

RESOLUTION NO. 2017-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
MARIN CLEAN ENERGY UPDATING THE CONFLICT OF INTEREST CODE**

WHEREAS, Marin Clean Energy (MCE) is a Joint Powers Authority (JPA) established on December 19, 2008, and organized under the Joint Exercise Powers Act (Government Code Section 6500 et seq.); and,

WHEREAS, MCE members include the following communities: the County of Marin, the County of Napa, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the Town of Corte Madera, the City of El Cerrito, the Town of Fairfax, the City of Lafayette, the City of Larkspur, the City of Mill Valley, the City of Napa, the City of Novato, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, Marin Clean Energy (MCE) wishes to amend Appendix A and Appendix B of its Conflict of Interest Code, which establishes economic disclosure categories for certain positions in Marin Clean Energy, and will update official employee designations, include added positions that require disclosure, and enumerate the appropriate disclosure categories to all designated positions listed; and

WHEREAS, On March 5 2009, Marin Clean Energy (then, Marin Energy Authority) approved Resolution 2009-02, duly adopting a Conflict of Interest Code as required by the Political Reform Act (Government Code Section 81000, *et seq.*). On June 7, 2012, Marin Clean Energy (then, Marin Energy Authority) approved resolution 2012-12, duly amending the Conflict of Interest Code. On August 18, 2016, Marin Clean Energy approved resolution 2016-06, duly amending the Conflict of Interest Code; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of MCE:

A. Accordingly, the amended designated positions and assigned disclosure categories described in Appendix A and Appendix B, are hereby incorporated into the MCE Conflict of Interest Code by reference.

B. MCE hereby directs the General Counsel to coordinate the preparation of a revised Conflict of Interest Code in succeeding even-numbered years in accordance with the requirements of Government Code Sections 87306 and 87306.5. The revised Code should reflect any changes in official employee designations and/or disclosures. If no revisions to the Code are required, MCE shall submit a report to the Executive Office of the Board of Supervisors of Marin County no later than October 1st of the same year, stating that amendments to the Code are not required.

APPROVED

PASSED AND ADOPTED at a regular meeting of the MCE Board of Directors on this 19th day of January, 2017 by the following vote:

MARIN CLEAN ENERGY

	AYES	NOES	ABSTAIN	ABSENT
City of American Canyon				✓
City of Belvedere				X
City of Benicia	✓			
City of Calistoga				✓
Town of Corte Madera	✓			
City of El Cerrito				X
Town of Fairfax	✓			
City of Lafayette	✓			
City of Larkspur	✓			
County of Marin	✓			
City of Mill Valley	✓			
City of Napa				✓
County of Napa				X
City of Novato				X
City of Richmond	✓			
Town of Ross	✓			
Town of San Anselmo	✓			
City of San Pablo				X
City of San Rafael				X
City of Sausalito				✓
City of St. Helena				✓
Town of Tiburon	✓			
City of Walnut Creek				✓
Town of Yountville				✓

John Sears
CHAIR, MCE BOARD

ATTEST:
Diane Wiley
SECRETARY, MCE BOARD

APPROVED

JAN 19 2017

MARIN CLEAN ENERGY

Marin Clean Energy
Appendix B to the Conflict of Interest Code

Disclosure Categories:

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by MCE.
2. Interests in real property located within the jurisdiction of MCE or within two miles of the boundaries of the jurisdiction of MCE, or within two miles of any land owned or used by MCE.
3. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that engage in the design, development, construction, sale, or the acquisition of facilities that generate electricity, including, wind, solar, geothermal, hydroelectric, ocean, garbage, and biomass.
4. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that are energy or environmental consultants, research firms, or engineering firms, entities that design, build, manufacture, sell, distribute, or service equipment of the type that is utilized by electric power suppliers, including, wind, solar, geothermal, hydroelectric, ocean, garbage, and biomass, or any entity that is, or within the past 12 months has been, party to an MCE proceeding before any local, state, or regional regulatory or judicial entity.
5. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that are involved in marketing, communications, advertisements, public relations, and media relations.

**Marin Clean Energy
Appendix A to the Conflict of Interest Code**

Designated Positions

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
General Counsel	1, 2, 3, 4
Director of Power Resources	1, 2, 3, 4
Director of Customer Programs	1, 2, 3, 4
Director of Internal Operations	1, 2, 3, 4
Director of Public Affairs	5
Finance and Project Manager	1, 2, 3, 4
Legal Counsel	1, 2, 3, 4
Regulatory & Legislative Counsel	1, 2, 3, 4
Regulatory Counsel	1, 2, 3, 4
Senior Regulatory Analyst	1, 2, 3, 4
Regulatory Analyst II	1, 2, 3, 4
Consultants/New Positions	*

*Definition of Consultant and Note Regarding Disclosure Categories for Consultants/New positions:

This category of designated positions includes consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation involving electric generation, adopt or grant MCE approval to design, develop, construct, sell, purchase, or acquire facilities that generate electricity, or adopt or grant MCE approval of policies, standards, or guidelines for MCE. Such consultants shall disclose at the same level as the comparable designated position identified elsewhere in the Code.

This category also includes all new/future positions that make or participate in making decisions including positions that perform comparable, the same, or substantially all the same duties for MCE as those that are being performed by an individual holding a designated position in MCE's Conflict of Interest Code. Such new positions shall disclose at the same level as the comparable designated position identified elsewhere in the Code.

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

Members of the Board of Directors
Members of the Board of Directors (Alternates)
Chief Executive Officer

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 Government Code Section 87200.