

RESOLUTION NO. 2022-12

**A RESOLUTION OF THE BOARD OF DIRECTORS OF SAN DIEGO  
COMMUNITY POWER ADOPTING A REVISED 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 that potentially affect all officers, employees, and consultants of the San Diego Community Power ("SDCP") Governing Board (the "Governing Board"), and requires all public agencies to adopt and promulgate a conflict of interest code; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in SDGP being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

**WHEREAS**, the Board of Directors has previously adopted a Conflict of Interest Code on April 23, 2020 and now desires to amend said Code; and

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

**WHEREAS**, a public meeting was held upon the proposed Conflict of Interest Code at a regular meeting of the Board of Directors on August 25, 2022, at which all present were given an opportunity to be heard on the proposed Conflict of Interest Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of San Diego Community Power that the Board of Directors does hereby adopt the proposed Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Chief Executive Officer, and available to the public for inspection and copying during regular business hours;

**BE IT FURTHER RESOLVED** that the said Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed Conflict of Interest Code as submitted.

**APPROVED AND ADOPTED** this 25th day of August, 2022.



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Chair, Board of Directors  
San Diego Community Power

ATTEST:



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Assistant Clerk of the Board of Directors  
San Diego Community Power

APPROVE AS TO FORM:



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General Counsel  
San Diego Community Power

I, Kimberly Isley, Assistant Board Clerk, San Diego Community Power, San Diego, California, do hereby certify under penalty of perjury that the foregoing resolution was duly adopted at a regular meeting of the Board of Directors of San Diego Community Power on the 25th day of August, 2022, by the following roll call vote:

AYES: Chair Mosca (Encinitas), Alternate Director McCann (Chula Vista), Director Baber (La Mesa), Director Sotelo-Solis (National City), Director LaCava (San Diego), and Director Lawson-Remer (San Diego County)

NOES: None

ABSTAINED: None

ABSENT: Director Dedina

**CONFLICT OF INTEREST CODE**

**OF**

**SAN DIEGO COMMUNITY POWER**

# **CONFLICT OF INTEREST CODE OF SAN DIEGO COMMUNITY POWER**

**(Adopted August 25, 2022)**

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 of 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 regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of **San Diego Community Power (SDCP)**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Board Secretary as SDCP's Filing Officer. The Board Secretary shall make and retain a copy of all statements filed by the Board of Directors and Executive Officer, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The Executive Officer 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.)

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF**

**SAN DIEGO COMMUNITY POWER**

(Adopted August 25, 2022)

**PART “A”**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

Officials who manage public investments, as defined by 2 Cal. Code of Regs. §18700.3(b), are NOT subject to SDCP’s 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 investments<sup>1</sup>. These positions are listed here for informational purposes only.

**Board of Directors**

**Chief Executive Officer / Interim Executive Officer**

**Treasurer/Chief Financial Officer**

**Investment Consultant**

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<sup>1</sup> 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 § 87200.

## **DESIGNATED POSITIONS**

### **GOVERNED BY THE CONFLICT OF INTEREST CODE**

<b><u>DESIGNATED POSITIONS'</u></b> <b><u>TITLE OR FUNCTION</u></b>	<b><u>DISCLOSURE CATEGORIES</u></b> <b><u>ASSIGNED</u></b>
Account Services Analyst	5
Chief Operating Officer	4
Clerk of the Board	5
Data and Systems Analyst	5
Director/Manager of Procurement/Power Services	4
Director/Manager of Marketing & Communications	5
Director/Manager of External Affairs	5
Director of Data Analytics and Account Services	4
Director of Programs	4
Finance Manager	4
Director of Regulatory & Legislative Affairs	4
Executive Assistant to CEO/Assistant Board Clerk	5
General Counsel	1, 2
Portfolio Manager	4
Power Contracts Manager	5
Power Settlements Manager	5
Program Manager	5
Senior Portfolio Manager	4

## Consultants and New Positions<sup>2</sup>

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<sup>2</sup> 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 Chief Executive Officer / Interim 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 Chief Executive Officer / Interim 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.)

## **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. <sup>3</sup> “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 **SDCP**.

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 boundaries of **SDCP**.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of **SDCP**.

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 **SDCP**.

Category 5: 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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<sup>3</sup> 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)