

CITY OF OAKLAND



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October 21, 2003

Honorable President Ignacio De La Fuente
and Members of the City Council
City Hall
Oakland, California

FILED
CITY CLERK
OFFICE OF THE CITY CLERK
OAKLAND
2003 OCT -8 PM 1:25

Honorable President De La Fuente and Members of the City Council:

Subject: Ordinance to Amend the City of Oakland's Conflict of Interest Code (Ordinance No. 11562 C.M.S., as amended, Oakland Municipal Code, Chapter 3.16)

The City Council is the Code Reviewing Body for the City of Oakland's Conflict of Interest Code pursuant to the Political Reform Act, Government Code Section 87306.5. Additionally, the City Council is required to conduct a comprehensive bi-annual review of the code and make revisions if needed. That review took place in December 2002 and the City Council adopted an updated code. The attached ordinance is intended to address employee positions changes that have **occurred** since the last updated.

The Office of the City Auditor and the Public Works Agency have notified the City Clerk and City Attorney that amendments to the code are required because of employee position changes. The City Attorney's Office reviewed the code and determined that the requested changes are necessary.

Attached for your review and consideration is an ordinance that amends the Conflict of Interest Code and Appendices for the Office of the City Auditor and the Public Works Agency.

This office recommends that you adopt the attached ordinance.

Respectfully submitted,

JOHN A. RUSSO
City Attorney

MM:ma

Attachment

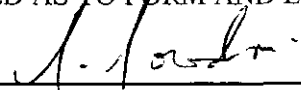
Attorney Assigned:
Mark Morodomi, Deputy City Attorney

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ORA/COUNCIL
OCT 21 2003

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND



CITY ATTORNEY

2003 OCT -9 PM 3: 27

ORDINANCE No. _____ C.M.S.

**AN ORDINANCE AMENDING ORDINANCE NUMBER 11562 C.M.S.
ADOPTED MARCH 23,1993, AS AMENDED, OAKLAND MUNICIPAL CODE
CHAPTER 3.16, ENACTING A CONFLICT OF INTEREST CODE
FOR CITY OF OAKLAND EMPLOYEES, MEMBERS OF BOARDS
AND COMMISSIONS, AND CONSULTANT POSITIONS**

WHEREAS, pursuant to the State of California Political Reform Act, the City of Oakland enacted Ordinance Number 11562 C.M.S. on March 23, 1993, enacting a conflict of interest code for City of Oakland employees, members of boards and commissions, and consultant positions;

WHEREAS, The Political Reform Act requires a code reviewing body to amend its conflict of interest code when employee positions are changed, added or deleted; and

WHEREAS, the following additional information has been submitted to the City Clerk and City Attorney since the December 17,2002, amendments; now therefore

Be it ordained that:

Section 1:


Appendix A (Designated Positions) is amended to read as follows:

1. City Auditor

Delete: Volunteer Coordinator, Disclosure Category 1.

2. Public Works Agency

Add: Environmental Services Manager, Environmental Programs Specialist, Recycling Specialist, Solid Waste Recycling Supervisor and Watershed Program Supervisor, Disclosure Category, - I


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The revisions to **Appendix A** are attached and designated as revised Tuesday,
_____,2003.

CITY COUNCIL, OAKLAND, CALIFORNIA. _____,2003

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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ORA/COUNCIL
OCT 21 2003

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

APPENDIX A FOR CHAPTER 3.16

**City of Oakland
CONFLICT OF INTEREST CODE**

LIST OF DESIGNATED POSITIONS

Department: City Auditor

Date: March 4,1993

First Revision: December 15,1998

Second Revision: December 12,2000

Third Revision: December 17,2002

Fourth Revision: XXXXXXXX, 2003

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
City Auditor	1
Executive Assistant to the City Auditor	1
Assistant to the City Auditor	1
Internal Auditor III	1
Deputy Auditor III	1
Deputy Auditor II	1
Deputy Auditor I	1
Survey Manager	1
Receptionist to the City Auditor	1
*Consultants	1

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Auditor 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 are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written documentation shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Auditor or his or her designee'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.

APPENDIX A FOR CHAPTER 3.16

City of Oakland Conflict of Interest Code

LIST OF DESIGNATED POSITIONS

Department: Public Works Agency

Date: March 4,1993

Revised: December 13,1994

Second Revision: December 17,1996

Third Revision: December 15,1998

Fourth Revision: December 12,2000

Fifth Revision: December 17,2002

Sixth Revision: XXXXXXXXX, 2003

<u>JOB TITLE</u>	<u>DISCLOSURE CATEGORY</u>
Director	1
Assistant Director of Public Works	1
Building Services Manager	1
Capital Improvements Project Coordinator	1
Complex Manager	1
Environmental Services Manager	1
Environmental Affairs Program Manager	1
Environmental Programs Specialist	1
Environmental Programs Supervisor	1
Recycling Supervisor	2
Recycling Specialist	1
Solid Waste Recycling Supervisor	1
Watershed Program Supervisor	1
Senior Construction and Maintenance Supervisor	1
Support Services Supervisor	1
Administrative Service Manager II	1
Training and Public Service Administrator	1
Information Systems Administrator	1
Assistant City Architect	1
Principal Civil Engineer	1
Supervising Civil Engineer	1
Electrical Services Manager	1
Civil Engineer	1
Assistant Engineer II	3, 4, 6, 7, 8
Construction Inspection Supervisor	3, 4, 6, 7, 8
Senior Construction Inspector	3, 4, 6, 7, 8
City Land Surveyor	3, 4, 6, 7, 8

Supervising Transportation Engineer	3, 4, 6, 7, 8
Supervising Civil Engineer	1
Equipment Services Manager	1
Equipment Services Superintendent	1
Program Manager II	1
Public Works Supervisor III	1
Public Works Supervisor II	1
Construction and Maintenance Supervisor II	1
Construction Inspection Supervisor	3, 4, 6, 7, 8
Civil Engineer	1
*Consultants	1

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The City Manager or his designee may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written documentation 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 or his designee’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.


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