

VALLEY CLEAN ENERGY ALLIANCE**Staff Report – Item 10**

TO: Board of Directors

FROM: Mitch Sears, Chief Executive Officer
Alisa Lembke, Board Clerk/Administrative Analyst

SUBJECT: VCE Updated Conflict of Interest Code

DATE: April 9, 2026

Recommendation

Adopt Resolution amending the Valley Clean Energy Alliance (“VCE”) Conflict of Interest Code to add one designated position and update the titles of three positions.

Background and Discussion

The Political Reform Act (Gov. Code Sec. 81000 et seq.) requires local agencies to adopt and periodically review its conflict of interest code. VCE’s Conflict of Interest Code was originally adopted by Resolution No. 2016-002 on December 13, 2016, and most recently amended by Resolution No. 2024-002 in April 2024. The code lists the positions within VCE that are required to file statements of economic interests (Form 700).

VCE staff has reviewed the current list of designated positions and recommends amending the Conflict of Interest Code to add the position of Director of Power Services as a designated position and update the titles of three existing positions.

Pursuant to the Political Reform Act, an updated conflict of interest code must be adopted by resolution and approved by VCE’s code reviewing body the Yolo County Board of Supervisors. The attached Resolution updates the Appendix to VCE’s Conflict of Interest Code to reflect the revised designated positions and corresponding disclosure categories.

Attachment

1. Updated Conflict of Interest Code
2. Resolution 2026-XXX

**Conflict of Interest Code of the
Valley Clean Energy Alliance
(Adopted April ____, 2026)**

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 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 incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Valley Clean Energy Alliance ("VCE").

All Officials and Designated Positions required to submit a statement of economic interests shall file their statements with the Secretary, as VCE's Filing Officer. VCE's Filing Officer shall retain the originals of the statements of all Officials and Designated Positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008).

APPENDIX
Conflict of Interest Code of the
Valley Clean Energy Alliance
(Adopted April ____, 2026)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Officials who manage public investments, as defined by 2 California Code of Regulations Section 18700.3(b)(1), are NOT subject to VCE’s Code, but must file disclosure statements under Government Code Section 87200. (Regs. § 18730(b)(3)). These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

- Members of the Board of Directors
- Members of the Board of Directors (Alternates)
- Chief Executive Officer
- Treasurer
- Auditor
- Chief Financial Officer

¹ 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 Government Code Section 87200.

**DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE**

Designated Positions	Disclosure Category
General Counsel	1, 2, 3
Chief Customer Officer	1, 2, 3
Chief Operating Officer	1, 2, 3
Director of Power Services	1, 2, 3
Consultants and New Positions ²	1, 2, 3

² Individuals providing services as a Consultant defined in Regulation 18700.3(a)(2), or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this section or shall be assigned 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’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).

APPENDIX

Conflict of Interest Code of the Valley Clean Energy Alliance (Adopted April ____, 2026)

PART "B"

DISCLOSURE CATEGORIES

The Disclosure Categories listed below identify the types of economic interests that the Designated Position must disclose for each category to which he or she is assigned.³ "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 VCE.

1. All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of VCE, or within two (2) miles of any land owned or used by VCE.
2. All reportable investments and business positions in, and sources of income, including gifts, loans, and travel payments, from business entities that contract with or have contracted with VCE to provide services, products, supplies, materials, machinery, vehicles or equipment to VCE.
3. All reportable investments and business positions in, and sources of income, including gifts, loans and travel payments, from business entities that are contractors or subcontractors engaged in the performance of work or services of the type utilized or foreseeably utilized by VCE, or manufacture, sell or provide services, products, supplies, materials, machinery, vehicles or equipment of the type purchased or leased by or used or foreseeably utilized by VCE.

³ This Conflict of Interest Code does not require the reporting of gifts from outside VCE's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1).

VALLEY CLEAN ENERGY ALLIANCE**RESOLUTION NO. 2026 - _____****A RESOLUTION OF VALLEY CLEAN ENERGY ALLIANCE ADOPTING AN
UPDATED CONFLICT OF INTEREST CODE**

WHEREAS, Valley Clean Energy Alliance (“VCE”) was formed as a community choice aggregation agency (“CCA”) on November 16, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 et seq., among the County of Yolo, and the Cities of Davis and Woodland, to reduce greenhouse gas emissions, provide electricity, carry out programs to reduce energy consumption, develop local jobs in renewable energy, and promote energy security and rate stability in all of the member jurisdictions. The City of Winters, located in Yolo County, was added as a member of VCE and a party to the JPA in December of 2019; and

WHEREAS, the Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730), which contains the terms of a standard conflict of interest code, which may be incorporated by reference in an agency’s code and, after public notice and hearing, may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

WHEREAS, VCE is a joint powers agency subject to the Political Reform Act’s code-filing requirement; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed updated Conflict of Interest Code for VCE was provided to each affected designated employee and publicly posted for review at the offices of VCE.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Valley Clean Energy Alliance, as follows:

Section 1. The Board of Directors of Valley Clean Energy Alliance (the “Board”) hereby adopts the proposed updated Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Secretary of VCE, and available to the public for inspection and copying during regular business hours.

Section 2. The updated Conflict of Interest Code shall be submitted to the Board of Supervisors of Yolo County for approval and said Code shall become effective 30 days after the Board of Supervisors approves the proposed updated Conflict of Interest Code as submitted.

Section 3. Persons holding designated positions listed in the updated Conflict of Interest Code shall file with the Secretary of VCE Statements of Economic Interests on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and state law.

Section 4. The Secretary of VCE is directed to provide, upon request, copies of this Resolution and the updated Conflict of Interest Code to any officer, employee, and consultant designated in the Code, and to make copies of the Code available to any interested party who requests a copy.

Section 5. Any violation of any provision of the updated Conflict of Interest Code is subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code Section 81000 *et seq.*

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Valley Clean Energy Alliance, held on the ___ day of _____ 2026, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jesse Loren, VCE Chair

Alisa M. Lembke, VCE Board Secretary

Attachment: Exhibit A – Conflict of Interest Code (Adopted ____ __, 2026)