

RESOLUTION NO. 2018-027

A RESOLUTION AMENDING THE CENTRAL CONTRA COSTA  
SANITARY DISTRICT CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974 requires every local government agency to review its Conflict of Interest Code biennially, no later than October 1 of each even-numbered year, and determine whether changes are necessary; and

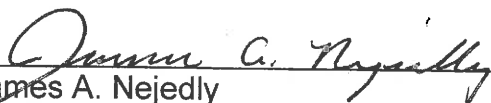
WHEREAS, Section 2.20.020 of the Central Contra Costa Sanitary District Code provides that the Board of Directors shall from time to time establish by resolution designated positions of officers and employees deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on a financial interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Central Contra Costa Sanitary District as follows:

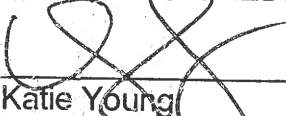
- Section 1. The proposed changes to the Central Contra Costa Sanitary District Conflict of Interest Code, a copy of which is attached, are hereby approved and adopted by the District, subject to approval by the Board of Supervisors of the County of Contra Costa; and
- Section 2. The Secretary of the District is hereby authorized and instructed to submit a copy of such Code amendment to the Board of Supervisors of the County of Contra Costa and to request the Board of Supervisors to approve said Code amendment in accordance with Government Code Section 87303.

PASSED AND ADOPTED this 20th day of September 2018, by the Board of Directors of the Central Contra Costa Sanitary District by the following vote:

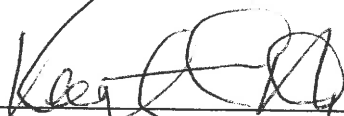
AYES: Members: McGill, Pilecki, Williams, Nejedly  
NOES: Members: None  
ABSENT: Members: Causey

  
James A. Nejedly  
President of the Board of Directors  
Central Contra Costa Sanitary District,  
County of Contra Costa, State of California

COUNTERSIGNED:


  
Katie Young  
Secretary of the Central Contra Costa  
Sanitary District, County of Contra Costa,  
State of California

Approved as to Form:

  
Kenton L. Alm, Esq.  
District Counsel

I, Donna M. Anderson, Secretary Pro Tem of the Central Contra Costa Sanitary District, of the County of Contra Costa, State of California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2018-027 passed and adopted by said District Board on September 20, 2018.

Dated: September 20, 2018

  
Donna M. Anderson  
Secretary Pro Tem

# CONFLICT OF INTEREST CODE

Adopted November 15, 2012  
Last Revised September 20, 2018



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## CENTRAL CONTRA COSTA SANITARY DISTRICT CONFLICT OF INTEREST CODE

- A. Incorporation of FPPC Regulation by Reference**  
Title 2, Section 18730 of the California Code of Regulations and any amendments to that regulation subsequently adopted by the Fair Political Practices Commission (FPPC) are hereby incorporated in this Conflict of Interest Code by reference.
- B. Code-Reviewing Body**  
The Contra Costa County Board of Supervisors is the Code-Reviewing Body for this Conflict of Interest Code.
- C. Place of Filing**
1. Those individuals who are required to file a Statement of Economic Interests (Form 700) shall do so as follows:
    - a. File Directly with the County  
The Board Members, employees and officers listed in Section F below shall file a Form 700 electronically with Contra Costa County using NetFile's paperless system and shall also provide a courtesy copy of the Form 700 to the Secretary of the District. The Secretary of the District is considered the "filing official" for those holding these positions.
    - b. File with the Secretary of the District  
Employees listed in Section G below shall file an original Form 700 with the Secretary of the District. The Secretary of the District is considered the "filing officer" and shall retain the original statements.
- D. Public Records**  
Form 700s are public records subject to Government Code Section 81008 and are available for public inspection not later than the second business day following the day on which the statement was received.

**E. Disqualification**

Board Members, employees, and officials in positions designated in Sections F and G below shall disqualify themselves from making or participating in the making of any governmental decision when it is reasonably foreseeable that a financial interest of the individual may be materially affected by the decision. The individual shall not be required to disqualify himself or herself with respect to any matter which could not be legally acted upon or decided without the individual's participation.

**F. Officials Who Manage Public Investments**

In accordance with Government Code Sections 87200 and 87314, certain positions are required to file a Form 700; specifically, those who direct the investment of public monies, formulate or approve investment policies, approve or establish guidelines for asset allocations, or approve investment transactions. It has been determined that the positions listed below shall file, upon assuming and leaving office and annually while in office, a Form 700 disclosing that official's interest in investments, real property, and income designated as reportable under the disclosure category to which the official's position is assigned. Officials who manage public investments shall be disqualified from participation as described above:

| <u>Designated Positions</u>                       | <u>Disclosure Category</u> |
|---|----------------------------|
| 1. Member, Board of Directors                     | 1                          |
| 2. General Manager                                | 1                          |
| 3. Secretary of the District                      | 1                          |
| 4. Counsel for the District                       | 1                          |
| 5. Deputy General Manager                         | 1                          |
| 6. Director of Finance and Administration         | 1                          |
| 7. Director of Engineering and Technical Services | 1                          |
| 8. Finance Manager                                | 1                          |

**G. Disclosure Statement and Designated Positions**

Each employee in the positions designated below shall file, upon assuming and leaving office and annually while in office, a Form 700 disclosing that employee's interest in investments, real property, and income designated as reportable under the disclosure category to which the employee's position is assigned. Employees in these "designated positions" are those who the District has determined will make or participate in making governmental decisions and who could foreseeably be affected materially by those decisions.

| <u>Designated Positions</u>                               | <u>Disclosure Category</u> |
|---|----------------------------|
| 9. Capital Projects Division Manager                      | 1                          |
| 10. Collection System Operations Division Manager         | 1                          |
| 11. Plant Operations Division Manager                     | 1                          |
| 12. Plant Maintenance Division Manager                    | 1                          |
| 13. Planning and Development Services Division<br>Manager | 1                          |

|     | <b><u>Designated Positions</u></b>                                    | <b><u>Disclosure Category</u></b> |
|-----|---|-----------------------------------|
| 14. | Environmental and Regulatory Compliance<br>Division Manager           | 1                                 |
| 15. | Human Resources Manager   | 1                                 |
| 16. | Communication Services and Intergovernmental<br>Relations Manager     | 1                                 |
| 17. | Information Technology Manager  | 1                                 |
| 18. | Program Manager   | 1                                 |
| 19. | Purchasing and Materials Manager                                      | 1                                 |
| 20. | Consultant (see Section H below)                                      | 1                                 |
| 21. | Employees or consultants hired as financial<br>advisor or underwriter | 1                                 |
| 22. | Risk Management Administrator   | 1                                 |
| 23. | Control Systems Engineer  | 1                                 |
| 24. | Senior Engineer   | 1                                 |
| 25. | Associate Engineer  | 1                                 |
| 26. | Senior Materials Coordinator  | 2                                 |
| 27. | Senior Buyer  | 2                                 |
| 28. | Material Services Supervisor  | 2                                 |
| 29. | Maintenance Planner   | 2                                 |
| 30. | Pumping Stations Supervisor   | 2                                 |
| 31. | Plant Operations Superintendent                                       | 2, 4                              |
| 32. | Field Operations Superintendent                                       | 2, 4                              |
| 33. | Plant Maintenance Superintendent                                      | 2, 4                              |
| 34. | Laboratory Superintendent   | 2, 4                              |
| 35. | Environmental Compliance Superintendent                               | 2, 4                              |
| 36. | Senior Environmental Compliance Inspector                             | 2, 4                              |
| 37. | Environmental Compliance Inspector                                    | 2, 4                              |
| 38. | Construction Inspector  | 2, 4                              |
| 39. | Right of Way Agent  | 2, 3                              |
| 40. | Senior Right of Way Agent   | 2, 3                              |
| 41. | Land Surveyor   | 3                                 |
| 42. | Development Services Supervisor                                       | 3, 4                              |

**H. Consultants**

Only those Consultants who fall within the criteria described below shall disclose pursuant to the broadest disclosure category in the District's Conflict of Interest Code, unless the General Manager determines that a less broad category is appropriate.

For purposes of the District's Conflict of Interest Code, "Consultant" means an individual who, pursuant to a contract with the District:

1. Makes a governmental decision whether to:
  - a. Approve a rate, rule, or regulation;
  - b. Adopt or enforce a law;

- c. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
  - d. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
  - e. Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
  - f. Grant agency approval to a plan, design, report, study, or similar item;
  - g. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or
2. Serves in a staff capacity with the agency and in that capacity participates in making governmental decisions as defined in FPPC Regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Sections F and G above. (FPPC Regulation 18701.)

The General Manager shall make a determination in writing when a particular Consultant falls within the above-described criteria requiring the Consultant to be treated as a “designated position.” The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Code.

**I. Disclosure Category Index**

Category 1 – Officials and employees whose duties are broad and indefinable:

All investments and business positions in business entities, and income (including loans, gifts and travel payments) from sources located in or doing business in the District’s jurisdiction.

Interests in real property located in the jurisdiction, including property within two miles of the boundaries of the District’s jurisdiction.

Category 2 – Officials and employees whose duties involve contracting or purchasing for the District:

All investments and business positions in business entities, and income (including gifts, loans and travel payments) from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by this District.

Category 3 – Officials and employees whose decisions may affect real property interests:

Interests in real property located in the jurisdiction, including property within two miles of the boundaries of the District.

Category 4 – Officials and employees with regulatory powers:

All investments and business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the District.

