



CITY OF SACRAMENTO

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June 18, 1980

MEMORANDUM

TO: SACRAMENTO CITY COUNCIL

FROM: THEODORE H. KOBAY, JR., Assistant City Attorney

RE: CONFLICT OF INTEREST CODE FOR DEPARTMENT OF COMMUNITY SERVICES
MEMBERS IN SESSION:

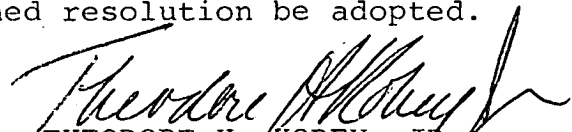
SUMMARY

The attached resolution adopts the Conflict of Interest Code for the Department of Community Services.

This is in the nature of a clerical type change in order to provide one Code for the entire department, instead of separate Codes for Recreation and Parks, the Crocker Art Museum, Museum and History Department and the Metropolitan Arts Commission. The designated employees and disclosure categories remain the same except that the Director and the Assistant Director are required to disclose under all disclosure categories.

RECOMMENDATION

It is recommended that the attached resolution be adopted.


THEODORE H. KOBAY, JR.
Assistant City Attorney

THK:kn
Attachment
RECOMMENDATION APPROVED:


CITY MANAGER

APPROVED
BY THE CITY COUNCIL

JUN 24 1980

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 80-393

Adopted by The Sacramento City Council on date of

RESOLUTION AMENDING RESOLUTION NO. 79-414
PERTAINING TO CONFLICTS OF INTEREST
FOR THE DEPARTMENT OF COMMUNITY SERVICES

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

The Conflict of Interest Code for the Department of Community Services hereby is adopted to read as set forth on Exhibit 1 attached hereto.

SECTION 2. Intent in Adoption.

The Council's intent in adopting this Conflict of Interest Code for the Department of Community Services is solely to provide for the consolidation of the Museum and History Department, the Crocker Art Gallery and the Metropolitan Arts Department with the Department of Recreation and Parks under the name of the Department of Community Services.

SECTION 3. Effective Date, Filing Requirements.

The effective date of the Conflict of Interest Code for the Department of Community Services shall be thirty (30) days after approval by the City Council; provided, however, that no designated employee shall be required to file any initial disclosure statement unless his or her disclosure requirements are changed as a result of the adoption of this Code from the disclosure requirements under the Conflict of Interest Codes for the Departments of Recreation and Parks, Museum and History, Metropolitan Arts, and the Crocker Art Gallery.

MAYOR

ATTEST:

APPROVED
BY THE CITY COUNCIL

JUN 24 1980

CITY CLERK

OFFICE OF THE
CITY CLERK

CONFLICT OF INTEREST CODE FOR

CITY OF SACRAMENTO

DEPARTMENT OF _____

Section 100. Introduction. This Code is prepared in compliance with the Political Reform Act of 1974 as amended (commencing with Government Code Section 81000) and regulations adopted pursuant thereto by the Fair Political Practices Commission. The provisions of this Code are in addition to Government Code Section 87100 and other laws pertaining to conflict of interest.

Section 200. Designated Positions. The positions listed in Exhibit "A", attached hereto and incorporated herein by reference, are designated positions. Persons holding these positions are designated employees as defined in Government Code Section 82019 and are deemed to make or participate in the making of decisions which may foreseeably have a material effect on a financial interest.

Section 300. Disclosure Statements. A designated employee shall be assigned to one or more of the disclosure categories set forth in Exhibit "B", attached hereto and incorporated herein by reference. Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income designated as reportable under the category to which the employee's position is assigned in Exhibit "B".

Section 400. Place and Time of Filing.

(a) All designated employees required to submit a statement of economic interests shall file the original with the City Clerk of the City of Sacramento and a copy of such statement with the Secretary of the Board of which the person is a member.

(b) A designated employee required to submit a statement of economic interests shall submit an initial statement within thirty (30) days after the effective date of this Code.

(c) All designated employees appointed to designated positions shall file initial statements not more than ten (10) days after assuming office.

(d) Annual statements shall be filed by all designated employees during the month of April, disclosing reportable investments in business entities, interests in real property, and income held or received in the period since the closing date of the employee's previously filed statement and December 31.

(e) Each person who leaves a designated position specified in Exhibit "A" shall file a leaving office statement within thirty (30) days after leaving.

Section 500. Contents of Disclosure Statements.

(a) Disclosure statements shall be made on forms supplied by the City Clerk and shall contain the following information:

(1) Contents of Investment Reports:

When an investment is required to be reported, the statement shall contain:

(A) A statement of the nature of the investment;

(B) 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;

(C) In the case of an investment which constitutes fifty percent or more of an ownership interest in the business entity, disclosure of the investments of the business entity;

(D) A statement whether the fair market value of the investment exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000)

(2) Contents of Real Property Reports:

When an interest in real property is required to be reported, the statement shall contain:

(A) A statement of the nature of the interest in and the address of other precise location of the real property;

(B) In the case of an investment in a business entity which must be disclosed constitutes fifty percent or more of an ownership interest in the business entity,

interests of the business entity in real property.

(C) A statement whether the fair market value of the interest in real property exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000).

The principal place of residence of the designated employee need not be disclosed or reported, provided such real property is used exclusively as a principal place of residence.

(3) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

(A) The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(B) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);

(C) A description of the consideration, if any, for which the income was received; and,

(D) In the case of a gift, the name and address of the donor and the amount and the date on which the gift was received.

(4) Contents of Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship is required to be reported, the statement shall contain:

(A) The name, address, and a general description of the business activity of the business entity;

(B) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);

(C) In the case of a business entity not covered by paragraph (B), 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) during a calendar year.

(5) Contents of Management Position Reports:

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management.

(b) Contents of Initial Statement:

The initial statement filed by an employee appointed to a designated position shall disclose any reportable management positions, investments and interests in real property.

(c) Contents of Annual Statements:

The annual statement filed by a designated employee shall disclose any reportable management positions, investments, interests in real property, and income during the period since the previous statement was filed.

(d) Contents of Leaving Office Statements:

The leaving office statement filed by designated employees shall disclose reportable management positions, investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered

by the statement, whether or not they are still held at the time of filing.

(e) Acquisition or Disposal During Reporting Period:

In the case of a statement filed under Sections 500(c) and (d), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

Section 600. Disqualification. Any designated employee must disqualify himself or herself from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any financial interest, as defined in Government Code Section 87103. 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.

Section 700. Manner of Disqualification. A designated employee required to disqualify himself or herself shall give notice of disqualification to the City Clerk, to his or her immediate supervisor and to his or her division head or department head, if there is no division head. Such notice shall be in writing and shall be made part of the official records of the City Clerk. A designated employee shall then refrain from participation and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

Section 800. Opinions of City Attorney. Upon request, any designated employee who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the City Attorney. If an opinion is rendered by the City Attorney stating in full the facts and the law upon which the opinion is based, compliance by the designated employee may be evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act of 1974 or this Code. The designated employee's good faith compliance with the opinion of the City Attorney shall also act as a complete defense to any disciplinary action that the City may bring under Government Code § 91003.5 or this Code.

Section 900. Definition of Terms. Except as otherwise provided, the definitions contained in the Political Reform Act of 1974 (Government Code § 81000 et seq.), the regulations of the Fair Political Practices Commission and any amendments to the Act or regulations, shall be incorporated into this Conflict of Interest Code.

Section 1000. Effective Date of Code. This Conflict of Interest Code shall become effective thirty (30) days after approval by the City Council.

EXHIBIT A - DESIGNATED EMPLOYEES

<u>Designated Employee</u>	<u>Disclosure Category</u>
<u>Department Administration</u>	
Director of Community Services	1-25 inclusive
Assistant Director of Community Services	1-6, 8-25 inclusive
Administrative Assistant II	8, 9
<u>Recreation Division</u>	
Recreation Superintendent	2, 9
Recreation General Supervisor	2, 9
<u>Parks Division</u>	
Parks Superintendent	3, 8, 9
Assistant Parks Superintendent	3, 8, 9
Landscape Architect	2, 3, 4, 5, 9
<u>Golf Division</u>	
Golf Superintendent	4, 9
<u>Zoo Division</u>	
Zoo Superintendent	5, 9
<u>Museum and History Division</u>	
Executive Director	10-14 inclusive; 19-22 inclusive
Curator of History	10-14 inclusive; 19-22 inclusive
Historian-Architecture and Preservation	15-18 inclusive; 19-22 inclusive
Registrar	19-22 inclusive
<u>Crocker Art Museum Division</u>	
Director	23, 24
Curator of Art	23, 24
Curator of Education	23, 24
Registrar/Assistant Curator	23, 24
<u>Metropolitan Arts Division</u>	
Executive Director	25

EXHIBIT B

DISCLOSURE CATEGORIES

Category 1.

Interest in real property.

Category 2.

(a) Investments in any business entity of the type which, at the time relevant to when a disclosure statement must be filed under this Code, is contracting or within the past two years has contracted with the City of Sacramento to provide to the Recreation Division the following:

(1) Sporting goods and recreational supplies, materials and equipment;

(2) Supplies, materials and equipment used in the construction and maintenance of facilities and structures by the Recreation Division;

(3) Construction and engineering work and services of the type utilized by the Recreation Division; and,

(4) Consulting services of the type utilized by the Recreation Division.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a) above; and,

(2) Any person with an ownership interest in a business entity designated in subdivision (a) or who is employed by such a business entity.

Category 3.

(a) Investments in any business entity of the type which, at the time relevant to when a disclosure statement must be filed under this Code, is contracting or within the past two years has contracted with the City of Sacramento to provide to the Parks Division the following:

(1) Construction and engineering work and services of the type utilized by the Parks Division;

(2) Landscape and tree maintenance service of the type utilized by the Parks Division;

(3) Architectural and landscape architectural services;

(4) Materials, supplies, equipment and machinery used in construction, installation or maintenance of landscaping, grounds, facilities or structures by the Parks Division.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a) above; and,

(2) Any person with an ownership interest in a business entity designated in subdivision (a) or who is employed by such a business entity.

Category 4.

(a) Investments in any business entity of the type which, at the time relevant to when a disclosure statement must be filed under this Code, is contracting or within the past two years has contracted with the City of Sacramento to provide to the Golf Division the following:

(1) Landscaping and tree maintenance services of the type utilized by the Golf Division;

(2) Materials, supplies, equipment and machinery used by the Golf Division in the maintenance of golf courses;

(3) Construction and engineering work and services of the type utilized by the Golf Division;

(4) Landscape, architectural and other consulting services of the type utilized by the Golf Division; and,

(5) Business entities engaged in any concession at any City golf course.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a) above; and,

(2) Any person with an ownership interest in a business entity designated in subdivision (a) or who is employed by such a business entity.

Category 5.

(a) Investments in any business entity of the type which, at the time relevant to when a disclosure statement must be filed under this Code, is contracting or within the past two years has contracted with the City of Sacramento to provide to the Zoo Division the following:

(1) Services, supplies, materials, machinery and equipment used in the care of animals and maintenance of Zoo grounds and facilities;

(2) Business entities engaged in the selling of animals;
and,

(3) Consulting services of the type utilized by the Zoo
Division.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a)
above; and,

(2) Any person with an ownership interest in a business
entity designated in subdivision (a) or any person employed by such
a business entity.

Category 6.

(a) Investments in business entities engaged in any of the
following businesses or professions:

- (1) Real estate sales, leasing or rentals;
- (2) Architecture, landscape architecture, civil engineering;
- (3) Environmental planning or consulting; and,
- (4) Real estate investment or development.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a)
above; and,

(2) Any person with an ownership interest in a business
entity designated in subdivision (a) or who is employed by such
a business entity.

Category 7.

(a) Investments in any business entity which manufactures, sells
or leases data processing hardware or software.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a) above; and,

(2) Any person with an ownership interest in any business entity designated in subdivision (a) or who is employed by such a business entity.

Category 8.

(a) Investments in any business entity of the type which, at the time relevant to when a disclosure statement must be filed under this Code, is contracting or within the past two years has contracted with the City of Sacramento to provide concessionaire services within any City park.

(b) Any source of income, including gifts, from:

(1) Any business entity designated in subdivision (a) above; and,

(2) Any person with an ownership interest in any business entity designated in subdivision (a) or who is employed by such a business entity.

Category 9.

Any designated employee in this category shall disclose his or her status as a director, officer, partner, trustee, employee or any position of management held in any business entity, an investment in which or source of income from which is required to be disclosed under the provisions of this code by such designated employee.

Category 10.

Any interest in real property located within the Old City and preservation areas as defined and provided for in Chapter 32 of the City Code or located within 600 feet from the boundary of

the Old City or said preservation areas.

Category 11.

Any investment in a business entity which is located within the Old City or a preservation area.

Category 12.

Any investment in architectural, engineering, real estate, construction, demolition or building material supply firms or financial institutions of the type which are doing business, or have done business within two years prior to the time any statement must be filed under this Code, within the Old City or a preservation area.

Category 13.

Sources of income, including gifts, from:

- (a) Any business entity within the Old City or a preservation area or any business entity specified in Category 12 above; and,
- (b) Any person with an ownership interest in a business entity referred to in subparagraph (a) above or who is employed by such a business entity.

Category 14.

Any business entity listed in categories 11 or 12 in which the member is a director, officer, partner, trustee, employee or holds a position of management.

Category 15.

Any interest in real property located within Old Sacramento as defined in Section 2.73-1 of the City Code.

Category 16.

Any investment in a business entity which is located within Old Sacramento.

Category 17.

Any investment in architectural, engineering, real estate, construction, demolition or building supply firms or financial institutions which are doing business, or have done business within Old Sacramento at any time during the two years prior to the time any statement is required to be filed under this Code.

Category 18.

Sources of income, including gifts, from:

(a) Any business entity, an investment in which is required to be disclosed under categories 16 and 17 above; and,

(b) Any person with an ownership interest in a business entity referred to in subparagraph (a) above or who is employed by such a business entity.

Category 19.

(a) Investments in business entities of the type which, at the time relevant to when a disclosure statement must be filed under this Code is contracting or within the past two years has contracted to provide paintings, documents or other writings of historical significance.

(b) Any source of income, including gifts, from:

(1) Any business entity, an investment in which is required to be disclosed under subdivision (a) above; and,

(2) Any person with an ownership interest in a business entity referred to in subdivision (a) above or who is employed by such a business entity.

Category 20.

(a) Investments in business entities of the type which at the time relevant to when any statement must be filed under this Code is contracting or within the past two years has contracted to provide consulting services to the Museum and History Division.

(b) Any source of income, including gifts, from:

(1) Any business entity an investment in which is required to be disclosed under subdivision (a) above; and,

(2) Any person with an ownership interest in a business entity referred to in subdivision (a) above or who is employed by such a business entity.

Category 21.

(a) Investments in business entities of the type which, at the time relevant to when any statement is required to be filed under this Code is contracting or within the past two years has contracted to provide to the Museum and History Division.

(1) Services, supplies, or materials used in the conservation or preservation of paintings, documents or other objects of historical significance; and,

(2) Cabinets, shelving, cases and similar objects used in the storage or display of the Museum's historically significant objects.

(b) Any source of income, including gifts, from:

(1) Any business entity an investment in which is required to be disclosed under subdivision (a) above; and,

(2) Any person with an ownership interest in a business entity referred to in subdivision (a) above or who is employed by

such a business entity.

Category 22.

A designated employee in this category shall disclose his or her status as a director, officer, partner, trustee, employee or any position of management held in any business entity an investment in which he or she is required to disclose under categories 10-21 inclusive.

Category 23.

(a) Investments in any business entity of the type which, at the time relevant to when a disclosure statement must be filed under this Code, is providing or within the past two years has provided works of art, art supplies, materials or services to the Crocker Art Gallery.

(b) Any source of income, including gifts, from:

- (1) A business entity described in subdivision (a) above;
- (2) Any person with an ownership interest in a business entity described in subdivision (a) above or who is employed by such a business entity; and,
- (3) Any person who sells works of art not otherwise included in subdivision (a) above.

Category 24.

A designated employee in this category shall disclose his or her status as a director, officer, partner, trustee, employee or any position of management held in any business entity an investment in which or source of income from which he or she is required to disclose under Category 23.

Category 25.

Sources of income, including gifts from artists in the

visual, performing or literary art fields which are doing business within the City of Sacramento, are planning to do business within the City or have done business within the City during the two years prior to the time any statement is required to be filed under this Code.