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ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 238-3254

October 2, 2007

Honorable President Ignacio De La Fuente
and Members of the City Council
Oakland City Hall
Oakland, CA 94611

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

Subject: *Port of Oakland's Conflict of Interest Code*

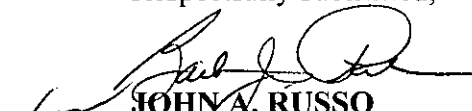
The Port of Oakland submitted an amended Conflict of Interest Code for review and approval by the City Council.

This item appeared on the Council Agenda as Item No. 10.4 –CC on Tuesday, September 18, 2007. The Council expressed concerns that the Port did not identify which positions were added and deleted or explains the reasons for the amendment. The Council directed staff to obtain a redline version from the Port the Port's proposed amendments. The redlined version received from the Port is attached for your review and consideration.

The City Council serves as the code reviewing body for the Port's Conflict of Interest Code pursuant to Government Code Section 82011(c). That section designates the City Council as the code-reviewing body with respect to the code of any city agency. The City Council last reviewed and approved the Port of Oakland Conflict of Interest Code by adopting Resolution No. 78064 C.M.S., on September 16, 2003.

The Office of the City Attorney has reviewed the Port of Oakland Conflict of Interest Code for form and legality and recommends that the City Council approve the Code by adopting the attached resolution.

Respectfully submitted,


JOHN A. RUSSO
City Attorney

Attorney Assigned:
Mark Morodomi

**Board of Port Commissioners of the City of Oakland
Conflict of Interest Code**

Designated Positions

APPENDIX A

<u>Position</u>	<u>Category</u>
Members of the Board of Port Commissioners	1
Administrative Services Manager V	
Airport General Manager	4
Airport Operations Manager, Airside	4,5
Airport Operations Manager, Landside	4,5
Airport Properties Operations Superintendent Airside	4,5
Airport Terminal Services Manager	
Airport Security	4
Art Director	3
Assistant Port Attorney	3,5
Assistant Secretary to the Board	2
Audit Manager	3
Aviation Business Manager	4
Aviation Capital Program Administrator	
Aviation Commercial Rep V Marketing & Communications	
Aviation Division Finance Manager	
Aviation Facilities Maintenance Manager	
Aviation Marketing Manager	
Building Services Manager	4
Chief Audit Officer	2
Chief Engineer	2
Chief Financial Officer	1
Chief Technology Officer	3
Chief Wharfinger	4,5
Commercial Real Estate Manager	4,5
Commercial Representative IV	4
Commercial Representative V	4
Commercial Representative V-A	4
Contract Compliance Officer Manager	4
Contract Compliance Supervisor	4
Customer Service Supervisor	4
Deputy Executive Director	1
Deputy Port Attorney II	4,5
Deputy Port Attorney III	
Deputy Port Attorney IV	
Director of Administration	2
Director of Aviation	2

Director of Commercial Real Estate	2
Director of Communications	2
Director of Engineering	2
Director of Finance, Controller	3
Director of Information Technology &	
Chief Information Officer	3
Director of Equal Opportunity	
Director of Maritime Activities	2
Director of the Office of Strategic and Policy Planning	2
Director of Social Responsibility	2
Engineering Project Manager	4
Engineering Special Projects Administrator	4
ERDP Compliance Supervisor	4
Executive Director	1
Equal Opportunity Officer	4
General Manager, Operations and Marketing	4
General Manager, Central Facilities	4
Government Affairs Specialist	4
Human Resources Manager	3
Landside Operations Manager	4, 5
Landside Superintendent	4
Manager, Financial Planning	3
Manager Risk Enterprise	3
Manager of Airport Properties	4, 5
Manager of Capital Program and Budget Services	3
Manager of Construction Pricing and Insurance Services	3
Manager of Environmental Planning & Permitting	4, 5
Manager of Environmental Health/Safety Compliance	
Manager of General Aviation	
Manager of Governmental Affairs	3
Manager of Harbor Facilities Maintenance	4
Manager of Information Technology	4
Manager of North Field	4, 5
Manager of Planning & Development	4, 5
Manager of Port Dredging Programs	4
Manager of Purchasing Department	3
Manager of Systems and Programming	4
Maritime Marketing Manager	4
Organizational Development Manager	3
Port Accounting Manager	4
Port Attorney	1
Port Auditor	1
Port Construction Administrator	4
Port Employment Resources Coordinator	4
Port Environmental Assessment Supervisor	4
Port Facilities Security Officer	4, 5
Port Environmental Manager	
Port Land Surveyor	4, 5

Port Maintenance & Construction Supervisor	4
Port Permit Coordinator	5
Port Principal Engineer	
Principal Engineer, Construction Management	4
Principal Engineer, Maritime Project Design & Delivery	4
Principal Engineer, Aviation Project Design & Delivery	4
Port Supervising Electrical Mechanical Engineer	
Principal Port Safety Administrator	4
Program Director, Airport Terminal Expansion	
Risk Manager	4
Safety Officer	4
Secretary of the Board	2
Senior Aviation Project Manager	4
Senior Management Assistant Marine/ Commercial Representative V-A	4
Senior Maritime Commercial Representative	4, 5
Special Assistant to Executive Director - Airport Properties Expansion Program	4
Supervising Airport Properties Rep.	4, 5
Supervising Civil Engineer	4
Technical Support Analyst II	4
Trade Research Supervisor	4
Workers' Compensation Administrator	2, 3
Consultants <i>that make specific decisions or that serve in staff capacity negotiating purchases or making recommendations for purchases without substantive review*</i> .	4

* Consultants shall disclose pursuant to the broadest disclosure category suitable to the area of decision-making or purchasing authority the consultant is engaged in on behalf of the Port. ~~be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:~~

~~The Executive Director 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 comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director'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.~~

Revised February 6, 2007.

Approved as to form and
legality this _____ day
of February 2007.

Port Attorney

****Deleted positions are shown with strike outs.**
****Added positions are shown in bold and italics.**

Category 5: Persons in this category shall disclose all investments, business positions in business entities, and sources of income, which are subject to the regulatory, permit or licensing authority of the Port of Oakland.

Designated Positions	Categories Disclosed
Members of the Board of Port Commissioners	All
Others Listed	All