RESOLUTION NO. 24-083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO RESCINDING RESOLUTION NO. 22-120 AND AMENDING THE CITY OF CUPERTINO CONFLICT OF INTEREST CODE FOR OFFICIALS AND DESIGNATED EMPLOYEES

WHEREAS, the Political Reform Act of 1974, Government Code section 81000 *et seq.* (the "Act" or "Political Reform Act") governs the disclosure of political campaign contributions and spending by candidates and ballot measure committees, and sets ethics rules for state and local government officials that impose strict limits on decisions or votes that affect the official's financial interests; and

WHEREAS, the City Clerk is the local filing officer for all filings and statements required by the Political Reform Act including campaign contribution and expenditure reports from candidates for City Council, controlled committees and independent expenditure committees, as well as Statements of Economic Interest from current City officials, officers and designated employees, per the City's Conflict of Interest Code; and

WHEREAS, the Political Reform Act requires every state or local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the City Council last updated the City's Conflict of Interest Code on September 20, 2022 by adoption of Resolution No. 22-120; and

WHEREAS, the City Council now desires to amend the City's Conflict of Interest Code to update the list of designated positions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES HEREBY RESOLVE AS FOLLOWS:

1. That Resolution No. 22-120 is hereby rescinded; and

2. That the terms of Title 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC shall, along with the Code entitled, "City of Cupertino Conflict of Interest Code for Officials and Designated Employees" as set forth in Exhibit A along with attached appendices A and B, in which members, consultants, and employees are

designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City of Cupertino; and

3. That all Statements of Economic Interest shall be filed electronically with the City Clerk.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 4th day of September 2024, by the following vote.

Members of the City Council

AYES: Mohan, Fruen, Chao, Moore
NOES: None
ABSENT: Wei
ABSTAIN: None

SIGNED: Sheila Mohan Sheila Mohan, Mayor City of Cupertino	9/11/2024 Date
ATTEST: Kirsten Squarcia Kirsten Squarcia, City Clerk	9/11/2024 Date

EXHIBIT A

CITY OF CUPERTINO CONFLICT OF INTEREST CODE
FOR OFFICIALS AND DESIGNATED EMPLOYEES

The Political Reform Act, Government Code section 81000 *et seq.* requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code Regs. section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act. Therefore, the terms of 2 Cal. Code Regs. section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendices A and B in which members, consultants, and employees are designated and disclosure categories are set forth shall constitute the conflict of interest code of the City of Cupertino.

Officials and designated employees under Government Code section 87200 shall file electronic statements of economic interests (Form 700) with the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code, § 81008,)

Upon receipt of the statements (Form 700) of the City of Cupertino City Council, City Manager, City Attorney, City Treasurer, and Planning Commissioners, the agency shall electronically forward the original of these statements to the Fair Political Practices Commission. The City Clerk will electronically retain original statements for all other designated employees.

It has been determined that the positions listed below manage public investments and will file a statement of economic interests (Form 700) pursuant to Government Code section 87200:

City Treasurer (Director of Administrative Services)
Deputy City Treasurer (Finance Manager)

APPENDIX A

DESIGNATED POSITIONS AND
APPLICABLE REPORTABLE INTEREST CATEGORIES

Title	Assigned Disclosure Category
ADMINISTRATIVE SERVICES, FINANCE & HUMAN RESOURCES	
Director of Administrative Services (Treasurer)	1 (Gov. Code § 87200 filer)
Finance Manager (Deputy City Treasurer)	1 (Gov. Code § 87200 filer)
Human Resources Manager	2
Budget Manager	2
Purchasing Manager	2
Senior Management Analyst	5
Human Resources Analyst I/II	5
Accountant I/II	5
Senior Accountant	5
Account Clerk I/II	5
Accounting Technician	5
APPOINTED OR ELECTED OFFICIALS & COMMISSIONS	
City Council	1 (Gov. Code § 87200 filers)
Audit Committee	2
Bicycle Pedestrian Commission	4
Arts and Culture Commission	4
Housing Commission	1
Library Commission	4
Parks and Recreation Commission	4
Planning Commission	1 (Gov. Code § 87200 filers)
Public Safety Commission	4
Sustainability Commission	4
Technology, Information, & Communications Commission	3
CITY ATTORNEY'S OFFICE	
City Attorney	1 (Gov. Code § 87200 filer)

Title	Assigned Disclosure Category
Senior Assistant City Attorney	1
Assistant City Attorney	1
Legal Services Manager	1
CITY MANAGER'S OFFICE	
City Manager	1
Assistant City Manager	1
Deputy City Manager	1
Administration	
Management Analyst	6
Senior Management Analyst	6
Executive Assistant to the City Manager	6
City Clerk's Office	
City Clerk	1
Deputy City Clerk	1
Communications & Public Information	
Communications and Marketing Coordinator	
Emergency Management	
Assistant to the City Manager	1
Management Analyst	6
Community Relations Coordinator	6
Economic Development	
Economic Development Manager	6
COMMUNITY DEVELOPMENT	
Director of Community Development	1
Assistant Director of Community Development	1
Planning	
Planning Manager	1
Senior Planner	1

Title	Assigned Disclosure Category
Associate Planner	6
Assistant Planner	6
Management Analyst	6
Permit Technician	6
Building	
Building Official	4
Deputy Building Official	4
Senior Building Inspector	4
Building Inspector	4
Permit Technician	6
Plan Check Engineer	6
Housing	
Housing Manager	1
Senior Housing Coordinator	6
Code Enforcement	
Senior Code Enforcement Officer	4
Code Enforcement Officer	4
Consultants	
Consultants (see Appendix B definitions)	As determined by City Manager
INNOVATION & TECHNOLOGY	
Chief Technology Officer	1
Innovation and Technology Manager	5
Business Systems Analyst	5
Multimedia Communication Specialist	3
Management Analyst	6
PUBLIC WORKS	
Director of Public Works	1
Assistant Director of Public Works	1
Capital Improvement Programs Manager	1
Transportation Manager	1

Title	Assigned Disclosure Category
Senior Public Works Project Manager	1
Public Works Projects Manager	1
Environmental Programs Manager	1
Service Center Superintendent	5
Public Works Supervisor	6
City Engineer	1
Public Works Inspector	6
Senior Management Analyst	6
Management Analyst	6
Environmental Services & Environmental Affairs	
Environmental Programs Manager	1
Environmental Programs Specialist	5
Environmental Programs Assistant	5
Environmental Compliance Technician	6
Traffic & Engineering	
Senior Planner (Transit and Transportation)	1
Assistant Engineer	4
Transportation Manager	1
Senior Civil Engineer	1
Associate Civil Engineer	4
Senior Engineering Technician	6
Engineering Technician	6
Environmental Programs Assistant (Safe Routes to School)	5
PARKS AND RECREATION	
Director of Parks and Recreation	1
Recreation Manager	5
Senior Management Analyst	6
Management Analyst	6

Appendix B

DISCLOSURE CATEGORIES AND DEFINITIONS

1. FULL DISCLOSURE
   What to report? All investments, positions in business entities, sources of income (including gifts, loans, and travel payments), and interests in real property.
   What Form 700 schedules? All Schedules (A through E)

2. ALL INCOME
   What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments).
   What Form 700 schedules? A, C, D, E

3. CITY-RELATED INCOME
   What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides goods or services of the type utilized by or subject to the review or approval of the City.
   What Form 700 schedules? A, C, D, E

4. CITY-RELATED INCOME, REAL PROPERTY
   What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides goods or services, of the type utilized by or subject to the review or approval of the City and all interests in real property.
   What Form 700 schedules? All Schedules (A through E)

5. DEPARTMENT-RELATED INCOME
   What to report? All investments, positions, in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides goods or services of the type utilized by or subject to the review or approval of the department in which that person is employed.
   What Form 700 schedules? A, C, D, E

6. DEPARTMENT-RELATED INCOME & REAL PROPERTY
   What to report? All investments, positions in business entities, and sources of income (including gifts, loans, and travel payments) if the source provides goods or services of the type utilized by or subject to the review or approval of

the department in which that person is employed, and all interests in real property.
What Form 700 schedules? All Schedules (A through E)

Definitions

For the purposes of these disclosure categories, the definitions and regulations contained in the Political Reform Act, Government Code Sections 81000 et seq., and the Fair Political Practices Commission regulations at 2 Cal. Code Regs. Section 18730 shall apply.

2024 Local Agency Biennial Notice

Name of Agency: City of Cupertino

Mailing Address: 10300 Torre Avenue Cupertino, CA 95014

Contact Person: Kirsten Squarcia Phone No. 408-377-3200

Email: KirstenS@cupertino.gov Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that *(check one BOX):*

☒ **An amendment is required. The following amendments are necessary:**

(Check all that apply.)

- ☒ Include new positions
- ☐ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☒ Other *(describe)* restructured department divisions

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification **(to be completed if no amendment is required)**

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

_____ 9/5/2024

Signature of Chief Executive Officer *Date*

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2024**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.