

BOARD MEETING DATE: March 1, 2024

AGENDA NO. 3

PROPOSAL: Amend South Coast AQMD Conflict of Interest Code and Incorporate Code, as Amended, Into South Coast AQMD Administrative Code

SYNOPSIS: This action is to amend the South Coast AQMD Conflict of Interest Code (Code), pursuant to Government Code Section 87306(a). Under the Code, individuals holding designated positions are required to disclose certain financial interests. The proposed amendments will add and delete designated positions subject to the Code's requirements. The proposed amendments will also assign Disclosure Categories to the designated positions and make minor clarifications to the Code. This action is also to incorporate the Code, as amended, into the South Coast AQMD Administrative Code.

COMMITTEE: Administrative, February 9, 2024, Reviewed

RECOMMENDED ACTIONS:

1. Approve amendments to the South Coast AQMD Conflict of Interest Code (Code) as reflected in the Attachments; and
2. Incorporate the South Coast AQMD Conflict of Interest Code, as amended, into the South Coast AQMD Administrative Code as new Section 42.

Wayne Natri
Executive Officer

BTG:SH: II

Background

The Political Reform Act, Government Code Sections 8100, et. seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Board has adopted a Conflict of Interest Code that governs South Coast AQMD officials and employees. Individuals holding specified positions are required to disclose

certain investments, income, interests in real property, business entities and business positions, and may have to disqualify themselves from making or participating in governmental decisions affecting those interests.

Proposal

South Coast AQMD's Code is periodically updated pursuant to California Government Code Section 87306(a). The proposed amendments will change the enumeration of South Coast AQMD positions required to file economic disclosure statements by adding the following classifications as persons who must file Statements of Economic Interest under the Code: General Counsel, Health Effects of Air Pollution Foundation Directors, Information Technology Manager, Monitoring Operations Manager and Source Testing Manager. In addition, deleted or unfunded classifications are proposed to be removed as designated positions in the Code, as set out in Attachment B. Revisions and updates to classification titles have also been incorporated.

As requested by the Fair Political Practices Commission (FPPC), the proposed amendments will also include a notice that all South Coast AQMD Board Members and the South Coast AQMD Executive Officer must file their Form 700-Statement of Economic Interests electronically with the FPPC. The proposed amendments also make minor clarifications to the Code itself, including numerical designations for Disclosure Categories, and other amendments for purposes of clarity, efficiency, and ease of reference.

FPPC regulations require that individuals whose positions will be subject to its requirement be afforded a 45-day written comment period and the option of a public hearing. A 45-day notice was provided to give interested individuals the opportunity to provide written comments on the proposed amendments to the Code, and to request a public hearing on the matter. No public comments were received, and no public hearing was requested. The FPPC has approved the proposed changes.

Under this proposal, the Code, as amended, would be incorporated into South Coast AQMD's Administrative Code as new Section 42.

Resource Impacts

No resource impacts will result from this proposal.

Attachments

- A. Proposed Amended Conflict of Interest Code (PDF)
- B. Proposed Amended Conflict of Interest Code (Strike-Out)
- C. Resolution

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
CONFLICT OF INTEREST CODE**

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 California Code of Regulations Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs 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 Appendices, designating positions, and establishing disclosure categories, shall constitute the conflict-of-interest code of the South Coast Air Quality Management District (**SCAQMD**).

Board Members and Executive Officer must file their statements of economic interests electronically with the **Fair Political Practices Commission**. All other individuals holding designated positions must file their statements with SCAQMD. All statements shall be made available for public inspection and reproduction upon request. (Gov. Code Section 81008.)

**APPENDIX “A”
DESIGNATED POSITIONS**

<u>Position</u>	Reportable Economic Interest Category Number (See Appendix “B”)
Air Quality Analysis & Compliance Supervisor	1, 2
Atmospheric Measurements Manager	1, 2
Board Member Assistant	1-7
Board Member Consultant	1-7
Building Services Manager	1
Business Services Manager	1
Clean Fuels Officer	1, 2, 6
Clerk of the Board	1, 2
Community Relations Manager	1, 2
Controller	1-4, 6, 7
Deputy District Counsel I	1-7
Deputy District Counsel II	1-7
Designated Deputy	1-7
Designated Deputy – Legal	1-7
Executive Officer	1-7
Financial Services Manager	1-4, 6, 7
General Counsel	1-7
Health Effects of Air Pollution Foundation Directors	6
Human Resources Manager	1
Information Technology Manager	1-7
Investigator I/II	2
Mobile Source Air Pollution Reduction Review Committee Member	1, 2, 6
Mobile Source Air Pollution Reduction Review Committee Member Alternate	1, 2, 6
Monitoring Operations Manager	1-7
Planning & Rules Manager	1-7
Principal Air Quality Chemist	1, 2
Principal Deputy District Counsel	1-7
Procurement Manager	1-4, 6, 7
Program Supervisor	1-7

<u>Position</u>	Reportable Economic Interest Category Number (See Appendix “B”)
Public Affairs Manager	1, 2, 6
Public Benefits Programs Oversight Committee Member	6
Purchasing Assistant	1
Purchasing Supervisor	1
Quality Assurance Manager	1, 2
Risk Manager	1
South Coast AQMD Board Member	1-7
South Coast AQMD Hearing Board Member	1-7
South Coast AQMD Hearing Board Member Alternate	1-7
Senior Air Quality Engineer	2
Senior Air Quality Engineering Manager	1, 2
Senior Deputy District Counsel	1-7
Senior Enforcement Manager	1, 2
Senior Public Affairs Manager	1, 2, 6
Senior Public Affairs Specialist	1, 2, 6
Senior Staff Specialist	1-7
Source Testing Manager	2, 3, 7
Staff Specialist	1, 2, 6
Supervising Air Quality Engineer	1, 2
Supervising Investigator	2
Technical Advisory Committee of the Mobile Source Air Pollution Reduction Review Committee	1, 2, 6
Technical Advisory Committee of the Mobile Source Air Pollution Reduction Review Committee Alternate	1, 2, 6
Technology Implementation Manager	1, 2, 6
Consultants/New Positions	*

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

The Executive Officer may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer’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 (Gov. Code Section 81008).

APPENDIX “B”

Disclosure Categories

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment to the South Coast AQMD .
2. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources (including business entities, governmental entities, and non-profits) for which the agency has oversight authority. Sources include those subject to South Coast AQMD rules, regulation, permits, fines or citations.
3. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that engage in the acquisition, appraisal, disposal, or development of real property within the South Coast AQMD .
4. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that regularly engage in the preparation of environmental impact statements or reports for projects within the South Coast AQMD .
5. Interests in real property located within the jurisdiction of the South Coast AQMD or within one mile of the boundaries of the jurisdiction of the South Coast AQMD .
6. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that apply for or receive financial or technical assistance, including grants, from the South Coast AQMD .
7. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that have a claim for money or damages pending or have filed such a claim within the last two years.

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CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the
was approved on

This code will become effective on

Sukhi K. Brar

Assistant Chief Counsel

Fair Political Practices Commission

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
CONFLICT OF INTEREST CODE**

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), ~~that~~which contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. ~~After public notice and hearing, the standard code and which~~ may be amended by the Fair Political Practices Commission to conform to amendments ~~into~~ the Political Reform Act. Therefore, the terms of 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, ~~along with Appendices "A" and "B" in which officials and employees are designated and disclosure categories are set forth,~~ are hereby incorporated by reference. This regulation and the attached Appendices, designating positions, and establishing disclosure categories, shall constitute the conflict-of-interest code of the South Coast Air Quality Management District (SCAQMD).

~~Designated employees and officials shall file their statements of economic interest with the South Coast Air Quality Management District. Upon receipt of the statements of the SCAQMD Governing Board Members and Executive Officer, SCAQMD shall make and retain copies and forward the originals to the Fair Political Practices Commission. Statements for all designated employees shall be retained with the SCAQMD. Board Members and Executive Officer must file their statements of economic interests electronically with the Fair Political Practices Commission. All other individuals holding designated positions must file their statements with SCAQMD. All statements shall be made available for public inspection and reproduction upon request. (Gov. Code Section 81008.)~~

APPENDIX “A”
DESIGNATED POSITIONS

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Air Quality Analysis & Compliance Supervisor	1, 2
Atmospheric Measurements Manager	1, 2
Board Member Assistant	1-7
Board Member Consultant	1-7
Brain & Lung Tumor and Air Pollution Foundation Directors	6
Building Services Maintenance Manager	1
Business Services Manager	1
Clean Fuels Officer	1, 2, 6
Clerk of the Board	1, 2
Community Relations Manager	1, 2
Controller	1-4, 6, 7
Deputy District Counsel I	1-7
Deputy District Counsel II	1-7
Designated Deputy	1-7
Designated Deputy – Legal	1-7
Executive Officer	1-7
Financial Services Manager	1-4, 6, 7
<u>General Counsel</u>	<u>1-7</u>
<u>Health Effects of Air Pollution Foundation Directors</u>	<u>6</u>
Health Effects Officer	1-4, 6, 7
Human Resources Manager	1
<u>Information Technology Manager</u>	<u>1-7</u>
Investigator <u>I/II</u>	2
Investigations Manager	1-7
Mobile Source Air Pollution Reduction Review Committee Member	1, 2, 6
Mobile Source Air Pollution Reduction Review Committee Member Alternate	1, 2, 6
<u>Monitoring Operations Manager</u>	<u>1-7</u>
Planning & Rules Manager	1-7
Principal Air Quality Chemist	1, 2
Principal Deputy District Counsel	1-7
Procurement Manager	1-4, 6, 7
Program Supervisor	1-7

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Public Affairs Manager	1, 2, 6
Public Benefits Programs Oversight Committee Member	6
Purchasing Assistant	1
Purchasing Supervisor	1
Quality Assurance Manager	1, 2
Risk Manager	1
<u>South Coast</u> CAQMD Board Member	1-7
<u>South Coast</u> CAQMD Hearing Board Member	1-7
<u>South Coast</u> CAQMD Hearing Board Member Alternate	1-7
Senior Air Quality Engineer	2
Senior Air Quality Engineering Manager	1, 2
Senior Deputy District Counsel	1-7
Senior Enforcement Manager	1, 2
Senior Public Affairs Manager	1, 2, 6
Senior Public Affairs Information Specialist	_____
_____	1, 2, 6
Senior Staff Specialist	1-7
<u>Source Testing Manager</u>	2, 3, 7
Staff Specialist	1, 2, 6
Supervising Air Quality Engineer	1, 2
Supervising Investigator	2
Systems & Programming Manager	1, 2
Technical Advisory Committee of the Mobile Source Air Pollution Reduction Review Committee	1, 2, 6
Technical Advisory Committee of the Mobile Source Air Pollution Reduction Review Committee Alternate	1, 2, 6
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*Consultants/new positions shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon

that description, a statement of the extent of disclosure requirements. The Executive Officer'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 (Gov. Code Section 81008).

APPENDIX “B”

Disclosure Categories

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment to the South Coast AQMD District.
2. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources (including business entities, governmental entities, and non-profits) for which the agency has oversight authority. Sources include those subject to South Coast AQMD District rules, regulation, permits, fines or citations.
3. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that engage in the acquisition, appraisal, disposal, or development of real property within the South Coast AQMD District.
4. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that regularly engage in the preparation of environmental impact statements or reports for projects within the South Coast AQMD District.
5. Interests in real property located within the jurisdiction of the South Coast AQMD District or within one mile of the boundaries of the jurisdiction of the South Coast AQMD District.
6. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that apply for or receive financial or technical assistance, including grants, from the South Coast AQMD District.
7. Investments and business positions in business entities, and sources of income, including receipt of loans, gifts, and travel payments, from sources that have a claim for money or damages pending or have filed such a claim within the last two years.

ATTACHMENT C

RESOLUTION NO. 24 -

A Resolution of the South Coast Air Quality Management District Board amending the South Coast AQMD Conflict of Interest Code (Code) and incorporating the Code into the South Coast AQMD Administrative Code.

WHEREAS, the Political Reform Act, Government Code Sections 8100, et. seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes.

WHEREAS, the South Coast AQMD Board has adopted a Conflict of Interest Code that governs South Coast AQMD officials and employees.

WHEREAS, the South Coast AQMD Board finds that it is appropriate to amend the Code to add and delete designated positions subject to the Code's requirements and make minor clarifications to the Code.

WHEREAS, a 45-day notice was provided to give affected individuals the opportunity to provide written comments on the proposed amendments to the Code, and to request a public hearing on the matter.

NOW, THEREFORE BE IT RESOLVED the South Coast AQMD Board hereby amends the Conflict of Interest Code, and incorporates it into the Board letter as new Section 42 of the Administrative Code, as set forth in Attachment A of the Board letter.

DATE: _____

CLERK OF THE BOARDS