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**RESOLUTION NO. 2024-7**
**OF THE REDWOOD COAST ENERGY AUTHORITY**
**ADOPTING AN AMENDED CONFLICT OF INTEREST CODE**
**AND REVISED BOARD OPERATING GUIDELINES**

**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 participating 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; and

**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.; and

**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 changes in the RCEA membership that occurred over the last two years; and

**WHEREAS,** Senate Bill 1100 amended Government Code section 54957.95 of the Ralph M. Brown Act, effective January 1, 2023, to allow a presiding member to have an individual removed for behavior disrupting a legislative body's meeting; and

**WHEREAS**, the RCEA Board of Directors wishes to revise its operating guidelines to reflect this change in law and to outline the process to remove a Board Member for cause to successfully implement RCEA's mission and purposes.

**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, and

**BE IT FURTHER RESOLVED**, that the Board of the Redwood Coast Energy Authority hereby revises the RCEA Board Operating Guidelines as set forth in Appendix B, attached hereto and incorporated herein.

Adopted this 27th day of June, 2024.

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ATTEST:

DocuSigned by:
961B3BAF6FCC421...
Sarah Schaefer, RCEA Board Chair

DocuSigned by:
B8ED7D8C31DA4AB...
RCEA Clerk of the Board

Date: 6/28/2024

Date: 6/28/2024

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2024-7 passed and adopted at a regular meeting of the Redwood Coast Energy Authority, County of Humboldt, State of California, held on the 27th day of June, 2024, by the following vote:

| | |
|---|---|
| AYES: | Arroyo, Jorgensen, Mobley, Scafani, Schaefer, Tuttle, Wilson, Woo |
| NOES: | None |
| ABSENT: | Bauer, Myers |
| ABSTENTIONS: | Ramos |

DocuSigned by:
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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.

Those individuals identified below filing under Section 87200 and designated positions 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 excepting Humboldt Bay Municipal Water District and Tribal Council representatives
- 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** |
|---|---|
| Humboldt Bay Municipal Water District representatives to Governing Board | 1, 2, 3, 4, 5 |
| Tribal Council representatives to Governing Board | 1, 2, 3, 4, 5 |
| Community Advisory Committee Members | 1, 2, 3, 4 |
| Deputy Executive Director | 1, 2, 3. 4. 5 |
| Director Business Planning and Finance | 1, 2, 3 |
| Director Demand-Side Management | 1, 2, 4 |
| Director Infrastructure Planning and Operations | 1, 2, 3, 4, 5 |
| Director Power Resources | 1, 2, 3, 4 |

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| **Designated Positions (continued)** | **Disclosure Categories** |
|---|---|
| [1]Consultants: | |
| 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."