



DCE POLICY # 18-01

Conflict of Interest Code for Desert Community Energy

Desert Community Energy was formed on October 30, 2017 pursuant to a Joint Powers Agreement to implement, operate, and manage a Community Choice Aggregation program in the Coachella Valley in Riverside County, CA. In conformance with Government Code Sections 87300 et seq., **DESERT COMMUNITY ENERGY** hereby adopts and promulgates this Conflict of Interest Code.

Reference is hereby made to California Administrative Code Section 18730, and by this reference said section, as it now reads and as it may hereafter be duly amended by the Fair Political Practices Commission, is incorporated herein as if set forth in full.

Attached hereto as Appendix A is a list of designated officers and employees, together with disclosure categories assigned to each such designated officer or employee.

Attached hereto as Appendix B is a schedule of disclosure categories identifying the economic interests which must be disclosed by designated officers or employees within each such category. Each designated officer or employee shall file statements of economic interests at the times and in the manner prescribed by law.

The Secretary or other official charged with the duty of maintaining the official records of Desert Community Energy shall be the filing officer for such statements. All officials and employees required to submit a statement of economic interests shall file their statements with the Agency's Filing Official. The Filing Official, or his or her designee, shall make and retain a copy of all statements filed with the Agency. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

The Board of Directors of the Desert Community Energy Agency hereby directs the Secretary of the Board 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. Future revisions to the Conflict of Interest Code should reflect changes in employee or official designations.

The County of Riverside shall be the Code Reviewing Body for this agency.

CERTIFICATE OF AGENCY APPROVAL

I, Tom Kirk, hereby certify that the foregoing Conflict of Interest Code, together with attached appendices, was adopted by **DESERT COMMUNITY ENERGY** on **March 19, 2018**, and is submitted to the Code Reviewing Body for approval. I further certify that said Code has been prepared, promulgated and adopted in conformity with the provisions of Government Code Sections 87301, 87309 and 87311.

Shelley Kaplan
Chair

**APPENDIX A
DESERT COMMUNITY ENERGY
CONFLICT OF INTEREST CODE
DESIGNATED EMPLOYEES/POSITIONS**

TITLE	DISCLOSURE CATEGORY
Member of Board of Directors of Desert Community Energy (DCE)	1
Member of Board of Directors (Alternate)	1
Any other standing committee created by DCE	1
Executive Director/Executive Officer	1
Program Director	1
DCE General Counsel	1
Accountant/Financial Officer	2
Program Assistant	2
Accounting Assistant	2
*Consultants and New Positions	1

* Individuals serving as a Consultant as defined in FPPC Reg 18701 or in a new position created since this Code was last approved that makes or participates in making of governmental decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the Authority's Conflict of Interest Code, is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code, subject to the following limitation: The Chief Executive Officer of the Authority may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief 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 Section 81008.)

Within 90 days of the creation of a newly created position that must file a statement of economic interests, the Authority shall update this Conflict of Interest Code to add the actual position title in its list of designated positions.

APPENDIX B

DESERT COMMUNITY ENERGY CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

CATEGORY 1

Filers in this category shall disclose the following:

- a) All investments, business positions in business entities and sources of income, including gifts, loans and travel payments.
- b) Interests in real property located in the jurisdiction.

CATEGORY 2

Filers in this category shall disclose the following:

- a) All investments, business positions in business entities and income, including gifts, loans, and travel payments from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services, of the type utilized by the Agency.