February 18, 2015

TO: Authority Board
Energy Council

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Pat Cabrera, Administrative Services Director

SUBJECT: Amended and New Conflict of Interest Codes

BACKGROUND

The Political Reform Act (Government Code section 81000 et.esq), requires every local governmental agency to review its conflict of interest code for accuracy. A review of the designated positions for the Authority indicates that some changes are needed. Additionally, with the establishment of the Energy Council, a conflict of interest code for that entity is also required.

DISCUSSION

With respect to the Authority's conflict of interest code the following changes are being recommended: 1) the addition of the Deputy Executive Director, Accountant, and Supervising Executive Assistant positions and 2) the removal of disclosure 6, which repeats disclosure 1, 3) the addition of disclosure 1 (real property) for consultants when appropriate, and 4) some minor wording changes for clarity.

Attachment A shows these changes in strikeout/underscore format. Attachment B shows the changes in a 'clean' (changes accepted) version.

Because the Energy Council it is a wholly separate legal entity with a mission distinct from the Authority (unlike the Recycling Board whose mission is similar enough to be covered by the Authority's conflict of interest code), it is prudent for the Energy Council to have an independent Conflict of Interest Code. Attachment C is a Resolution and Conflict of Interest Code for the Energy Council.

The changed and new Conflict of Interest Codes will not fully take effect until approved by the Board of Supervisors. The new and revised disclosure categories will apply in the next round of Form 700 submittals by WMA Board, Energy Council, covered employees, and consultant, after the Supervisors approve the changes. A single Form 700 form can be filed covering all three legal entities (WMA, Recycling Board, and Energy Council).

However, persons newly covered by the Conflict of Interest Codes will need to file a Form 700 even before the County approves the changes.

RECOMMENDATION

Staff recommends that the Waste Management Authority (Attachment B) and the Energy Council (Attachment C) each adopt the relevant attached resolution stating their amended (WMA) or new (EC) Conflict of Interest Code.

Attachment A: WMA Resolution: Amended Conflict of Interest Code (redline)
Attachment B: WMA Resolution: Amended Conflict of Interest Code (clean)
Attachment C: Energy Council Conflict of Interest Code (new)

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

RESOLUTION # 2015 -

MOVED:
SECONDED:

AT THE MEETING HELD FEBRUARY 25, 2015

ADOPTION OF CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission, pursuant to its powers under the Political Reform Act, has promulgated a regulation containing the terms of a standard conflict of interest code, 2 California Code of Regulations section 18730; and,

WHEREAS, the Alameda County Board of Supervisors, by Resolution in 1993, approved a conflict of interest code for the Alameda County Waste Management Authority also referred to as the Authority; and,

WHEREAS, the Authority has modified its staff job descriptions and titles since last adopting a conflict of interest code, making it appropriate to revise the language of the conflict of interest code to reflect the current List of Designated Positions and to update and clarify the Disclosure Categories.

NOW, THEREFORE BE IT RESOLVED, that the Alameda County Waste Management Authority:

(1) Hereby (1) adopts and incorporates by reference the terms of 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC and (2) adopts the attached Appendix designating officials and employees and establishing disclosure categories. These regulations and the Appendix constitute the Conflict of Interest Code for the Authority and supersede any earlier Code; and

(2) Hereby resolves that designated employees shall file statements of economic interest with the Authority's Executive Director or designee. The Authority shall make all statements available for public inspection and reproduction pursuant to Government Code Section 81008; and,

(3) Directs staff to submit this Conflict of Interest code to the Alameda County Board of Supervisors, as the code reviewing body, for approval.

ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
APSTAIN:

_____
Gary Wolff, Executive Director

APPENDIX

LIST OF DESIGNATED POSITIONS

Designated Positions	**Disclosure Categories**
Authority Board Member/Alternate	1 through ~~6~~5
Recycling Board Member/Interim Member	1 through ~~6~~5
Executive Director	1 through ~~6~~5
Administrative Services Director	1 through ~~6~~5
Deputy Executive Director	1 through ~~6~~5
Authority Counsel	1 through ~~6~~5
Principal Program Manager	1 through ~~6~~5
Senior Program Manager	1 through ~~6~~5
Program Manager (I and II)	1 through ~~6~~5
Chief Finance Officer	1 through ~~6~~5
Accountant	1 through ~~6~~5
Supervising Executive Assistant	1 through ~~6~~5
Webmaster/Graphic Designer	1 through ~~6~~5
Consultants*	21 through ~~6~~ 5

* The Executive Director 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 comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director'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. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

DISCLOSURE CATEGORIES

Category 1 All interests in real property located within the County of Alameda. Any interests in real property located within the contiguous counties, that is or may be used as any type of hazardous or solid waste facility or for any solid waste or recycling enterprise.

Category 42 Investments and business positions in business entities, and income from such sources, whose property or operations are subject to solid waste facility permits or findings of conformance with the Alameda County Solid Waste Management Plan or the Alameda County Countywide Integrated Waste Management Plan.

Category 53 Investments and business positions in business entities, and income from such sources, that are engaged in the operation of any type of hazardous or solid waste facility or solid waste or recycling enterprise.

Category 34 Investments and business positions in business entities, and income from such sources or from persons, of the type that utilize contractual services, or other services, supplies, materials or equipment of the type provided by the Authority or Recycling Board receiveincluding but not limited to financial or technical assistance. from the Authority or Recycling Board.

Category 25 Investments and business positions in business entities, and income from such sources or from persons, that have contractedcontract with the Authority or Recycling Board to or that provide services, supplies, materials, machinery or equipment of the type used by the Authority or Recycling Board.

~~Category 6~~ ~~Any interest in real, property within Alameda County or within the contiguous counties, that is or may be used as any type of hazardous or solid waste facility or for any solid waste or recycling enterprise.~~

For the purpose of the above categories, the terms "solid waste", "solid waste enterprise", "solid waste facility", and "recycling" shall be defined as set forth in California Integrated Waste Management Act (Public Resources Code Sections 40,000 et seq.).

659521.2

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

RESOLUTION # 2015 -

MOVED:
SECONDED:

AT THE MEETING HELD FEBRUARY 25, 2015

ADOPTION OF CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission, pursuant to its powers under the Political Reform Act, has promulgated a regulation containing the terms of a standard conflict of interest code, 2 California Code of Regulations section 18730; and,

WHEREAS, the Alameda County Board of Supervisors, by Resolution in 1993, approved a conflict of interest code for the Alameda County Waste Management Authority also referred to as the Authority; and,

WHEREAS, the Authority has modified its staff job descriptions and titles since last adopting a conflict of interest code, making it appropriate to revise the language of the conflict of interest code to reflect the current List of Designated Positions and to update and clarify the Disclosure Categories.

NOW, THEREFORE BE IT RESOLVED, that the Alameda County Waste Management Authority:

(1) Hereby (1) adopts and incorporates by reference the terms of 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC and (2) adopts the attached Appendix designating officials and employees and establishing disclosure categories. These regulations and the Appendix constitute the Conflict of Interest Code for the Authority and supersede any earlier Code; and

(2) Hereby resolves that designated employees shall file statements of economic interest with the Authority's Executive Director or designee. The Authority shall make all statements available for public inspection and reproduction pursuant to Government Code Section 81008; and,

(3) Directs staff to submit this Conflict of Interest code to the Alameda County Board of Supervisors, as the code reviewing body, for approval.

ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
APSTAIN:

_____
Gary Wolff, Executive Director

APPENDIX

LIST OF DESIGNATED POSITIONS

Designated Positions	**Disclosure Categories**
Authority Board Member/Alternate	1 through 5
Recycling Board Member/Interim Member	1 through 5
Executive Director	1 through 5
Administrative Services Director	1 through 5
Deputy Executive Director	1 through 5
Authority Counsel	1 through 5
Principal Program Manager	1 through 5
Senior Program Manager	1 through 5
Program Manager (I and II)	1 through 5
Chief Finance Officer	1 through 5
Accountant	1 through 5
Supervising Executive Assistant	1 through 5
Webmaster/Graphic Designer	1 through 5
Consultants*	1 through 5

* The Executive Director 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 comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director'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. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

DISCLOSURE CATEGORIES

Category 1 All interests in real property located within the County of Alameda. Any interests in real property located within the contiguous counties, that is or may be used as any type of hazardous or solid waste facility or for any solid waste or recycling enterprise.

Category 2 Investments and business positions in business entities, and income from such sources or from persons that contract with the Authority or Recycling Board or that provide services, supplies, materials or equipment of the type used by the Authority or Recycling Board.

Category 3 Investments and business positions in business entities, and income from such sources or from persons that utilize contractual services, or other services,

supplies, materials or equipment of the type provided by the Authority or Recycling Board including but not limited to financial or technical assistance..

Category 4 Investments and business positions in business entities, and income from such sources, whose property or operations are subject to solid waste facility permits or findings of conformance with the Alameda County Integrated Waste Management Plan.

Category 5 Investments and business positions in business entities, and income from such sources, that are engaged in the operation of any type of hazardous or solid waste facility or solid waste or recycling enterprise.

For the purpose of the above categories, the terms "solid waste", "solid waste enterprise", "solid waste facility", and "recycling" shall be defined as set forth in California Integrated Waste Management Act (Public Resources Code Sections 40,000 et seq.).

659521.2

ENERGY COUNCIL
RESOLUTION # 2015 -

MOVED:
SECONDED:

AT THE MEETING HELD FEBRUARY 25, 2015

ADOPTION OF CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and,

WHEREAS, the Fair Political Practices Commission, pursuant to its powers under the Political Reform Act, has promulgated a regulation containing the terms of a standard conflict of interest code, 2 California Code of Regulations section 18730; and,

WHEREAS, Energy Council operations are administered by the Alameda County Waste Management Authority (Authority) and the Energy Council has been reporting pursuant to the Authority Conflict of Interest Code and now wishes to adopt its own code.

NOW, THEREFORE BE IT RESOLVED, that the Energy Council:

(1) Hereby adopts and incorporates by reference the terms of 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the FPPC and adopts the attached Appendix designating officials and employees and establishing disclosure categories. These regulations and the Appendix constitute the Conflict of Interest Code for the Energy Council; and,

(2) Hereby resolves that designated officials and employees shall file statements of economic interest with the Authority's Executive Director or designee. The Authority shall make all statements available for public inspection and reproduction pursuant to Government Code Section 81008; and,

(3) Directs staff to submit the conflict of interest code to the Alameda County Board of Supervisors, as the code reviewing body, for approval.

ADOPTED BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Gary Wolff, Executive Director

APPENDIX

LIST OF DESIGNATED POSITIONS

Designated Positions	Disclosure Categories
Energy Council Member/Alternate	1-3
Executive Director	1-3
Administrative Services Director	1-3
Deputy Executive Director	1-3
Authority Counsel	1-3
Principal Program Manager	1-3
Senior Program Manager	1-3
Program Manager (I and II)	1-3
Chief Finance Officer	1-3
Accountant	1-3
Supervising Executive Assistant	1-3
Webmaster/Graphic Designer	1-3
Consultants*	1-3

* The Executive Director 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 comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director'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. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

DISCLOSURE CATEGORIES

Category 1 Any interest in real property within Alameda County or within the nine Bay Area Counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) containing a habitable structure.

Category 2 Investments and business positions in business entities, and income from such sources or from persons that contract with the Energy Council or that provide contractual services, or other services, supplies, materials or equipment of the type utilized by the Energy Council.

Category 3 Investments and business positions in business entities, and income from such sources or from persons that utilize contractual services, or other services, supplies, materials or equipment of the type provided by the Energy Council including but not limited to financial or technical assistance.

659522.2