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CITY OF OAKLAND



2007 SEP -6 PM 12: 25

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Office of the City Attorney
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City Attorney

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September 18, 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 has submitted an amended Conflict of Interest Code for review and approval by the City Council. The attached Code specifies which employee classifications should be covered and the appropriate disclosure category.

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. 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,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Mark Morodomi

OAKLAND CITY COUNCIL

A. Gordon

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RESOLUTION No. _____ C.M.S.

2007 SEP 5 PM 12:25

MTM

RESOLUTION APPROVING A CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES 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 September 3, 2002, the Board of Port Commissioners of the City of Oakland by Ordinance No. 3715 adopted an Ordinance amending and updating its Conflict of Interest Code; and

WHEREAS, the City Council has reviewed and considered the Conflict of Interest Code of the Port of Oakland; now therefore, be it

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 Conflict of Interest Code, hereby approves the Conflict of Interest Code adopted by the Board of Port Commissioners of the City of Oakland

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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 Scates - 1.

John T. Betterton
Secretary of the Board

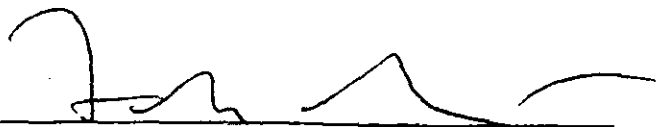
Adopted at a regular meeting held September 3, 2002

By the following Vote:

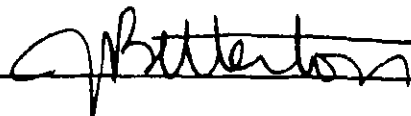
Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

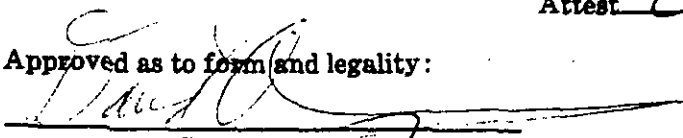
Absent: None



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

Position

Category

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

Position

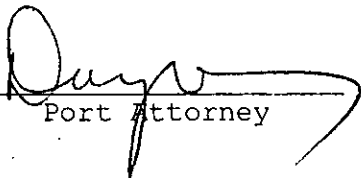
Category

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 in 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.