

## CONFLICT OF INTEREST CODE

Adopted: November 15, 2012

Last Revised: ~~May 20, 2021~~ August 18, 2022



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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. Reason for Filing**

Those individuals listed in Sections G, H, and I are required to file a Form 700 as their job duties fall under one, or more, of the following categories:

- 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.

**GD. 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 **GF** 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-H** 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.

**DE. 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.

**EF. Disqualification**

Board Members, employees, and officials in positions designated in Sections **FG** and **GH** 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.

**FG. 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.	Director of Operations	1
6.	Director of Finance and Administration	1
7.	Director of Engineering and Technical Services	1
8.	Finance Manager	1

**GH. 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>
<del>9.</del>	<del>Capital Projects Division Manager</del>	<del>4</del>
<del>10.</del>	<del>Collection System Operations Division Manager</del>	<del>4</del>
<del>11.</del>	<del>Plant Operations Division Manager</del>	<del>4</del>
<del>12.</del>	<del>Plant Maintenance Division Manager</del>	<del>4</del>
<del>13.</del>	<del>Planning and Development Services Division Manager</del>	<del>4</del>
<del>14.</del>	<del>Environmental and Regulatory Compliance Division Manager</del>	<del>4</del>
<del>15.</del>	<del>Human Resources and Organizational Development Manager</del>	<del>4</del>
<del>16.</del>	<del>Communication Services and Intergovernmental Relations Manager</del>	<del>4</del>
<del>17.</del>	<del>Information Technology Manager</del>	<del>4</del>

<u>Designated Positions</u>	<u>Disclosure Category</u>
<del>18. Resource Recovery Program Manager</del>	<del>1</del>
<del>19. Purchasing and Materials Manager</del>	<del>1</del>
<del>20. Consultant (see Section IH below)</del>	<del>1</del>
<del>21. Employees or consultants hired as financial advisor or underwriter</del>	<del>1</del>
<del>22. Employees on the Deferred Compensation Advisory Committee</del>	<del>1</del>
<del>23. Risk Management Program Administrator</del>	<del>1</del>
<del>24. Utility Systems Engineer</del>	<del>1</del>
<del>25. Senior Engineer</del>	<del>1</del>
<del>26. Associate Engineer</del>	<del>1</del>
<del>27. Senior Materials Coordinator</del>	<del>2</del>
<del>28. Contracts Specialist</del>	<del>2</del>
<del>29. Senior Buyer Contracts and Procurement Specialists I/II</del>	<del>2</del>
<del>30. Material Services Supervisor</del>	<del>2</del>
<del>31. Maintenance Planner</del>	<del>2</del>
<del>32. Pumping Stations Supervisor</del>	<del>2</del>
<del>33. Plant Operations Superintendent, Operations/Maintenance Superintendent</del>	<del>2, 4</del>
<del>34. Field Operations Superintendent</del>	<del>2, 4</del>
<del>35. Plant Maintenance Superintendent</del>	<del>2, 4</del>
<del>36. Laboratory Superintendent Program Administrator</del>	<del>2, 4</del>
<del>37. Environmental Compliance Superintendent Program Administrator</del>	<del>2, 4</del>
<del>38. Senior Environmental Compliance Inspector</del>	<del>2, 4</del>
<del>39. Environmental Compliance Inspector I/II</del>	<del>2, 4</del>
<del>40. Construction Inspector</del>	<del>2, 4</del>
<del>41. Right of Way Real Property Agent</del>	<del>2, 3</del>
<del>42. Land Surveyor Senior Right of Way Agent</del>	<del>2, 3</del>
<del>43. Development Services Supervisor Land Surveyor</del>	<del>3</del>
<del>44. Development Services Supervisor Operations Optimization Manager</del>	<del>3, 41</del>

Designated Positions

Category

<u>Management Positions</u>	
1. Capital Projects Division Manager	1
2. Collection System Operations Division Manager	
3. Communication Services and Government Relations Manager	
4. Environmental and Regulatory Compliance Division Manager	
5. Human Resources & Organizational Development Manager	
6. Information Technology Manager	
7. Operations Optimization Manager	
8. Planning and Development Services Division Manager	

<u>Designated Positions</u>	<u>Category</u>
9. Plant Maintenance Division Manager	
10. Plant Operations Division Manager	
11. Purchasing and Materials Manager	
12. Resource Recovery Program Manager	
<u>Consultants and Special Capacities</u>	
	1
13. Consultant (refer to Section I below)	
14. Employees or consultants hired as financial advisor or underwriter	
15. Employees on the Deferred Compensation Advisory Committee	
<u>All Other Applicable Staff Positions</u>	
16. Associate Engineer	1
17. Construction Inspector	2, 4
18. Contracts and Procurement Specialist I/II	2
19. Contracts Specialist	2
20. Development Services Supervisor	2, 3
21. Environmental Compliance Inspector I/II	2, 4
22. Environmental Compliance Program Administrator	2, 4
23. Laboratory Program Administrator	2, 4
24. Land Surveyor	2, 3
25. Maintenance Planner	2
26. Material Services Supervisor	2
27. Materials Specialist	2
28. Real Property Agent	2, 3
29. Risk Management Program Administrator	1
30. Senior Engineer	1
31. Senior Environmental Compliance Inspector	2, 4
32. Superintendent, Operations/Maintenance	2
33. Utility Systems Engineer	1

**HI. 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 2 CCR 18700, et seq. ~~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 ~~FG~~ and ~~G-H~~ 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:~~

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~~05-20-21~~

08-18-22

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

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