

FILED
OFFICE OF THE CITY CLERK
OAKLAND

11 JUN 23 AM 11:47

CITY OF OAKLAND



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

May 17, 2011

Honorable President Larry Reid
and Members of the City Council
City Hall 2nd floor
Oakland, CA 94611

Honorable President Larry Reid and Members of the City Council:

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

The Port of Oakland has submitted an amended Appendix A to their Conflict of Interest Code for review and approval by the City Council (see Attachment 1). Appendix A specifies the proposed designated positions that should be covered and the appropriate disclosure category. The current employee classifications covered by the current Port of Oakland Conflict of Interest Code included in the Resolution No. 80856 C.M.S are at Attachment 2.

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 designated 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. 80856 C.M.S., on October 2, 2007.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Mark Morodomi

Attachment 1



PORT OF OAKLAND

MEMO

Approved for Dissemination Outside Port

TO: John Betterton, Secretary of the Board
FROM: David Alexander, Port Attorney by
Joshua Safran, Deputy Port Attorney *js*
DATE: June 22, 2011
RE: **Port Attorney-Approved Appendix A to Port of Oakland
Conflict of Interest Code (Designated Positions) - Port
Ordinance 3715**

Please find enclosed the Port Attorney-approved Appendix A to the Port of Oakland's Conflict of Interest Code, Designated Positions for 2011. This Appendix A replaces all prior versions of Appendix A, and includes the "Consultant" category that was inadvertently left off of the prior version.



PORT OF OAKLAND

Board of Port Commissioners of the City of Oakland

Conflict of Interest Code

Designated Positions (2011)

APPENDIX A

DIVISION	JOB TITLE	Disclosure Category
Board	Commissioner	1
Board	Commissioner	1
Board	Commissioner	1
Board	Commissioner	1
Board	Commissioner	1
Board	Commissioner	1
Board	Commissioner	1
Board	Assist Secretary of the Board	2,3,4,5
Board	Secretary of the Board	2,3,4,5
Audit Services	Chief Audit Officer	2,3,4,6
Aviation	Administrative Analyst II	2,3,4,5
Aviation	Airport Business Manager	2,3,4,5
Aviation	AP Noise Abate/Envir Aff Supv	2,3,4,5
Aviation	AP Operations Mgr, Airside	2,3,4,5
Aviation	AP Operations Mgr, Landside	2,3,4,5
Aviation	AP Ops Supt, Landside	2,3,4,5
Aviation	AP Ops Supt, Landside	2,3,4,5
Aviation	AP Parking Operations Supt	2,3,4,5
Aviation	Assoc Aviation Project Manager	2,3,4,5
Aviation	Assoc Aviation Project Manager	2,3,4,5
Aviation	Assoc Aviation Project Manager	2,3,4,5
Aviation	Aviation Facilities Maint Mgr	2,3,4,5
Aviation	Aviation Marketing Manager	2,3,4,5
Aviation	Aviation Planning & Dev Mgr	2,3,4,5
Aviation	Aviation Security Manager	2,3,4,5
Aviation	Aviation Security Supt	2,3,4,5
Aviation	Aviation Senior Prop Rep	2,3,4,5

DIVISION	JOB TITLE	Disclosure Category
Aviation	Aviation Senior Prop Rep	2,3,4,5
Aviation	Aviation Sr Super Prop Rep	2,3,4,5
Aviation	Aviation Super Prop Rep	2,3,4,5
Aviation	Aviation Super Prop Rep	2,3,4,5
Aviation	Dir of Aviation	2,3,4,5
Aviation	Mgr of A/P Properties	2,3,4,5
Aviation	Port Assist Environ Planner	2,3,4,5
Aviation	Port Maintenance/Constr Supv	2,3,4,5
Aviation	Port Tech Support Analyst IV	2,3,4,5
Aviation	Senior Aviation Proj Mgr	2,3,4,5
Aviation	Senior Aviation Proj Mgr	2,3,4,5
Aviation	Sr AP Noise Abatement Spec	2,3,4,5
Aviation	Utilities Supervisor	2,3,4,5
Corporate Admin	Dir. Corp. Admin. Services	2,3,4,5
Corporate Admin	Executive Assistant (CAS Div)	2,3,4,5
Corporate Admin	Human Resource Supervisor	2,3,4,5
Corporate Admin	Human Resource Supervisor	2,3,4,5
Corporate Admin	Media/Public Relations Manager	2,3,4,5
Corporate Admin	Media/Public Relations Speclst	2,3,4,5
Corporate Admin	Port Assist Human Res Analyst	2,3,4,5
Corporate Admin	Port Assist Management Analyst	2,3,4,5
Corporate Admin	Port Equal Opportunity Officer	2,3,4,5
Corporate Admin	Port HR Operations Technician	2,3,4,5
Corporate Admin	Port Human Resource Technician	2,3,4,5
Corporate Admin	Training/Developmnt Specialist	2,3,4,5
Corporate Admin	Workers' Compensation Analyst	2,3,4,5
CRE	Commercial Real Estate Mgr	2,3,4,5
CRE	Commercial Real Estate Mgr	2,3,4,5
CRE	Commercial Rep V	2,3,4,5
CRE	Dir of Commercial Real Estate	2,3,4,5
CRE	Sr Commercial Real Estate Rep	2,3,4,5
Engineering	Chief of Field Party	2,3,4,5
Engineering	Engineering Project Manager	2,3,4,5
Engineering	Port Assist Engineer(E&M Work)	2,3,4,5

DIVISION	JOB TITLE	Disclosure Category
Engineering	Port Associate Engineer (CW)	2,3,4,5
Engineering	Port Associate Engineer (CW)	2,3,4,5
Engineering	Port Associate Engineer (CW)	2,3,4,5
Engineering	Port Land Surveyor	2,3,4,5
Engineering	Port Permit Coord	2,3,4,5
Engineering	Port Principal Engineer	2,3,4,5
Engineering	Port Principal Engineer	2,3,4,5
Engineering	Port Principal Engineer	2,3,4,5
Engineering	Port Supervising Engineer (CW)	2,3,4,5
Engineering	Port Supervising Engineer (CW)	2,3,4,5
Engineering	Port Supervising Eng (E&M Work)	2,3,4,5
Engineering	Port Supervising Eng (E&M Work)	2,3,4,5
Engineering	Senior Account Clerk	2,3,4,5
Engineering	Utility Business Administrator	2,3,4,5
Engineering	Water Systems Engineer	2,3,4,5
Engineering	Director of Engineering	2,3,4,5
Env Prog & Ping	Dir of Environ Prog & Planning	2,3,4,5
Executive	Deputy Exec. Dir. of Operations	2,3,4,5
Executive	Executive Director	2,3,4,5
Executive	Government Affairs Specialist	2,3,4,5
Executive	Mgr, Governmental Affairs	2,3,4,5
Executive	Labor Advisor	1,2,3,4,5
Financial Svcs	Chief Financial Officer	2,3,4,5
Financial Svcs	Director of Finance/Controller	2,3,4,5
Financial Svcs	Manager, Debt Compliance	2,3,4,5
Financial Svcs	Mgr, Port Purchasing	2,3,4,5
Financial Svcs	Port Budget Coordinator	2,3,4,5
Financial Svcs	Port Principal Prog/Analyst	2,3
Financial Svcs	Port Risk Manager	2,3,4,5
Financial Svcs	Port Sys Planning Analyst	2,3
Financial Svcs	Port Tech Support Analyst IV	2,3
Maritime	Chief Wharfinger	2,3,4,5
Maritime	Dir of Maritime	2,3,4,5
Maritime	Harbor Facilities Maint Mgr	2,3,4,5

DIVISION	JOB TITLE	Disclosure Category
Maritime	Mgr, Admin/Finance Services	2,3,4,5
Maritime	Mgr, Bus Devel and Intl Mrktng	2,3,4,5
Maritime	Port Facilities Security Off	2,3
Maritime	Port Supervising Eng (E&M Work)	2,3,4,5
Maritime	Sr Maritime Projects Admin	2,3,4,5
Maritime	Sr Maritime Projects Admin	2,3,4,5
Port Attorney	Deputy Port Attorney	2,3,4,5
Port Attorney	Deputy Port Attorney III	2,3,4,5
Port Attorney	Deputy Port Attorney III	2,3,4,5
Port Attorney	Deputy Port Attorney IV	2,3,4,5
Port Attorney	Deputy Port Attorney IV	2,3,4,5
Port Attorney	Deputy Port Attorney IV	2,3,4,5
Port Attorney	Deputy Port Attorney V	2,3,4,5
Port Attorney	Assistant Port Attorney	2,3,4,5
Port Attorney	Port Attorney	2,3,4,5
SRD	Contract Compliance Officer	2,3,4,5
SRD	Contract Compliance Officer	2,3,4,5
SRD	Contract Compliance Supervisor	2,3,4,5
SRD	Director, Social Responsibility	2,3,4,5
SRD	Port Contract Compliance Mgr	2,3,4,5
SRD	Port Field Representative I	2,3,4,5
Corporate Admin	Human Resource Supervisor	2,3,4,5
External Affairs	Director of External Affairs	2,3,4,5
Consultants*		

* 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 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.

Attachment 2

11 JUN 23 AM 11:47
OAKLAND CITY COUNCIL
RESOLUTION NO. _____ C.M.S. _____

**RESOLUTION APPROVING A CONFLICT OF INTEREST CODE FOR
DESIGNATED EMPLOYEES AND CONSULTANTS OF THE
PORT OF OAKLAND**

WHEREAS, the Political Reform Act of 1974, as amended, (The "Act") requires that the Port of Oakland adopt a Conflict of Interest Code for designated employees of the Port of Oakland; and

WHEREAS, the Act provides that the City Council of the City of Oakland serves as the code-reviewing body for the Port of Oakland's Conflict of Interest Code; and

WHEREAS, the Board of Port Commissioners of the City of Oakland, by Port Ordinance No.2392, as amended, has adopted a Conflict of Interest Code for the Port of Oakland, which has an effective date of March 1, 1985; and

WHEREAS, the Port of Oakland's Conflict of Interest Code was reviewed by the Port Attorney and it was determined that amendments were necessary; and

WHEREAS, on June 22, 2011, the Port Attorney, as authorized by the Board of Port Commissioners of the City of Oakland by Ordinance No. 3715, adopted a new Appendix A to replace the existing Appendix A to the Port of Oakland's Conflict of Interest Code; and

WHEREAS, the City Council has reviewed and considered the amendments to the Conflict of Interest Code of the Port of Oakland;

THEREFORE RESOLVED, that the City Council of the City of Oakland, sitting as the duly authorized Code-reviewing body for the Port of Oakland, having publicly reviewed and considered the Port's proposed new Appendix A to the Conflict of Interest Code, hereby approves the amendments to the Port of Oakland's Conflict of Interest.

IN COUNCIL, OAKLAND, CALIFORNIA _____, 20__

PASSED BY THE FOLLOWING VOTE:

BROOKS, BRUNNER, DE LA FUENTE, KERNIGHAN, NADEL, SCHAAF, and
PRESIDENT REID

AYES-

NOES -

ABSENT -

ABSTENTIONS -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 3715

AN ORDINANCE AMENDING PORT ORDINANCE NO. 2392
RELATING TO THE CONFLICT OF INTEREST CODE OF
THE BOARD OF PORT COMMISSIONERS OF THE CITY
OF OAKLAND

BE IT ORDAINED by the Board of Port Commissioners of
the City of Oakland as follows:

Section 1. Adoption of Code.

In compliance with the Political Reform Act, Government Code sections 81000 et seq., the Board by Ordinance No. 2392 adopted a Conflict of Interest Code as specifically required by Government Code section 87300. The Fair Political Practices Commission (FPPC) adopted a regulation as 2 California Code of Regulations § 18730, which contains the terms of a standard conflict of interest code and which the FPPC recommends that local agencies incorporate by reference into conflict of interest codes. Such incorporation by reference is deemed valid code amendment within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect.

Section 2. Amendment of Code.

The terms of FPPC regulation contained in 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix A in which employees are designated and the attached Appendix B in which disclosure categories are set forth, are hereby incorporated by reference into and substituted for the terms of the currently-in-effect Conflict of Interest Code of the Board of Port Commissioners of the City of Oakland. Exhibit A shall be amended from time to time to add or delete designated employees as approved by the Port Attorney and shall be maintained on file with the Secretary to the Board.

Designated employees shall file their statements of economic interests with the Secretary to the Board who will make the statements available for public inspection and reproduction as required by Government Code section 81008. Statements for all designated employees will be retained by the Secretary.

Section 3. Effective Date.

This amendment to the Conflict of Interest Code shall not take effect until it has been approved by the City Council, the code-reviewing body. The code-reviewing body will consider the proposed code in accordance with Government Code Section 87306 and when this code as amended is approved by the code-reviewing body, it shall be deemed adopted and shall be promulgated by the Port of Oakland.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Soates - 1.

John T. Betterton
Secretary of the Board

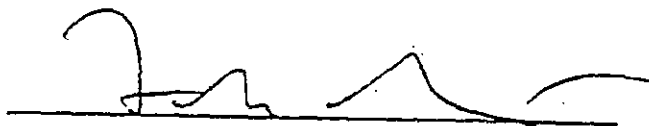
Adopted at a regular meeting held September 3, 2002

By the following Vote:

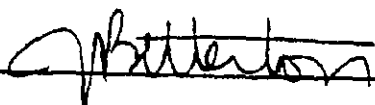
Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Soates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None




President

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

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
Airport General Manager	4
Airport Manager	4, 5
Airport Operations Manager, Airside	4, 5
Airport Operations Manager, Landside	4, 5
Airport Properties Operations Superintendent Airside	4, 5
Airport Security Manager	4
Art Director	3
Assistant Port Attorney	3, 5
Assistant Secretary to the Board	2
Audit Manager	3
Aviation Business Manager	4
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 Manager	4
Contract Compliance Supervisor	4
Customer Service Supervisor	4
Deputy Executive Director	1
Deputy Port Attorney	4, 5
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 Maritime Activities	2
Director of the Office of Strategic and Policy Planning	2

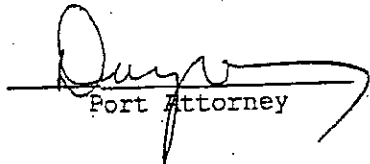
<u>Position</u>	<u>Category</u>
Director of Social Responsibility	2
Engineering Project Manager	4
Engineering Special Projects Administrator	4
ERDP Compliance Supervisor	4
Executive Director	1
Equal Opportunity Officer	4
General Manager, Operations and Marketing	4
General Manager, Central Facilities	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 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 Land Surveyor	4, 5
Port Maintenance & Construction Supervisor	4
Port Permit Coordinator	5
Principal Engineer, Construction Management	4
Principal Engineer, Maritime Project Design & Delivery	4
Principal Engineer, Aviation Project Design & Delivery	4
Principal Port Safety Administrator	4
Risk Manager	4
Safety Officer	4

<u>Position</u>	<u>Category</u>
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
Supervising Electrical Mechanical Engineer	4
Technical Support Analyst II	4
Trade Research Supervisor	4
Workers' Compensation Administrator	2, 3
Consultants that make specific decisions or that serve in staff capacity negotiating purchases or making recommendations for purchases without substantive review*.	4

*A Consultant 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.

Revised February 6, 2007.

Approved as to form and
legality this 7th day
of March, 2007.


Port Attorney

APPENDIX B

Disclosure Categories

The following disclosure categories are hereby established:

Category 1: Persons in this category shall disclose all interests in real property in the City of Oakland, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

Category 2: Persons in this category shall disclose all investments, business positions and sources of income, including gifts, loans and travel payments.

Category 3: Persons in this category shall disclose all investments, business positions, and sources of income, including gifts, loans and travel payments, from sources that provided leased, facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Port.

Category 4: Persons in this category shall disclose all investments and business positions, and sources of income, including gifts, loans and travel payments from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services of the type utilized by the employee's division.

Category 5: Persons in this category shall disclose all investments, business positions, and sources of income, including gifts, loans, and travel payments from sources that are subject to the regulatory, permit, licensing or leasing authority of, or have an application for a license, permit or lease pending before the Port.