



## Legislation Text

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**File #:** 2018-0307, **Version:** 1

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**DATE:** August 14, 2018

**SUBJECT:**

**ORDINANCE AMENDING THE CONFLICT OF INTEREST CODE OF THE SAN DIEGO UNIFIED PORT DISTRICT TO REFLECT CHANGES TO THE DIRECTORY OF CLASS SPECIFICATIONS, AND MODIFY AN EXISTING DISCLOSURE CATEGORY**

**EXECUTIVE SUMMARY:**

An amendment to the Conflict of Interest Code of the San Diego unified Port District (District) is necessary to reflect recent changes to the District's Directory of Class Specifications and to modify an existing Disclosure Category.

**RECOMMENDATION:**

Adopt an Ordinance Amending the Conflict of Interest Code of the San Diego Unified Port District. Appendix A (List of Designated Employees) to update the list of staff positions that are required to file a Statement of Economic Interest, and Appendix B (Disclosure Categories for Designated Positions) to modify an existing disclosure category.

**FISCAL IMPACT:**

This agenda item has no fiscal impact.

**COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that the public understands and trusts.

**DISCUSSION:**

As a local government agency, the District is required to adopt and promulgate a Conflict of Interest Code (Code) in accordance with the Political Reform Act (Government Code Sections 81000, et seq.) and BPC Policy No. 024A, adopted by Resolution No. 70-254 on November 17, 1970. The District's Code designates certain staff positions as "designated employees" who are required to file annual Statement of Economic Interests. The District's Code also outlines the disclosure category or reporting level of each "designated employee". In addition, the District's Code incorporates the requirement that the District abide by the provisions of the Political Reform Act as it exists or may be

amended from time to time by the Fair Political Practices Commission (FPPC).

The FPPC requires that all local government agencies review their codes biennially. District staff has reviewed the District's Code and as a result it is recommended that Appendix A (List of Designated Employees) to the District's Code be amended to update the list of staff positions that are required to file a Statement of Economic Interest. In addition, a modification to a disclosure category listed in Appendix B (Disclosure Categories for Designated Positions) is required to ensure that "designated employees are disclosing only those interests that may be affected by their positions' duties.

The District's Code was last amended October 2016. Once approved by the Board of Port Commissioners, the District's amended Code will be submitted to the District's Code Reviewing Body, the San Diego County Board of Supervisors, for review and approval.

### **General Counsel's Comments:**

The Office of General Counsel has reviewed the issues set forth in the agenda and found no legal concerns as presented and reviewed and approved the amendments to the District's Conflict of Interest Code as to form and legality.

### **Environmental Review:**

The proposed Board action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

In addition, the proposed Board action allows for the District to implement its obligation under Sections 21 and 35 of the Port Act, which allow for the Board to pass all necessary ordinances and resolutions for the regulation of the district, and do all other acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action does not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or exclusion is not required.

### **Equal Opportunity Program:**

Not Applicable

### **PREPARED BY:**

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Attachment(s):

Attachment A: Red-line version of Appendix A (List of Designated Employees) for the District's Conflict of Interest Code

Attachment B: Red-lined version of Appendix B (Disclosure Categories for Designated Employees) for the District's Conflict of Interest Code