

Mattress Advisory Committee Code of Conduct

I. Authority and Purpose

The Director of the California Department of Resources Recycling and Recovery (CalRecycle), at their sole discretion, appoints members to the Mattress Advisory Committee (Committee) who are individuals in the environmental community, solid waste industry, and local government public and private representatives involved in the collection, processing, and recycling of used mattresses, and other interested parties, as determined by the director.

Pursuant to Public Resources Code (PRC) section 42987(a)(3), the director appoints a Committee as part of the Mattress Recycling Organization (Organization) that develops, implements and administers the Mattress Recycling Program ([PRC sections 42985 to 42994](#)). The Committee is consulted at least once during the development and implementation of the Organization's Plan, as well as annually prior to the submission of an Annual Report, and Annual Budget. The role of the Committee is to prepare specific written recommendations in its Report to the Organization prior to the submission of the Organization's Plan, Plan Amendment, Annual Report, and Annual Budget.

Committee members must adhere to this Code of Conduct. Such compliance is a condition of each Committee member's appointment, including their continued membership, to the Committee.

II. Duration of Service

- a. The director shall review Committee membership periodically to ensure the statutorily identified stakeholder categories are represented.

III. Organization of the Committee

- a. Elected Officers
 - Number – The Committee shall elect two members to serve as elected officers, including a Chair and Secretary, and may elect a member to serve as Vice Chair. Elected Officers are responsible for performing the duties outlined below.
 - Elections – Elections of officers shall be held at the end of the last meeting prior to term limits ending and the transition to new officers is immediate. Nominations of Committee members, including self-nominations, for elected officers will be made at the meeting. The Committee will conduct a rollcall vote to approve the Committee member elected to serve in the specified officer role.
 - Terms – All officers shall serve for two years and may be nominated to serve additional terms. Should an officer leave the Committee mid-term, an election will be held at the next meeting to complete that term. In the case of only one elected officer seated, the Chair may request an interim officer from the Committee to fill that seat until the next meeting when the election can be held according to the Bagley-Keene Open Meeting Act.

- Duties –
 - i. Plan, schedule, lead and moderate meetings, ensure the Committee adheres to the Bagley-Keene Open Meeting Act and the Code of Conduct, and coordinate with the Organization. Begin each Committee meeting with a statement regarding the Committee’s purpose and duties, agenda items for the specific meeting, and a reminder that all Committee members shall be given the chance to speak before public comments are invited.
 - ii. Create and maintain an online repository for the Committee meeting documents.
 - iii. Prepare agendas for posting on the Committee’s online repository and for submittal to CalRecycle no less than 14 business days in advance of meetings (if requesting CalRecycle provide public notice (see section VII)).
 - iv. Prepare and include in meeting minutes specific recommendations to the Organization.
- b. Meetings – The Committee shall meet prior to the submission of an Organization’s:
 - Annual reports pursuant to PRC section 42990.1 and Title 14 California Code of Regulations (14 CCR) section 18964. Members may voluntarily use the [checklist](#) prepared by CalRecycle to review.
 - Annual Budgets pursuant to PRC section 42988 and 14 CCR section 18963.
 - Plans pursuant to PRC section 42987 and 14 CCR section 18962.
 - Plan Amendments pursuant to PRC section 42987.1.5.
- c. Voting – A majority of Committee members must be present at a publicly scheduled meeting to establish a quorum, which is required for the Committee to discuss Committee business. If a member wishes to propose and discuss a recommendation on a Plan, Plan Amendment, Annual Report, or Budget for the Committee’s consideration, the member shall make a motion at a publicly scheduled meeting, and another member must second the motion. The Chair shall restate the motion, then members may discuss the motion. When all members have discussed the motion that wish to do so, the Chair shall invite the public to comment on the motion. When all members of the public have discussed the motion that wish to do so, the Chair asks the members whether they want to adopt the motion. Pursuant to PRC section 42987(a)(3)(C)(ii), the Committee shall conduct a rollcall vote on each motion. A majority vote is required for each recommendation to pass. Only appointed members may vote on Committee motions. The Committee announces whether the motion passes or fails.
- d. Agendas – Agendas for upcoming meetings may be prepared during meetings if future agenda items are known (e.g., annual report reviews). Agendas must include:

- Date, time, and location of meeting
 - Instructions to participate in meetings (e.g., teleconference or video conference information).
 - A brief description of each item of business to be transacted or discussed at the meeting.
 - Name, phone number, and email address of a contact person who can answer questions about the meeting and the agenda.
 - Information regarding how, to whom, and by when a request for any disability-related modification or accommodation may be made.
 - Link to Committee's online repository.
 - Disclosures of Interest statement.
- e. Minutes and Committee Records – The official approved minutes for each meeting must contain each motion and document how each member voted on each recommendation (including, ayes, noes, abstentions, and members that were not present for the vote).
- Minutes – Typed by Vice Chair (or other Committee member) during the meeting, reviewed by Chair, and sent to the Committee with the agenda for the next meeting. Draft minutes will be reviewed and approved at the next meeting. Meeting minutes shall reference Committee members' disclosed private and personal interests.
 - Committee Annual Report – Include specific written recommendations (voted on and approved by Committee members in meeting) in Committee's Annual Report to the Organization. The Committee Annual Report must be submitted to the Organization no less than 30 days prior to the due date of the Organization's Annual Report.
- f. Committee Records – The Committee Chair shall create and maintain an online repository for the Committee meeting documents. All Committee documents will be stored on the online repository. Materials provided to the Committee must be made available to the public without delay. The Committee members will have access and editing rights. The permissions for the online repository shall be set so that external parties are unable to add or edit documents. The Chair will transfer the online repository to the subsequent Chairs after election.
- g. Subcommittees – If subcommittees are formed, the Committee shall notify the director in writing and provide a description of the purpose of the subcommittee that is consistent with the statutorily-identified role of the Committee. Subcommittees shall be comprised of three or more Committee members and shall adhere to this Code of Conduct and the Bagley-Keene Open Meeting Act.

IV. Expectations of Members

- a. Execute statutorily defined duties.
- b. Attend and participate in meetings.
- c. Adhere to the Bagley-Keene Open Meeting Act (see Section VII).

- d. Any communication to coordinate advisory committee business, such as scheduling of meetings, shall include all members, noting that advisory committee business must be discussed during publicly-noticed meetings, pursuant to the Bagley-Keene Open Meeting Act.
- e. Read the documents subject to review prior to discussing in meetings.
- f. Inform CalRecycle when changing position, leaving or joining an organization, or leaving the Committee.
- g. Inform CalRecycle of any changes to the private or personal interests required to be reported pursuant to Section VIII of this Code of Conduct.
- h. Engage in professional, respectful, and constructive conduct.
- i. Public comments made outside a members' official role as part of the Committee must be clearly stated as on behalf of the individual or individual's organization and not mention the individual's membership on the Committee.
- j. Let all members speak once before allowing anyone to speak a second time.
- k. Act with integrity and focus on the best interest of the California mattress stewardship program, rather than on personal interest.

V. Dismissal of Members

- a. The director may dismiss members at their sole discretion.
- b. Exceeding Scope of Authority- Ultra vires acts of the Committee are prohibited and will be invalid. Committee members are expected to act in accordance and within the limited scope of their statutory authority outlined in Section I of this Code of Conduct. Members who exceed their role as outlined shall be subject to dismissal by the director.

VI. Compensation and Reimbursement

No compensation is due to members. However, members may be reimbursed by the Organization for actual and necessary travel and other expenses incurred in the performance of their official duties, subject to the reimbursement policy provided by the Organization.

VII. The Bagley-Keene Open Meeting Act

The Committee shall conduct its statutory duties in accordance with the Bagley-Keene Open Meeting Act set forth in [Government Code sections 11120-11132](#) to publicly notice meetings, prepare agendas, accept public testimony and conduct meetings in public, unless specifically authorized by the Bagley-Keene Open Meeting Act to meet in closed session. The Committee is responsible for staying apprised of legislative updates to the Bagley-Keene Open Meeting Act and adhering to its current requirements.

- a. Agendas and documents that the Committee requests CalRecycle provide public notice of must be posted to the Committee's online repository and sent to mattresses@calrecycle.ca.gov no less than 14 business days in advance of meetings. The Committee may choose to utilize another mechanism to notify the public of meetings subject to the Bagley-Keene Open Meeting Act.

- b. Documents that are not posted that the Committee will discuss in meetings must be made available to the public upon request.

VIII. Private and Personal Interests

PRC section 42987(a)(3)(B) requires the Committee to consist of members from specified stakeholder groups. Members apply their knowledge, skills, and experience to inform recommendations on Stewardship Plans, Plan Amendments, Annual Reports, and Budgets. Those recommendations may concern activities of the mattress stewardship program that potentially benefit the members themselves or their affiliates. Therefore, even though the Committee does not have any decision-making authority, Committee members must take special care to maintain a high ethical standard, which is crucial to the public's trust in the Committee.

Maintaining a high ethical standard requires careful attention to the possibility that Committee members may have individual interests that relate in some way to the Committee's work. For public officials, the Political Reform Act sets forth rules to account for any conflicts between their private or personal interests and their duties as a public official. As described below, this Code of Conduct applies the principles underlying those rules to the context of membership on the Committee.

a. Political Reform Act

In accordance with the Political Reform Act ([Government Code section 81000, et seq.](#) and [Title 2 California Code of Regulations Division 6 sections 18110 to 18998](#)), the Committee is required to adopt and file with the Fair Political Practices Commission (FPPC) a Conflict of Interest Code, unless an exemption has been approved and issued by the FPPC. Title 2, Division 6 section 18751 provides the procedure and standards for obtaining an exemption from Government Code section 87300, which requires adoption and promulgation of a Conflict of Interest Code.

On July 20, 2021, the Committee was granted an exemption from the FPPC because the Committee has no designated employees and does not make governmental decisions. Under the Political Reform Act, a conflict of interest can only exist with respect to a governmental decision if it is foreseeable that the decision will have a financial impact on personal finances or other financial interests. If there is no governmental decision at issue, there can be no conflict of interest under the Political Reform Act. The Committee is exempt from filing a Conflict of Interest Code for two years (until July 20, 2023). Prior to July 20, 2023, and as required by the FPPC thereafter, the Committee must either request another exemption from the FPPC (or request that CalRecycle seek an exemption on behalf of the Committee) or adopt and file a Conflict of Interest Code with the FPPC, if applicable. Title 2, Division 6 section 18751 provides the procedure and standards for obtaining an exemption from Government Code section 87300.

If CalRecycle becomes aware of any activity by a committee member that does not fall under the granted exemption or is a violation of the Public Reform Act, CalRecycle will all provide relevant information to the FPPC for possible enforcement.

b. Disclosure of Interests

Maintaining the public’s trust requires compliance with ethics laws and avoiding the mere *perception* that the Committee is acting improperly. As such, members must not participate in any Committee activity unless they can do so without regard to how the action may affect their private or personal interests. Moreover, members must avoid even the appearance that their private or personal interests, rather than solely the public interest, motivate their participation on the Committee.

Therefore, separate from the Political Reform Act, in an effort to maintain transparency, Committee members are required to disclose to CalRecycle whether they have any private or personal interests that may be affected by the mattress stewardship program. These may include, but are not limited to, a contractual relationship with or receipt of grant awards or other funding from the Organization, employment with an entity participating in the program, or any other interest the member deems pertinent. Members must disclose such interests to CalRecycle (see Section IX, below) and update their disclosures to ensure they remain accurate at all times. All member disclosures will be posted on CalRecycle’s website and shall be referred to in Committee agendas and meeting minutes.

Failure to accurately disclose any private or personal interests that may be affected by the mattress stewardship organization may subject the offending committee member to dismissal by the Director or may result in the transmittal of information related to the failure to any other appointing body.

IX. Member Disclosure and Agreement

All members must agree and certify as follows:

Other than the interests identified below, I have no current private or personal interests that may be affected by the mattress stewardship program. I acknowledge that I must immediately notify CalRecycle of any change in the interests identified below and disclose to CalRecycle any additional interests that arise in the future.

I currently hold the following private or personal interests that may be affected by the mattress stewardship program (if none, indicate as such here; do not leave blank):

Although I am a member of the Committee solely in my capacity as an individual, not as a representative of any entity, this Code of Conduct requires disclosure of all affiliations that may be relevant to the Committee’s work. I am currently an employee of, a member, partner, or owner of, engaged in business with, or otherwise affiliated with the following organizations (e.g., businesses, public or industry interest groups, government agencies) whose primary purpose or activities relate to the mattress industry or the collection, processing, or recycling of used mattresses:

Organization	Position

By signing this Code of Conduct, I agree to adhere to its requirements and certify that the factual representations made above are true and accurate.

Signature

Date

Printed Name