

**BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF  
SAN FRANCISCO, SAN PABLO, AND SUISUN**

**INITIAL STATEMENT OF REASONS**

**TITLE 7. HARBORS AND NAVIGATION  
DIVISION 2. STATE BOARD OF PILOT COMMISSIONERS FOR THE BAYS OF  
SAN FRANCISCO, SAN PABLO, AND SUISUN  
ARTICLE 3. OFFICERS, COMMITTEES, EMPLOYEES**

**PROBLEM STATEMENT**

The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) regularly updates its governing regulations to better reflect its structure, membership, and operations, as they evolve to meet the needs of the Board's stakeholders and the people of California. By adopting statewide best practices, the Board ensures that its processes are efficient and foster confidence and transparency in its operations. The proposed changes to the Board's 2010 Conflict of Interest Code (7 CCR § 212.5) update and clarify the list of Board positions that must file Statements of Economic Interests (Form 700s) with the Fair Political Practices Commission. Additionally, the proposed regulations modernize the process and format of these filings.

The proposed amendments explicitly add Ex Officio Members of the Board to the list of positions required to file Form 700s in Title 7 of the California Code of Regulations, section 212.5. Previously, Ex Officio Members were only referenced in this section's appendix (Appendix A). These members, who may have decision-making responsibilities similar to those of appointed Board members and the Executive Director, are now listed both in the text and the appendix alongside other Board positions. With these amendments, the designated Positions required to file economic interest statements electronically and directly with the Fair Political Practices Commission will be: 1) Board Members, 2) Ex Officio Members, and 3) the Executive Director.

The proposed amendments also update the list of Designated Positions in Appendix A of Title 7 of the California Code of Regulations, section 212.5. These changes align the Designated Positions list with the Board's current staffing by removing a defunct position and adding two new ones. In addition to these staffing-related changes, the proposed amendments also add a "New Positions" category to the Designated Positions list. This addition provides the Board and the Executive Director with the flexibility to account for future staffing needs without requiring further amendments.

The requirement to file Form 700s electronically and directly with the Fair Political Practices Commission does not apply to individuals in the following existing and new positions, who may file directly with the Board using the appropriate Fair Political Practices Commission form:

Board Member Designees, the Assistant Director, Staff Services Manager I – Specialist, Associate Government Program Analyst, Consultants, and New Positions.

The proposed amendments also align the Board with statewide best practices, streamline processes, and enhance integrity. Per these amendments, individuals in certain designated positions (Board Members, Ex Officio Members, and the Executive Director) will now file their statements of economic interests electronically and directly with the Fair Political Practices Commission, rather than with the Board, and they will be required to file electronically. This change eliminates the need for inter-agency handoffs and fosters trust and transparency.

### **BENEFITS ANTICIPATED FROM REGULATORY ACTION**

The proposed regulation enhances transparency and accountability by ensuring that individuals in certain designated positions (Board Members, Ex Officio Members, and the Executive Director) file Form 700s electronically and directly with the Fair Political Practices Commission, making the process more efficient and information more accessible. Additionally, public access to these documents through the Fair Political Practices Commission fosters trust and confidence in the integrity of the Board’s operations.

### **SPECIFIC PURPOSE AND NECESSITY OF EACH SECTION**

#### **Section 212.5**

**The second paragraph** of this section is revised to delete “Individuals holding designated positions shall file statements of economic interests with the Board, which will make the statements available for public inspection and reproduction. (Govt. Code Sec. 81008.) Upon receipt of the statement of the Executive Director and Board Members, the Board shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission. All other statements will be retained by the Board.” The purpose and intent of this paragraph has been amended and enhanced with the revised content.

**The second paragraph** of this section is amended to add “Board Members, Ex-Officio 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 Board. All statements must be made available for public inspection and reproduction under Government Code Section 81008.”

These amendments clarify the Board-associated positions that must file Statements of Economic Interests with the Fair Political Practices Commission. These amendments also revise the filing process, requiring individuals in specific designated positions to file directly with the Fair Political Practices Commission, rather than with the Board. Finally, the amendments specify that Form 700s must be filed electronically by those in specified designated positions. Requiring individuals in specified designated Board positions to file their Form 700s directly with the Fair Political Practices Commission in a standardized electronic format streamlines the process, simplifies publication, and improves public transparency.

## Appendix A

**The table of “Designated Positions” in Appendix A** is revised to add a Board staff position that was not included in the current version. This is the “Staff Services Manager I – Specialist” position. This position has been added to the table to accurately represent the Board’s current staffing. This position has the same disclosure categories as all of the other positions in the table of “Designated Positions.”

**The table of “Designated Positions” in Appendix A** is revised to delete the “Administrative Assistant II” role. This position has been deleted from the table to accurately represent the Board’s current staffing.

**The table of “Designated Positions” in Appendix A** is revised to add a Board staff position that was not included in the current version. This is the “Associate Government Program Analyst” position. This position has been added to the table to accurately represent the Board’s current staffing. This position has the same disclosure categories as all of the other positions in the table of “Designated Positions.”

**The table of “Designated Positions” in Appendix A** is revised to add a “New Positions” category. The addition of this role allows the Board and Executive Director to comply with the Fair Political Practices Commission’s reporting requirements without the need for immediate regulatory action whenever a new position is created.

**The footnote text in Appendix A** has been amended to add “and individuals holding new positions classified as designated,” “or individual in a new position,” and “or an individual in a new position’s.” These amendments align the purpose and intent of the footnote with the new “New Positions” category added to the “Designated Positions” table.

The amended footnote now reads “Consultants **and individuals holding new positions classified as designated** 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 individual in a 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 fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s **or an individual in a 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. (Govt. Code Sec. 81008.)”

## **ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

The Board has concluded that the proposed regulations will not facilitate the creation or elimination of jobs within California, nor will they affect the creation or elimination of

businesses within California or the expansion of businesses currently doing business within California.

**EVIDENCE SUPPORTING ECONOMIC IMPACT ASSESSMENT AND FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC EFFECT ON BUSINESS**

The proposed regulations have been assessed by the Board and determined to have no significant economic impact on businesses.

**DESCRIPTION OF REASONABLE ALTERNATIVES**

The Board has concluded that there are no reasonable alternatives to the proposed regulations.