

Resolution No. 9937

Resolution of the Council of the City of Palo Alto Amending the Conflict of Interest Code for Designated City Officers and Employees as Required by the Political Reform Act and Regulations of the Fair Political Practices Commission and Repealing Resolution No. 9800

RECITALS

A. 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 making governmental decisions which have a reasonably foreseeable material effect on an economic interest.

B. The Political Reform Act also 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 specific 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.

C. Consistent with Chapter 2.09 of the Palo Alto Municipal Code and the biennial schedule established by the Fair Political Practices Commission for amending local conflict of interest codes, the City reviews and amends its local conflict of interest code by resolution every two years.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. Resolution No. 9800 is hereby repealed.

SECTION 2. The Conflict of Interest Code for the City of Palo Alto is hereby amended to read as follows:

**CONFLICT OF INTEREST CODE FOR THE
CITY OF PALO ALTO**

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 (FPPC) has adopted a regulation (2 Cal. Code of Regs. section 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing the regulation 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. FPPC Regulation 18730 and Appendices A, B, and C, attached to this resolution and a part of it, designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the City of Palo Alto.

Designated employees shall file statements of economic interests with the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code, § 81008.) Statements for all designated employees will be retained by the City Clerk.

SECTION 3. The Conflict of Interest Code for the City of Palo Alto will be effective thirty (30) days from the date the City Council approves this resolution.

SECTION 4. The City Council finds that there is no possibility that this resolution will have a significant effect on the environment and upon that basis determines that this resolution is exempt from the California Environmental Quality Act.

INTRODUCED AND PASSED: January 11, 2021

AYES: BURT, CORMACK, DUBOIS, FILSETH, KOU, STONE, TANAKA

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

DocuSigned by:
Beth Minor
27523117DA804D7...
City Clerk

DocuSigned by:
T. Dubois
DD53585CA6CB4E9...
Mayor

APPROVED AS TO FORM:

DocuSigned by:
Albert Yang
15B6C45220134DC...
City Attorney or designee

APPROVED:

DocuSigned by:
Ed Shikada
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City Manager

APPENDIX A DESIGNATED POSITIONS

Title Assigned Disclosure Category

ADMINISTRATIVE SERVICES DEPARTMENT

Finance Division

Accountant	4
Assistant Director, Administrative Services	1
Chief Financial Officer / Director, Administrative Services	G.C. 87200
Chief Procurement Officer	3
Contracts Administrator	3
Manager, Finance	1
Manager Revenue Collections	1
Manager, Treasury, Debt and Investment	1
Principal Business Analyst	4
Principal Management Analyst	4
Senior Accountant	4
Senior Business Analyst	4
Senior Buyer	4
Senior Management Analyst	4
Warehouse Supervisor	5

Real Estate Division

Manager, Real Property	4
Senior Management Analyst	4

Office of Management and Budget

Director, Office of Management and Budget	1
Management Analyst	4
Manager, Budget	4
Principal Management Analyst	4
Senior Management Analyst	4
Senior Management Analyst (Senior Principal Analyst)	4

APPOINTED/ELECTED OFFICIALS

Architectural Review Board	1
City Council	G.C. 87200
Emergency Standby Council Member	1
Historic Resources Board	1
Human Relations Commission	1
Parks and Recreation Commission	1
Planning and Transportation Commission	G.C. 87200
Public Art Commission	1
Utilities Advisory Commission	1

Title Assigned Disclosure Category

CITY ATTORNEY

Assistant City Attorney	1
Chief Assistant City Attorney	1
City Attorney	G.C. 87200
Claims Investigator	3
Deputy City Attorney	1
Legal Fellow	1
Management Specialist (Attorney)	1
Secretary to City Attorney	4
Senior Legal Secretary	1
Senior Management Analyst	1

CITY AUDITOR

City Auditor	1
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CITY CLERK

Assistant City Clerk	3
City Clerk	1
Deputy City Clerk	3

CITY MANAGER

Assistant City Manager	1
Assistant to the City Manager	1
Chief Communications Officer	1
City Manager	G.C. 87200
Deputy City Manager	1
Executive Assistant to the City Manager	3
Manager, Communications	4

COMMUNITY SERVICES

Administrative Assistant	3
Assistant Director Community Services	1
Director Community Services	1
Management Analyst	3
Senior Management Analyst	3

Arts & Sciences Division

Manager, Community Services Sr. Program (Senior Community Services Manager)	5
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Title	Assigned Disclosure Category
Producer Arts/Science Programs (Arts Producer)	5
<u>Recreation Division</u>	
Coor Rec Prog (Coordinator, Recreation Programs)	5
Manager Community Services	5
Manager Community Services Senior Program	5
Superintendent Community Services	5
<u>Open Space, Parks and Golf Division</u>	
Division Manager Open Space Parks & Golf	6
Manager Community Services	5
Superintendent Community Services	<u>5FIRE DEPARTMENT</u>
Battalion Chief	6
Deputy Chief/Fire Marshal	1
Deputy Fire Chief	1
Emergency Medical Services Data Specialist	7
Emergency Medical Services (EMS) Director	1
Fire Captain	6
Fire Chief	1
Geographic Information System Specialist	9
<u>HUMAN RESOURCES</u>	
Assistant Director, Human Resources	1
Director, Human Resources	1
Manager, Employee Benefits	3
Manager, Employee Relations	3
Senior Human Resources Administrator	3
Senior Management Analyst	3
<u>INFORMATION TECHNOLOGY DEPARTMENT</u>	
Director, Information Technology/Chief Information Officer	1
Manager Information Technology Security	2
Manager Information Technology	2
Senior Management Analyst	3
Senior Technologist	9
Technologist	9
<u>LIBRARY DEPARTMENT</u>	
Assistant Director, Libraries Services	3
Director, Libraries	1

Title	Assigned Disclosure Category
Division Head Library Services (Information Technology & Collections)	3
Management Analyst	5
Manager Library Services	5

OFFICE OF EMERGENCY SERVICES

Director of Emergency Services (OES)	1
Office of Emergency Services (OES) Coordinator	1

PLANNING & DEVELOPMENT SERVICES

Administrative Assistant	4
Assistant Chief Building Official	4
Assistant Director, Planning and Community Environment	1
Associate Planner	4
Building Inspector Specialist	
.....	4
Chief Building Official	
.....	1
Chief Planning Official	1
Development Project Coordinator II/III (Project Coordinator)	4
Development Services Director	1
Division Manager, Planning	1
Code Enforcement Officer	4
Code Enforcement Officer Lead	4
Director, Planning and Community Environment	1
Management Analyst	4
Manager Development Center	
.....	1
Manager Planning	4
Planner	4
Principal Planner	4
Senior Business Analyst	
.....	4
Senior Management Analyst	4
Senior Planner	4

OFFICE OF TRANSPORTATION

Administrative Assistant	4
Associate Planner	
.....	4
Chief Transportation Official	
.....	1

Title	Assigned Disclosure Category
Assistant Director Public Works	1
Assistant Fleet Manager	5
Coordinator Public Works Projects	3
Fleet Manager	5
Management Analyst	3
Manager Facilities	5
Manager Maintenance Operations	5
Manager Urban Forester	5
Project Manager	5
Project Manager (Urban Forester)	5
 <u>Environmental Services Division</u>	
Assistant Director Public Works	1
Assistant Manager Water Quality Control Plant	3
Coordinator Public Works Projects	5
Management Analyst	3
Manager Environmental Control Program	4
Manager Laboratory Services	5
Manager Solid Waste	4
Manager Water Quality Control Plant	4
Manager Watershed Protection	4
Project Manager	4
Senior Engineer	4
 <u>UTILITIES DEPARTMENT</u>	
 <u>Administration</u>	
Director	1
of	
Utilities	
.....	1
Manager Communications	5
Principal Business Analyst - U	4
Senior Business Analyst - U	4
Senior Resource Planner	3
Utilities Chief Operating Officer	1
Utilities Compliance Manager	5
Utilities Strategic Business Manager	1
 <u>Customer Support Services Division</u>	
Assistant Director Utilities Customer Support Services	1
Manager Customer Service	1
Manager, Utilities Credit, & Collections	1
 <u>Resource Management Division</u>	
Asst Dir Ut/Res Mgmt (Assistant Director, Resource Management)	1

Title	Assigned Disclosure Category
Manager Utilities Program Services	4
Senior Resource Planner	3
<u>Engineering Division</u>	
Assistant Director Utilities Engineering	1
Engineering Manager Electric	4
Engineering Manager Water-Gas-Wastewater	4
Mgr Util Telecomm (Manager, Utilities Telecommunications)	1
Senior Electrical Engineer	4
Senior Engineer – U (Senior Project Engineer)	4
Supervising Electric Project Engineer (Electric Supervisor Project Engineer)	4
<u>Operations Division</u>	
Assistant Director Utilities Operations	1
Manager Electric Operations	4
Manager Utilities Operations W-G-W	4
Utility Safety Officer	4
Utilities Supervisor	4

OTHER REPORTING REQUIREMENTS

Newly created positions between conflict code amendments 1-9, As applicable, the City Clerk to work with Department to complete FPPC Form 804 at the time a new position is created.

Consultants (Defined in FPPC Regulation 18701(a)(2)) 1-9, As applicable¹, the City Clerk to work with Department to complete FPPC form 805 at the time a consultant is hired.

Members of Task Forces, Special Committees and Similar Advisory Bodies Created by the City Council 1, As applicable²

¹ Pursuant to Palo Alto Municipal Code section [2.09.060](#), the City Manager or his or her designee may determine in writing that a particular consultant, although 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. Any such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements, if any. The City Manager or his or her designee may also determine whether a particular contract consultant constitutes a "consultant" as the term is defined in the Political Reform Act and regulations promulgated there under or whether the contract consultant is a registered professional engineer or licensed land surveyor exempted from the conflict of interest provisions under Government Code Section 87100.1. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

Title

Assigned Disclosure Category

² The City Attorney and City Clerk shall coordinate to determine whether a newly created body provides that committees, boards, or commissions possesses decision making authority pursuant to Fair Political Practices Regulation [18701](#) and make a recommendation to the Council on whether the body should be subject to the disclosure requirements. Factors to be considered include but are not limited to whether the body will perform a role that compels or prevents a governmental decision, or make substantive recommendations that may be regularly approved without significant modification by another public official or governmental agency over an extended period of time.

APPENDIX B

DISCLOSURE CATEGORIES AND DEFINITIONS

CATEGORIES

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)

7. DIVISION- 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 division in which that person is employed.

What Form 700 schedules? A, C, D, E

8. DIVISION-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 division in which that person is employed and all interests in real property.

What Form 700 schedules? All Schedules (A through E)

9. CITY-RELATED COMPUTER HARDWARE & SOFTWARE

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 relating to computer hardware or software of the type utilized by the City.

What Form 700 schedules? A, C, D, E

DEFINITIONS (summary from California Government Code *as of 8/21/2018*)

For the purposes of these disclosure categories, the definitions and regulations contained in the Political Reform Act apply, including but not limited to:

“Business entity” means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association ([Gov. Code 82005](#)). A position in a business entity includes a position as “a director, officer, partner, trustee, employee, or holds any position of management” ([Gov. Code 87103\(d\)](#)).

“Income” means a payment received, including but not limited to any salary or wage received by the filer ([Gov. Code 82030](#)). However, income does not need to be disclosed if the source is a state, local, or federal government agency ([Gov. Code 82030\(b\)\(2\)](#)).

“Interests in real property” means leasehold or ownership interests or options worth \$2,000 or more within two miles of the jurisdictional boundaries of the City of Palo Alto ([Gov. Code 82033](#)). However, a real estate interest does not need to be disclosed if it is used solely as your primary residence ([Gov. Code 87206\(f\)](#)).

“Investment” means any financial interest in or security issued by a business entity owned directly, indirectly, or beneficially by filer, or his or her immediate family. An asset shall not be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000) ([Gov. Code 82034](#)).

APPENDIX C RESOURCES

FAIR POLITICAL PRACTICES COMMISSION

Statements of Economic Interests - Form 700 webpage

<http://www.fppc.ca.gov/Form700.html>

Includes the latest:

Reference Pamphlet (Explains Reporting Requirements)
Form 700 Disclosure FAQs

Informal Advice

<http://www.fppc.ca.gov/advice/get-advice.html>

- advice@fppc.ca.gov or;
- 866-275-3772 | Monday through Thursday from 9:00 a.m. to 11:30 a.m.

Formal Advice

<http://www.fppc.ca.gov/advice/formal-advice.html>

OFFICE OF THE CITY CLERK

- File Form 700 electronically at <https://netfile.com/Filer/>
- Questions about accessing the NetFile electronic filing system?
Contact the City Clerk's Office: (650) 329-2571
- View previously filed Form 700's at <http://public.netfile.com/pub/?aid=CPA>

Certificate Of Completion

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Danielle Kang

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Location: DocuSign

Signer Events

Signature

Timestamp

Albert Yang

Albert.Yang@CityofPaloAlto.org

Assistant City Attorney

City of Palo Alto

Security Level: Email, Account Authentication
(None)

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Ed Shikada

Ed.Shikada@CityofPaloAlto.org

Ed Shikada, City Manager

City of Palo Alto

Security Level: Email, Account Authentication
(None)

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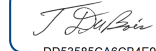
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Tom DuBois

tomforcouncil@gmail.com

Security Level: Email, Account Authentication
(None)

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Beth Minor

beth.minor@cityofpaloalto.org

City Clerk

City of Palo Alto

Security Level: Email, Account Authentication
(None)

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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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