

ABAG Publicly Owned Energy Resources (ABAG POWER)

Board of Directors

October 30, 2019

Agenda Item 3.b.1

Authorization of Amendment to ABAG POWER Conflict of Interest Code

Subject: Amendment of ABAG POWER Conflict of Interest Code

Background: A local agency's Conflict of Interest Code (COIC) must reflect the current structure of the agency and properly identify officials and employees responsible for filing Form 700, Statement of Economic Interests. A COIC details what must be disclosed on the California Fair Political Practices Commission (FPPC), Form 700 (Statement of Economic Interests). To ensure a COIC remains current and accurate, each local agency is required to review its Code at least every even-numbered year. In connection with the 2018 biennial review of ABAG POWER's COIC, staff determined that the positions that need to report should be updated to reflect the Metropolitan Transportation Commission (MTC) - Association of Bay Area Governments (ABAG) staff consolidation, that took effect July 1, 2017 pursuant to the Contract for Services between ABAG and MTC, dated May 30, 2017.

The following MTC consolidated staff positions have been determined to make or participate in the making of ABAG POWER decisions that may foreseeably have a material financial effect on an economic interest, thereby requiring the filing of Form 700: Deputy Executive Director, Local Government Services; General Counsel; Senior Deputy General Counsel; Senior Counsel; Director, Finance & Accounting; Director, Treasury & Revenue; and Assistant Director, Energy Programs. These positions have been added to Appendix B of ABAG POWER's COIC.

Other proposed changes to the COIC include the deletion of one of the disclosure categories per the direction of the FPPC; and deletion of Appendix C; and concomitant listing of officials who manage public investments (at the end of Appendix B), where they are listed for informational purposes only, because they file Form 700 under the Political Reform Act (Government Code § 87200). All of the ABAG POWER proposed changes have been reviewed and given initial approval by the FPPC.

Written notice of intent to amend a COIC must be given 45 days prior to the time the proposed amendment is submitted to the

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FPPC for formal approval. A comment period for interested parties to submit comments to the COIC amendment will run from October 31, 2019 through December 16, 2019. (A copy of the Notice is attached to this Summary Sheet.)

Any interested person may request a public hearing to comment on the proposed COIC amendment, no later than 15 days prior to the close of the comment period, or by Wednesday, November 27, 2019. If no request for a hearing is received, staff would submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days following FPPC approval.

Recommended Actions: The ABAG POWER Board of Directors is requested to authorize staff to submit the proposed changes for public comment and to schedule a public hearing upon request.

Assuming no comments are received, authorize staff to submit the proposed amended COIC to the FPPC for formal approval; the COIC as amended would be effective 30 days after FPPC approval.

Issues: None.

Attachments: Notice of Intention to Amend the Conflict of Interest Code of ABAG Publicly Owned Energy Resources

Proposed Amended Conflict of Interest Code

Reviewed:



Brad Paul