CONFLICT OF INTEREST CODE
CITY OF SANTA CRUZ
(February 1989)

Table of Contents

Article I	Statutory Provisions
Article II	Provisions of Conflict of Interest Code
Section 1	Definitions
Section 2	Designated Employees
Section 3	Disclosure Categories
Section 4	Statement of Economic Interests: Place of Filing
Section 5	Statement of Economic Interest: Time of Filing
Section 6	Contents of and Period Covered by Statements of Economic Interests
Section 7	Manner of Reporting
Section 8	Disqualification
Section 9	Manner of Disqualification
Section 10	Assistance of the Commission and Council
Section 11	Violations
Appendix A	Schedule of Designated Positions and Their Disclosure Categories
Appendix B	General Provisions and List of Disclosure Categories

Conflict of Interest Code

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CONFLICT OF INTEREST CODE
FOR THE
CITY OF SANTA CRUZ
DEPARTMENTS AND ADVISORY BODIES

ARTICLE I . STATUTORY PROVISIONS

In compliance with the Political Reform Act of 1974, California Government Code Section 81000 et seq., and specifically with Section 87300 et seq., the City of Santa Cruz hereby adopts this Conflict of Interest Code which shall be applicable to all designated employees of the City. The requirements of this Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and are in addition to any other state or local laws pertaining to conflicts of interest.

ARTICLE II . PROVISION OF CONFLICT OF INTEREST CODE

Section 1. Definitions. The definitions contained in the Political Reform act of 1974, Regulations of the Fair Political Practices Commission (2 Cal.Admin.Code Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 2. Designated Employees. The persons holding positions listed in Appendix A are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories. This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this Code in that same capacity or if the geographical jurisdiction of this City is the same or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq.[1]

Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Appendix A specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he of she is assigned in Appendix A. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

[1] Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Govt. Code Section 81004.

Section 4. Statement of Economic Interests: Time of Filing. All designated employees required to submit a statement of economic interest shall file such statements with the City Clerk, who shall be the filing officer.[2]

Section 5. Statement of Economic Interests: Time of Filing.

(a) Initial Statements. All designated employees employed by the City on the effective date if this Code, as originally adopted, promulgated and approved by the City Council, shall file statements within thirty days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within thirty days after the effective date of the amendment.

(b) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file statements within thirty days after assuming the designated positions.

(c) Annual Statements. All designated employees shall file statements no later than April 1 of each year.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty days after leaving office.

Section 6. Contents of and Period Covered by Statements of Economic Interests.

(a) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code.

(b) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office.

(c) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(d) Contents of Leaving Office Statements. Leaving Office Statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing of the last statement filed and the date of leaving office.

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[2] See Govt. Code Section 81010 and 2 Cal.Admin.Code Section 18115 for the duties of filing officers and persons in agencies who make and return copies of Statements and forward the originals to the filing officer.

Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the City and shall contain the following information:

(a) Investment and Real Property Disclosure. When an investment or an interest in real property[3] is required to be reported[4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars ($2,000), ten thousand dollars ($10,000), exceeds one hundred thousand dollars ($100,000), or exceeds one million dollars ($1,000,000).

(b) Personal Income Disclosure. When personal income is required to be reported[5] the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars ($500) or more in value, or fifty ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars ($500), but did not exceed one thousand dollars ($1,000), whether it was greater than one thousand dollars ($1,000), whether it was greater than ten thousand dollars ($10,000) or whether it was greater than one hundred thousand dollars ($100,000). .

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift, the amount for value of the gift, and the date on which the gift was received.

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[3] For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

[4] Investments and interests in real property which have a joint market value of less than $1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

[5] Designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal governmental agency.

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(c) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported[6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity.

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) .

(d) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

(b) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within twelve months prior to the time when the decision is made.

[6] Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(e) Any donor of or any intermediary or agent for a donor of, a gift or gifts aggregating three hundred ninety dollars ($390) or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 9. Manner of disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a designated employee who is a board member or commissioner, determination and disclosure shall be made at the meeting during which consideration of the decision takes place and shall be made part of the official record of the board or commission; in the case of a designated employee which is the head of a department, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 10. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the city attorney provided that nothing in this section requires the city attorney to issue any formal or informal opinion.

Section 11. Violations. This Code has the force and effect of law. Designated employees violating any provision of this Code or subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

APPENDIX A

DESIGNATED POSITIONS	DISCLOSURE CATEGORY
ADMINISTRATION	
City Council	Govt.Code §87200 et seq.
City Manager	Govt.Code §87200 et seq.
Assistant City Manager	1, 2, 4, 5, 7, 8
Assistant to the City Manager	1, 2, 5, 6
CITY CLERK	
City Clerk Administrator	1, 5
Deputy City Clerk	1, 5
CITY ATTORNEY	
City Attorney	Govt.Code §87200 et seq.
Deputy City Attorneys	1, 2, 4, 5, 7, 8
FINANCE	
Director of Finance	Govt.Code §87200 et seq.
Assistant Director of Finance	1, 5
Accountant II	1, 5
Accountant I	1, 5
Purchasing Manager	1, 2, 7
Finance Manager	1, 2, 7
FIRE DEPARTMENT	
Chief of Fire	1, 2, 5, 7
Division Chiefs	1, 2, 3, 4
Fire Battalion Chief	1, 6
Fire Marshall	1, 2, 3, 4
Fire Inspector I & II	1, 2, 3, 4
ADMINISTRATIVE SERVICES	
Administrative Services Director	1, 5
Chief Human Resources Officer	1, 5
Principal Human Resources Analyst	1, 4, 5
Human Resources Analyst I/II	1, 6
Risk Manager	1, 8
Chief Technology Officer	1, 5, 6
Information Technology Manager/Training Coordinator	1, 5, 6
Network Manager	1, 5, 6
Information Technology Systems Manager	1, 5, 6
Information Technology Operations/Customer Svc. Mgr.	1, 5, 6

PARKS AND RECREATION DEPARTMENT

Director of Parks & Recreation	1, 2, 5, 7
Superintendent of Parks	1, 2, 5, 7
Recreation Superintendents	1, 2, 5, 7
Golf Course Superintendent	1, 6, 7
Auditorium Supervisor	1, 6
Urban Forester	1, 2, 4, 7

PLANNING & COMMUNITY DEVELOPMENT

Director of Planning & Community Development	1, 2, 4, 7
Assistant Director of Planning and Community Development	1, 2, 4, 7
Principal Planner	1, 2, 4, 7
Chief Building Official	1, 2, 3, 4, 5, 7
Deputy Chief Building Official	1, 2, 3, 4, 5, 7
Code Compliance Specialist	1, 2, 4
Associate Planner II	1, 2, 4, 7
Senior Planner	1, 2, 4, 7
Senior Building Inspector	1, 2, 3, 4, 5, 7
Building Inspector	1, 2, 3, 4, 5, 7
Senior Plans Examiner	1, 2, 3, 4, 5, 7
Green Building Environmental Specialist	1, 2, 3, 4, 5, 7
Management Professional & Technical Assistant	1, 2, 3, 4, 5, 7

POLICE

Chief of Police	1, 2, 5, 7
Deputy Chiefs	1, 2, 5, 7

PUBLIC WORKS

Director of Public Works	1, 2, 4, 5, 7
Asst. Director of Public Works/City Engineer	1, 2, 4, 5, 7
Traffic Engineer	1, 2, 5, 7
Public Works Operations Manager	1, 2, 5, 7, 8
Principal Management Analyst	1, 4, 5
Superintendent, Wastewater Treatment Plant	1, 2, 6, 7
Associate Civil Engineer (Design)	1, 2, 6, 8
Associate Civil Engineer (Sanitary)	1, 2, 6
Associate Civil Engineer	1, 2, 6, 8
Superintendent of Solid Waste	1, 2, 5, 7
Engineering Associate	1, 2, 6, 8
Parking Program Manager	1, 2, 4, 6, 7
Superintendent of Waste Disposal	1, 6
Superintendent of Facilities Maintenance	1, 2, 5, 6, 8
Wastewater Mains Supervisor	1, 4, 6, 7
Wastewater Lab/Pretreatment Manager	1, 4, 6, 7
Fleet Services Supervisor	1, 5, 6, 7

ECONOMIC DEVELOPMENT/SUCCESSOR AGENCY

Director of Economic Development	1, 2, 4, 5, 7
Successor Agency Executive Director	1, 2, 4, 5, 7
Project Manager	1, 2, 4, 5, 7
Project Coordinator	1, 2, 4, 7
Management Analyst	1, 2, 4, 7
Economic Development Coordinator	1, 2, 4, 7
Finance Manager	1, 2, 4, 7

WATER

Director of Water Department	1, 2, 5, 7
Deputy Water Director/Engineering Manager	1, 2, 5, 7
Deputy Water Director/Operations Manager	1, 2, 5, 7
Customer Service Manager	1, 2, 5, 7
Superintendent of Water Plant and Production	1, 2, 5, 7
Water Distribution Superintendent	1, 2, 5, 7
Water Quality Manager	1, 2, 5, 7
Principal Management Analyst	1, 4, 5, 7
Associate Civil Engineer	1, 2, 5, 7
Water Compliance Manager	1, 2, 5, 7
Water Conservation Manager	1, 2, 5, 7

COMMISSIONERS, COMMITTEE AND BOARD MEMBERS

Arts Commission	1, 2, 5 7
Board of Building Appeals	1, 2, 3, 4, 7
Commission for the Prevention of Violence against Women	1, 2, 5, 7
Downtown Commission	1, 2, 5, 7
Historic Preservation Commission	1, 3, 4, 5, 7
Parks and Recreation Commission	1, 2, 5
Planning Commission	Govt.Code §87200 et seq.
Transportation & Public Works Commission	1, 2, 5, 7
Water Commission	1, 2, 5, 7
Measure K Committee	1, 2, 5, 7

SPECIFIED CONSULTANTS

Those consultants likely to participate in the making of a governmental decision as determined by the City Manager in writing.	1, 2, 5, 7

APPENDIX B

CATEGORY/SCHEDULE IDENTIFICATION

Form 700 contains the following statement:

"It is important when completing this form to review your disclosure category, which can be obtained from your agency. In general, officials and employees with broad decision-making authority must disclose more interests than employees in positions with limited discretion. For example, you may be required to disclose only investments in or income from businesses of the type that contract with your agency, or you may not be required to disclose real property interest."

Category 1 All Income and Investments, the following Form 700 schedules should be completed as applicable to each designated employee:

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule B: Interests in Real Property

Schedule C: Income and Business Positions

Schedule D: Income - Loans

Schedule E: Income - Gifts

Schedule F: Income - Travel Payments, Advances, Reimbursements

Category 2 All Interests in Real Property, the following Form 700 schedules should be completed to the extent applicable to a designated employee:

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule B: Interests in Real Property

Category 3 All Investments, Interests in Real Property, Positions in Business Entities, and Sources of Income Which Are Subject to the Regulatory, Permit or Licensing Authority of the Designated Employees' Department, the following Form 700 schedules may be applicable (if the source is subject to the regulatory permit or licensing authority of the designated employee's department).

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule B: Interests In Real Property

Schedule C: Income and Business Positions

Schedule D: Income - Loans

Schedule E: Income - Gifts

Schedule F: Income - Travel Payments, Advances, Reimbursements

Category 4 Investments and Positions in Business Entities, and Sources of Income, which Engage in Land Development, Construction or the Acquisition or Sale of Real Property, the following schedules may be applicable (to the extent land development, construction or the acquisition/sale of real property is involved).

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule B: Interests In Real Property

Schedule C: Income and Business Positions

Schedule D: Income - Loans

Schedule E: Income - Gifts

Schedule F: Income - Travel Payments, Advances, Reimbursements

Category 5 Investments and Positions Held in Business Entities, and Sources of Income Which Provide Services, Supplies, Materials, Machinery or Equipment of the Type Utilized in the City of Santa Cruz, the following Form 700 schedules may be applicable (if the source of income, business position or investment involves provision of services, supplies, materials, machinery or equipment of the type utilized by the City of Santa Cruz):

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule B: Interests In Real Property

Schedule C: Income and Business Positions

Schedule D: Income - Loans

Schedule E: Income - Gifts

Schedule F: Income - Travel Payments, Advances, Reimbursements

Category 6 Investments and Positions in Business Entities and Sources of Income Which Provide Services, Supplies, Materials, Machinery or Equipment of the Type Utilized by the Designated Employees, Department or Division, the following schedules may be applicable (if the investments, business position or source of income involves provision of services, supplies, materials, machinery or equipment of the type utilized by the designated employee's department or division).

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule B: Interests In Real Property

Schedule C: Income and Business Positions

Schedule D: Income - Loans

Schedule E: Income - Gifts

Schedule F: Income - Travel Payments, Advances, Reimbursements

Category 7 All Investments and Positions Held in Business Entities, the following schedules should be completed, as specified by Form 700:

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule C: Income and Business Positions

Category 8 Investments and Positions Held in Business Entities or Investments with Natural Persons that have Contractual Obligations or Privileges with the City of Santa Cruz, the following Form 700 schedules may be applicable:

Schedule A-1: Investments - Less than 10% Interest

Schedule A-2: Investments - More than 10% Interest

Schedule C: Income and Business Positions

Category 9 All Interests in Real Property Located Within Two Miles of any Library Facility or Within Two Miles of the Site Acquired for a Library Facility, the following schedules should be completed (to the extent that the real property is located within two miles of a library facility or a site acquired for a library facility):

Schedule B: Interests in Real Property