

NOTICE OF INTENTION  
TO ADOPT THE CONFLICT OF INTEREST CODE OF THE  
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (Department), pursuant to the authority vested in it by sections 87300 and 87306 of the Government Code, proposes adoption of its conflict of interest code. The Department is replacing the conflict of interest code of the former California Integrated Waste Management Board (Cal. Code Regs., title 14, § 18419) with the Department's newly adopted code. The purpose of adopting this conflict of interest code is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department proposes adopting a conflict of interest code that includes employee positions that involve making decisions or participating in making decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The conflict of interest code will list position titles that involve making governmental decisions by (1) voting on a matter, (2) obligating or committing the Department, or (3) entering into contractual agreements for the Department. The conflict of interest code will also list position titles that participate in the making of governmental decisions by (1) negotiating on behalf of the Department or (2) advising or making recommendations to the decision maker by (a) conducting research or (b) preparing reports, analyses or opinions.

Rather than listing 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. This reduces the need to make sweeping changes to the conflict of interest code based only on working titles, branch or unit name changes, and reorganizations.

Copies of the proposed conflict of interest code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed conflict of interest code by submitting them in writing no later than August 23, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed conflict of interest code. If any interested person or the person's representative requests a public hearing, he or she must do so no later than August 9, 2010, by contacting the Contact Person set forth below.

The Department has prepared a written explanation of the reasons for adopting the proposed conflict of interest code and has available the information on which the code is based. Copies of the proposed conflict of interest code, the written explanation of the reasons, and the information on which the code is based may be obtained by contacting the Contact Person set forth below.

The Department has determined that adopting the proposed conflict of interest code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.

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3. Imposes no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In proposing the adoption of this conflict of interest code, the Department must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the code is proposed or would be as effective and less burdensome to affected persons than the proposed code.

All inquiries concerning adoption of this proposed conflict of interest code and any communication required by this notice should be directed to:

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