Contra Costa County

To: Board of Supervisors

From: Mary Ann Mason, County Counsel

Date: November 1, 2022

Subject: Conflict of Interest Code for the Ironhouse Sanitary District

RECOMMENDATION(S):
APPROVE amended Conflict of Interest Code for the Ironhouse Sanitary District ("District"), including the list of designated positions.

FISCAL IMPACT:
None.

BACKGROUND:
The District has amended its Conflict of Interest Code and submitted the revised code, attached as Exhibit A, to the Board for approval pursuant to Government Code sections 87306 and 87306.5.

The changes include an updated list of positions designated to file conflict of interest statements, including the addition of one position, the deletion of one position, and revision to the title of three positions. These changes will ensure that the Conflict of Interest Code accurately reflects the current positions and organizational structure in use by the District. A red-lined version of the Conflict of Interest Code is attached as Exhibit B.

CONSEQUENCE OF NEGATIVE ACTION:
None.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/01/2022** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

Contact: Kurtis C. Keller, Deputy County Counsel, (925) 655-2200

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 1, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

cc: Monica Nino, Clerk of the Board of Supervisors, Kurtis C. Keller, Deputy County Counsel, Chad Davisson, General Manager, Ironhouse Sanitary District

RECEIVED
SEP 22 2022
By Clerk of the Board
10:31am

CONFLICT OF INTEREST CODE FOR IRONHOUSE SANITARY DISTRICT

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal.Code Regs. § 18730) which contains the terms of a standard conflict of interest code which can be incorporated by reference in the agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any future amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. Such regulation, and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of Ironhouse Sanitary District.

The designated officials and employees shall file statements of economic interests with the Ironhouse Sanitary District, which will make the statements available for public inspection and reproduction. (Gov't Code § 81008). The original statements of the General Manager and Directors shall be forwarded to the Clerk of the Board of Supervisors for Contra Costa County. Copies of the statements for all designated officials and employees will be retained by Ironhouse Sanitary District.

In addition to any other requirements of 2 California Code of Regulations Section 18730 and any amendments thereto, a candidate for the Board of Directors of Ironhouse Sanitary District shall file, no later than the final filing date of a declaration of candidacy, a statement of economic interests, pursuant to Government Code section 87200 et seq.

APPENDIX

List of Designated Positions	Assigned Disclosure Categories
Assistant General Manager	1
Consultants*	1
District Secretary	2
Plant Manager	2
Collections Superintendent	2
Jersey Island Superintendent	2
Procurement Specialist	2
Plant Supervisor	3
Collections System Supervisor	3
Range Management Specialist	4
Plant Lead	4
Collections System Lead	4
Ranch Operator Lead	

*The General Manager may determine in writing that a particular consultant, although a "designated position," is contracted with 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. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The General Manager'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.)

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

Directors and Candidates for Election
General Manager
General Counsel
Financial Consultant

Disclosure Categories:

Category 1. Individuals in Category 1 shall disclose:

- All interests in real property located in part or in whole within the boundaries of Ironhouse Sanitary District, within two miles thereof, or within two miles of land owned or used by the District; and

- All investments, business positions and sources of income (including gifts, loans, and travel payments) located or doing business in the jurisdiction of Ironhouse Sanitary District. A business entity is "located or doing business in the jurisdiction of Ironhouse Sanitary District" if the business entity is doing business or plans to do business within the boundaries of the District, or if the business entity owned or leased any facilities within the boundaries of the District, or has done business within the boundaries of the

District, at any time during the two years prior to the time that the disclosure statement of the designated office/employee is filed.

Category 2. Individuals in Category 2 shall disclose:

- All investments, business positions and sources of income (including gifts, loans, and travel payments) that provide leased facilities, goods, equipment, vehicles, machinery, livestock, construction services or other services, including training or consulting services, of the type utilized by Ironhouse Sanitary District.

Category 3. Individuals in Category 3 shall disclose:

- All investments, business positions and sources of income (including gifts, loans, and travel payments) that provide leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services, of the type utilized by the Operations, Maintenance or Engineering Department of Ironhouse Sanitary District.

Category 4. Individuals in Category 4 shall disclose:

- All investments, business positions and sources of income (including gifts, loans, and travel payments) that provide leased facilities, goods, equipment, vehicles, machinery, livestock, or services, including training or consulting services, of the type utilized by the Ranch, Levee and Reclamation Department of Ironhouse Sanitary District.

In the Board of Supervisors
of
Contra Costa County, State of California

April 4, 19 78

In the Matter of

BYRON SANITARY DISTRICT

CONFLICT OF INTEREST CODE

Pursuant to Government Code §87304 this Board hereby adopts a Conflict of Interest Code for the above-named Agency as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

PASSED by the Board on April 4, 1978.

AWW/j

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Witness my hand and the Seal of the Board of Supervisors affixed this 4th day of April, 1978

J. R. OLSSON, Clerk

By Robbie Gutierrez, Deputy Clerk

Robbie Gutierrez

cc: Byron Sanitary District
County Counsel
County Administrator

H - 24 4/77 15m

CONFLICT OF INTEREST CODE
OF THE
BYRON SANITARY DISTRICT
OF
CONTRA COSTA COUNTY

SECTION 100. Purpose. Pursuant to the provisions of Government Code Sections 87300, et seq., the Board of Supervisors of Contra Costa County hereby adopts the following Conflict of Interest Code for the above-named agency. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

SECTION 200. Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned.

SECTION 400. Place and Time of Filing.

(a) All designated employees required to submit a statement of financial interest shall file the original with the Executive Officer of the agency.

(b) In the case of agency heads and the members of boards and commissions, the Executive Officer of the agency which receives the statement of financial interest shall make and retain a copy and forward the original to the Contra Costa County Board of Supervisors.

(c) A designated employee required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.

(d) Civil Service or merit system, including classified or certificated employees appointed, promoted, or transferred to designated positions shall file initial statements within 30 days after date of employment.

Microfilmed with board order

EXHIBIT A

(e) All other employees appointed, promoted or transferred to designated positions shall file initial statements not less than 10 days before assuming office (or if subject to confirmation, 10 days before being confirmed), unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.

(f) Annual statements shall be filed during the month of February by all designated employees. Such statements shall cover the period of the preceding calendar year. Closing statements shall be filed within 30 days of leaving a designated position. Such statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.

(g) A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

SECTION 500. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the Clerk of Contra Costa County, and shall contain the following information:

(a) Contents of Investment and Real Property Reports:

When an investment, or an interest in real property, is required to be reported, the statement shall contain:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars ($10,000), and whether it exceeds one hundred thousand dollars ($100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

(b) Contents of Personal Income Reports:

When personal income is required to be reported, the statement shall contain:

(1) The name and address of each source of income aggregating two hundred and fifty dollars ($250) or more in value, or twenty-five dollars ($25) or more in value if the income was a gift, and a general description of the business activity, if any of each source:

(2) A statement whether the aggregate value of income from each source was greater than one thousand dollars ($1,000), and whether it was greater than ten thousand dollars ($10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the amount and the date on which the gift was received.

(c) Contents of Business Entity Income Reports:

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's prorata share of fees from such person was equal to or greater than one thousand dollars ($1,000);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) during a calendar year.

(d) Contents of Management Positions Reports:

When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee or in which they hold any position of management.

(e) Initial Statement:

The initial statement filed by an employer appointed to a designated position shall disclose any reportable investments and interests in real property.

(f) Acquisition or Disposal During Reporting Period:

In the case of a statement filed under Section 400(f), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

SECTION 600. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

EXHIBIT "A"

Designated Positions	Disclosure Category
Members of the Board of Directors or Governing Board	1 and 2
District Manager or Executive Officer	1 and 2

EXHIBIT "B"

Disclosure Categories

General Rule.

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 foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated Employees in Category "1" must report:

All investments, interests in real property, income and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within the territory of the agency or if the business entity is doing business or planning to do business in the Agency (and such plans are known by the designated employee) or has done business within the Agency at any time during the two years prior to the filing of the statement.

Designated Employees in Category "2" must report:

Investments in any business entity, and income from any source and status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity, which has within the last two years contracted, or foreseeably may contract, with the Agency to provide services, supplies, materials, machinery, or equipment to such Agency.