

Department of Resources Recycling and Recovery Reasons for Amending Conflict of Interest Code

June 30, 2023

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Pursuant to Government Code section 87306, the Department of Resources Recycling and Recovery (Department) is amending its conflict of interest code (Cal. Code Regs., title 14, § 18419) to bring it current with the existing organizational structure and the positions comprising the agency's workforce. These amendments reflect the Fair Political Practices Commission's interpretation of "making" or "participating in making" governmental decisions as including advising or making recommendations to the decision maker by conducting research or preparing reports, analyses, or opinions. (Cal. Code Regs., title 2, §§ 18702-18702.4.) The specific amendments are presented below, along with an explanation of each proposed change.

I. The Department's Code Will Not Be Printed in The California Code of Regulations

Pursuant to Government Code section 11344, the Department has determined that the printing of the regulations constituting its conflict of interest code is impractical and of limited and particular application. Accordingly, these regulations will not be published in full in the California Code of Regulations. The regulations are available to the public for review or purchase at cost at the following locations:

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
(CalRecycle)
1001 I Street, MS 24B
Sacramento, CA 95814

FAIR POLITICAL PRACTICES COMMISSION
428 J STREET, SUITE 800
SACRAMENTO, CA 95814

ARCHIVES
SECRETARY OF STATE
1020 "O" STREET
SACRAMENTO, CA 95814

II. The Elements of The Department's Conflict of Interest Code

Under the Political Reform Act (Gov. Code § 81000 et seq.), all public agencies are required to adopt a conflict of interest code. (Gov. Code § 87300.) A code designates positions required to file Statements of Economic Interests (Form 700), and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to alert public officials and members of the public to the types of financial interests that may create conflicts of interests.

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Each code must contain three components, *i.e.*, the terms of the code, the designated positions, and the disclosure categories. Each of the three components is described on the web site of the [Fair Political Practices Commission](#).

A. Terms of the Department's Code

The Department's code (Cal. Code Regs., title 14, § 18419) incorporates by reference FPPC Regulation 18730, which includes all the information required to be in the main body of the code. (Cal. Code Regs., title 2, § 18730.)

B. The Department's Designated Positions (Appendix A)

The list of positions the Department is designating as making or participating in making decisions are listed in Appendix A of the code. (Cal. Code Regs., title 14, § 18419, App. A.) The Department reviewed duty statements and/or conferred with appropriate managers to determine which positions should be included. Appendix A also assigns a disclosure category to each designated position.

Rather than listing the designated positions according to a detailed, multi-layered organizational structure, the Department is listing designated positions by classifications and series, irrespective of the work unit to which the positions are assigned within the Executive Offices and Divisions. This reduces the need to make sweeping changes to the conflict of interest code based only on variations in working titles, branch or unit name changes, and reorganizations. Unless stated otherwise in the code, all classifications in a series are designated.

C. The Department's Disclosure Categories (Appendix B)

The types of investments, interests in real property, sources of income and business positions that designated positions are required to disclose are described in the disclosure categories presented in Appendix B of the Department's code. (Cal. Code Regs., title 14, § 18419, App. B.)

III. Amendment to NOTE

The Department is amending the address of the Department of Resources Recycling and Recovery to the current physical address at 1001 I Street, MS24B, Sacramento, California 95814. The Department is amending the address of the Fair Political Practices Commission to their current physical address at 1102 Q Street, Suite 3000, Sacramento, California 95811.

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IV. Amendments to Section 18419 of Title 14 of the California Code of Regulations

The Department is updating the language in this section to have the Director file their statement of economic interest electronically with the Fair Political Practices Commission. Previously, the Department retained a copy and forwarded the original statement of economic interest to the Fair Political Practices Commission.

V. Amendments To Appendix A: Designated Positions and Assigned Disclosure Categories

The list of positions the Department is designating as making or participating in making decisions and their applicable disclosure categories are listed in Appendix A of the code. (Cal. Code Regs., title 14, § 18419, App. A.) The specific amendments to Appendix A are presented below, along with an explanation of each proposed change.

A. Executive

The position title "Environmental Scientist" is added. The employee in this position makes or participates in making governmental decisions. This employee is serving in a temporary assignment for a Staff Services Manager II (SSM II) position until the position is ultimately filled. The position is assigned to disclosure categories 1 and 2 based on potential conflicts of interest associated with their duties.

1. Policy Development and Analysis Office

The position title "Integrated Waste Management Specialist" is deleted. The Office is no longer using the position title.

2. Legal Office

The position titles "Staff Services Manager" and "Associate Governmental Program Analyst" are added. Employees in these positions make or participate in making governmental decisions. These positions are assigned to disclosure category 2 based on potential conflicts of interest associated with their duties.

3. Audits Office

The position title "Governmental Auditor" is added. Employees in these positions make or participate in making governmental decisions. The positions are assigned to

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disclosure category 2 based on potential conflicts of interest associated with their duties.

4. Disaster Debris Recovery Operations

This entire office is a new office in the Department. The following position titles are added. Employees in these positions make or participate in making governmental decisions. The Deputy Director position is assigned to disclosure categories 1 and 2 and the remaining positions are assigned to disclosure category 2 based on potential conflicts of interest associated with their duties.

- Deputy Director
- Senior Civil Engineer
- Engineering Geologist
- Staff Services Manager
- Waste Management Engineer
- Senior Safety Engineer (Industrial)
- Associate Safety Engineer
- Associate Governmental Program Analyst

5. Information Technology Services Office

This entire office has been moved from the former Administrative, Finance & Information Technology Services Division to its own office within the Executive. The following positions were moved with this office from the former Division, but their disclosure categories remain the same as in the previous Conflict of Interest Code.

- Career Executive Assignment
- Information Technology

B. Administration Services Division

This Division is renamed from the Administration, Finance and Information Technology Services Division to the Administration Services Division.

The following position title “Research Data” is added. The employees in this position make or participate in making governmental decisions. The position is assigned to disclosure category 7.

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The position title "Environmental Scientist" is deleted. The Division is no longer using this position title.

The position titles Associate Safety Engineer and Senior Safety Engineer (Industrial) are deleted. The Division is no longer using these position titles as they were moved to the Disaster Debris Removal Office in the Executive.

The position title "Information Technology" is deleted. These positions were moved to the Information Technology Services Office within the Executive.

C. Materials Management and Local Assistance Division

The position title "Supervising Program Tech II" is added. The employee in this position makes or participates in making governmental decisions. The positions are assigned to disclosure category 3 and 4 based on potential conflicts of interest associated with their duties.

D. Waste Permitting, Compliance and Mitigation Division

The position title "Staff Services Manager" is removed. This Division is no longer using this position title.

E. Division of Recycling

The position title "Auditor I" is added. Employees in these positions make or participate in making governmental decisions. The positions are assigned to disclosure category 6 based on potential conflicts of interest associated with their duties.

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