



ORO LOMA SANITARY DISTRICT

BOARD OF DIRECTORS

Dan Walters, President
Rita Duncan, Vice-President
Bob Glaze, Secretary
Fred Simon, Director
Shelia Young, Director

GENERAL MANAGER

Jason Warner

December 20, 2018

Board of Supervisors
Alameda County
1221 Oak Street, Suite 536
Oakland, CA 94612

SUBJECT: 2018 CONFLICT OF INTEREST CODE BIENNIAL REVIEW

Dear Ms. Perkins,

Oro Loma Sanitary District recently amended its Conflict of Interest Code policy and standard procedure to align it with the provisions of Title 2, Section 18730 of the California Code of Regulations, Fair Political Practices Commission.

Enclosed is:

- 1) 2018 Local Agency Biennial Notice for the Oro Loma Sanitary District;
- 2) Oro Loma Sanitary District Conflict of Interest Code, Revised 12/04/18, showing the amendments; and
- 3) Minutes from December 4, 2018 public meeting of the Sanitary Board showing the Code was approved by minute motion.

We respectfully request placement of the Oro Loma Sanitary District Conflict of Interest Code on an upcoming Agenda for approval by the Board of Supervisors.

If you have any questions or need additional information, please contact me by email at sgreen@oroloma.org or by phone at (510) 276-4700.

Sincerely,

Sally Green
District Secretary

2018 Local Agency Biennial Notice

Name of Agency: ORO LOMA SANITARY DISTRICT
Mailing Address: 2655 Grant Avenue, San Lorenzo, CA 94580
Contact Person: Sally Green, District Secretary Phone No. 510 276-4700
Email: sgreen@oroloma.org Alternate Email: info@oroloma.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☒ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)


- ☒ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

10/31/18

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2018**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

ORO LOMA SANITARY DISTRICT POLICY AND STANDARD PROCEDURE

No: IV.A.3
Adopted: 12/19/89
Revised: 09/16/14
Revised: xx/xx/xx

SUBJECT: CONFLICT OF INTEREST CODE

- I. **POLICY:** In accordance with the Political Reform Act of 1974, this serves as the District's Conflict of Interest Code.
- II. **SCOPE:** The District's Conflict of Interest Code shall apply to designated positions, being those persons the District has determined are involved in the making or participation in the making of decisions which may foreseeably have a material effect on their financial interests. These include persons who have authority to vote on a matter, appoint a person, obligate or commit the agency to a course of action, or enter into any contractual agreement on behalf of the agency, mid-level positions that have authority to negotiate decisions on behalf of the agency without significant substantive review, and positions that advise or make recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion that requires the exercise of judgment on the part of the employee and the purpose of the research, investigation, report, analysis or opinion is to influence a governmental decision.
- III. **RESPONSIBILITY:** It shall be the responsibility of each elected official and designated employee to comply with the Conflict of Interest Code.
- IV. **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.
- V. **PROCEDURES:**
 - A. All officials and employees required to submit a statement of economic interests shall file the original with the District Secretary.
 - B. The District Secretary shall make and retain a copy and forward the original to the Board of Supervisors for the following designated filers:
 - A. Member, Board of Directors
 - B. General Manager
 - C. Finance Manager
 - D. District Engineer
 - E. Administrative Services Manager
 - F. Technical Services Manager-Plant

For purposes of FPPC regulations, the District Secretary is considered the "filing officer" for all officials and employees required to submit statements of economic interest.

- C. The District Secretary shall keep the original statements of economic interests filed by persons in all other positions.
- D. Statements of economic interests are public records subject to Government Code Section 81008, and are available for public inspection no later than the second business day following the day on which the statement was received.
- E. Employees in positions designated below shall file statements of economic interests and disqualify themselves from making or participating in the making of any governmental decision when it is reasonably foreseeable that a financial interest of the employee may be materially affected by the decision.

i. Officials Who Manage Public Investments. In accordance with Government Code Section 87200, positions designated to file statements of economic interests include those "directing the investment of public monies, formulating or approving investment policies, approving or establishing guidelines for asset allocations, or approving investment transactions." It has been determined that the positions listed below manage public investments and will file a statement of economic interests and be disqualified from participation as described above:

	Disclosure Category
A. Member, Board of Directors	1
B. General Manager	1
C. Finance Manager	1
D. District Engineer	1

ii. Designated Positions. Each official and employee in the positions designated below shall file, upon assuming and leaving office and annually while in office, a statement of economic interests (also known as a Form 700) disclosing that person's interest in investments, real property, and income designated as reportable under the disclosure category to which the 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.

	Disclosure Category
A. Member, Board of Directors	1
B. General Manager	1
C. Finance Manager	1
D. District Engineer	1
E. Administrative Services Manager	2
F. District Counsel	1
G. <u>Technical Services Manager-Plant</u>	<u>1</u>

iii. 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 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 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 agency's Conflict of Interest Code. (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.

F. 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.

Reviewed & Revised by: A. Simion, 9/3/14

Approved by Legal Counsel 9/11/14

Approved by the Board 9/16/14

Approved by Legal Counsel 11/07/18

Reviewed by Personnel Committee: 11/30/18

Approved by Board xx/xx/xx

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**MINUTES OF THE REGULAR MEETING
OF THE SANITARY BOARD OF
ORO LOMA SANITARY DISTRICT**

December 4, 2018

The regular meeting of the Sanitary Board of Oro Loma Sanitary District was called to order by President Shelia Young at 3:00 p.m. on Tuesday, December 4, 2018, at the District offices at 2655 Grant Avenue, San Lorenzo. President Young noted that Directors Timothy Becker, Rita Duncan, Bob Glaze, and Dan Walters were present. In attendance were Jason Warner, General Manager; Bill Halsted, District Engineer; Arlene Wong, Finance Manager; Andreea Simion, Administrative Services Manager; Jimmy Dang, Technical Service Manager-Plant; Sally Green, District Secretary; Lacey Aldridge, Administrative Support Specialist, and Tivonna Stern, Legal Counsel. Also present were managers and staff from all departments. Member of the public Fred Simon (recently elected to the Oro Loma Board) also attended the meeting.

Director Becker moved approval of the following items: 4) Approval of Board Minutes of November 20, 2018. The motion was seconded by Director Glaze and carried unanimously, 5-0.

President Young introduced Agenda Item 5, a Resolution of Appreciation for Lenny Rather, who is retiring from Oro Loma after 27 years of dedicated service. General Manager Warner said that Rather demonstrated the highest standard of honor and integrity, and has provided a quality example. He has been a champion for the Collections Department; he always set a good example for his staff and "Treated Every Customer Like Family". The Board and staff expressed their appreciation for Lenny's contributions and loyal service to the District's customers, Board of Directors, management, and staff. Lenny expressed his gratitude to the Board, fellow managers, and staff. Director Becker MOVED ADOPTION OF RESOLUTION OF APPRECIATION FOR LENNY RATHER AFTER 27 YEARS OF SERVICE TO THE DISTRICT. Director Walters seconded the motion, and following a roll call vote, Resolution No. 3662 carried unanimously, 5-0. A ceremonial copy of the resolution was presented to Lenny, and the Directors expressed their appreciation and offered him their best wishes upon retirement.

Following a short recess at 3:11 p.m., President Young resumed the meeting at 3:28 p.m. and reported on the November 14, 2018 meeting of StopWaste – Alameda County Waste Management Authority. Highlights included Mandatory Recycling Ordinance (MRO) enforcement, New Year Priority Setting, and The Alameda County Waste Reduction and Recycling Initiative (Measure D), which levies a surcharge on solid waste landfilled in unincorporated Alameda County. Fifty percent of Recycling Fund revenues are disbursed to cities and sanitary districts that meet criteria contained in the law. Funds disbursed to municipalities must be used "... for the continuation and expansion of municipal recycling programs".

Director Becker reported on the November 19, 2018 meeting of the CASA Board of Directors. The meeting highlights included: explore development of a Non-flushable Products Legislative Campaign; Implement the Membership Recruitment Campaign for 2019; Develop and Maintain an Inventory of Funding Opportunities as a Resource for CASA Members; Evaluate CASA's Dues Structure and Develop Recommendations; development of regulations to implement SB 1383 (organics diversion); education of the membership regarding how SB 1383 will impact them; and, the pursuit of federal legislation to extend NPDES permit terms to 10 years.

Director Duncan reported on the November 30, 2018 meeting of the Personnel/Safety/Public Information Committee. Meeting highlights included review and recommendation for Board approval of updated job descriptions for Safety & Special Programs Administrator and District Secretary, and review and recommendation for Board approval of the updated Conflict of Interest Code (upon biennial review, as required by the Political Reform Act, legal counsel and staff recommended adding one classification to the code – Technical Services Manager-Plant). Lastly, the Committee recommended full Board approval for Director Duncan to attend the CASA Washington D.C. Public Policy Forum in February 2019. Director Duncan was recently appointed to the CASA Federal Legislative Committee. In that capacity, it would be essential for her to attend the February 2019 Public Policy Forum in Washington D.C. to represent CASA's and Oro Loma's interests. These items come before the Board for approval later in this agenda.

Director Becker moved approval of the Committee minutes for entry to the District record by reference. The motion was seconded by Director Duncan and carried unanimously, 5-0.

Director Walters MOVED APPROVAL OF UPDATED JOB DESCRIPTION FOR SAFETY & SPECIAL PROGRAMS ADMINISTRATOR. The motion was seconded by Director Glaze and carried unanimously, 5-0.

Director Duncan MOVED APPROVAL OF UPDATED JOB DESCRIPTION FOR DISTRICT SECRETARY. The motion was seconded by Director Becker and carried unanimously, 5-0.

Director Walters MOVED APPROVAL OF UPDATED CONFLICT OF INTEREST CODE. The motion was seconded by Director Duncan and carried unanimously, 5-0.

Director Becker MOVED TO ACCEPT PROJECT AS COMPLETE AND AUTHORIZE THE GENERAL MANAGER TO DIRECT FILING OF NOTICE OF COMPLETION: POINT REPAIRS 2017-18 NO. 1 PROJECT. The motion was seconded by Director Walters and carried unanimously, 5-0. All construction was completed to staff's satisfaction on November 28, 2018, in compliance with the plans and specifications.

Director Glaze MOVED APPROVAL FOR DIRECTOR DUNCAN TO ATTEND THE CASA WASHINGTON D.C. PUBLIC POLICY FORUM IN FEBRUARY 2019. The motion was seconded by Director Becker and carried unanimously, 5-0.

President Young opened the floor for Staff/Director comments. General Manager Warner acknowledged Director Bob Glaze's birthday. Then he stated that pile driving for the Nutrient Optimization Project would begin Monday. The Bockman Lift Station Valve Replacement Project has begun and will be completed by Thursday, December 6. The breaker for co-gen #2 has to be replaced/repared. These repairs will take approximately 12 days and the engine will not produce electricity during that period. He also reminded the Board of the joint Castro Valley and Oro Loma Board meeting on Thursday, December 6.

President Young said that she was grateful to Director Becker for his kindness, and the Board appreciated his love for the District.

Director Walters thanked Director Becker for his professionalism during this transition.

Director Duncan stated that she was excited to see the development of Administrative staff in anticipation of the retirement of District Secretary Sally Green. She will be truly missed.

Director Glaze noted that the garbage cans used to have Oro Loma logos on them. General Manager Warner agreed and explained that in the early 1990s the District purchased the cans with logos on them. In recent years, though, responsibility for the replacement of cans transitioned to Waste Management, who uses them across jurisdictions.

Director Becker thanked the Board and staff for doing great work for the District and said that he appreciated his time on the Board.

There being no further business to come before the Board, President Young adjourned the meeting at 4:08 p.m.

Rita Duncan
Board Secretary

(Recording Secretary:
Lacey Aldridge)