

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

### ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**ORDINANCE AMENDING AND REENACTING THE CITY OF OAKLAND'S CONFLICT OF INTEREST CODE (ORDINANCE NO. 11562 C.M.S. ADOPTED MARCH 23, 1993, AS LAST AMENDED BY ORDINANCE NO. 13522 C.M.S. ADOPTED FEBRUARY 26, 2019, CODIFIED AS OAKLAND MUNICIPAL CODE CHAPTER 3.16) TO UPDATE THE DESIGNATION OF POSITIONS COVERED BY THE CODE**

**WHEREAS**, pursuant to the California Political Reform Act, the City of Oakland enacted Ordinance Number 10531 C.M.S. on December 18, 1984, enacting a conflict of interest code for City of Oakland employees; and

**WHEREAS**, subsequent amendments of the City's conflict of interest code added members of boards and commissions, and consultant positions and the code was ultimately codified as Oakland Municipal Code Chapter 3.16; and

**WHEREAS**, the Political Reform Act (Gov. Code Sections 81000-91014) requires many state and local government officials and employees to publicly disclose their personal assets and income. The filing officer, Office of the City Clerk, retains signed statements of economic interests and may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances; and

**WHEREAS**, the City last updated its conflict of interest code through the enactment of Ordinance No. 13522 C.M.S. passed February 26, 2019, which amended Appendix A for OMC Chapter 3.16 City of Oakland Conflict of Interest Code List of Designated Positions; and

**WHEREAS**, the City's organization has changed; and

**WHEREAS**, the Conflict of Interest Code, OMC Chapter 3.16, must be amended to include new positions which must be designated, make changes to the positions designated, revise titles of existing positions, departments, boards and commissions and delete titles of positions that have been abolished; and

**WHEREAS**, City of Oakland departments, boards, commissions and consultants have been notified that the Code has been reviewed;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

**SECTION 2.** Oakland Municipal Code (O.M.C.) Chapter 3.16.030 Appendix A is hereby repealed in its entirety and replaced with a new Appendix A (List of Designated Positions) as attached. All changes are indicated in **bold** type. Additions are indicated by underscoring and deletions are indicated by ~~striketrough~~ type; portions of ordinance not cited or not shown in underscoring or strike-through are not changed. Appendix B (Master List of Disclosure Categories) is attached and unchanged. Appendix C (Deferred Compensation Plan Committee) is also attached and unchanged. Ordinance No. 13522 C.M.S.is hereby amended and superseded by this Ordinance.

**SECTION 3.** Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

**SECTION 5. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

Date of Attestation: \_\_\_\_\_

## NOTICE AND DIGEST

**ORDINANCE AMENDING AND REENACTING THE CITY OF OAKLAND'S CONFLICT OF INTEREST CODE (ORDINANCE NO. 11562 C.M.S. ADOPTED MARCH 23, 1993, AS LAST AMENDED BY ORDINANCE NO. 13522 C.M.S. ADOPTED FEBRUARY 26, 2019, CODIFIED AS OAKLAND MUNICIPAL CODE CHAPTER 3.16) TO UPDATE THE DESIGNATION OF POSITIONS COVERED BY THE CODE**

This Ordinance will amend Chapter 3.16 of the Oakland Municipal Code, the City of Oakland's Conflict of Interest Code, to update the designation of positions covered by the Code.