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ITEM 5

Disadvantaged Communities Advisory Group Discussion of Conflicts of Interest Considerations

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Led by DACAG Attorney Liaisons on December 3, 2021



DACAG Charter, § 4.2 Conflict of Interest Policy

Conflict of Interest Policy. Although committee members are not considered to be public officials under the Political Reform Act, to identify potential conflicts of interest and any appearance of impropriety committee members shall complete a Statement of Economic Interests (Form 700) prior to taking a seat on the Advisory Group, annually, and upon the conclusion of the member's term.

DACAG Charter § 4.2 (continued)

Each member shall disclose on his or her Form 700 each economic interest, as defined, in any entity seeking to provide any product or service related to the Advisory Group's function, or that has plans to come before the Advisory Group or either the CPUC or the Energy Commission to seek funds from the monies under the control of either Commission, or in a parent or subsidiary of such an entity. Each Advisory Group member will maintain his or her own Form 700, and the CPUC and the Energy Commission will also maintain a copy of the Form 700s for all members.

DACAG Charter § 4.2 (continued)

The Form 700 for any member will be provided to any person upon request within a reasonable period. In addition, Advisory Group members may from time to time encounter a situation that presents a potential conflict of interest for the Advisory Group member. In such situations, the Advisory Group or any member should consult with a legal liaison to the Advisory Group to obtain advice on how to proceed.

Political Reform Act

Government Code § 87100

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

Government Code § 1090

[S]tate. . . officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. (Government Code section 1090(a).)

Government Code § 87104

(a) **No public official of a state agency shall, for compensation, act as an agent or attorney for, or otherwise represent, any other person** by making any formal or informal appearance before, or any oral or written communication to, his or her state agency or any officer or employee thereof, if the appearance or communication is for the purpose of influencing a decision on a contract, grant, loan, license, permit, or other entitlement for use.

(b) For purposes of this section, **“public official” includes a member . . . of an advisory body to a state agency**, whether the advisory body is created by statute or otherwise, except when the public official is representing his or her employing state, local, or federal agency in an appearance before, or communication to, the advisory body.

Questions?

- You are always welcome to reach out to the Commissions' staff supporting the DACAG if you have any questions about actual or perceived conflicts of interest!

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