

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 2.4
(ID # 13318)

MEETING DATE:

Tuesday, October 20, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of Western Community Energy [Districts 1, 2, 3, and 5] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Amended Conflict of Interest Code of the Western Community Energy; and
2. Direct the Clerk of the Board to notify Western Community Energy of the action taken.

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 20, 2020
xc: CoCo, COB

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes Western Community Energy.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The Board of Directors of Western Community Energy recently adopted Resolution No. 2020-13 amending its Conflict of Interest Code on August 12, 2020 to include new positions. Western Community Energy has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the Conflict of Interest Code of Western Community Energy and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of Western Community Energy is attached.

It is recommended that the Board of Supervisors approve the amended Conflict of Interest Code of Western Community Energy, and direct the Clerk of the Board to notify Western Community Energy of the action taken.

ATTACHMENTS

ATTACHMENT A: RESOLUTION NO. 2020-13

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

ATTACHMENT B: CONFLICT OF INTEREST CODE OF WESTERN COMMUNITY
ENERGY



Gregory V. Priamos, Director County Counsel 9/24/2020

RESOLUTION NO. 2020-13**A RESOLUTION OF THE BOARD OF DIRECTORS
OF WESTERN COMMUNITY ENERGY
ADOPTING AN AMENDED CONFLICT OF INTEREST CODE
PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Western Community Energy ("WCE") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") in compliance with the Act on January 9, 2019; and,

WHEREAS, subsequent changed circumstances within WCE have made it advisable and necessary pursuant to Section 87306 and 87307 of the Act to amend and update WCE's Code; and,

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Conflict of Interest Code was provided each affected designated position and publicly posted for review; and,

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Board of Directors on August 12, 2020, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Western Community Energy that the Board of Directors does hereby adopt the proposed Amended Conflict of Interest Code, a copy of which is attached hereto as Exhibit "A" and shall be on file with the Administrative Services Manager and available to the public for inspection and copying during regular business hours.

BE IT FURTHER RESOLVED that the said Amended Conflict of Interest Code shall be submitted to the Board of Supervisors of Riverside County for approval and said Code shall become effective immediately upon approval of the proposed amended Code; and,

BE IT FURTHER RESOLVED that the previously adopted Conflict of Interest Code shall be rescinded upon approval of the proposed Amended Code.

PASSED AND ADOPTED by the Board of Directors on August 12, 2020.



Ben Benoit, Chairperson
Western Community Energy



Rick Bishop, Secretary
Western Community Energy

Approved as to form:



Steven DeBaun
Western Community Energy Legal Counsel

AYES: 6

NAYS: 0

ABSENT: 1

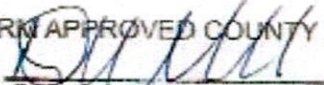
ABSTAIN: 0

CONFLICT OF INTEREST CODE
OF WESTERN COMMUNITY ENERGY

Amended August 12, 2020

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that 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, the standard code 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, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Western Community Energy ("WCE")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements of economic interests with **WRCOG's Administrative Services Manager as WCE's Filing Officer**. The **Administrative Services Manager** shall make and retain a copy of all statements filed by the Board of Directors and Executive Director and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Administrative Services Manager** shall retain the original statements filed by all other officials and designated positions and will make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008)

FOR APPROVED COUNTY COUNSEL
BY: 
DANIELLE D. MALAND

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN COMMUNITY ENERGY
(Amended August 12, 2020)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 Cal. Code Regs. section 18700.3(b), are NOT subject to WCE's Conflict of Interest Code, but must file disclosure statements under Government Code section 87200, et seq. [Regs. § 18730(b)(3)] It has been determined that the positions listed below are officials who manage public investments¹. These positions are listed here for informational purposes only:

Members of the Board of Directors and their Alternates

Treasurer

Investment Consultant

¹ Individuals 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 Government Code Section 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
Staff Analyst (ALL)	1, 2
Director, Western Community Energy	1, 2
Energy Accounts Program Manager	1, 2
Executive Director	1, 2
General Counsel	1, 2

MEMBERS OF BOARDS, COMMITTEES AND COMMISSIONS

<u>DESIGNATED POSITIONS' TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES ASSIGNED</u>
Technical Advisory Committee	1, 2
Consultants and New Positions ²	

² Individuals serving as a consultant as defined in FPPC Reg. 18700.3(a) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive Director may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). 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. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment" means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of WCE.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of WCE.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of WCE, including any leasehold, beneficial or ownership interest or option to acquire additional property.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type utilized by WCE.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

CONFLICT OF INTEREST CODE
OF WESTERN COMMUNITY ENERGY

Adopted January 9, 2019 Amended August 12, 2020

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that 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, the standard code 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, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Western Community Energy ("WCE")**.

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APPENDIX
CONFLICT OF INTEREST CODE
OF THE
WESTERN COMMUNITY ENERGY

(~~Adopted January 19, 2019~~ Amended August 12, 2020)

PART "A"

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Investment Consultant

¹ Individuals 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 Government Code Section 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
<u>Staff Analyst (ALL)</u>	<u>1, 2</u>
<u>Director, Western Community Energy</u>	<u>1, 2</u>
<u>Energy Accounts Program Manager</u>	<u>1, 2</u>
Executive Director	1, 2
General Counsel	1, 2

**MEMBERS OF BOARDS,
COMMITTEES AND COMMISSIONS**

<u>Technical Advisory Committee</u>	<u>1, 2</u>
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Consultants and New Positions²

² Individuals serving as a consultant as defined in FPPC Reg. 18700.3(a) or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The Executive ~~Officer-Director~~ may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The Executive ~~Officer's-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. (Gov. Code Sec. 81008.)

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Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of ~~the Authority~~WCE.

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Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type utilized by ~~the Authority~~WCE.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

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