



DATE: December 14, 2022

TO: Waste Management Authority Board
Energy Council

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Amended and New Conflict of Interest Codes

SUMMARY

At the December 14, 2022 Waste Management Authority and Energy Council meetings, staff will recommend that both the WMA Board and the EC adopt resolutions amending their respective conflict of interest code. The changes are administrative in nature and include amending the Agency's list of positions required to disclose any conflicts of interest consultants (if applicable) board members and employees holding these positions may have pursuant to the disclosure categories listed in the attached resolutions. These positions are also required to complete an annual form 700 each year (and if applicable report these conflicts as directed on the form).

BACKGROUND

The Political Reform Act (Government Code section 81000 et. seq) requires every local government agency to review its conflict of interest code for accuracy. A review of the designated positions for the Agency indicates that some changes are needed to reflect current positions authorized in the Agency's budget.

With respect to both the WMA (which also covers Recycling Board Members) and the EC, the following changes to their respective codes are recommended: 1) the addition of the Communications Manager and the Senior Technology Officer and the deletion of the Information Systems Manager positions. These positions are part of the authorized position list adopted as part of the budget process.

For the WMA, attachment A shows these changes in underscore format and in the "clean" (changes accepted) version. For the EC, attachment B shows these changes in underscore format and in a clean version. The County of Alameda requires that both versions be submitted for Board of Supervisors' approval.

As a Joint Powers Authority, the County of Alameda provides oversight in this area. Therefore, the changes to the conflict of interest code will not fully take effect until approved by the Board of Supervisors. A single Form 700 form can be filed covering all three legal entities (WMA, Recycling Board, and Energy Council).

RECOMMENDATION

Staff recommends that the Waste Management Authority (Attachment A) and the Energy Council (Attachment B) each adopt their respective resolutions stating their amended Conflict of Interest Code.

Attachment A: WMA Resolution: Amended Conflict of Interest Code

Attachment B: Energy Council Resolution: Amended Conflict of Interest Code

ATTACHMENT A

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY RESOLUTION # 2022-XX

**MOVED:
SECONDED:**

**AT THE MEETING HELD DECEMBER 14, 2022
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.

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 Appendices 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:

ABSTAIN:

Arliss Dunn
Clerk of the Board

LIST OF DESIGNATED POSITIONS (REDLINED)

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
Operations Manager	1 through 5
<u>Communications Manager</u>	<u>1 through 5</u>
Senior Program Manager	1 through 5
Program Manager (I, II and III)	1 through 5
Senior Management Analyst	1 through 5
Management Analyst (I, II and III)	1 through 5
Information Systems Manager	1 through 5
<u>Senior Technology Officer</u>	<u>1 through 5</u>
Legislative and Regulatory Affairs Manager	1 through 5
Financial Services Manager	1 through 5
Accountant	1 through 5
Clerk of the Board	1 through 5
Executive Assistant – Assistant Clerk of the Board	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 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.).

LIST OF DESIGNATED POSITIONS (FINAL)

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
Authority Counsel	1 through 5
Principal Program Manager	1 through 5
Deputy Executive Director	1 through 5
Operations Manager	1 through 5
Communications Manager	1 through 5
Senior Program Manager	1 through 5
Program Manager (I, II and III)	1 through 5
Senior Management Analyst	1 through 5
Management Analyst (I, II and III)	1 through 5
Senior Technology Officer	1 through 5
Legislative and Regulatory Affairs Manager	1 through 5
Financial Services Manager	1 through 5
Accountant	1 through 5
Clerk of the Board	1 through 5
Executive Assistant – Assistant Clerk of the Board	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.).

ATTACHMENT B

ENERGY COUNCIL RESOLUTION # 2022-XX

**AT THE MEETING HELD DECEMBER 14, 2022 ADOPTION
OF CONFLICT OF INTEREST CODE**

**MOVED:
SECONDED:**

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 board action in 2015, approved a conflict of interest code for the Energy Council; and,

WHEREAS, the Energy Council 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.

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 Appendices 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:

Arliss Dunn
Clerk of the Board

LIST OF DESIGNATED POSITIONS (REDLINED)

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
Operations Manager	1-3
<u>Communications Manager</u>	<u>1-3</u>
Senior Program Manager	1-3
Program Manager (I, II and III)	1-3
Senior Management Analyst	1-3
Management Analyst (I, II and III)	1-3
Information Systems Manager	1-3
<u>Senior Technology Officer</u>	<u>1-3</u>
Legislative and Regulatory Affairs Manger	1-3
Financial Services Manager	1-3
Accountant	1-3
Clerk of the Board	1-3
Executive Assistant – Assistant Clerk of the Board	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.

LIST OF DESIGNATED POSITIONS (FINAL)

Designated Positions	Disclosure Categories
Energy Council Member/Alternate	1-3
Executive Director	1-3
Administrative Services Director	1-3
Authority Counsel	1-3
Principal Program Manager	1-3
Operations Manager	1-3
Communications Manager	1-3
Senior Program Manager	1-3
Program Manager (I, II and III)	1-3
Senior Management Analyst	1-3
Management Analyst (I, II and III)	1-3
Senior Technology Officer	1-3
Legislative and Regulatory Affairs Manger	1-3
Financial Services Manager	1-3
Accountant	1-3
Clerk of the Board	1-3
Executive Assistant –Assistant Clerk of the Board	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.