, the Agency was involved in the creation of the RACs and Agency staff manages the committees and has a direct working relationship with the members. Additionally, it is more appropriate for Agency staff to have direct and immediate access to Statement of Economic Interest Forms in the event there is a need to analyze a potential conflict. After a recent review of the City's conflict of interest policy by the City Clerk and in collaboration with the City Attorney's Office, Agency Clerk, and Agency Attorney, staff from both agencies have determined that the RAC filers would be more appropriately contained in the Conflict of Interest Code of the Redevelopment Agency.

The action recommended in this report would delete the RACs from the City's Conflict of Interest Code and add those same RACs to the Redevelopment Agency's Conflict of Interest Code. This change would shift approximately 100 filers from the City to the Redevelopment Agency.



RESOLUTION NO. 2011-_____

Adopted by the Sacramento City Council

DATE

AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY OF SACRAMENTO TO DELETE THE REDEVELOPMENT ADVISORY COMMITTEES AND CORRESPONDING DISCLSoure CATEGORY

BACKGROUND

- A. The City Council has adopted and promulgated a conflict of interest code for the City of Sacramento as required by the Political Reform Act, Government Code section 81000 et seq.;
- B. The City's conflict of interest code designates membership on a redevelopment advisory committee ("RAC") as a position which must file a statement of economic interests;
- C. The Redevelopment Agency of the City of Sacramento ("Agency") was involved in the formation of each of the RACs identified in the City's conflict of interest code, and the RACs provide advice primarily to the Agency;
- D. Given the relationship between the RACs and the Agency, the City Council has determined that RAC members should be included in the Agency's conflict of interest code rather than the City's conflict of interest code, and that the City's conflict of interest code should be amended to effect this change;
- E. The Agency is concurrently amending its conflict of interest code to add membership on a RAC as a position that is required to file a statement of economic interests with the Agency.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento's conflict of interest code, adopted by Resolution 2010-071, is amended to delete the following positions from Appendix A: 65th Street Redevelopment Advisory Committee, Alkali Flat Redevelopment Advisory Committee, Del Paso Heights Redevelopment Advisory Committee, North Sacramento Redevelopment Advisory

Committee, Oak Park Redevelopment Advisory Committee, Sacramento Army Depot Redevelopment Advisory Committee, and Stockton Boulevard Redevelopment Advisory Committee.

Section 2. The City of Sacramento's conflict of interest code, adopted by Resolution 2010-071, is amended to delete Disclosure Category 18 ("All investments and business positions in business entities, and income from sources, that do business with the Sacramento Housing and Redevelopment Agency or any of the entities administered by the Sacramento Housing and Redevelopment Agency") from Exhibit B.

Section 3. This resolution takes effect on the date it is passed, and each person who occupied a position that was deleted from the City's conflict of interest code on the effective date of this resolution shall file a leaving office statement with the City Clerk within 30 days of the effective date of this resolution.



RESOLUTION NO. 2011-_____

Adopted by the Redevelopment Agency
of the City of Sacramento

DATE

AMENDING THE CONFLICT OF INTEREST CODE FOR THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO TO ADD THE REDEVELOPMENT ADVISORY COMMITTEES AND CORRESPONDING DISCLSoure CATEGORY

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento (“Agency”) has adopted and promulgated a conflict of interest code for the Redevelopment Agency of the City of Sacramento as required by the Political Reform Act, Government Code section 81000 et seq.;
- B. The City of Sacramento’s (“City”) conflict of interest code designates membership on a redevelopment advisory committee (“RAC”) as a position which must file a statement of economic interests;
- C. The Agency was involved in the formation of each of the RACs identified in the City’s conflict of interest code, and the RACs provide advice primarily to the Agency;
- D. Given the relationship between the RACs and the Agency, the Redevelopment Agency of the City of Sacramento has determined that RAC members should be included in the Agency’s conflict of interest code rather than the City’s conflict of interest code, and that the Agency’s conflict of interest code should be amended to effect this change;
- E. The City of Sacramento is concurrently amending its conflict of interest code to delete membership on a RAC as a position that is required to file a statement of economic interests with the City.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE SACRAMENTO REDEVELOPMENT AGENCY RESOLVES AS FOLLOWS:

- Section 1. The list of designated positions and disclosure category listed below that was adopted by Redevelopment Agency Resolution 2009-060 is hereby amended to add the redevelopment advisory committees and corresponding disclosure

category as follows: The members of the 65th Street Redevelopment Advisory Committee, Alkali Flat Redevelopment Advisory Committee, Del Paso Heights Redevelopment Advisory Committee, North Sacramento Redevelopment Advisory Committee, Oak Park Redevelopment Advisory Committee, Sacramento Army Depot Redevelopment Advisory Committee, and Stockton Boulevard Redevelopment Advisory Committee. Disclosure Category 1.

Section 2. Section 2)c)iv) of the Guidelines on Definition and Functions of Project Area Committees and Redevelopment Advisory Committees (RAC) shall be amended to reflect that RAC members shall submit their Conflict of Interest Statements to the Agency Clerk.

Section 3. This adopted and amended Conflict of Interest Code is effective immediately and newly added filers are required to file a statement within 30 days of the effective date of this Code.

Table of Contents –
Exhibit A – Conflict of Interest Code

EXHIBIT A
 Redevelopment Agency
 Conflict of Interest Code

<u>DESIGNATED POSITIONS</u>	<u>Disclosure Categories</u>
AGENCY CLERK	1
AGENCY COUNSEL	1
ASSISTANT AGENCY CLERK	1
ASSISTANT DIRECTOR OF HOUSING - HOUSING CHOICE VOUCHER	1
ASSISTANT DIRECTOR OF HOUSING - PUBLIC HOUSING	1
ASSISTANT DIRECTOR OF HOUSING & COMMUNITY DEVELOPMENT	1
ASSISTANT DIRECTOR OF REAL ESTATE & CONSTRUCTION SERVICES	1
ASSISTANT SITE MANAGER	3
BUYER	4
COMPLIANCE ANALYST	1
CONSTRUCTION TECHNICIAN	3
DEPUTY EXECUTIVE DIRECTOR	1
DESIGN & CONSTRUCTION SERVICES MANAGER	1
DIRECTOR OF ADMINISTRATION	1
DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT	1
DIRECTOR OF HOUSING AUTHORITY	1
EXECUTIVE DIRECTOR	1
ENVIRONMENTAL ANALYST	1
FINANCE DIRECTOR	1
FINANCE MANAGER	1
GENERAL COUNSEL	1
HOMEOWNERSHIP SERVICES SUPERVISOR	3
HOUSING ASSISTANT - HCV	3
HOUSING AUTHORITY ANALYST - HCV	3
HOUSING AUTHORITY ANALYST - HSG	3
HOUSING AUTHORITY MANAGER - HCV	1
HOUSING AUTHORITY MANAGER - HSG	1
HOUSING AUTHORITY SPECIALIST - HCV	3
HOUSING AUTHORITY SPECIALIST - HSG	3
HOUSING AUTHORITY SUPERVISOR - HCV	3
HOUSING AUTHORITY SUPERVISOR - HSG	3
HOUSING AUTHORITY ANALYST - HCV	3

HOUSING AUTHORITY ANALYST - HSG	3
HOUSING FINANCE ANALYST - RANGE 1	2
HOUSING FINANCE ANALYST - RANGE 2	2
HOUSING FINANCE ANALYST - RANGE 3	2
HUMAN RESOURCES MANAGER	1
IMTS MANAGER	1
IT NETWORK/MIDRANGE SPECIALIST	4
MANAGEMENT ANALYST	1
PRINCIPAL CONSTRUCTION ARCHITECT	2
PRINCIPAL CONSTRUCTION TECHNICIAN	2
PRINCIPAL HOUSING AUTHORITY ANALYST - HCV	3
PRINCIPAL HOUSING AUTHORITY ANALYST - HSG	3
PRINCIPAL PROCUREMENT SERVICES ANALYST	1
PRINCIPAL REGULATORY COMPLIANCE ANALYST	2
PROCUREMENT SERVICES SUPERVISOR	2
PROGRAM MANAGER, COMMUNITY/SOCIAL SERVICES	1
PROGRAM MANAGER-PORTFOLIO MANAGEMENT	1
PROJECT MANAGER	1
PUBLIC INFORMATION OFFICER	1
REAL ESTATE MANAGER	1
REAL ESTATE MANAGER LEVEL 2	1
REAL ESTATE SPECIALIST	3
REDEVELOPMENT ANALYST RANGE 1	3
REDEVELOPMENT ANALYST RANGE 2	3
REDEVELOPMENT ANALYST RANGE 3	3
REDEVELOPMENT MANAGER	1
REDEVELOPMENT PLANNER - RANGE 1	2
REDEVELOPMENT PLANNER - RANGE 2	2
REDEVELOPMENT PLANNER - RANGE 3	2
REGULATORY COMPLIANCE ANALYST	2
RISK SERVICES MANAGER	1
SITE MANAGER	3
HOUSING AND REDEVELOPMENT COMMISSION	1
LOAN COMMITTEE MEMBERS	1
CONSULTANTS*	1
REDEVELOPMENT ADVISORY COMMITTEE MEMBERS	1

*CONSULTANTS

Definition: A "consultant" for purposes of this Code is a natural person: (1) who provides, under contract, information, advice, recommendation or counsel to a local government agency; and (2) whose consulting position entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. "Natural person" includes only the specific individual or individuals providing the consulting services, and does not include the corporate or other business entity which employs the individual.

Exclusions: The term: consultant excludes a person who: (1) conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the agency or any Agency official, other than normal contract monitoring; and (2) possesses no authority with respect to any Agency decision beyond the rendition of information, advice, recommendation or counsel. A person who provides consulting services, advice, information, recommendations or counsel on a regular basis, is not excluded. However, persons hired to produce a finished product or study, construct a project, represent the Agency in a piece of litigation, or conduct similar activities on an ad hoc basis are excluded.

Where a natural person is a "consultant" as defined above, such person is a designated employee under government code Section 82019 and is deemed to make or participate in the making of decisions which may foreseeably have a material effect on any financial interest.

Except as otherwise set forth in this Code, any reference hereto to "designated employee" shall include a natural person who is a consultant covered by this Code.

The Executive Director or designated representative, shall make the initial determination as to whether a person qualifies as a consultant under this code. In making such determination, the Executive Director or designated representative may consult with and rely upon the advice of the Agency's General Counsel.

The disclosure categories for a consultant who is subject to this Code shall be the broadest group of categories for the employees of the Agency, provided, however, that the Executive Director or designated representative may select a lesser group of categories where the circumstances so warrant.

The requirements of this code shall be included in the contract which is entered into between the Agency and the consultant.

DISCLOSURE CATEGORIES

Category 1:

- a. Interest in real property located within the City and County of Sacramento
- b. All income, loans and gifts, investments, positions and ownership interests in any business located in or doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency
- c. All sources of income, loans and gifts from individuals residing in the City or County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency

Category 2:

- a. Interest in real property located within the City and County of Sacramento
- b. Income, loans and gifts, investments, positions and ownership interest in any business with any entity administered by the Sacramento Housing and Redevelopment Agency and/or doing business which relates to the types of activities carried on by these entities (e.g., real property construction and management, material and supplies for real property maintenance and construction, general office supplies and services, consulting and services relating to all property development and management businesses located in or near Redevelopment Project Areas, Community Development Target Areas or Agency-owned housing developments)
- c. All sources of income, loans and gifts from individuals residing in the City or County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency

Category 3:

- a. Interest in any real property improved for residential purposes or zoned for residential use located within the City or County of Sacramento
- b. Income, loans and gifts, investments, positions and ownership interest in any business with any entity administered by the Sacramento Housing and Redevelopment Agency and/or doing business which relates to the types of activities carried on by these entities (e.g., real property construction and management, material and supplies for real property maintenance and construction, general office supplies and services, consulting and services relating to all property development and management businesses located in or near Redevelopment Project Areas, Community Development Target Areas or Agency-owned housing developments)

c. All sources of income, loans and gifts from individuals residing in the City or County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency

Category 4:

a. Income, loans and gifts, investments, positions and ownership interest in any business with any entity administered by the Sacramento Housing and Redevelopment Agency and/or doing business which relates to the types of activities carried on by these entities (e.g., real property construction and management, material and supplies for real property maintenance and construction, general office supplies and services, consulting and services relating to all property development and management businesses located in or near Redevelopment Project Areas, Community Development Target Areas or Agency-owned housing developments)

b. All sources of income, loans and gifts from individuals residing in the City of County of Sacramento, doing business in the City or County of Sacramento and/or doing business with any entity administered by the Sacramento Housing and Redevelopment Agency