

**FILE NUMBER: 2024-362**

**DATE:** Tuesday, February 11, 2025

**SUBJECT: Conflict of Interest Code Amendment**

**DESCRIPTION: Ordinance Amending the Conflict of Interest Code of the San Diego Unified Port District**

**EXECUTIVE SUMMARY:**

Per Fair Political Practices Commission (FPPC) regulation, an amendment to the Conflict of Interest Code of the San Diego Unified Port District (District) is required, if needed, biennially by approval of the Board and subsequent approval of the County Board of Supervisors (Code Reviewing Body).

**RECOMMENDATION:**

Adopt an Ordinance amending the Conflict of Interest Code of the San Diego Unified Port District.

**FISCAL IMPACT:**

This agenda item has no fiscal impact.

**COMPASS STRATEGIC GOALS:**

The purpose of financial disclosure is to identify economic interests that might be affected while public officials are performing their official duties, i.e., making governmental decisions, which could cause a potential conflict of interest for the official.

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.). The District's Code designates certain staff positions as "designated employees" who are required to file annual Statements 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. Appendix A (List of Designated Employees) to the District's Code will be amended to

update the list of staff positions and reporting levels. In addition, Chula Vista Bayfront Facilities Financing Authority Port filers are being added to the list of designated employees pursuant to the Amended and Restated Joint Powers Authority Agreement on file with the Office of the District Clerk as Clerk's Document No. 70245. Lastly, Appendix B will be amended to correct the District's jurisdiction listed in the Code to match I reporting requirements.

The District's Code was last amended by the Board in September 2022. 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 General Counsel's Office has reviewed and approved this agenda and proposed ordinance, as presented, as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation an Ordinance Amending the Conflict of Interest Code of the San Diego Unified Port District, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA is required.

The proposed Board action complies with Section 21 and 35 of the Port Act which allow for the Board to pass resolutions and to do all 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.

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 an exclusion finding is not required.

### **Diversity, Equity, and Inclusion Program:**

Not applicable

### **PREPARED BY:**

Donna Morales  
District Clerk

Sophia de Jesus  
Deputy District Clerk

Attachment(s):

Attachment A: Red-lined version of Amended Conflict of Interest Code