



A Public Agency

NEW BUSINESS



STAFF REPORT

To: SBWMA Board Members
From: Kevin McCarthy, Executive Director
Date: August 22, 2013 Board of Director's Meeting
Subject: Election of New Officers for 2013

Recommendation

The second amended and restated Joint Exercise of Powers Agreement (JPA) Agreement resulted in a change in the governance structure and thus the seating of a new Board of Directors. The Board is required to annually elect a Board Chair and Vice Chair per Article 8 of the JPA Agreement.

Staff recommends the following process for the Board to follow in electing a Chair and Vice Chair for calendar year 2013:

1. Chair calls for nominations for the position of Chair (nominations do not require a second).
2. Motion is adopted to close nominations.
3. Board votes on nominations in the order in which the nominations were made until a Chair is elected.
4. Sections 8.5 and 10.8 of the JPA Agreement require the successful vote to be by 2/3 of the Directors present.
5. The new Chair (if the current Chair is not re-elected) takes the gavel and assumes the office and calls for nominations for Vice-Chair and the same procedure is followed for electing the Vice Chair.

The Board will also be required to elect a Board Chair and Vice Chair for calendar year 2014.

Background

Effective July 24, 2013 the SBWMA Joint Powers Agreement was amended to change the composition of the Board of Directors from Member Agency staff to an elected official from each Member Agency. The duties of the Board Chair and Vice Chair are detailed in Sections 8.5 and 8.6 of the JPA Agreement. The duties of the Chair primarily include:

- Conducts Board meetings
- Review and set meeting agendas with the Executive Director
- Signs any and all SBWMA official documents

The Board Vice-Chair is selected annually by a vote of the Board of Directors. The Vice-Chair shall act in the absence of the Chair, with full powers of the Chair.



STAFF REPORT

To: SBWMA Board Members
From: Cyndi Urman, Board Secretary
Date: August 22, 2013 Board of Director's Meeting
Subject: Approval of Revised 2013 Board Meeting Calendar and 2014 Board Meeting Calendar

Recommendation

It is recommended that the SBWMA Board of Directors approve a revised 2013 Board meeting calendar and a 2014 meeting calendar.

Analysis

It is appropriate given a new Board of Directors to revisit the current 2013 meeting calendar and the meeting calendar for 2014. Staff would recommend continuing with a Thursday meeting as there is no Member Agency governing body meetings on this day of the week. It should also be noted that CCAG meetings are currently held the 2nd Thursday of the month starting at 6:30 pm and ABAG typically meets the third Thursday of every other month. Thus, it would be advisable to schedule SBWMA Board Meetings on the 4th Thursday of the month.

Background

The SBWMA Board monthly meetings have historically been held the on the fourth Thursday of the month starting at 2 pm. The current 2013 Board meeting calendar is attached. This day of the week and time was selected so as to minimize any overlap with Member Agency governing body meetings on Monday-Wednesday and other regional government meetings like CCAG. Staff sends out the Board packet one-week prior to the Board meeting.

Fiscal Impact

There is no fiscal impact associated with continuing a monthly meeting calendar.

Attachments

Attachment A - Board Adopted 2013 Meeting Calendar

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
2013 BOARD MEETING SCHEDULE**

***Meetings of the South Bayside Waste Management Authority are held
on the fourth Thursday of the month from 2:00pm to 4:00 pm***

Location: City of San Carlos Library, 2nd Floor, Conference Room A/B, 610 Elm St., San Carlos, CA 94070

January	24	2013
February	28	2013
March	28	2013
April	25	2013
May	23	2013
June	27	2013
July	25	2013
August	NO MEETING IN AUGUST	
September	26	2013
October	24	2013
November	21* (Third Thursday)	2013
December	NO MEETING IN DECEMBER	

* The 4th Thursday of November falls on the Thanksgiving Holiday; the Board Meeting has been scheduled for the week prior.

Approved at the November 15, 2012 Regular Board of Directors Meeting



STAFF REPORT

To: SBWMA Board Members
From: Robert J. Lanzone, General Counsel
Date: August 22, 2013 Board of Director's Meeting
Subject: Consideration of Resolution Establishing a Technical Advisory Committee

Recommendation

It is recommended that the SBWMA Board of Directors approve Resolution No. 2013-17 attached hereto authorizing the following action:

- Establishing a Technical Advisory Committee (TAC) comprised of JPA Member Agencies staff to advise the Board.

Analysis

The SBWMA is a joint powers authority (JPA) established pursuant to California Government Code §6500 et seq. which authorizes two or more public agencies, by agreement, to form a separate legal entity. The JPA may, after it is established, exercise powers common to the Member Agencies in the JPA. The SBWMA's powers are delineated in the Second Amended and Restated JPA Agreement at Article 7, Powers. The SBWMA Board sits as the governing body, exercising the broad powers set forth in Article 7. These powers include the authority to "[a]dopt, as authorized by California law, ordinances and resolutions necessary to carry out the purposes of this Agreement." (§7.1(9))

The purpose of the SBWMA is to "provide for the joint ownership, financing, administration, and operation of the Facilities, and for the joint planning, adoption, financing, administration, management, review, monitoring, enforcement, and reporting of Solid Waste, Recyclable Material, and Plant Material Collection activities in the Service Area."

Given this language in the Second Amended and Restated JPA Agreement, the Board may, per §7.1(9), by resolution, establish a TAC if the Board determines that a TAC is necessary to carry out the purposes of the JPA Agreement. In establishing a TAC, the Board should clearly define the TAC's purpose to act in an advisory capacity, receiving direction from and reporting to the SBWMA Board. It is recommended that if the Board wishes to create a TAC, it do so by resolution.

Attached for the Board's consideration is a Resolution establishing a TAC comprised of Member Agency staff. This approach and the proposed Resolution is similar in format to City County Association of Governments (CCAG) Resolution 12-65 (*Exhibit A*) by which the CCAG Board established a TAC to advise it on stormwater issues. The resolution provides that the TAC would be governed by the following parameters, and includes staff positions similar to those in the prior SBWMA JPA Agreement:

1. The TAC would be comprised of one appointee from each SBWMA Member Agency.
2. Appointees would be:
 - a. County, District, City or Town Managers, Assistant Managers or the equivalent position.
 - b. Department Directors or Assistant Directors, or the equivalent position.
 - c. Environmental Programs Manager

3. The TAC be a standing committee advising the Board and therefore subject to the Brown Act per California Government Code §54952(b).
4. The TAC's function would be to advise the Board on issues that the Board, by formal motion, would send to it for consideration.
5. The TAC would not have a set meeting schedule; convening instead only when needed to address issues referred to it by the Board.

Background

A Blue Ribbon Task Force was formed in February 2012, comprised of elected officials from SBWMA Member Agencies interested in discussing the Authority's governance structure and related topics. The Task Force met on March 20 and April 24, 2013. Redwood City Council Member Jeff Ira was selected by general consensus as the Chair of the Blue Ribbon Task Force, with Redwood City staff agreeing to complete the follow up work requested at each meeting.

Task Force members present at the April 24 meeting, representing 10 of the 12 SBWMA Member Agencies, voted unanimously to recommend that the SBWMA JPA Agreement be modified to define the JPA board as being comprised of an elected official from each of the Member Agencies' governing bodies. This is the Second Amended Agreement since the Agreement was first amended on June 4, 2002 to modify the definition of the fiscal year. The Task Force also recommended that once a new Board was in place that the new Board establish and determine the role and duties of a technical advisory committee that would support the board and be comprised of Member Agency staff.

During the recently concluded process leading to the adoption of the Second Amended and Restated JPA Agreement, several SBWMA Member Agencies expressed interest in establishment of a TAC to advise the Board on issues assigned to it for consideration by the Board. In its 2013 report, the San Mateo County Civil Grand Jury also recommended establishment of "a technical advisory committee consisting of staff with technical experience in waste management" to advise the newly constituted Board.

Fiscal Impact

There would be no fiscal impact to the SBWMA, though additional staff time would be required to support TAC meetings. There would be a fiscal impact for each Member Agency created by their staff's time spent on TAC business.

Attachments:

Resolution 2013- 17

Exhibit A – CCAG Resolution 12-65



RESOLUTION NO. 2013-17_____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY ESTABLISHING A TECHNICAL ADVISORY COMMITTEE

RESOLVED by the Board of Directors of the South Bayside Waste Management Authority (SBWMA) that:

WHEREAS, the SBWMA is an agency responsible for the joint ownership, financing, administering and operating regional facilities and for the joint planning, adoption, financing, administering, management and enforcement of solid waste, recyclable material and plant material collection activities, and;

WHEREAS, the SBWMA Board desires to establish a Technical Advisory Committee (TAC) to advise it from time to time on technical issues that come before the Board, and;

WHEREAS, a TAC comprised of City/District Managers or director level staff from SBWMA Member Agencies as provided herein will be beneficial to implementing the purposes of the SBWMA.

NOW, THEREFORE, BE IT RESOLVED that the SBWMA Board hereby establishes an SBWMA Technical Advisory Committee (TAC) to provide professional advice and direction to the SBWMA Board on matters that are referred to the TAC from time to time by the Board. The Committee shall have the following characteristics:

1. Membership shall include one (1) representative from each of the SBWMA Member Agencies.
2. Appointees would be:
 - a. County, District, City or Town Managers, Assistant Managers or the equivalent position.
 - b. Department Directors or Assistant Directors, or the equivalent position.
 - c. Environmental Programs Manager
3. The TAC shall be a standing committee and meet on an appropriate frequency as determined by the SBWMA Executive Director or Board.
4. The TAC shall be subject to the California Brown Act and Public Meeting requirements.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 22 day of August, 2013, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton					Menlo Park				
Belmont					Redwood City				
Burlingame					San Carlos				
East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay San. District				

I HEREBY CERTIFY that the foregoing Resolution No. 2013- 17 was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on August 22, 2013.

ATTEST:

_____, Chairperson of SBWMA

Cyndi Urman, Board Secretary

RESOLUTION NO. 12-65

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE EXECUTIVE DIRECTOR TO CONVENE A STORMWATER COMMITTEE AS PART OF C/CAG'S WATER POLLUTION PREVENTION PROGRAM COMMITTEE STRUCTURE

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the agency responsible for the development and implementation of the Water Pollution Prevention Program for San Mateo County; and

WHEREAS, C/CAG's existing bylaws designate both a Stormwater (NPDES) Committee and a Stormwater (NPDES) Technical Advisory Committee; and

WHEREAS, the Stormwater Committee has not been active in over a decade; and

WHEREAS, convening a Stormwater Committee with director-level membership will be beneficial to overall management of the Water Pollution Prevention Program;

NOW, THEREFORE, BE IT RESOLVED that C/CAG hereby authorizes the Executive Director to convene a Stormwater Committee to provide professional direction to the Stormwater NPDES Technical Advisory Committee and make recommendations to the Board on water pollution prevention issues. The Committee shall have the following characteristics:

- Membership shall include one representative from each of C/CAG's member agencies and one non-voting seat for executive management from the Regional Water Quality Control Board;
- Members shall be director-level (typically either the Public Works or Planning Director), have responsibility for implementing water pollution prevention programs within their agency, be recommended by executive management of their member agency, and be appointed by the C/CAG Board;
- The Committee shall meet on an appropriate frequency as determined by the Executive Director, anticipated to be bimonthly;
- The Committee shall be subject to the public meeting requirements dictated by the Brown Act.

PASSED, APPROVED, AND ADOPTED THIS 8TH DAY OF NOVEMBER, 2012.

Bob Grassilli, Chair



STAFF REPORT

To: SBWMA Board Members
From: Kevin McCarthy, Executive Director
Date: August 22, 2013 Board of Director's Meeting
Subject: Discussion on Process for Review of the Existing JPA Agreement

Recommendation

This staff report is for discussion purposes only and no formal action is requested of the Board of Directors.

Analysis

The direction from the Blue Ribbon Task Force of Member Agency elected officials was once a governance change was adopted and a new Board in place that the new Board could then discuss additional revisions if needed to the JPA Agreement. Changes to the JPA Agreement require the approval of two-thirds of the Member Agencies.

Staff is seeking Board direction on the creation of a process to review the existing JPA Agreement. There are several potential options for this process including:

- The Board appointing an adhoc subcommittee to review the JPA Agreement and bring back recommendations to the full Board. The adhoc subcommittee could include Board Members, and/or Member Agency staff.
- Staff agendizing a future study session on this topic with Board Member ideas captured by staff and research then conducted on such ideas. Staff would then prepare a staff report and presentation on the various ideas for discussion at a future Board meeting.
- Some combination of the above.

Ultimately, the Board would then consider for approval changes to the JPA Agreement which would then be sent out to the Member Agencies for consideration for approval or not.

Background

A Blue Ribbon Task Force was formed in February 2012, comprised of elected officials from SBWMA member agencies interested in discussing the Authority's governance structure and related topics. The Task Force met on March 20 and April 24, 2013. Redwood City Council Member Jeff Ira was selected by general consensus as the Chair of the Blue Ribbon Task Force, with Redwood City staff agreeing to complete the follow up work requested at each meeting.

Task Force members present at the April 24 meeting, representing 10 of the 12 SBWMA member agencies, voted unanimously to recommend that the SBWMA JPA Agreement be modified to define the JPA board as being comprised of an elected official from each of the member agencies' governing bodies. This is the Second Amended Agreement since the Agreement was first amended on June 4, 2002 to modify the definition of the fiscal year. Effective July 24, 2013 the required two-thirds minimum was met in terms of Member Agency approvals of the Second Amendment.

Fiscal Impact

There is no fiscal impact associated with this item.



STAFF REPORT

To: SBWMA Board Members
From: Robert J. Lanzone, General Counsel
Date: August 22, 2013 Board of Director's Meeting
Subject: Discussion on Establishment of a Code of Conduct

Recommendation

This staff report is for discussion purposes only and no formal action is requested of the Board of Directors.

Analysis

During the recently concluded process leading to the adoption of the Second Amended and Restated JPA Agreement, several SBWMA Member Agencies expressed interest in the new Board of Directors establishing a Code of Conduct, though it wasn't clear as to whether such a Code would apply only to specified future Board actions (e.g., procurement processes related to selection of a franchised service provider, operations of the Shoreway facility, etc.). A previous Code of Conduct adopted by the Board on November 30, 2006 (see **Attachment A**) was limited to the contractor selection process for new franchised collection services and Shoreway facility operations.

It should be mentioned that the SBWMA Board has adopted its own public agency Conflict of Interest Code in order to comply with Govt. Code Section 87300 et seq. regarding financial interests and conflict of interests that are derived from such interests. **Attachment B** is a copy of the current Code that applies to Board members and to designated staff and consultants.

Staff is seeking Board direction on the scope for development of a Code of Conduct similar in nature to the Code in **Attachment A** which will be brought back to the Board for future consideration.

Background

On November 30, 2006 the Board of Directors adopted a Code of Conduct for the SBWMA Board that would be in place during contractor selection process for the new franchised collection services and Shoreway facility operations. The Code covered the following conduct:

1. Ex Parte Contacts:

- These are written/verbal contacts outside SBWMA meetings with participants.
- The contacts are with participants in the RFP process for selecting one or more contractors for the Transfer Station and for Collection. It includes their employees and agents. It excludes contacts with them that are arranged by staff.
- The start date is April 1, 2006 when the RFP process is most likely to get started.
- There is no penalty stated, but the ex parte contact is to be disclosed by the Board member at the very next Board meeting.

2. Gifts/Compensation:

- Participants are defined as above.
- Gifts and compensation are given their common meaning.
- Acceptance of such can lead to a censure proceeding brought by the Board.

- The start date is also April 1, 2007.

The goal for this Code of Conduct was to keep the RFP participants at arms-length from Board members during the RFP process and avoid anything by way of contacts or gifts that would affect the process.

Fiscal Impact

There is no fiscal impact associated with this item.

Attachments:

A - Code of Conduct Adopted November 30, 2006

B - Existing SBWMA Conflict of Interest Code

STAFF REPORT

To: SBWMA Board Members
From: Robert J. Lanzone, General Counsel
Date: November 30, 2006 Board Meeting
Subject: Revised Code of Conduct for SBWMA Board

Recommendation

Adopt Resolution approving a Code of Conduct for the SBWMA Board.

Attached is a revised Code of Conduct for the Board to review and approve and have applicable to the Board members only. The Board at its meeting of Oct. 26, 2006 indicated it did wish to go forward with a Code of Conduct that would be in place during the RFP process, but that it did not want it applicable to “elected officials”. In addition the Code had been modified at recommendation of legal counsel to cover two matters: ex parte contacts with participants in the RFP process and also gifts/compensation from participants.

The revised Code covers the following conduct:

1. Ex Parte Contacts:

- These are written/verbal contacts outside SBWMA meetings with participants.
- The contacts are with participants in the RFP process for selecting one or more contractors for the Transfer Station and for Collection. It includes their employees and agents. It excludes contacts with them that are arranged by staff.
- The start date is April 1, 2006 when the RFP process is most likely to get started.
- There is no penalty stated, but the ex parte contact is to be disclosed by the Board member at the very next Board meeting.

2. Gifts/Compensation:

- Participants are defined as above.
- Gifts and compensation are given their common meaning.
- Acceptance of such can lead to a censure proceeding brought by the Board.
- The start date is also April 1, 2007.
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The goal for this policy is to keep the RFP participants at arms length from Board members during the RFP process and avoid anything by way of contacts or gifts that would taint the process. The policy as stated should accomplish this result for the Board.

**SBWMA BOARD MEMBER CODE OF CONDUCT
APPLICABLE TO THE CONTRACTOR SELECTION PROCESS**

1. Ex Parte Contacts Prohibited

From April 1, 2007, and prior to the SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, SBWMA Board Members (the Board Members) are prohibited from having any verbal or written communications (ex parte contacts) with any Proposer (defined as any entity or individual involved in making a submittal to the SBWMA in response to the RFP process to select a contractor or contractors for the collection, processing, and transfer of solid waste, recyclable materials and/or organic materials) concerning any matter related to the RFP process or Contractor Selection process. except in the course of a legally noticed meeting of the SBWMA Board, or any subcommittee of the Board, or in conjunction with an ex parte contact arranged by and involving SBWMA staff and/or consultants.

If any such unauthorized ex parte contact occurs, the Board member shall disclose its occurrence at the next meeting of the SBWMA Board that next follows the said ex parte contact.

2. Gift and Compensation Prohibited (Also applicable to SBWMA staff and consultants)

From April 1, 2007, to prior to SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, SBWMA Board Members, are prohibited from accepting any gift of any monetary value, or compensation of any kind (as defined under the California Political Reform Act) from a Proposer (defined above). This prohibition shall also apply to SBWMA staff members and consultants.

Any Board Member who accepts such a gift or compensation may be subject to censure by the SBWMA Board. Any SBWMA staff member who violates this policy may be subject to discipline including termination of services, and any consultant who violates this policy may be subject to termination of services.

C. It is understood that this Code of Conduct is in addition to any other applicable state or local regulations that apply to the conduct of the SBWMA Board.



RESOLUTION NO. 2006-08

**RESOLUTION OF THE SBWMA ADOPTING A
BOARD MEMBER CODE OF CONDUCT FOR
CONTRACTOR SELECTION PROCESS**

Whereas, the South Bayside Waste Management Authority (“Authority”) is a joint powers authority between the cities of Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Redwood City, San Carlos, and San Mateo; the towns of Atherton and Hillsborough; the West Bay Sanitary Service; and the County of San Mateo (“Member Agencies”);

Whereas, the Board Members of the Authority are obligated to comply with the Political Reform Act of 1974 (“PRA”) to control conflicts of interest through, among other things, disclosure of financial interests;

Whereas, the Authority is planning to request and shall receive proposals for the collection, processing, and transfer of solid waste, recyclable materials, and organic materials within the jurisdiction of the Authority (“Contractor Selection Process”);

Whereas, the Board Members of the Authority desire to maintain a professional process free from any undue influence and the appearance of impropriety by complying with the PRA and adopting additional regulations regarding the Contractor Selection Process to document requirements for Board Members and elected officials involvement.

THEREFORE, the Authority hereby adopts the Board Member Code of Conduct for the Contractor Selection Process attached hereto.

Regularly adopted and passed this 30th day of November, 2006, by the following vote:

AYES, BOARD MEMBERS

NOES, BOARD MEMBERS

ABSENT, BOARD MEMBERS

ATTEST:

Larry Patterson, Chairperson of SBWMA

Kevin McCarthy, Executive Director

STAFF REPORT

To: SBWMA Board Members
From: Robert J. Lanzone, Legal Counsel
Date: April 23, 2009 Board Meeting
Subject: Approval of Updated Conflict of Interest Code

Recommendation

Approve a Resolution which adopts an updated agency Conflict of Interest Code as attached.

Analysis

The SBWMA's Conflict of Interest Code is being updated to add three staff positions (i.e., Finance Manager, Recycling Outreach and Sustainability Manager, and Administrative Assistant) to the list of Designated Employees subject to the Code. These positions were not in existence when the previous Code was adopted in February 2007. No other changes are being proposed to the Code.

Background

The California Political Reform Act requires each California local agency adopt a Conflict of Interest Code. Until recently, the SBWMA met the state law requirement by having Board members include the SBWMA as an "additional jurisdiction" on the FPPC Form 700 forms filed by them with their own jurisdictions.

In February 22, 2007 the Board adopted a Conflict of Interest Code (copy attached) even though staff members were employed through RGS/LGS. SBWMA has taken employment of its staff mostly in house, and added a couple of positions. We believe this is a good time to update the SBWMA Code and designated positions.

The attached Code is aimed at compliance with FPPC regulations and is additional to the Code of Conduct the Board adopted to apply to the RFP process.

The form of the Code of Conduct should be familiar to Board members as it is virtually identical to the Codes each of the member agencies have enacted.

We have included all current positions at SBWMA in the designated employee positions, and adjusted the level of disclosure required.

Attachments

Conflict of Interest Code
Resolution

CONFLICT OF INTEREST CODE

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY

Section 1. Purpose. Pursuant to the provisions of Government Code Sections 87300, et seq., the South Bayside Waste Management Authority (SBWMA) hereby adopts the following Conflict of Interest Code. 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 2. Designated Positions. The positions listed on **Exhibit A**, attached hereto and by this reference incorporated herein, are Designated Positions. Each officer and employee holding a position listed on Exhibit A is a Designated Employee, and is required to file a disclosure statement (as prescribed hereinafter) on any decision which the said officer or employee may make or in which said officer or employee may participate, that may foreseeably have a material effect on a financial interest. The Executive Director, or his or her designee, may determine in writing on a case by case basis that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus does not require compliance, or full compliance with disclosure requirements. Any such written determination shall include a description of the consultant's duties and a statement as to the extent of disclosure requirements. The Executive Director may determine whether a contract consultant constitutes a "consultant" as defined in the Political Reform Act. The Executive Director'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.

Section 3. Disclosure Statement. Designated Positions shall be assigned to one or more of the disclosure categories as contained in the Fair Political Practices Commission (FPPC) Form 700, as set forth on Exhibit A. Each Designated Employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated in **Exhibit B**, attached hereto and by this reference incorporated herein, as reportable under the category to which the employee's position is assigned on Exhibit A.

Section 4. Time and Place of Filing.

(a) All designated officers and employees required to submit a statement of financial interests shall file the original with the Clerk of the Board of Directors of SBWMA.

(b) Employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of employment.

(c) Annual statements shall be filed no later than April 1st of each year by all designated officers and employees. Such statements shall cover the period of the preceding calendar year.

(d) A designated officer or employee who leaves an office shall file, within 30 days of leaving office, a leaving office statement.

Section 5. Contents of Disclosure Statements. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Clerk of the Board of Directors of SBWMA.

Section 6. Disqualifications. Designated officers or 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 officer or employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

*Staff members employed through Local Government Services (LGS) are intended to be included within the definition of "employee" for purposes of this Conflict of Interest Code.

EXHIBIT A

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Members of the Board of Director	1
Executive Director	1
Finance Manager	1
Facility Operations Contract Manager	1
Recycling Programs Manager	1
Recycling Outreach Sustainability Manager	2
Recycling Coordinator	2
Office Manager	2
Administrative Assistant	3

EXHIBIT B

Category 1. Persons in this category must disclose all investments in business positions in business entities, doing business in, and sources of income and interests in real property, within the jurisdictional area of the SBWMA.

Category 2. Persons in this category must disclose all investments and business positions in business entities in or doing business within the jurisdictional area of the SBWMA. .

Category 3. Persons in this category must disclose all investments and business positions in business entities and sources of income which provide, manufacture or supply services, supplies, materials, machinery or equipment of the type utilized by or subject to review or approval of the member entities of the SBWMA..



RethinkWaste

South Bayside Waste Management Authority

RESOLUTION NO. 2009-05

RESOLUTION OF THE SBWMA BOARD OF DIRECTORS ADOPTING THE AGENCY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974 (California Government Code 81000 et seq.) requires each state or local government agency to adopt and update a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission (FPPC) has adopted a regulation (2 Cal. Admin. Code 18730) which contains the terms of a standard model code which can be adopted by reference; and

WHEREAS, attached as Exhibit A is a Conflict of Interest Code which incorporates FPPC regulations; and

WHEREAS, Designated Positions are attached to the Code as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the SBWMA that it hereby adopts the Conflict of Interest Code, Exhibit A hereto.

PASSED AND ADOPTED by the Board of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 23rd day of April, 2009, by the following vote:

AYES, BOARD MEMBERS

Atherton, Burlingame, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, County of San Mateo, West Bay Sanitary

NOES, BOARD MEMBERS

None

ABSENT, BOARD MEMBERS

Belmont, East Palo Alto

ABSTENTIONS, BOARD MEMBERS

None

I HEREBY CERTIFY that the foregoing Resolution No. **2009-05** was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on April 23, 2009.

ATTEST:

Kevin McCarthy, Executive Director

Martha DeBry, Chairperson of SBWMA

APPROVED AS TO FORM:

Robert Lanzone, SBWMA Counsel