



REDWOOD COAST Energy Authority

STAFF REPORT Agenda Item # 3.4

AGENDA DATE:	July 23, 2020
TO:	Board of Directors
PREPARED BY:	Nancy Diamond, General Legal Counsel
SUBJECT:	Conflict of Interest Code Biennial Review and Amendment

SUMMARY

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially. A Conflict of Interest Code identifies the employment positions within the agency which make or participate in the making of decisions that may foreseeably have a financial effect on any of the employee's own financial interests. For each of these employment positions, the Conflict of Interest Code designates the types of investments, business decisions, investments in real property, or sources of income that must be disclosed each year on a Statement of Economic Interests (Form 700).

In December 2018 RCEA underwent a reorganization whereby the Director of Finance and the Director of Business Planning and Development positions were combined. This change requires updating the list of Designated Employees in the Conflict of Interest Code. In addition, RCEA Board Director form filing procedures were clarified by the Fair Political Practices Commission as well as the County Elections and Clerk's office staff. The amended Conflict of Interest Code reflects these clarifications. After approval by the RCEA Board, the amended Conflict of Interest Code must be forwarded to the Code Reviewing Body for review and approval, in this case, the Humboldt County Board of Supervisors.

FINANCIAL IMPACT

None.

STAFF RECOMMENDATION

Adopt Resolution 2020-4 Adopting an Amended Conflict of Interest Code and Authorize the Board Clerk to Submit the Amended Conflict of Interest Code to the Humboldt County Board of Supervisors as the Code Reviewing Body.

ATTACHMENTS:

1. Resolution No. 2020-4 Adopting an Amended Conflict of Interest Code
2. Attachment A to Resolution 2020-4: Proposed Amended RCEA Conflict of Interest Code

**RESOLUTION NO. 2020-4
OF THE REDWOOD COAST ENERGY AUTHORITY
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE**

WHEREAS, California Government Code section 87300 requires all public agencies to adopt and promulgate a Conflict of Interest Code enumerating employee and consultant positions within the Authority who are involved in the making or participation in the making of decisions which may have a material effect on any financial interest of their own, identifying disclosure categories for such employees and consultants, and identifying disqualification requirements for such employees and consultants;

WHEREAS, specified public officials identified in California Government Code section 87200, including Authority Board members and the Executive Director are subject to the conflict of interest disclosure and disqualification requirements set forth in Government Code sections 87200 et seq.;

WHEREAS, Government Code section 87306.5 requires each local public agency to review its conflict of interest code biennially and, no later than October 1 of each even numbered year, amend it as necessary to reflect changed circumstances; and

WHEREAS, an amendment to RCEA's Conflict of Interest Code is necessary due to organizational changes within the RCEA that occurred over the last two years and to reflect clarified filing procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Redwood Coast Energy Authority hereby adopts as its Conflict of Interest Code those provisions set forth in Appendix A, attached hereto and incorporated herein. This Conflict of Interest Code replaces the previously adopted RCEA Conflict of Interest Code.

Adopted this 23rd day of July, 2020.

ATTEST:


Austin Allison, RCEA Board Chair


Clerk of the Board, RCEA

Date: 7/28/2020

Date: July 28, 2020

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2020-4 passed and adopted at a regular meeting of the Redwood Coast Energy Authority, County of Humboldt, State of California, held on the 23rd day of July, 2020, by the following vote:

AYES: Allison, Avis, Curran, Fennell, Grover, Winkler, Woo

NOES: None.

ABSENT: Glaser, Wilson

ABSTENTIONS: None.

Lois Talcote

Clerk of the Board, Redwood Coast Energy Authority

**APPENDIX A
REDWOOD COAST ENERGY AUTHORITY
CONFLICT OF INTEREST CODE**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate Conflict of Interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec.18730) which contains the terms of a standard Conflict of Interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix of designated officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest code of the Redwood Coast Energy Authority.

Those individuals identified below filing under Section 87200 and designated employees shall file their statements with the Redwood Coast Energy Authority Clerk of the Board who will retain the statements and make them available for public inspection and reproduction (Gov. Code Section 81008).

Public Officials Who Manage Public Investments:

The following positions are NOT covered by the Conflict of Interest code because they must file under section 87200 and, therefore, are listed for informational purposes only:

- Governing Board Members
- Executive Director

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.

Designated Positions

Disclosure Categories

Community Advisory Committee Members	1, 2, 3, 4
Director Business Planning and Finance	1, 2, 3
Director Demand-Side Management	1, 2, 4
Director Operations	1, 2, 5
Director Power Resources	1, 2, 3, 4

¹Consultants:

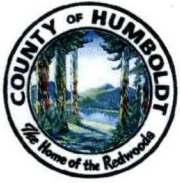
General Counsel

1, 2, 3, 4

Disclosure Categories:

1. Investments and business positions in any business entity and sources of income, including gifts, loans and travel payments, of the type which within the previous 12 months has contracted with the Authority to provide services, supplies, materials, machinery or equipment.
2. All interests in real property located in the jurisdiction of any member agency of the Authority or within 2 miles of any land owned or used by the Authority.
3. Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source finances, owns, operates, manages or otherwise engages in the design development, construction, sale, or the acquisition of facilities that generate electricity for commercial sale including without limitation wind, solar, biomass, and hydroelectric.
4. Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides energy, environmental, engineering, geotechnical or research consulting services to assist in the designing, building, manufacture, sale, distribution, or servicing of equipment of the type that is used, or may be used, by 1) electric power suppliers, 2) providers of energy efficiency, energy conservation measures, demand response, fuel shifting programs, or 3) any entity that is, or within the prior 12 months has been, party to a proceeding before any local, state, or regional regulatory or judicial entity in which the Authority is also a party.
5. Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides information technology or telecommunications goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, or data processing firms.

¹ Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations: "The Executive Director may determine in writing that a particular consultant, although a 'designated position', is hired to perform a range of duties that is limited scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the 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."



COUNTY OF HUMBOLDT

For the meeting of: 9/4/2018

File #: 18-1091

To: Board of Supervisors

From: Clerk of the Board

SUBJECT:

Approval of the Redwood Coast Energy Authority (RCEA) Conflict of Interest Code

RECOMMENDATION(S):

That the Board of Supervisors approve the Redwood Coast Energy Authority Conflict of Interest Code

SOURCE OF FUNDING:

N/A

DISCUSSION:

The Redwood Coast Energy Authority is a Joint Powers Authority that has been in existence since 2003, and up until 2018, the code reviewing body for RCEA's Conflict of Interest Code has been the Fair Political Practices Commission (FPPC). However, FPPC has since determined that until such time that RCEA actually has member agencies located outside of Humboldt County, the Authority is considered a county agency and the Humboldt County Board of Supervisors is the code reviewing body, per California Government Code, Title 9, Political Reform, Chapter 2, Definitions, 82011, Code Reviewing Body Defined.

As the Political Reform Act requires that the Conflict of Interest Codes of state and local government agencies be reviewed every two years, RCEA is requesting the Board of Supervisors approve their Conflict of Interest Code as submitted.

FINANCIAL IMPACT:

N/A

OTHER AGENCY INVOLVEMENT:

Redwood Coast Energy Authority

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve RCEA's Conflict of Interest Code. This alternative is not recommended because it would leave RCEA with an inaccurate Conflict of Interest Code.

ATTACHMENTS:

- A. RCEA Cover Letter
- B. RCEA Resolution Adopting Amended Conflict of Interest Code (COI)
- C. RCEA Conflict of Interest Code

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A



REDWOOD COAST Energy Authority

A

BOARD OF
DIRECTORS

August 21, 2018

Michael Winkler
CITY OF ARCATA

Bobbie Ricca
CITY OF BLUE LAKE

Austin Allison
CITY OF EUREKA

Michael Sweeney
CITY OF FERNDALE

Dean Glaser
CITY OF FORTUNA

Sheri Woo
HUMBOLDT BAY
MUNICIPAL WATER
DISTRICT

Estelle Fennell
COUNTY OF HUMBOLDT

Frank Wilson
CITY OF RIO DELL

Dwight Miller
CITY OF TRINIDAD

Kathy Hayes
Clerk of the Board
County of Humboldt
825 5th Street, Room 111
Eureka, CA 95501

**Re: Conflict of Interest Code
Redwood Coast Energy Authority**

Dear Ms. Hayes,

Enclosed, please find Resolution 2018-7 of the Redwood Coast Energy Authority Adopting an Amended Conflict of Interest Code. This resolution was adopted on August 20, 2018. The agency's amended Conflict of Interest Code is included as an attachment.

As previously discussed, please include RCEA's COI Code for review by the Humboldt County Board of Supervisors at its Tuesday, September 4, 2018, meeting.

If you require anything further, please do not hesitate to contact me at (707) 269-1700, ext. 382, or Ltaketa@redwoodenergy.org.

Sincerely,

A handwritten signature in blue ink that reads "Lori Taketa".

Lori Taketa
Clerk of the Board

:lt
Enclosure

633 3rd Street
Eureka, CA 95501
(707) 269-1700

info@redwoodenergy.org
www.RedwoodEnergy.org

#B

**RESOLUTION NO. 2018-7
OF THE REDWOOD COAST ENERGY AUTHORITY
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE**

WHEREAS, California Government Code section 87300 requires all public agencies to adopt and promulgate a Conflict of Interest Code enumerating employee and consultant positions within the Authority who are involved in the making or participation in the making of decisions which may have a material effect on any financial interest of their own, identifying disclosure categories for such employees and consultants, and identifying disqualification requirements for such employees and consultants;

WHEREAS, specified public officials identified in California Government Code section 87200, including Authority Board members and the Executive Director are subject to the conflict of interest disclosure and disqualification requirements set forth in Government Code sections 87200 et seq.;

WHEREAS, Government Code section 87306.5 requires each local public agency to review its conflict of interest code biennially and, no later than October 1 of each even numbered year, amend it as necessary to reflect changed circumstances; and

WHEREAS, an amendment to RCEA's Conflict of Interest Code is necessary due to organizational changes within the RCEA that occurred over the last two years.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Redwood Coast Energy Authority hereby adopts as its Conflict of Interest Code those provisions set forth in Appendix A, attached hereto and incorporated herein. This Conflict of Interest Code replaces the previously adopted RCEA Conflict of Interest Code.

Adopted this 20th day of August, 2018

ATTEST:


Sheri Woo, RCEA Chair


Clerk of the Board, RCEA

Date: 8/20/2018

Date: 8/20/2018

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2018-7 passed and adopted at a regular meeting of the Redwood Coast Energy Authority, County of Humboldt, State of California, held on the 20th day of August, 2018, by the following vote:

AYES: Allison, Miller, Ricca, Sweeney, Wilson, Winkler, Woo

NOES: None

ABSENT: Fennell, Glaser

ABSTENTIONS: None

Lois Jaluta

Clerk of the Board, Redwood Coast Energy Authority

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**APPENDIX A
REDWOOD COAST ENERGY AUTHORITY
CONFLICT OF INTEREST CODE**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate Conflict of Interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec.18730) which contains the terms of a standard Conflict of Interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix of designated officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest code of the Redwood Coast Energy Authority.

Designated employees shall file their statements with the Redwood Coast Energy Authority who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Upon receipt of the statements of the Board of Directors and the Executive Director, the Redwood Coast Energy Authority shall make and retain a copy and forward the original of these statements to the Code Reviewing Body or as directed by the Code Reviewing Body. Statements for all designated employees shall be retained by the Redwood Coast Energy Authority.

Public Officials Who Manage Public Investments:

The following positions are NOT covered by the Conflict of Interest code because they must file under section 87200 and, therefore, are listed for informational purposes only:

- Governing Board Members
- Executive Director

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.

**CONFLICT OF INTEREST CODE
FOR THE REDWOOD COAST ENERGY AUTHORITY**

Designated Positions

Disclosure Categories

Community Advisory Committee Members	1, 2, 3, 4
Director Finance and Human Resources	1, 2
Director Business Development and Planning	1, 2, 3
Director Demand-Side Management	1, 2, 4
Director Operations	1, 2, 5
Director Power Resources	1, 2, 3, 4

¹Consultants:

General Counsel	1, 2, 3, 4
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Disclosure Categories:

1. Investments and business positions in any business entity and sources of income, including gifts, loans and travel payments, of the type which within the previous 12 months has contracted with the Authority to provide services, supplies, materials, machinery or equipment.
2. All interests in real property located in the jurisdiction of any member agency of the Authority or within 2 miles of any land owned or used by the Authority.
3. Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source finances, owns, operates, manages or otherwise engages in the design development, construction, sale, or the acquisition of facilities that generate electricity for commercial sale including without limitation wind, solar, biomass, and hydroelectric.
4. Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides energy, environmental, engineering, geotechnical or research consulting services to assist in the designing, building, manufacture, sale, distribution, or servicing of equipment of the type that is used, or may be used, by 1) electric power suppliers, 2) providers of energy efficiency, energy conservation measures, demand response, fuel shifting programs, or 3) any entity that is, or within the prior 12 months has been, party to a proceeding before any local, state, or regional regulatory or judicial entity in which the Authority is also a party.

¹ Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations: "The Executive Director may determine in writing that a particular consultant, although a 'designated position', is hired to perform a range of duties that is limited scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the 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."

5. Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides information technology or telecommunications goods, products or services including computer hardware or software companies, computer consultant services, IT training companies, or data processing firms.