

ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

The following action was taken by the Alameda County Board of Supervisors on 02/26/2019

Approved as Recommended ☒

Other ☐

Unanimous ☒ Chan: ☐ Haggerty: ☐ Miley: ☐ Valle: ☐ Carson: ☐ - ☐ 5

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. 30230

Item No. 59

Copies sent to:

Regina McEvoy, Union Sanitary District, 5072 Benson Road, Union City, CA 94587-2508

Special Notes:



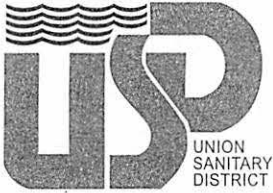
I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:

Clerk of the Board
Board of Supervisors

By: RBailey

Deputy



Directors
 Manny Fernandez
 Tom Handley
 Pat Kite
 Anjali Lathi
 Jennifer Toy

Officers
 Paul R. Eldredge, P.E.
*General Manager/
 District Engineer*

Karen W. Murphy
Attorney

February 8, 2019

Honorable Board of Supervisors
 Administration Building
 Oakland, CA 94612

Subject: Approve Amended Conflict of Interest Code of Union Sanitary District

Dear Board Members:

It is requested that your Board approve the amended Conflict of Interest Code of Union Sanitary District. The Political Reform Act (Government Code 81000, *et seq.*) requires every local governmental agency to adopt and promulgate a conflict of interest code and to biennially review its code to determine if it is accurate or requires amendment.

The amendment includes the following changes:

1. Addition of Human Resources Manager position
2. Code Sections updated
3. Formatting updated

The amended code was approved by our Board at their meeting held on January 28, 2019.

Thank you,

Regina McEvoy
 Executive Assistant to the General Manager/Board Clerk
 Union Sanitary District

Encs.

RESOLUTION NO. 2850

APPROVING A REVISED CONFLICT OF INTEREST CODE

WHEREAS, Government Code Section 87200, et seq. requires a biennial review of the District's Conflict of Interest Code; and

WHEREAS, the Conflict of Interest Code of the Union Sanitary District approved on December 12, 2016 ("2016 Conflict of Interest Code"), has been reviewed and found to require modification to add a new position – Human Resources Manager; and

WHEREAS, the remainder of the Conflict of Interest Code remains substantially the same as the 2016 Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UNION SANITARY DISTRICT, AS FOLLOWS:

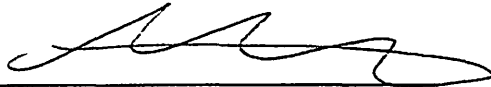
1. The revised Conflict of Interest Code is hereby approved, in the form attached hereto and incorporated herein by reference.
2. District staff is authorized to submit the revised Conflict of Interest Code to Alameda County, the code reviewing body, and to make any minor or technical revisions required by Alameda County.

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None


ABSENT: None

ABSTAIN: None



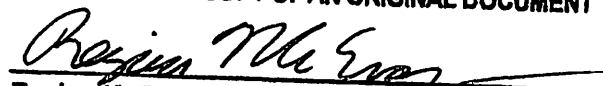
ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:



JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

CERTIFIED TRUE COPY OF AN ORIGINAL DOCUMENT



Regina McEvoy, Board Secretary
Union Sanitary District

CONFLICT OF INTEREST CODE

UNION SANITARY DISTRICT

Updated January 28, 2019

A. PURPOSE

The purposes of this Code are to provide for the disclosure of assets, investments, interests in real property, income, and business positions of designated District employees which may be materially affected by their official actions and to provide for the disqualification of designated employees from participation in District decisions in which they may have a financial interest.

B. BACKGROUND

The Political Reform Act of 1974, Government Code Sections 81000 *et seq.*, requires state and local agencies to adopt and promulgate Conflict of Interest Codes.

The California Fair Political Practices Commission has, pursuant to its authority under Section 83112 of the Government Code, adopted a regulation which contains the terms of a standard Conflict of Interest Code. This regulation is codified at Title 2 California Code of Regulations Section 18730. This regulation may be incorporated by reference by local agencies and, together with the designation of employees and disclosure categories, meets the requirements of the Political Reform Act.

C. ADOPTION OF CONFLICT OF INTEREST CODE

1. The terms of Title 2 California Code of Regulations Section 18730 are hereby incorporated by reference and, together with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of Union Sanitary District ("District").

2. Designed positions are set forth in the attached Appendix and are those positions whose duties entail the making or participating in the making of decisions which may foreseeably have a material impact on financial interests. Each person filling a designated position, and any person filling a designated position on a temporary or acting basis, shall

disclose all of the information required under Section C(3) of this Code, on forms provided by the District.

3. No person holding a position listed in Section C(2), immediately above, shall make or participate in the making of a decision when he or she has a financial interest, as defined in Section 87103 of the California Government Code, when it is reasonably foreseeable that the interest may be affected materially by the decision.

4. Designated employees shall file their Statements of Economic Interests with the District, which will make the statements available for public inspection and reproduction (Government Code Section 81800). Statements of designated employees will be retained by the District. Elected officials and the General Manager/District Engineer shall file their Statements of Economic Interests with the District and the District shall then transmit the statements to Alameda County.

5. As provided in Government Code Section 82011, the code reviewing body is the Alameda County Board of Supervisors. Pursuant to Title 2 California Code of Regulations Section 18227, the Alameda County Clerk shall be the official responsible for receiving and retaining statements of economic interests filed with the Board of Supervisors.

6. The General Manager/District Engineer shall have the power to designate positions for disclosure required by this code on an interim basis pending Board review. Such designations shall be made if the General Manager/District Engineer determines that the position entails the making or participating in the making of decisions which may foreseeably have a material effect on financial interests.

7. Subsequent amendments to Title 2 California Code of Regulations Section 18730 duly adopted by the Fair Political Practices Commission, after public notice and hearings, are also hereby incorporated by reference unless the Board of Directors of the District, within 90

days after the date on which an amendment to Section 18730 becomes effective, adopts a resolution providing that the amendment is not to be incorporated into this Code.

8. This Conflict of Interest Code supersedes any Conflict of Interest Code previously adopted by the District.

9. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code section 81000, *et seq.*). The provisions of this code are in addition to Government Code Section 87100 and other laws pertaining to conflicts of interest, including, but not limited to, Government Code Section 1090, *et seq.*

APPENDIX

EXHIBIT 1

UNION SANITARY DISTRICT LIST OF DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES FOR CONFLICT OF INTEREST CODE

Each person holding any position listed below must file statements disclosing the kinds of financial interests shown for the employee's position. Statements must be filed at the times and on the forms prescribed by law. Failure to file statements on time may result in penalties, including but not limited to late fines.

<u>Designated Positions</u>	<u>Disclosure Category</u>
Work Group Manager – Technical Services	1,2,3,4
Work Group Manager – Collection Services	1,2,3,4
Work Group Manager – Treatment & Disposal Services	1,2,3,4
Work Group Manager – Fabrication, Maintenance & Construction	1,2,3,4
Human Resources Manager	1,2,3,4
Purchasing Agent	1,2,3,4
Consultants**	1,2,3,4

It has been determined that the positions listed below must automatically file a statement of economic interests pursuant to Government Code Section 87200:

Directors
General Manager/District Engineer
General Counsel
Work Group Manager – Business Services

** 2 California Code of Regulations Section 18700.3(a) defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (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 which requires agency approval;
 - (E) Grant agency approval to a contract which requires agency approval and in 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 a governmental decision as defined in Regulation 18704(a) and (b) 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 agency's Conflict of Interest Code.

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager/District Engineer 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 described in this section. (See Government Code § 82019 and FPPC Regulations § 18219 and 18734.) 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/District Engineer'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. (See Government Code § 81008.)

Nothing herein excuses any consultant from any other provisions of this Conflict of Interest Code, specifically those dealing with disqualification.

EXHIBIT 2
DESCRIPTION OF DISCLOSURE CATEGORIES

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may likely be affected materially by any decision made or participated in by the designated person because of his or her position.

Category 1. Investments

A designated employee assigned to Category 1 is required to disclose investments that may be materially affected by any decision made or participated in by the designated employee. The employee should complete the appropriate schedules of Form 700 for investments.

Category 2. Interests in Real Property

A designated employee assigned to Category 2 is required to disclose interests in real property that may be materially affected by any decision made or participated in by the designated employee. The employee should complete the appropriate schedules of Form 700 for interests in real property.

Category 3. Income

A designated employee assigned to Category 3 is required to disclose income that may be materially affected by any decision made or participated in by the designated employee. The employee should complete the appropriate schedules of Form 700 for income.

Category 4. Business Positions

A designated employee assigned to Category 4 is required to disclose any business entity in which the designated employee is a director, officer, partner, trustee, employee or holds any position of management that may be materially affected by any decision made or participated in by the designated employee. The employee should complete the appropriate schedules of Form 700 for business positions.

CONFLICT OF INTEREST CODE

UNION SANITARY DISTRICT

Updated ~~December 12~~January 28, 2016 2019

A. PURPOSE

The purposes of this Code are to provide for the disclosure of assets, investments, interests in real property, income, and business positions of designated District employees which may be materially affected by their official actions and to provide for the disqualification of designated employees from participation in District decisions in which they may have a financial interest.

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disclose all of the information required under Section ~~3-C~~(3) of this Code, on forms provided by the District.

3. No person holding a position listed in ~~section 2~~Section C(2), immediately above, shall make or participate in the making of a decision when he or she has a financial interest, as defined in Section 87103 of the California Government Code, when it is reasonably foreseeable that the interest may be affected materially by the decision.

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General Counsel
Work Group Manager – Business Services

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- (1) Makes a Governmental decision whether to:
 - (i)~~A~~ Approve a rate, rule, or regulation;
 - (ii)~~B~~ Adopt or enforce a law;
 - (iii)~~C~~ Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
 - (iv)~~D~~ Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (v)~~E~~ Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (vi)~~F~~ Grant agency approval to a plan, design, report, study, or similar item;
 - (vii)~~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 a governmental decision as defined in Regulation 18704(a) and (b) 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 agency's Conflict of Interest Code.

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