

Attachment 4
SBWMA Board's Code of Conduct

**SBWMA BOARD CODE OF CONDUCT
FOR THE SBWMA CONTRACTOR SELECTION PROCESS
FOR COLLECTION AND OPERATING SERVICES**

The South Bayside Waste Management Authority ("SBWMA") is a joint powers authority among the cities of Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Redwood City, San Carlos, and San Mateo; towns of Atherton and Hillsborough; the West Bay Sanitary Service District; and the County of San Mateo ("Member Agencies"). The SBWMA is planning to request and receive proposals for the collection, processing, of solid waste, recyclable materials, and organic materials within the jurisdiction of the SBWMA and for the operation of the SBWMA's transfer station and recycler located in San Carlos, California ("Contractor Selection Process").

The Board Members of the SBWMA are obligated to comply with the Political Reform Act of 1974 ("PRA") and the Brown Act (Government Code §56950 et seq.).

**SBWMA BOARD MEMBER CODE OF CONDUCT
APPLICABLE TO THE CONTRACTOR SELECTION PROCESS**

1. Ex Parte Contacts:

- These are written/verbal contacts outside SBWMA meetings with participants.
- The contacts are with participants in the RFP process for selecting one or more contractors for the Transfer Station and for Collection. It includes their employees and agents. It excludes contacts with them that are arranged by staff.
- The start date is April 1, 2006 when the RFP process is most likely to get started.
- There is no penalty stated, but the ex parte contact is to be disclosed by the Board member at the very next Board meeting.

2. Gifts/Compensation:

- Participants are defined as above.
- Gifts and compensation are given their common meaning.
- Acceptance of such can lead to a censure proceeding brought by the Board.
- The start date is also April 1, 2007.
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The goal for this policy is to keep the RFP participants at arms length from Board members during the RFP process and avoid anything by way of contacts or gifts that would taint the process. The policy as stated should accomplish this result for the Board.

1. Ex Parte Contacts Prohibited

From April 1, 2007, and prior to the SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, SBWMA Board Members (the Board Members) are prohibited from having any verbal or written communications (ex parte contacts) with any Proposer (defined as any entity or individual involved in making a submittal to the SBWMA in response to the RFP process to select a contractor or contractors for the collection, processing, and transfer of solid waste, recyclable materials and/or organic materials) concerning any matter related to the RFP process or Contractor Selection process, except in the course of a legally noticed meeting of the SBWMA Board, or any subcommittee of the Board, or in conjunction with an ex parte contact arranged by and involving SBWMA staff and/or consultants.

If any such unauthorized ex parte contact occurs, the Board member shall disclose its occurrence at the next meeting of the SBWMA Board that next follows the said ex parte contact.

2. Gift and Compensation Prohibited (Also applicable to SBWMA staff and consultants)

From April 1, 2007, to prior to SBWMA Board and Member Agencies selection of contractors or June 30, 2009 whichever comes later, SBWMA Board Members, are prohibited from accepting any gift of any monetary value, or compensation of any kind (as defined under the California Political Reform Act) from a Proposer (defined above). This prohibition shall also apply to SBWMA staff members and consultants.

Any Board Member who accepts such a gift or compensation may be subject to censure by the SBWMA Board. Any SBWMA staff member who violates this policy may be subject to discipline including termination of services, and any consultant who violates this policy may be subject to termination of services.

C. It is understood that this Code of Conduct is in addition to any other applicable state or local regulations that apply to the conduct of the SBWMA Board.
