

**LOCAL AGENCIES — REVISED CONFLICT OF INTEREST CODES**  
**February 2020**

LOCAL AGENCY	SUMMARY OF ADOPTED/ PROPOSED REVISIONS
<b>A-1 Vallejo Flood and Wastewater District</b>	<ul style="list-style-type: none"><li>• Deleted Positions:<ul style="list-style-type: none"><li>▪ Commission Members</li><li>▪ District Clerk</li><li>▪ Trustee</li><li>▪ Finance Director</li><li>▪ District Manager</li></ul></li><li>• Added Positions:<ul style="list-style-type: none"><li>▪ Associate Engineer</li><li>▪ Assistant Field Operations Superintendent</li><li>▪ Director of Administration/Clerk of the Board</li><li>▪ District Legal Counsel (Consultant)</li><li>▪ Engineering Supervisor</li><li>▪ Environmental Specialist</li><li>▪ Facilities Maintenance Superintendent</li><li>▪ Finance Supervisor</li></ul></li><li>• Renamed Positions:<ul style="list-style-type: none"><li>▪ Consultants, changed to Consultant/New Positions</li><li>▪ Director of Engineering, changed to Director of Engineering/District Engineer</li><li>▪ Human Resources Services Administrator, changed to Human Resources Director</li></ul></li></ul>



## VALLEJO FLOOD AND WASTEWATER DISTRICT

*Wastewater. Stormwater. Floodwater.*

### CONFLICT OF INTEREST CODE, APPENDIX A

*Amended: September 11, 2018, Resolution 2018-5878*

The Political Reform Act, Government Code sections 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 California Code of Regulations, section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Accordingly, the terms of Title 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation and the attached Appendix A, designating the officials and employees and the disclosure categories, shall constitute the conflict of interest code of the Vallejo Flood and Wastewater District (the "District")

District Officials who manage public investments, as defined by Title 2 California Code of Regulations, section 18700.3 are not subject to this Conflict of Interest Code because they must file under Government Code section 87200 et seq. These positions are listed for informational purposes only<sup>1</sup>.

- Each Member of the Board of Trustees
- District Manager
- Finance Director

Designated positions required to submit a Statement of Economic Interests shall file the statement with the Clerk of the Board, who will then make the statements available for public inspection and reproduction (Government Code section 81008). This includes the statements filed pursuant to Government Code section 87200 et seq.

The District Manager and each member of the Board of Trustees shall file electronically with Solano County, using the County's eDisclosure filing system, pursuant to Government Code section 87500(k).

Any filer required to disqualify themselves shall give notice of disqualification to the Clerk of the Board, to his or her immediate supervisor, and department manager. Such notice shall be in writing and shall be made part of the official records of the Clerk of the Board. The filer shall then refrain from participation and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

<sup>1</sup> Individuals holding one of the listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200 et seq.

*Revised*

## LIST OF DESIGNATED EMPLOYEES

Individuals holding the following positions must file a Statement of Economic Interests (Form 700).

Classification	Disclosure Categories
Assistant Field Operations Superintendent	2
Associate Engineer	2, 3, 4
Consultant /New Positions	1, 4 *
Director of Administration/Clerk of the Board	2
Director of Engineering/District Engineer	2, 3, 4
Director of Plant Operations & Facilities Maintenance	2
Director of Safety and Risk Management	2
District Legal Counsel (Consultant)	1, 4
Engineering Supervisor	2, 3, 4
Environmental Services Director	2, 3, 4
Environmental Specialist	2, 3, 4
Facilities Maintenance Superintendent	2
Field Operations Superintendent	2
Finance Supervisor	2
Human Resources Director	2

\* Individuals providing services as a Consultant as defined in Title 2 California Code of Regulations sections 18700.3 and 18734, or in a new position as defined in Regulation 18734 that make or participate in making governmental decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The District Manager (or designee) may determine in writing that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement.

- a. Not later than ten (10) days after an authorized District representative has signed a consultant contract, the department manager (or designee) shall submit to the Clerk of the Board, a completed Fair Political Practices Commission Form 805 (Agency Report of Consultants), or subsequent form, which identifies the consultant and disclosure categories. The District Manager (or designee) will review the department's recommendation and make the final determination. The District Manager (or designee) determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
- b. Not later than ten (10) days after the final approval of a newly created position, the department manager (or designee) shall submit to the Clerk of the Board, a completed Fair Political Practices Commission Form 804 (Agency Report of New Positions), or subsequent form, which identifies the classification and disclosure categories. The District Manager (or designee) will review the department's recommendation and make the final determination. The District Manager (or designee) determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **APPENDIX B**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, sources of income or real property which the Designated Employees must disclose for each category to which the position is assigned.

1. All investments, business positions in business entities, and sources of income including gifts, loans and travel payments from sources that do business or own real property in the District, plan to do business or own real property in the District within the next year or have done business or owned real property in the District within the past two (2) years.
2. All investments, business positions in business entities, and sources of income including gifts, loans and travel payments from sources that provide goods, services, including consulting services, facilities, equipment, machinery, vehicles, or any leased facilities of the type used by the Designated Employee's department.
3. All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments from sources that are subject to the regulatory or permitting authority of the Designated Employee's department.
4. All interests in real property which are located in whole or in part within, or not more than, two (2) miles outside of the jurisdiction of the District.

### **FURTHER INFORMATION AND INSTRUCTIONS**

Further information and instructions regarding the Statement of Economic Interests (Form 700) may be found within Form 700 itself, and the Form 700 Reference Pamphlet, both available at the California Fair Political Practices Commission website: [www.fppc.ca.gov](http://www.fppc.ca.gov)



## VALLEJO FLOOD AND WASTEWATER DISTRICT

*Wastewater, Stormwater, Floodwater.*

### CONFLICT OF INTEREST CODE, -APPENDIX A

*Last Adopted/Amended: July 14, 2016/September 11, 2018, Resolution 2018-6-5777*

The Political Reform Act, Government Code sections 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 California Code of Regulations, section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference by state and local government agencies, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Accordingly, the terms of Title 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby adopted by the Board of Trustees of the Vallejo Sanitation and Flood Control District as the District's conflict of interest code. The provisions of 2 California Code of Regulations, section 18730, are hereby incorporated by reference. This regulation and the attached Appendix A, designating the officials and employees and the disclosure categories, and, along with the attached Appendix in which members of the Board of Trustees and employees are designated and disclosure categories are set forth, shall constitute the conflict of interest code of the Vallejo Flood and Wastewater District. (the "District")

Designated positions required to submit a Statement of Economic Interests (Form 700) shall file the disclosure statement with the District Clerk, who will then make the statements available for public inspection and reproduction (Government Code section 81008).

District Officials who manage public investments, as defined by Title 2 California Code of Regulations, section 18700.3 are not subject to this Conflict of Interest Code because they must file under Government Code section 87200 et seq. These positions are listed for informational purposes only<sup>1</sup>.

- Each Member of the Board of Trustees
- District Manager
- Finance Director

In addition to the original filing submitted to the District Clerk, the District Manager shall file electronically with Solano County, using the County's eDisclosure filing system. Designated positions required to submit a Statement of Economic Interests shall file the statement with the Clerk of the Board, who will then make the statements available for public inspection and reproduction (Government Code section 81008). This includes the statements filed pursuant to Government Code section 87200 et seq.

The District Manager and each member of the Board of Trustees shall file electronically with Solano County, using the County's eDisclosure filing system, pursuant to Government Code section 87500(k).

<sup>1</sup> Individuals holding one of the listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200 et seq.

## LIST OF DESIGNATED POSITIONSEMPLOYEES

Individuals holding the following positions must file a Statement of Economic Interests (Form 700).

Classification	Disclosure Categories
Assistant Field Operations Superintendent	2
Consultants*	1, 2, 3, 4
Commission Members	1, 2, 3, 4
Associate Engineer	2, 3, 4
Consultant /New Positions	1, 4 *
Director of Administration/Clerk of the Board	2
Director of Engineering/District Engineer	2, 3, 4Full Disclosure
Director of Plant Operations & Facilities Maintenance	2Full Disclosure
Director of Safety and Risk Management	2Full Disclosure
District Clerk	Full Disclosure
District Legal Counsel (Consultant)	1, 4
Consultant /New Positions*	
District Manager **	Full Disclosure
Engineering Supervisor	2, 3, 4
Environmental Services Director	2, 3, 4Full Disclosure
Environmental Specialist	2, 3, 4
Facilities Maintenance Superintendent	2
Field Operations Superintendent	2Full Disclosure
Finance Supervisor	2
Finance Director/Treasurer	Full Disclosure
Human Resources Services Administrator/Director	2Full Disclosure

\* The California Fair Political Practices Commission defines "consultant" as an individual who contracts with or whose employer contracts with state or local government agencies and who makes, participates in making, or acts in a staff capacity for making governmental decisions. (2 California Code of Regulations sections 18700.3, 18734.).

\*\* The District Manager is also required to file with Solano County pursuant to Government Code section 87500(k)(1).

\* Individuals providing services as a Consultant as defined in Title 2 California Code of Regulations sections 18700.3 and 18734, or in a new position as defined in Regulation 18734 that make or participate in making governmental decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The District Manager (or designee) may determine in writing that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement.

- a. Not later than ten (10) days after an authorized District representative has signed a consultant contract, the department manager (or designee) shall

submit to the Clerk of the Board, a completed Fair Political Practices Commission Form 805 (Agency Report of Consultants), or subsequent form, which identifies the consultant and disclosure categories. –The District Manager (or designee) will review the department's recommendation and make the final determination. The District Manager (or designee) determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

- b. Not later than ten (10) days after the final approval of a newly created position, the department manager (or designee) shall submit to the Clerk of the Board, a completed Fair Political Practices Commission Form 804 (Agency Report of New Positions), or subsequent form, which identifies the classification and disclosure categories. The District Manager (or designee) will review the department's recommendation and make the final determination. The District Manager (or designee) determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **APPENDIX B**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, sources of income or real property which the Designated Employees must disclose for each category to which the position is assigned.

1. ~~4.~~ All investments, business positions in business entities, and sources of income including gifts, loans and travel payments from sources that do business or own real property in the District, plan to do business or own real property in the District within the next year or have done business or owned real property in the District within the past two (2) years.
2. ~~2.~~ All ~~investments~~, business positions in business entities, and sources of income including gifts, loans ~~and~~ travel payments from sources that provide goods, services, including consulting services, facilities, equipment, ~~or~~ machinery, vehicles, or any leased facilities of the type used by the ~~d~~Designated Eemployee's department. ~~in business entities, and the income and assets of business entities and trusts (Form 700, Schedules A-1 and A-2)~~
- ~~1.~~ located within the geographical boundaries of the District, or which do business with, plan to do business with, or have within the previous two years done business with the District, or whose economic position may be affected by the decisions or recommendations of the consultant.
3. All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments from sources that are subject to the regulatory or permitting authority of the Designated Employee's department.

4. All interests in real property which are located in whole or in part within, or not more than, two (2) miles outside of the jurisdiction of the District.

~~2. Income, loans and business positions (Form 700, Schedule C) where the source of income or loan, or the company with which the consultant holds a business position, is located within the geographical boundaries of the District, does business with, plans to do business with, or has within the previous two years done business with the District, or whose economic position may be affected by the decisions or recommendations of the consultant.~~

~~3. Gifts (Form 700, Schedule D) where the source of the gift is located within the geographical boundaries of the District, does business with, plans to do business with, or has within the previous two years done business with the District, or whose economic position may be affected by the decisions or recommendations of the consultant.~~

~~4. Travel payments, advances or reimbursements (Form 700, Schedule E) where the source of the payment, advance or reimbursement is located within the geographical boundaries of the District, does business with, plans to do business with, or has within the previous two years done business with the District, or whose economic position may be affected by the decisions or recommendations of the consultant.~~

#### **FURTHER INFORMATION AND INSTRUCTIONS**

Further information and instructions regarding the Statement of Economic Interests (Form 700) may be found within Form 700 itself, and the Form 700 Reference Pamphlet, both available at the California Fair Political Practices Commission website: [www.fppc.ca.gov](http://www.fppc.ca.gov)



Any filer required to disqualify themselves shall give notice of disqualification to the Clerk of the Board, to his or her immediate supervisor, and department manager. Such notice shall be in writing and shall be made part of the official records of the Clerk of the Board. The filer shall then refrain from participation and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.



## VALLEJO SANITATION & FLOOD DISTRICT CONFLICT OF INTEREST CODE APPENDIX A

Last Adopted: July 14, 2016, Resolution 2016-5777

The Political Reform Act, Government Code sections 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 California Code of Regulations, section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference by state and local government agencies, and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Accordingly, the terms of 2 California Code of Regulations, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby adopted by the Board of Trustees of the Vallejo Sanitation and Flood Control District as the District's conflict of interest code. The provisions of 2 California Code of Regulations, section 18730, are hereby incorporated by reference and, along with the attached Appendix in which members of the Board of Trustees and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the District.

Designated positions required to submit a Statement of Economic Interests (Form 700) shall file the disclosure statement with the District Clerk, who will then make the statements available for public inspection and reproduction (Government Code section 81008). In addition to the original filing submitted to the District Clerk, the District Manager shall file electronically with Solano County, using the County's eDisclosure filing system.

### LIST OF DESIGNATED POSITIONS

Individuals holding the following positions must file a Statement of Economic Interests (Form 700).

Classification	Disclosure Categories
Consultants*	1, 2, 3, 4
Commission Members	1, 2, 3, 4
Director of Engineering	Full Disclosure
Director of Plant Operations & Facilities Maintenance	Full Disclosure
Director of Safety and Risk Management	Full Disclosure
District Clerk	Full Disclosure
District Manager **	Full Disclosure
Environmental Services Director	Full Disclosure
Field Operations Superintendent	Full Disclosure
Finance Director/Treasurer	Full Disclosure
Human Resources Services Administrator	Full Disclosure
Trustee	Full Disclosure

Original

**RESOLUTION 2018-5878**

**RESOLUTION TO APPROVE REVISIONS TO THE DISTRICT'S CONFLICT OF INTEREST CODE, DESIGNATING POSITIONS AND DISCLOSURE REQUIRED FOR STATEMENTS OF ECONOMIC INTERESTS FORM 700**

**WHEREAS**, the Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes;

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations §18730, containing the terms of a standard conflict of interest code which can be incorporated by reference by state and local government agencies and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act;

**WHEREAS**, the District Board of Trustees adopted a Conflict of Interest Code in 1976, and it has subsequently been amended to incorporate the terms contained in 2 Cal. Code Regs. §18730;

**WHEREAS**, Government Code §87306.5 requires the District to conduct a biennial review of the District's Conflict of Interest Code and to amend the same if circumstances warrant; and

**WHEREAS**, District staff and legal counsel have reviewed the Code and found several amendments are required.

**IT IS THEREFORE, RESOLVED**, by the Board of Trustees of Vallejo Flood and Wastewater District that the Conflict of Interest Code has been reviewed and amendments are necessary, and

**BE IT FURTHER RESOLVED**, that the District Manager shall notify the Solano County Board of Supervisors of the amendments to the Code, and

**BE IT FURTHER RESOLVED**, that employees and other persons designated in the Conflict of Interest Code shall file the appropriate Statements of Economic Interests (Form 700) with the District, which will make the statements available for public inspection and copying pursuant to Government Code §81008.

**ADOPTED** by the Board of Trustees of the Vallejo Flood and Wastewater District on the 11<sup>th</sup> day of September, 2018 by the following vote:

<b>AYES:</b>	President Sampayan; Trustees Dew-Costa, Hannigan, Malgapo, McConnell, Miessner, Sunga and Verder-Aliga
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**WITNESS** my hand and the Seal of said District this 11<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
**HOLLY M. CHARLEY**  
Clerk of the Board



District Manager  
Melissa Morton

September 11, 2018

---

**BOARD COMMUNICATION**

Consent Item No. 6D

**TO: THE HONORABLE PRESIDENT AND BOARD OF TRUSTEES**

**FROM: MELISSA MORTON, DISTRICT MANAGER**  
**HOLLY M. CHARLEY, DIRECTOR OF ADMINISTRATION/CLERK OF THE BOARD**

**SUBJECT: 2018 CONFLICT OF INTEREST CODE BIENNIAL REVIEW**

**BACKGROUND AND DISCUSSION**

The Political Reform Act (Government Code §81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 California Code of Regulations §18730) containing the terms of a standard conflict of interest code, which can be incorporated by reference by state and local government agencies.

The District adopted a Conflict of Interest Code in 1976. The Code has since been amended to incorporate the terms contained in 2 Cal. Code Regs. §18730. The current Code continues the practice of incorporating the standard terms but customizes the Code for positions within the District that meet the requirements to file.

Legal Counsel and District staff have reviewed the District's Conflict of Interest Code and determined that there are significant changes necessary. This includes revisions to disclosure categories to ensure designated positions are only disclosing information that is relevant to the responsibilities of their position; the designation of several additional positions upon review of job descriptions and level of decision making authority; and revisions to existing filers' disclosure requirements to better align with the responsibilities of the positions.

It was determined that the position of Finance Director/Treasurer, District Manager and members of the Board of Trustees are required to file pursuant to Government Code section 87200, as positions that manage the District's public investments. This change has been indicated in the revisions, however at this time, the FPPC has advised the District to retain the original filings, therefore there is no change from the current practices of these filings being submitted to the Clerk of the Board and retained by the District.

In addition, it was determined that members of the Board of Trustees should be filing with the District's code reviewing body (Solano County), pursuant to Government Code section 87500(k). This requires the head of agency (the District Manager, who is currently filing with the County) and members of Boards or Commissions not under the direction of another legislative body to file with their code reviewing body. This will require Trustees to file using eDisclosure, the County's electronic filing system.

The District has also identified the need for clarification in the practice of reviewing consultant contracts to determine if the scope of services requires the filing of the Statement with the District. To ensure this practice occurs regularly, language has been added to use the Fair Political Practices Commission Form 805 (Agency Report of Consultants) to ensure accuracy and transparency.

Finally, to ensure transparency, language has been added to provide direction to designated positions on the process to adhere to should they determine they have a conflict and need to refrain from participating or influencing a decision.

Upon approval of the Board, the District will submit the revised Code to the Solano County Board of Supervisors, the designated code reviewing body for approval. Once approval has been received, then the changes will become effective and put into practice.

#### RECOMMENDATION

Review and approve the revisions to the District's Conflict of Interest Code.

#### ALTERNATIVES CONSIDERED

None

#### ENVIRONMENTAL REVIEW

None

#### FISCAL IMPACT

None

#### PROPOSED ACTION

Adopt a resolution to approve revisions to the District's Conflict of Interest Code, designating the positions and disclosure required for the Statements of Economic Interests Form 700.

#### DOCUMENTS ATTACHED

- A. Resolution
- B. Conflict of Interest Code (Redline)
- C. Conflict of Interest Code (Clean)

#### CONTACT PERSON

Holly M. Charléty, Director of Administration/Clerk of the Board, (707) 644-8949 ext. 1102



(707) 644-8949 (Admin)  
(707) 644-8976 (Billing)  
VallejoWastewater.org  
450 Ryder Street  
Vallejo, CA 94590

Board of Trustees

Bob Sampayan

Pippin Dew-Costa

Erin Hannigan

Jess Malgapo

Robert McConnell

Katy Miessner

Hermie Sunga

Rozzana Verder-Aliga

District Manager

Melissa Morton

February 6, 2018

**VALLEJO SANITATION AND FLOOD CONTROL DISTRICT NAME  
CHANGE**

To whom it may concern:

Please let this letter serve as official notification that our organization has gone through a name change. The following information has been modified:

Agency Name: Vallejo Flood and Wastewater District  
*previously "Vallejo Sanitation and Flood Control District"*

Agency website: [www.vallejowastewater.org](http://www.vallejowastewater.org)  
*previously [www.vsfcd.com](http://www.vsfcd.com)*

Agency email extension: [@vallejowastewater.org](mailto:@vallejowastewater.org)  
*previously [@vsfcd.com](mailto:@vsfcd.com)*

Agency Phone Number: The main number remains the same  
(707) 644-8949

Please note that any 3 digit extensions are no longer active. To inquire about current extensions or direct lines for agency employees, please call the main number listed above.

If you require any additional information in order to update the organization's information, please contact the District Clerk at (707) 652-7808 or [hcharlety@vallejowastewater.org](mailto:hcharlety@vallejowastewater.org).

**VALLEJO FLOOD AND WASTEWATER DISTRICT**

A handwritten signature in black ink, appearing to read "Melissa Morton".

**MELISSA MORTON**  
District Manager

MM/ CG

**Solano County**

**FEB 08 2018**

**Registrar of Voters**