Butte County Board of Supervisors  
Agenda Transmittal

Subject: Conflict of Interest Code of Butte Choice Energy Authority

Department: County Counsel

Contact: Bruce Alpert  
Phone: 530.552.4070

Meeting Date Requested: May 12, 2020

Regular Agenda □  
Consent Agenda ☒

Department Summary: (Information provided in this section will be included on the agenda. Attach explanatory memorandum and other background as necessary).

Butte Choice Energy Authority has adopted a Conflict of Interest Code, which is being submitted to the Board of Supervisors as the code reviewing body. Provided to the Board of Supervisors for review and approval are the following documents: The Butte Choice Energy Authority Conflict of Interest Code, Appendix to the Conflict of Interest Code containing Designated Positions and Disclosure Categories, and the April 13, 2020 Resolution of the Board of Directors adopting the Conflict of Interest Code. County Counsel has reviewed Butte Choice Energy Authority's Conflict of Interest Code and believes it to be proper.

Fiscal Impact:
None.

Personnel Impact:
Does not apply.

Action Requested:
Approve the Conflict of Interest Code of Butte Choice Energy Authority.

Administrative Office Review: Sang Kim, Deputy Chief Administrative Officer

Revised: December 2019
RESOLUTION NUMBER 2020-02

A RESOLUTION OF THE BOARD OF DIRECTORS
OF BUTTE CHOICE ENERGY ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act (Government Code Section 81000, et seq.) requires all state and local government agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Butte Choice Energy Authority (BCE) is a joint powers agency subject to the Political Reform Act; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed Conflict of Interest Code for the BCE was publicly posted for review at the interim offices of BCE located at the County of Butte.

WHEREAS, a public meeting was held upon the proposed Conflict of Interest Code at a regular meeting of the Board of Directors on April 13, 2020, at which all present were given an opportunity to be heard on the proposed Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Butte Choice Energy Authority does hereby resolve as follows:

Section 1. The Board of Directors of the Butte Choice Energy Authority (the “Board”) hereby adopts the proposed Conflict of Interest Code, a copy of which is attached hereto, and shall be on file with the Secretary of BCE, and available to the public for inspection and copying during regular business hours.

Section 2. The Conflict of Interest Code shall be submitted to the Board of Supervisors of Butte County for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed Conflict of Interest Code as submitted.
PASSED AND ADOPTED at a meeting of the Board of Directors of Butte Choice Energy held on April 13, 2020, by the following vote:

AYES: Directors Brown, Teeter, and Chair Lucero
NAYS: None
ABSENT: Director Huber
ABSTAIN: None

Debra Lucero, Chair
Butte Choice Energy

Ashley Snyder, Interim Board Secretary
Butte Choice Energy

Approved as to form:

Harriet Steiner
Interim General Counsel
Butte Choice Energy
CONFLICT OF INTEREST CODE
OF THE
BUTTE CHOICE ENERGY AUTHORITY

Adopted April 13, 2020

The Political Reform Act (Gov. Code § 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 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, Section 18730 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 incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Butte Choice Energy Authority (“BCE”).

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Executive Officer as BCE’s Filing Officer. The Executive Officer shall make and retain a copy of all statements filed by the Executive Officer and members of the Board of Directors and forward the originals of such statements to the Clerk of the Board of Supervisors of Butte County. The Executive Officer shall retain the original statements filed by all other officials and designated positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code §81008.)
APPENDIX

Conflict of Interest Code
of the
Butte Choice Energy Authority

(Adopted April 13, 2020)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 California Code of Regulations section 18700.3(b), are NOT subject to BCE’s Code, but must file disclosure statements under Government Code section 87200. (Regs. § 18730(b)(3).) These positions are listed here for informational purposes only.

It has been determined that no positions currently manage public investments\(^1\).

\(^1\) 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**

<table>
<thead>
<tr>
<th>Designated Positions</th>
<th>Disclosure Category Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Officer</td>
<td>1, 2</td>
</tr>
<tr>
<td>General Counsel</td>
<td>1, 2</td>
</tr>
<tr>
<td>Members, Board of Directors &amp; Alternates</td>
<td>1, 2</td>
</tr>
<tr>
<td>Treasurer</td>
<td>1, 2</td>
</tr>
</tbody>
</table>

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 Officer 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 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.)
APPENDIX

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 BCE.

Category 1. All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments.

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 BCE, or within two (2) miles of any land owned or used by BCE.

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

Category 4. All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, supplies, materials, machinery, vehicles or equipment of the 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)