



CODE OF ETHICS AND CONDUCT COMPLAINT

QUEJA DEL CÓDIGO DE ÉTICA Y DE CONDUCTA

Riverside Municipal Code Chapter 2.78
Código Municipal de Riverside Capítulo 2.78

A Public Document
Un Documento Público

RECEIVED

- Check box if this is an amendment to a complaint filed within the last 30 days.
Marque la casilla si se trata de una enmienda a una queja presentada en los últimos 30 días.

DEC 19 2023

City of Riverside
City Clerk's Office

1. Person filing complaint / 1. Persona que presenta la queja

Name: / Nombre: DUFFY ATKINSON

Address: / Correo electrónico: [REDACTED] Phone: / Teléfono [REDACTED]

2. Official who committed alleged violation / 2. El Oficial (Funcionario) que cometió presunta violación

Name: / Nombre: DAVID CROHN

Position: / Puesto: MEMBER, BOARD OF PUBLIC UTILITIES

3. Date(s) of alleged violation:

3. Fecha(s) de presunta violación:
11/30/2023

4. Date you became aware of alleged violation:

4. Fecha en que se enteró de la presunta violación:
12/14/2023

Complaints shall be filed with the City Clerk within one (1) year from the date of the alleged violation.
Las quejas deben presentarse ante la Secretaria Municipal dentro de un (1) año a partir de la fecha de la presunta violación.

5. Specific Prohibited Conduct Section 2.78.060 of Code of Ethics and Conduct allegedly violated:

5. Sección específica de conducta prohibida bajo 2.78.060 del Código de Ética y Conducta presuntamente violada:

A. Use of Official Title or Position for Personal Gain Prohibited

El uso del título o puesto oficial para beneficio personal es prohibido

B. Use or Divulgence of Confidential or Privileged Information Prohibited

El uso o la divulgación de información confidencial o privilegiada es prohibido

C. Use of City Resources for Non-City Purposes Prohibited

El uso de recursos de la ciudad para fines ajenos a la ciudad es prohibido

D. Advocacy of Private Interests of Third Parties in Certain Circumstances Prohibited

La defensa de los intereses privados de terceros en determinadas circunstancias es prohibido

E. Endorsements for Compensation Prohibited

Endosos por compensación es prohibido

F. Violation of Government Code Sections 87100 et seq., Prohibited (Conflict of Interest)

Violación de las Secciones 87100 et seq., del Código de Gobierno, es prohibido (Conflicto de Intereses)

G. Certain Political Activity Prohibited (Coercion of City employees to participate in election activities)

Ciertas actividades políticas son prohibidas (sugestionar empleados de la ciudad para participar en actividades electorales)

H. Display of Campaign Materials in or on City Vehicles Prohibited

La exhibición de materiales de campaña en vehículos de la ciudad o sobre ellos es prohibido

I. Knowingly Assisting Another Public Official in Violating This Code of Ethics and Conduct Prohibited

Ayudar deliberadamente a otro funcionario público a violar este Código de Ética y Conducta es prohibido

J. Negotiation for Employment With Any Party Having a Matter Pending Before City Prohibited

Negociación de empleo con cualquier parte que tenga un asunto pendiente ante la ciudad es prohibido

K. Ex Parte Contact in Quasi-Judicial Matters Prohibited

Contacto ex parte en asuntos cuasi-judiciales es prohibido

L. Attempts to Coerce Official Duties Prohibited

Intentos de coaccionar los deberes oficiales es prohibido

M. Violations of Federal, State, or Local Law Prohibited

Se prohíben las infracciones de las leyes federales, estatales, o locales

6. For alleged violations of RMC Section 2.78.070(M), the specific section(s) of the Charter of the City of Riverside or the Riverside Municipal Code, or the policy of the City of Riverside, including when the policy of the City of Riverside was established, that is alleged to have been violated must be identified below.

6. Para supuestas infracciones de la Sección 2.78.070(M) de RMC, la(s) sección(es) específica(s) de la Carta Orgánica de la Ciudad de Riverside o el Código Municipal de Riverside, o la política de la Ciudad de Riverside, incluso cuando el se estableció la política de la Ciudad de Riverside, que se alega que fue violada deben ser identificadas aquí.

ON OR ABOUT 11/30/2023, DAVID CROHN, A MEMBER OF THE BOARD OF PUBLIC UTILITIES, DRAFTED AND SENT A LETTER TO THE CPUC ADVOCATING FOR A SPECIFIC ADMINISTRATIVE AND/OR POLITICAL OUTCOME REGARDING THE RIVERSIDE TRANSMISSION RELIABILITY ("RTRP"), A VIOLATION OF THE BOARD'S OWN POLICIES ON ADVOCACY (ATTACHED), A POLICY ENACTEMENT ENDORSED BY THIS COMPLAINT'S SUBJECT HIMSELF.

7. Description of the specific facts of the alleged violation (may submit as attached separate sheet):

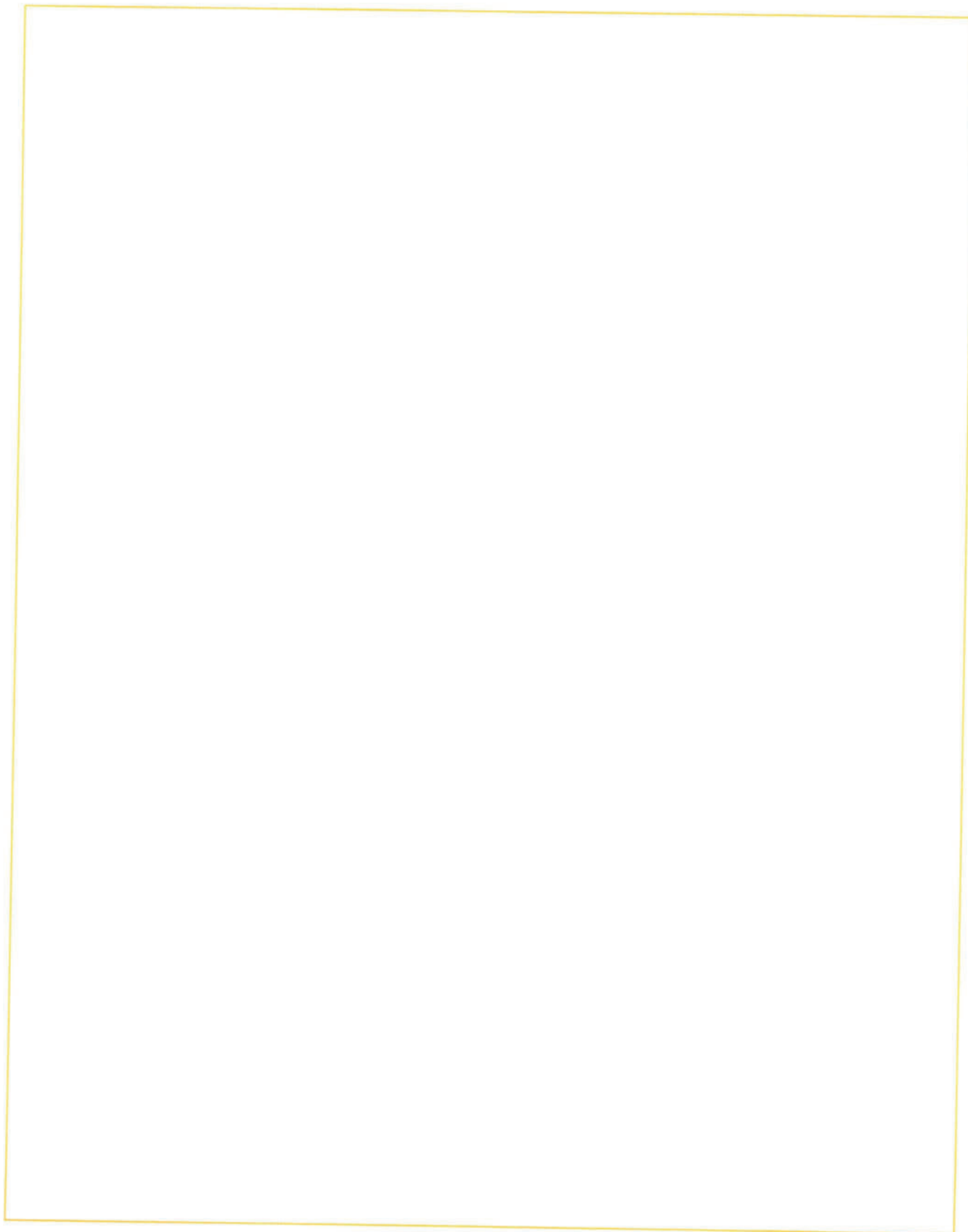
7. Descripción de los hechos específicos de la presunta violación (puede someter como hoja separada):

ON OR ABOUT 11/30/2023, DAVID CROHN, A MEMBER OF THE BOARD OF PUBLIC UTILITIES, DRAFTED AND SENT A LETTER TO THE CPUC ADVOCATING FOR A SPECIFIC ADMINISTRATIVE AND/OR POLITICAL OUTCOME REGARDING THE RIVERSIDE TRANSMISSION RELIABILITY ("RTRP"). THE WORDING OF THE LETTER MAKES SPECIFIC MENTION OF HIS ROLE ON THE BOARD, HIS BOARD CHAIRMANSHIP ELECTIONS, AND THE FACT THAT THE SUBJECT HAS BEEN SUBSTANTIVELY DISCUSSED AS A CRITICAL DEVELOPMENT AFFECTING THE RIVERSIDE PUBLIC UTILITY. HE ALSO MADE THE ASSERTION THAT THE BOARD, IN PRIOR MEETINGS AND VOTES, HAS TAKEN NO ACTION IN CONFLICT WITH THE RTRP PLAN TO OVERHEAD THE TRANSMISSION LINES, A POINT IN SERIOUS CONTENTION.

THIS LETTER, DUE TO ITS WORDING, CREATES AMBIGUITY AS TO WHETHER IT IS BEING SENT BY A NON-AFFILIATED INDIVIDUAL OR WAS INTENDED TO COMMUNICATE THE WISHES, OPINIONS AND INTENT OF THE LARGER BOARD ITSELF, A SPECIFIC VIOLATION OF THE BOARD'S OWN POLICIES ON ADVOCACY (ATTACHED), A POLICY ENACTEMENT ENDORSED BY THIS COMPLAINT'S SUBJECT HIMSELF.

8. Names, addresses, telephone numbers, and email addresses, if known, of each person the complainant intends to call as a witness at the hearing (may identify additional witnesses on a separate sheet):

8. Nombres, direcciones, números de teléfono y direcciones de correo electrónico, si se conocen, de cada persona a la que el demandante intenta llamar como testigo en la audiencia (puede identificar testigos adicionales en una hoja separada):



9. Attach copies of any and all documents, photographs, recordings, or other tangible materials to be introduced and considered at the hearing.

9. Adjunte copias de todos y cada uno de los documentos, fotografías, grabaciones y otros materiales que existen y que se presentarán y considerarán en la audiencia.


Witnesses, documents, photographs, recordings or other tangible materials, other than those submitted with the complaint or official's reply, shall not be introduced at the hearing or considered by the hearing panel, except upon a finding by the hearing panel that the discovery of the evidence came to the awareness of the proponent after the filing of the complaint or reply and that the proponent disclosed such information to the City Clerk as soon as practicable after becoming aware of its existence.

Testigos, documentos, fotografías, grabaciones y otros materiales que existen, que no sean los presentados con la queja o la respuesta del funcionario, no serán presentados en la audiencia o considerados por el panel de audiencia, excepto cuando el panel de audiencia determine que el descubrimiento de la evidencia llegó a conocimiento del proponente después de la presentación de la queja o respuesta y que el proponente divulgó dicha información a la Secretaría Municipal tan pronto como sea posible después de tener conocimiento de su existencia.

10. Signed under penalty of perjury of the laws of the State of California:

10. Firmado bajo pena de perjurio de las leyes del Estado de California:

Signature / Firma



Date / Fecha

12/17/23

PLEASE NOTE:

TENGA EN CUENTA:

The burden of proof is on the complainant and the complainant must prove the violation by a preponderance of the evidence.

La carga de la prueba descansa sobre la persona que presenta la queja y la persona que presenta la queja debe probar la violación por preponderancia de las pruebas.

Failure to complete all sections of this form may result in the filing being deemed incomplete and the complainant will be so notified. Incomplete filings will not be processed.

El no completar todas las secciones de este formulario puede resultar en que la presentación se considere incompleta y se notificará a la persona que presenta la queja. No se procesarán las presentaciones incompletas.

File completed form and attachments:

Presentar formulario completo y anexos:

Office of the City Clerk

City of Riverside

3900 Main Street

Riverside, CA 92522

(951) 826-5557

City_Clerk@RiversideCA.gov

**Complaint by Duffy Atkinson v BPU Member Crohn
Response to COE Complaint Box 8 Regarding Witnesses**

From: Duffy Atkinson
Sent: Friday, December 22, 2023 5:24 PM
To: Arseo, Eva <EArseo@riversideca.gov>
Subject: RE: [EXTERNAL] FORMAL COMPLAINT - Crohn - Board of Public Utilities
Sensitivity: Confidential

Good afternoon Eva,

That box was left blank as there are no persons acting as witnesses in this complaint.
Written documentation is the base of evidence.

Thank you for reaching out for clarification!

Duffy Atkinson

From: Arseo, Eva <EArseo@riversideca.gov>
Sent: Friday 5:10 PM
To: Duffy Atkinson
Subject: RE: [EXTERNAL] FORMAL COMPLAINT - Crohn - Board of Public Utilities
Sensitivity: Confidential

Dear Mr. Atkinson,

Upon review of the complaint, Box 8 was left blank.

Please confirm your intention regarding witnesses.

Thank you,

Eva Arseo
Assistant City Clerk

12. ADVOCACY

A. Board members shall represent the official policies or positions of the Board of Public Utilities when designated as delegates for this purpose.

B. When representing their individual opinions and positions, Board members shall explicitly state they do not represent the Riverside Board of Public Utilities, nor will they allow the inference that they do.

C. Board members shall be clear about representing the City or personal interests to members of other agencies.

Respectfully Submitted,


Board Chair

January 11, 2021

Date of Adoption

November 30, 2023

Dear CPUC member:

I have resided in the City of Riverside since 1992. I am presently completing my second 4-year term as a Riverside Public Utilities (RPU) Board member. I have twice been unanimously elected Chair of the RPU Board. I recently retired after serving for 29 years as a professor and Extension specialist in the Department of Environmental Sciences at the University of California, Riverside. One important focus of my research was post-wildfire soil remediation. As part of my work I have studied Southern California landscapes, both rural and suburban, after their destruction by wildfires, including fires started by faulty distribution lines. These biographical details are intended to communicate my level of interest and familiarity although the words that follow have not been formally vetted by the larger RPU Board. I do note, however, that the Riverside Transmission Reliability Project (RTRP) has been supported by a long series of Board actions and no action has ever been taken by the RPU Board to slow its progress.

I am writing to ask that you dismiss the City of Norco's Petition for Modification of Decision 20-03-001 to allow reconsideration of underground routes for RTRP. The City of Riverside requires an additional connection to augment the load presently carried by the Vista Substation. We currently rely on four large gas-fired turbines fixed within the Riverside Energy Resource Center (RERC) to carry us through the heat of summer afternoons. These units are aging (2006) and the turbines have suffered metal fatigue. One unit had to be removed, shipped, extensively rebuilt, and reinstalled on a premium-cost accelerated basis this past Spring (2023). The expense of maintaining these units, which were first installed because of the load limit posed by our Vista Substation, will escalate as they age until, quite possibly soon, they require replacement. Replacements will cost our ratepayers dearly and further commit us economically to natural gas, non-renewable energy source. A prompt second connection to the grid would make retirement, rather than replacement, of these fossil fuel units feasible. We are committed to transitioning. RPU has a very successful record of securing sustainable energy sources. We have long relied on solar (100 MW), geothermal (116 MW), and wind (46 MW). We are committed to dropping coal in the very near future and have a new contract in place that will soon deliver an additional 125 MW of wind-derived power generated in New Mexico. When this comes online in early 2026 we will be deriving almost seventy percent of our energy sustainably, transitioning significantly faster than California mandates.

While some solar energy is generated within Riverside, opportunities to economically expand are limited and solar sources do not help once the sun sets without a significant investment in batteries. It is much more economical and fair to customers without the resources to develop their own solar to import our energy from carefully engineered and coordinated projects. A second connection to the grid is needed to bring this energy in.

Our community supports many commuters and a robust logistics industry. Electrification of these sectors is happening quickly and it is not clear to me how long we will be able to support energy transitions without a second grid connection. Warming temperatures due to climate change, and associated temperature spikes, require ever more energy during peak demand periods. Our current condition is not sustainable.

The City of Norco and its consultants have thrown a lot of mud at the wall hoping to undermine SCE's efforts to supply Riverside more reliable energy. I believe this is inappropriate for several reasons.

Energy production and transmission is a huge, complicated, and expensive endeavor. Transitioning to sustainable energy use in transportation, fertilizer production, and other sectors adds additional challenges. Chaos ensues when executive processes are not developed and carefully defended. At some point a line has to be drawn and decisions made. This decision is a bellwether example of how chaos agents will blow apart thoughtfully constructed plans unless rules have weight. This is not to say that rules should be perfectly inflexible as dire

circumstances can arise and new technologies can develop that offer advantages. In this case, however, nothing new has been brought to light that should change the approved plan.

The City of Norco notes that fires have become much more common recently and that fuels are richer along the Santa Ana River vicinity than in the past. They do not establish that this project would impact any of that however. There have been innumerable fires all along the Santa Ana River in recent years. This increase is due to unhoused people building campfires in the river or to cars driving in deep mulch or grass. To my knowledge no fires have been demonstrated to be due to transmission lines. Modern transmission lines have an impressive fire control record and it is possible that, by controlling vegetation under the transmission line and monitoring their condition, the lines will serve as more a fire break than a fuel source.

Time is a concern here. I worry about our ability to meet the needs of the near future and am very concerned about the confusion and delay that a significant change will bring. I am also very troubled by the millions of dollars it will take to protect what is, in reality, a fairly limited viewshed. Across California (and beyond) our Great State needs to develop thousands of miles of transmission capacity very quickly if we are to make use of new sustainable energy supplies. We should inspire the world in our efforts. Very old transmission lines that really may pose fire dangers also need maintenance. Funds are not limitless. A process that attends to squeaky wheels over informed judgement and process will squander talent, vision, money, and time, until citizens lose patience. Consider as a parallel example the California High Speed Rail Project. The stakes are just too high when it comes to the development and health of our grid.

Norco also alleges that winds make fire suppression unreliable in the presence of transmission towers. Fire fighting technologies have not changed appreciably since this approval process concluded and Norco had the opportunity to raise this as an objection under an agreed-upon process. They seem to be saying that the incidence of more fires and wildfire fuel is reason to revisit this issue. What they do not discuss are the resources they are putting into fire control. If this is such a danger that process must be ignored and Riverside's progress delayed, what resources are they putting into removing wildfire fuel? What extraordinary resources are they finding to house the homeless who start so many fires or to control the entry of vehicles into the area? The hills in the area are covered by off-road vehicle tracks. Why should the City of Riverside and SCE customers pay for a fire threat that Norco is not otherwise aggressively managing – especially when the alleged impact to fire suppression is unclear?

To maintain the integrity of our City and State efforts to efficiently transition to sustainable energy supplies, I urge you to quickly dismiss the Norco petition and allow for the prompt development of the Wildlife and Wilderness Substations.

David Crohn