

EAST BAY DISCHARGERS COMMISSION

EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 16-23

INTRODUCED BY Commissioner Toy

RESOLUTION APPROVING AMENDMENTS TO THE CONFLICT OF INTEREST CODE

WHEREAS, the East Bay Dischargers Authority adopted its Conflict of Interest Code on February 22, 1977 and amended said Code on May 7, 1981, September 19, 1996, May 21, 1998, July 19, 2001, July 15, 2004, June 15, 2006, and November 18, 2010; and

WHEREAS, the Conflict of Interest Code has been reviewed and modified pursuant to law by Legal Counsel; and

WHEREAS, the Conflict of Interest Code has been reviewed by the Personnel Committee and recommended for approval by the Commission.

NOW, THEREFORE, BE IT RESOLVED, the Conflict of Interest Code of the East Bay Dischargers Authority is hereby approved.

BE IT FURTHER RESOLVED, the attached Conflict of Interest Code is hereby approved effective August 18, 2016.

IT IS FURTHER RESOLVED, that a copy of the Code, as amended, shall be forwarded to the Alameda County Board of Supervisors for its approval, in accordance with California Government Code Section 87306.5.

SAN LORENZO, CALIFORNIA, AUGUST 18, 2016, ADOPTED BY THE FOLLOWING VOTE:

AYES: Commissioner Becker, Peixoto, Prola, Toy and Chair Johnson

NOES: None

ABSENT: None

ABSTAIN: None



CHAIR

EAST BAY DISCHARGERS COMMISSION

ATTEST:



GENERAL MANAGER
EAST BAY DISCHARGERS AUTHORITY
EX OFFICIO SECRETARY

CONFLICT OF INTEREST CODE

OF EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY

SECTION 1. Purpose. Pursuant to the provisions of Government Code sections 87300 *et seq.*, EAST BAY DISCHARGERS AUTHORITY OF ALAMEDA COUNTY (the “EBDA”) hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the California Political Reform Act of 1974.

SECTION 2. Incorporation of Regulation.

The California Fair Political Practices Commission adopted a regulation (Title 2 California Code of Regulations section 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency’s code. Therefore, the terms of Title 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the California Fair Political Practices Commission are hereby incorporated herein by this reference. The provisions of Title 2 California Code of Regulations section 18730 and the provisions below, designating officials and employees and establishing disclosure categories, along with the applicable sections of the California Political Reform Act, shall constitute the Conflict of Interest Code of EBDA.

SECTION 3. Designated Positions and Disclosure Categories. The positions listed in this Section 3 are designated positions. Officers and employees holding these positions are designated public officials, and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on an economic interest of the designated public official. Each designated public official shall file an annual statement disclosing that public official’s interests in investments, interests in real property, and business positions held or received during the previous calendar year, as required by the disclosure category applicable to that public official.

<u>Designated Position</u>	<u>Category</u>
Commission Member	1
General Manager	1
Treasurer/Controller	2
Consultant	3

Category 1: Persons in this category shall disclose all of the following interests: investments, interests in real property within EBDA’s jurisdiction*, business positions held or received during the previous calendar year and income—including loans, gifts and travel payments—from all sources.

Disclosure Category 2: Persons in this category shall disclose all of the following interests: investments, business positions held or received during the previous calendar year, interests in real property within EBDA’s jurisdiction*, and income—including loans, gifts and travel payments—from all sources.

Consultant Disclosure Category 3: Consultants shall disclose all of the interests required to be disclosed pursuant to Disclosure Category 1, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

*EBDA’s jurisdiction is Alameda County. For the purposes of this Conflict of Interest Code, an interest in real property is located within the jurisdiction of EBDA if any part of the property is located in, or within two miles of, the County, or if the property is located within two miles of any land owned or used by EBDA.

SECTION 4. Place, Manner and Time of Filing.

(a) All designated public officials shall file statements of economic interests with the EBDA’s Administrative Assistant. Upon receipt of the statements, the Administrative Assistant shall make and retain a copy and forward the original of the statements to the Alameda County Clerk of the Board of Supervisors. Statements of Economic Interests are public records available for public inspection.

(b) All designated public officials shall comply with the provisions of Title 2 California Code of Regulations section 18730 along with the applicable sections of the California Political Reform Act, (and as that section may be amended), which contains detailed instructions regarding the scope and types of interests to be reported as well as the manner of reporting them. The regulation can be found online at: <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

(c) Within 30 days after the effective date of this Code, all designated public officials shall submit an initial statement disclosing all reportable investments, business positions held or received during the previous calendar year, interests in real property, and income received during the 12 months before the effective date of this Code.

(d) Employees assuming any designated position shall submit an initial statement disclosing all reportable investments, business positions held on the date of assuming

office, interests in real property, and income received during the 12 months before assuming office, within 30 days of assuming said designated position.

(e) Employees leaving any designated position shall submit an initial statement disclosing all reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office, within 30 days of leaving said designated position.

(f) All designated public officials shall submit an annual statement. Such statements shall cover the period of the preceding calendar year. Annual statements shall be filed no later than April 1 following the end of the preceding calendar year.

SECTION 5. Disqualification. Designated public officials must disqualify themselves from making, participating in the making, or in any way attempting to use his or her official position to influence the making of any governmental decision which he or she knows or has a reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on any reportable interest of the public official as defined in Title 2 California Code of Regulations section 18730(b)(9).

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