

EAST BAY DISCHARGERS COMMISSION
EAST BAY DISCHARGERS AUTHORITY
ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 22-12

INTRODUCED BY Commissioner Duncan

RESOLUTION APPROVING AMENDMENTS TO THE AUTHORITY'S 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, 1988; July 19, 2001; July 15, 2004; June 15, 2006; November 18, 2010; and August 18, 2016; 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 and Financial Management Committees 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, effective July 21, 2022.


BE IT 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, JULY 21, 2022, ADOPTED BY THE FOLLOWING VOTE:

AYES: Cutter, Lathi, Duncan, Johnson, Andrews
NOES: None
ABSENT: None
ABSTAIN: None



CHAIR
EAST BAY DISCHARGERS AUTHORITY

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 (“AUTHORITY”) OF ALAMEDA COUNTY 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 the Authority.

SECTION 3. Designated Positions and Disclosure Categories. Persons holding a Designated Position listed below shall file a Statement of Economic Interest in the form of a Form 700. Those individuals holding a Designated Position are deemed to be in a position to make, or participate in the making of, decisions on behalf of the AUTHORITY which may foreseeably have a material effect on their economic interests.

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

Disclosure Category 1: Designated Positions in this category shall disclose all of the following interests: investments, interests in real property within the AUTHORITY’s jurisdiction*, personal income, business entity income, and business positions held or received during the previous calendar year.

Disclosure Category 2: Persons in this category shall disclose investments and business positions in business entities, and income from business entities of the type to provide bids, supplies, vehicles and equipment of the type used by the AUTHORITY.

Disclosure Category 3: Consultants shall disclose all of the interests required to be

disclosed pursuant to Disclosure Category 2, 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 General 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.

*The AUTHORITY’s “jurisdiction” as set forth above in the disclosure categories is Alameda County. For the purposes of this Conflict of Interest Code, an interest in real property is located within the jurisdiction of the AUTHORITY if any part of the property is located in, or within two miles of, Alameda County, or if the property is located within two miles of any land owned or used by the AUTHORITY.

SECTION 4. Place, Manner and Time of Filing.

(a) Individuals holding a Designated Position shall file their Statements of Economic Interests with the AUTHORITY, which will make the statements available for public inspection and reproduction (Government Code Section 81008). The AUTHORITY will retain copies of the Statements of Economic Interests and file the original statements with the Alameda County Clerk of the Board of Supervisors.

(b) All designated filers 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:
<https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730Provisions-of-Conflict-of-Interest-Codes.pdf>.

(c) Initial Statements. All designated filers shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an Initial Statement within 30 days after the effective date of the amendment.

(d) Assuming Office Statements. All persons assuming Designated Positions after the effective date of this code shall file an Assuming Office Statement within 30 days after assuming the designated positions.

(e) Leaving Office Statements. All persons who leave designated positions shall file a Leaving Office Statement within 30 days after leaving office.

(f) Annual Statements. All designated filers shall file an Annual Statement no later than April 1 every calendar year.

SECTION 5. Disqualification. No designated filer shall make, participate in making, or in any way attempt to use their position to influence the making of any governmental decision which they know 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 the official's immediate family or on any reportable interest of the public official as defined in Title 2 California Code of Regulations section 18730(b)(9).