

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

660 Davis Street., San Francisco, CA 94111

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NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE BOARD OF PILOT COMMISSIONERS March 28, 2025

Notice is hereby given that the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict of Interest Code, section 212.5 (including Appendix A) of the California Code of Regulations, Title 7, Harbors and Navigation, Division 2, State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

The Board's proposed amendments to its Conflict of Interest Code (7 CCR § 212.5) revises the list of Board member positions that must file Statements of Economic Interests (Form 700) to include the Ex Officio Board position, which is involved in the making or participation in the making of 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. In addition, the proposed amendments modernize the process and format of Board position filings and updates the list of designated Board staff positions (as found in Appendix A) that must file a Form 700. The amendments carry out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

PUBLIC HEARING

The Board will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, not later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

A comment period has been established commencing on March 28, 2025, and closing on May 12, 2025. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board.

The written comment period closes at **5:00 p.m. on Monday, May 12, 2025**. The Board will only consider comments received at the Board office by that time. Submit comments to:

Mr. Matthew Millspaugh, Assistant Director
Board of Pilot Commissioners for the Bays of
San Francisco, San Pablo, and Suisun
660 Davis Street
San Francisco, California 94111

Comments may also be submitted by e-mail to bopc@bopc.ca.gov.

AUTHORITY AND REFERENCE

Authority: Government Code (Govt Code) § 87306 and Harbors and Navigation Code (HNC) § 1154 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Govt Code § 87302(a).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed changes to the Board's Conflict of Interest Code (7 CCR § 212.5) include: 1) a revised list of Board member positions that must directly file Statements of Economic Interests (Form 700) with the Fair Political Practices Commission (FPPC), 2) modernizes the process and format of Board member position filings, requiring online filing with the FPPC, and 3) updates the list of designated Board staff positions that must file a Form 700.

The proposed amendments and explanation of the reasons for these amendments can be obtained from the Board's contacts listed below.

DISCLOSURES AND DECLARATIONS REGARDING THE PROPOSED ACTION

The Board has determined that the proposed amendments:

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

The Board has also concluded that the proposed regulations will not facilitate the creation or elimination of jobs within California. The proposed regulations will not affect the creation or elimination of businesses within California or the expansion of businesses currently doing business within California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons, and equally effective in implementing the statutory policy or other provisions of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, if one is held, or during the written comment period.

CONTACT PERSON

All inquiries concerning these proposed amendments and any communication required by this notice should be directed to:

Name: Matthew Millspaugh
Email: bopc@bopc.ca.gov
Phone: (415) 397-2253

The backup contact person for these inquiries is:

Name: Allen Garfinkle
Email: bopc@bopc.ca.gov
Phone: (415) 397-2253

Please direct requests for copies of the proposed text (Express Terms) of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Matthew Millspaugh at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the above address during normal business hours (9:00 a.m. to 5:00 p.m.). Please contact Matthew Millspaugh at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request from the Contact Person designated in this Notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the 45-day public comment period, the Board may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulations are appropriate. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Matthew Millspaugh at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

BOARD INTERNET WEBSITE

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Rulemaking, the Initial Statement of reasons, and the text of the regulations in underline and strikeout can be accessed through the Board's website at www.bopc.ca.gov.