

**State of California  
Office of Administrative Law**

**In re:**  
**San Francisco Bay Conservation and  
Development Commission**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:**  
**Amend sections: 11600**  
**Repeal sections:**

**NOTICE OF FILING AND PRINTING ONLY**

**Government Code Section 11343.8**

**OAL Matter Number: 2023-0920-01**

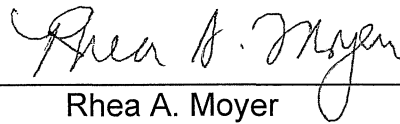
**OAL Matter Type: File and Print Only (FP)**

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This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

**Date:** October 10, 2023



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**Rhea A. Moyer**  
**Associate Governmental  
Program Analyst**

**For:** **Kenneth J. Pogue**  
**Director**

**Original:** **Lawrence J. Goldzband,**  
**Executive Director**

**Copy:** **Michael Ng**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

FILE PRINT

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2023-0505-01</b>	REGULATORY ACTION NUMBER <b>2023-0920-01</b>	EMERGENCY NUMBER <b>FP</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**OCT 10 2023**  
*1:53 pm*

OFFICE OF ADMIN. LAW  
2023 SEP 20 AM 8:44

AGENCY WITH RULEMAKING AUTHORITY  
San Francisco Bay Conservation and Development Commission

AGENCY FILE NUMBER (If any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER <b>2023-20-2</b>	PUBLICATION DATE <b>5/19/23</b>

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Conflict of Interest Code - Biennial Update	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2023-0505-01
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	AMEND 11600
TITLE(S) 14	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
May 19, 2023 to July 5, 2023

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>30 days after SOS filing per 2 CCR 18750</b>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input checked="" type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Michael Ng	TELEPHONE NUMBER (415) 352-3610	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) michael.ng@bcdca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only  
**AUTHORIZED FOR FILING AND PRINTING**  
**OCT 10 2023**  
**Office of Administrative Law**

SIGNATURE OF AGENCY HEAD OR DESIGNEE Michael Ng <small>Digitally signed by Michael Ng Date: 2023.09.14 17:25:32 -0700</small>	DATE 9/14/23
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TYPED NAME AND TITLE OF SIGNATORY  
Michael Ng, Senior Staff Attorney

**CONFLICT-OF-INTEREST CODE FOR THE  
SAN FRANCISCO BAY CONSERVATION AND  
DEVELOPMENT COMMISSION**

Title 14 of the California Code of Regulations, Division 5, Chapter 16. San Francisco Bay Conservation and Development Commission – Conflict of Interest Code

**§ 11600. General Provisions**

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 Cal. Code of Regs. Sec. 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 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 Appendices designating positions and establishing disclosure categories shall constitute the conflict of interest code of the San Francisco Bay Conservation and Development Commission (**Commission**).

**Commissioners, Alternate Commissioners, Ex-Officio Members, Board Members, Alternate Board Members and the Executive Director** 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 the **Commission**. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

**CONFLICT-OF-INTEREST CODE FOR THE  
SAN FRANCISCO BAY CONSERVATION AND  
DEVELOPMENT COMMISSION**

**APPENDIX A**

**Designated Positions**

**Disclosure Categories**

<del>Accounting Officer (all levels)</del>	<del>2,3</del>
<del>Associate Governmental Program Analyst</del>	<del>2</del>
<del>Associate Management Analyst</del>	<del>2</del>
<del>Associate Personnel Analyst</del>	<del>3</del>
<del>Bay Development Design Analyst</del>	<del>2,3</del>
<del>Career Executive Assignment (all levels)</del>	<del>1</del>
<del>Commissioners and Alternates, All</del>	<del>1</del>
<del>Chief Counsel I</del>	<del>1</del>
<del>Coastal Program Analyst (all levels)</del>	<del>2,3</del>
<del>Coastal Program Manager</del>	<del>2,3</del>
<del>Design Review Board, All members</del>	<del>1</del>
<del>Engineering Criteria Review Board, All members</del>	<del>1</del>
<del>Environmental Scientist (all levels)</del>	<del>2,3</del>
<del>Executive Director</del>	<del>1</del>
<del>Engineer (all levels)</del>	<del>2</del>
<del>Attorney (all levels)</del>	<del>1</del>
<del>Information Technology (all levels)</del>	<del>2</del>
<del>Staff Services Analyst</del>	<del>3</del>
<del>Staff Services Manager (all levels)</del>	<del>3</del>
<del>Consultants</del>	<del>*</del>

**GOVERNING BODY**

Commissioners and Alternates, All (except appointees of federal agencies employed by the federal government) 1

Ex-Officio Members 1

**ADVISORY BOARDS**

Design Review Board, All members and Alternates 1

Engineering Criteria Review Board, All members and Alternates 1

**EXECUTIVE DIVISION**

Executive Director 1

Career Executive Assignment (all levels) 1

**PLANNING DIVISION**

Career Executive Assignment (all levels) 1

Environmental Program Manager Supervisor I 2, 3

Coastal Program Analyst (all levels) 2, 3

Research Data Analyst (all levels) 2, 3

Environmental Scientist (all levels) 2, 3

Staff Services Manager (all levels) 2, 3

Associate Governmental Program Analyst 2, 3

**REGULATORY DIVISION**

Career Executive Assignment (all levels) 1

Environmental Program Manager Supervisor I 2, 3

Coastal Program Analyst (all levels) 2, 3

Environmental Scientist (all levels) 2, 3

Staff Services Manager (all levels) 2, 3

Senior Landscape Architect 2, 3

Associate Landscape Architect 2, 3

<u>Engineer (all levels)</u>	<u>2</u>
<b><u>LEGAL DIVISION</u></b>	
<u>Chief Counsel I, C.E.A.</u>	<u>1</u>
<u>Attorney (all levels)</u>	<u>1</u>
<u>Coastal Program Analyst (all levels)</u>	<u>2, 3</u>
<u>Environmental Scientist Compliance Officer</u>	<u>2, 3</u>
<b><u>ADMINISTRATIVE SERVICES AND INFORMATION TECHNOLOGY DIVISION</u></b>	
<u>Staff Services Manager (all levels)</u>	<u>3, 4</u>
<u>Associate Personnel Analyst</u>	<u>3</u>
<u>Information Technology Specialist (II)</u>	<u>4</u>
<u>Associate Governmental Program Analyst</u>	<u>3</u>
<b><u>CONSULTANT</u></b>	
<u>Consultants/New Positions</u>	<u>*</u>

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

The Executive Director 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 written 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 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. (Gov. Code Section 81008.)

**CONFLICT-OF-INTEREST CODE FOR THE  
SAN FRANCISCO BAY CONSERVATION AND  
DEVELOPMENT COMMISSION**

**APPENDIX B**

**DISCLOSURE CATEGORIES**

The Commission has specific jurisdictional boundaries, which can be found in the McAteer-Petris Act, Chapter 2. Definition of San Francisco Bay, Government Code sections 66610-66611, and in the Suisun Marsh Preservation Act, Chapter 2. Definitions, Public Resources Code section 29101. Although the Commission is a state agency, only economic interests within the Commission's boundaries (and 2-mile radius) are reportable.

**Category 1:** Persons in this category must report:

- (a) An interest in real property is reportable if the property, or any part of it, is located within or not more than two (2) miles outside the boundaries of the Commission's jurisdiction or within 2 miles of any land owned or used by the Commission.
- (b) Investments, and business positions in business entities, and sources of income, including gifts, loans, and travel payments, from entities located in or doing business within the Commission's jurisdiction.

**Category 2:** Persons in this category must report:

Iinvestments and business positions in business entities, and sources of income; (including receipt of gifts, loans and travel payments); from entities that are if the business entity or source is subject to the regulatory, ~~or~~ permit or licensing authority of the Commission including, but not limited to:

- (a) Entities that import or export goods or materials through a port, provides import or export services, or engages in maritime shipping, the loading or unloading of cargo, or any other commercial activity as a port;
- (b) Engages in environmental planning, real estate, (sales, brokerage or investment) or

construction;

- (c) Engages in energy research, development, facilities construction, transportation, or transmission within the Commission's jurisdiction; and
- (d) Entities or sources of income from ocean-oriented commercial recreation or ocean-oriented public assembly facilities, including but not limited to restaurants, specialty shops, and hotels.

**Category 3:** Persons in this category must report:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the Commission.

**Category 4:** Persons in this category must report:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides information technology or telecommunications goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, data processing firms and media services.



This is the last page of the conflict of interest code for the San Francisco Bay Conservation & Development Commission



## CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the San Francisco Bay Conservation & Development Commission was approved on 7/11/23

**Sukhdip Brar** Digitally signed by Sukhdip Brar  
Date: 2023.07.11 15:49:46 -0700

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Sukhi K. Brar

Assistant Chief Counsel

Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective: