

1 [Refuse Rate Board - Code of Conduct]

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3 **Refuse Rate Board resolution adopting a code of conduct that includes limitations on**  
4 **ex parte communications during the rate setting process, as required by Proposition F**  
5 **(June 2022).**

6

7 WHEREAS, In June 2022, the voters adopted Proposition F, which amended the City's  
8 Refuse Collection and Disposal Ordinance to reform and modernize the City's process for  
9 setting residential refuse rates to be more fair, transparent, and accountable, and publicly  
10 accessible. Proposition F also states the work of the Refuse Rate Board and Refuse Rate  
11 Administrator shall conduct their work in line with high professional ethical standards, and  
12 directed the Refuse Rate Board shall adopt and adhere to a code of conduct with limitations  
13 on ex parte communications during the rate setting process; and

14 WHEREAS, Consistent with Proposition F, the Refuse Rate Board has developed a  
15 Code of Conduct (see "Exhibit A"). The Code of Conduct reaffirms the guiding principles for  
16 the Refuse Rate Board set forth in Proposition F, requires members to comply with state and  
17 local ethics rules including those related to conflicts of interest, and establishes a policy with  
18 regard to ex parte communications. With limited exceptions, it is against the policy of the  
19 Refuse Rate Board for any member to communicate with refuse on matters within the subject  
20 matter jurisdiction of the Refuse Rate Board, either directly or through intermediaries, except  
21 in duly-noticed Rate Board Hearings, Commission Hearings, or other public hearings that are  
22 open to the public. This policy applies to communications starting on the date that either the  
23 Refuse Rate Administrator or a refuse company, whichever comes first, notices the Refuse  
24 Rate Board of an intent to request changes to the rate; and until such time as the Refuse Rate  
25 Board has adopted a final rate order; and

1           WHEREAS, The Refuse Rate Board considered the Code of Conduct at multiple public  
2 meetings, with notice to the public as required by law, and approved the Code of Conduct on  
3 June 12, 2023; and

4           WHEREAS, Adherence to the Code of Conduct will help ensure that the Refuse Rate  
5 Board discharges its function under Proposition F in an ethical and transparent manner, and  
6 will further the purposes of Proposition F; now therefore, be it

7           RESOLVED, The Code of Conduct in Exhibit A shall apply to all future proceedings of  
8 the Refuse Rate Board; and be it

9           FURTHER RESOLVED, that the Refuse Rate Administrator shall make the Code of  
10 Conduct available to the public; and be it.

11           FURTHER RESOLVED, the Refuse Rate Board urges the Refuse Rate Administrator  
12 to advise the Refuse Rate Board as to whether it may be appropriate to update the Code of  
13 Conduct in the future, in furtherance of the goals set forth in Proposition F.

14  
15           Adopted by the following vote:

16           Ayes: 2  
17           Noes: 0  
18           Absent: 1

19           I certify that the foregoing resolution was adopted at the meeting of the Refuse Rate  
20 Board held on June 12, 2023.

21           \_\_\_\_\_ -  
22           Claire Stone, Secretary



## Refuse Rate Board

Order 001

Refuse Rate Board Members:  
City Administrator Carmen Chu, Chair  
General Manager Dennis Herrera, Member

### Member Code of Conduct

As required with the passage of Proposition F (June 2022) and as codified in the San Francisco Health Code Section 209.6(b)2, the Refuse Rate Board shall adopt and adhere to a code of conduct, including limitations on ex parte communications during the rate setting process.

#### Code of Conduct Provisions

- 1) Guiding Principles
- 2) Ex Parte Communications
- 3) Ethics Rules

#### Guiding Principles

Proposition F establishes that Refuse Rate Board members shall (a) work to adopt rate orders that promote cost-effective refuse service that meets established service standards and environmental goals; (b) work to determine a rate structure that will encourage rate stability and ensure rates are reasonable and fair; (c) ensure that the process for establishing refuse rates is transparent, accountable, and publicly accessible; and (d) conduct their work with high professional ethical standards and exercise their public duties and conduct all meetings in a manner that ensures and promotes public trust.

#### Ex Parte Communications

It shall be against the policy of the Refuse Rate Board for members to communicate with refuse companies on matters within the subject matter jurisdiction of the Refuse Rate Board, either directly or through intermediaries, except in duly-noticed Rate Board Hearings, Commission Hearings, or other public hearings that are open to the public. This policy shall apply to communications starting on the date that either the Refuse Rate Administrator or a refuse company, whichever comes first, notices the Refuse Rate Board of an intent to request changes to the rate; and until such time as the Refuse Rate Board has adopted a final rate order. However, the policy shall not apply to communications regarding the refuse service a member receives in their individual capacity (e.g., ordinary service requests). This policy also shall not apply to communications between a refuse company and a member with respect to City business distinct from the actual rate-setting process, except that in such case, the member shall disclose the nature of the communications on the record at the start of the next Refuse Rate Board hearing.

#### Ethics Rules

Members shall comply with state and local ethics rules, including those concerning actual and potential conflicts of interest, and must publicly disclose such matters as required by City law and policy. Each member shall also receive regular training on state and local ethics rules. Members may consult with the City Attorney's Office regarding any questions in this regard.