

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA# *A-7

Urgent _____ Routine X

AGENDA DATE April 10, 2001

CEO Concurs with Recommendation YES X NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL OF THE CONFLICT OF INTEREST CODE FOR THE WESTSIDE POWER
AUTHORITY (WPA)

STAFF RECOMMENDATIONS:

1. APPROVE THE CONFLICT OF INTEREST CODE FOR THE WESTSIDE POWER
AUTHORITY (WPA)

FISCAL IMPACT:

NONE

No. 2001-243

On motion of Supervisor Blom, Seconded by Supervisor Caruso
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

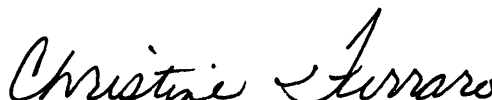
2) _____ Denied

3) _____ Approved as amended

Motion:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

By: Deputy



File No. M-45-D-19

**SUBJECT: APPROVAL OF THE CONFLICT OF INTEREST CODE FOR THE WESTSIDE
POWER AUTHORITY (WPA)**

page 2

DISCUSSION: As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve the Conflict of Interest Code of any such agency. After a holding a public meeting the Westside Power Authority approved their Conflict of Interest Code on November 29, 2000. When an agency adopts their Code they must submit it to Board of Supervisors for approval.

**POLICY
ISSUE:** The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all Districts whose boundaries are solely within Stanislaus County.

**STAFFING
IMPACTS:** None

GRIFFITH, MASUDA, GODWIN & EMRICK

A PROFESSIONAL LAW CORPORATION

517 EAST OLIVE STREET
TURLOCK, CALIFORNIA 95380

(209) 667-5501

WWW.CALWATERLAW.COM

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ROGER K. MASUDA
ARTHUR F. GODWIN
MATTHEW L. EMRICK
SARA J. LIMA

W. COBURN COOK, 1892-1953
LIN H. GRIFFITH, RETIRED

PLEASE REPLY TO
P.O. BOX 510
TURLOCK, CA 95381-0510
FAX (209) 667-8176

March 28, 2001

Ms. Christine Ferraro
Stanislaus County
Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

RE: Westside Power Authority Conflict of Interest Code

Dear Ms. Ferraro:

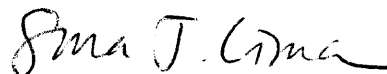
Our office represents the Turlock Irrigation District and the Westside Power Authority (WPA), a JPA consisting of the Turlock and Patterson Irrigation Districts. You may recall that I spoke with you several months ago about the process for County approval of a Conflict of Interest Code. The WPA's code has now been approved by it's Board. I am submitting:

- the WPA Conflict of Interest Code,
- the resolution approving it, and
- a copy of the minutes of the meeting during which it was approved.

Please schedule approval of the WPA code on the agenda for the Stanislaus County Board of Supervisors.

Please call if you have any questions. Thank you for your assistance.

Very truly yours,



Sara J. Lima

BOARD OF SUPERVISORS
2001 MAR 29 PM 2:35

ATTACHMENT A

WESTSIDE POWER AUTHORITY
CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 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 California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the conflict of interest code of the Westside Power Authority.

Designated employees shall file statements of economic interests with the Westside Power Authority who shall make the statements available for public inspection and reproduction. (Gov. Code Section 81008).

APPENDIX A
WESTSIDE POWER AUTHORITY
CONFLICT OF INTEREST CODE

PART I
DESIGNATED POSITIONS

Designated Position	Disclosure Categories to Report
1. General Counsel	All
2. Consultant*	All

The positions listed below manage public investments and will file statements of economic interests pursuant to Government Code Section 87200:

1. Members and Alternates of Commission
2. Members and Alternates of Management Committee
3. Treasurer
4. Deputy Treasurer
5. Controller
6. General Manager
7. Project Manager

* Consultants shall be included in the list of designated employees. However, the General Manager may determine in writing that a particular consultant, 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 disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The general manager's determination is a public record and shall be retained for public inspection in the same manner and location as the conflict of interest code.

APPENDIX B
WESTSIDE POWER AUTHORITY
CONFLICT OF INTEREST CODE

PART II
DISCLOSURE CATEGORIES

Investments and business positions in business entities, and income from sources which provide facilities, services, supplies, or equipment of the type utilized by or within the Authority, including, but not limited to:

1. Electrical or electrical generating equipment and supplies
2. Motor vehicles and specialty vehicles, and parts therefor
3. Construction and building materials, equipment and contractors
4. Office equipment and supplies
5. Petroleum products
6. Safety equipment and facilities
7. Engineering services
8. Real property or real estate development
9. Newspapers and other publications
10. Printing or reproduction services
11. Employment and temporary help agencies
12. Soil tests, compaction and grading
13. Banks and Savings and Loans
14. Insurance Companies
15. Public utilities and independent power producers
16. Audit agreements and contracts
17. Hardware tools and supplies
18. Computer hardware and software
19. Appraisal services
20. Communications equipment and services
21. Electronic equipment and supplies
22. Communications equipment and services

(Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations.)

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories. This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction

of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and
- (C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

- (1) File a written resignation with the appointing power; and
- (2) File a written statement with the filing officer declaring under penalty of perjury that

² See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real

during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. --When an investment or an interest in real

property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

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(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

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⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

(8.1) Section 8.1 Prohibition on Receipt of Gifts in Excess of \$300.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$300 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or

her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to

official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$300 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation. No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees. In addition to the general disqualification provisions of Section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying

interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: Authority: Section 83112, Government Code.

Reference: Sections 87103(e), 87300-87302, 89501, 89502, and 89503, Government Code.

History

- (1) New section filed 4-2-80 as an emergency; effective upon filing. Certificate of Compliance included.
- (2) Editorial correction.
- (3) Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter.
- (4) Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter.
- (5) Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter.
- (6) Amendment filed 4-13-87; effective thirtieth day thereafter.
- (7) Amendment of subsection (b) filed 10-21-88; effective thirtieth day thereafter.
- (8) Amendment filed 8-28-90; effective thirtieth day thereafter.
- (9) Amendment filed 8-7-92; effective thirtieth day thereafter.
- (10) Amendment filed 2-5-93; effective upon filing.
- (11) Amendment filed 3-14-95; effective upon filing.
- (12) Amendment filed 10-23-96; effective upon filing.
- (13) Amendment filed 4-9-97; effective upon filing.
- (14) Amendment filed 8-24-98; effective upon filing.
- (15) Amendment filed 5-11-99; effective upon filing.

RESOLUTION NO. 2000-4

RESOLUTION OF THE COMMISSION
OF THE WESTSIDE POWER AUTHORITY
APPROVING CONFLICT OF INTEREST CODE

WHEREAS, the provisions of the Political Reform Act require California public agencies to adopt a conflict of interest code (Government Code Section 87300); and

WHEREAS, the governing body (the "Commission") of the Westside Power Authority (the "Authority") wishes to adopt such a code (the "Code") so as to conform with the Political Reform Act and the associated regulations; and

WHEREAS, the Commission has reviewed the Code attached hereto as Attachment A; and

WHEREAS, the Code requires the Commission to designate a filing officer for the Authority.

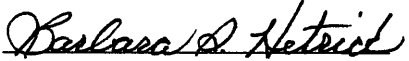
NOW THEREFORE BE IT RESOLVED as follows:

1. The Commission hereby adopts and approves the Code as the Authority's conflict of interest code, conditioned only upon the approval of the Code by the Stanislaus County Board of Supervisors.
2. The Commission hereby authorizes and directs the Authority's staff to submit the Code, together with a copy of this resolution, to the Stanislaus County Board of Supervisors for approval.
3. Upon approval of the Code by the Stanislaus County Board of Supervisors, the Authority's Secretary is appointed as the designated filing officer for the Authority's conflict of interest code.
4. The Commission hereby authorizes each of the officers of the Authority to execute all documents and take any other action necessary or advisable to carry out the purposes of this resolution.

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that she is the Secretary of the Westside Power Authority and that the foregoing resolution was adopted by the Commission of said Authority at a meeting thereof, duly and regularly held on November 29, 2000 at which meeting a quorum of the Commission was at all times present and acting.

IN WITNESS WHEREOF, I have set my hand this 29th day of November, 2000.


Secretary

MINUTES OF THE COMMISSION
OF THE WESTSIDE POWER AUTHORITY

The first meeting of the Commission of the Westside Power Authority was called to order on November 29, 2000, at 10:00 a.m., in the offices of the Patterson Irrigation District, 948 Orange Avenue, Patterson, California.

Present at the meeting were representatives of the member agencies, namely:

Michael V. Crowell of Turlock Irrigation District
John Azevedo of Patterson Irrigation District

Also in attendance were:

Michael C. Berryhill, Alternate of Turlock Irrigation District
Steve Trinta, Alternate of Patterson Irrigation District
Larry Weis, General Manager of Turlock Irrigation District
John Sweigard, General Manager of Patterson Irrigation District
Barbara A. Hetrick, Secretary of Turlock Irrigation District

MOTION ELECTING PRESIDENT
AND VICE PRESIDENT

Moved by Commissioner Azevedo, seconded by Commissioner Crowell, that Commissioner Crowell be elected President and Commissioner Azevedo be elected Vice President until the first regular meeting of the Westside Power Authority in the year 2002, as set forth in the Joint Powers Agreement.

The motion was carried.

MOTION APPOINTING OFFICERS

Moved by Commissioner Azevedo, seconded by Commissioner Crowell, that the following officers be appointed until the first regular meeting of the Westside Power Authority in the year 2002, as set forth in the Joint Powers Agreement:

Secretary	Barbara A. Hetrick
Deputy Secretary	Joe Perry
Treasurer/Controller	Mark E. Mazak
Deputy Treasurer	Donald M. Swanson
Deputy Collector	Martin Qualle
Chief Executive Officer/General Manager	Larry Weis
General Counsel	Griffith, Masuda, Godwin & Emrick

The President declared the motion carried.

Upon motion by Commissioner Azevedo, seconded by Commissioner Crowell, the following resolution was unanimously adopted.

RESOLUTION NO. 2000-1

RESOLUTION SETTING REGULAR
MEETINGS OF THE COMMISSION OF
THE WESTSIDE POWER AUTHORITY

WHEREAS, the Joint Powers Agreement between Turlock Irrigation District and Patterson Irrigation District for forming the Westside Power Authority requires that the Commission of the Westside Power Authority hold at least one regular meeting each year; and

WHEREAS, the Agreement also allows the Commission, by resolution, to provide for holding regular meetings at more frequent intervals.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Westside Power Authority that regular meetings of the Commission shall be held in the offices of the Patterson Irrigation District, at 9:00 a.m., on the second Wednesday of every January, March, May, July, September, and November.

Upon motion by Commissioner Azevedo, seconded by Commissioner Crowell, the following resolution was unanimously adopted:

RESOLUTION NO. 2000-2

RESOLUTION APPROVING PUBLIC OFFICIAL BOND

WHEREAS, Section 3.9.3 of the Joint Powers Agreement between Turlock Irrigation District and Patterson Irrigation District for forming the Westside Power Authority requires that the Treasurer and Controller each file a public official bond; and

WHEREAS, the amount of the bond is to be determined from time to time by the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Westside Power Authority that the required public official bond for Treasurer/Controller of the Westside Power Authority is hereby set at \$100,000.00, and that Mark E. Mazak is hereby authorized and directed to obtain and file such bond.

Upon motion by Commissioner Azevedo, seconded by Commissioner Crowell, the following resolution was unanimously adopted.

RESOLUTION NO. 2000-3

RESOLUTION AUTHORIZING FILING OF A
NOTICE OF JOINT POWERS AGREEMENT
AND ROSTER OF PUBLIC AGENCIES

BE IT RESOLVED by the Commission of the Westside Power Authority that the Secretary of the Commission is hereby authorized and directed to file with the Secretary of State a "Notice of Joint Powers Agreement" containing the following:

1. The full name of each public agency that is a party to the agreement.
2. The date upon which the agreement became effective.
3. A statement of the purpose of the agreement.

BE IT FURTHER RESOLVED that the Secretary of the Commission is also authorized and directed to file with the Secretary of State and the Stanislaus County Clerk a "Roster of Public Agencies" containing the following:

1. The full, legal name of the public agency.
2. The official mailing address of the governing body.
3. The name and business address of each member of the governing body.
4. The name, title and business address of the President and Secretary of the governing body.

Upon motion by Commissioner Azevedo, seconded by Commissioner Crowell, the following resolution was unanimously adopted:

RESOLUTION NO. 2000-4

RESOLUTION OF THE COMMISSION
OF THE WESTSIDE POWER AUTHORITY
APPROVING CONFLICT OF INTEREST CODE

WHEREAS, the provisions of the Political Reform Act require California public agencies

to adopt a conflict of interest code (Government Code Section 87300); and

WHEREAS, the governing body (the "Commission") of the Westside Power Authority (the "Authority") wishes to adopt such a code (the "Code") so as to conform with the Political Reform Act and the associated regulations; and

WHEREAS, the Commission has reviewed the Code attached hereto as Attachment A; and

WHEREAS, the Code requires the Commission to designate a filing officer for the Authority.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Commission hereby adopts and approves the Code as the Authority's conflict of interest code, conditioned only upon the approval of the Code by the Stanislaus County Board of Supervisors.
2. The Commission hereby authorizes and directs the Authority's staff to submit the Code, together with a copy of this resolution, to the Stanislaus County Board of Supervisors for approval.
3. Upon approval of the Code by the Stanislaus County Board of Supervisors, the Authority's Secretary is appointed as the designated filing officer for the Authority's conflict of interest code.
4. The Commission hereby authorizes each of the officers of the Authority to execute all documents and take any other action necessary or advisable to carry out the purposes of this resolution.

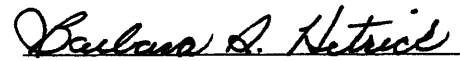
STATUS REPORT ON ACQUISITION OF WESTSIDE SERVICE AREA

Turlock Irrigation District's Assistant General Manager of Energy Resources Chris Kiriakou presented a status report on acquisition of the Westside service area. Mr. Kiriakou reviewed activities to date; discussed the criteria necessary for acquiring Pacific Gas & Electric Company electric facilities; described the purchase zone boundaries; and reviewed the project schedule, including completion of agreements and filings with the California Public Utilities Commission and the Federal Energy Regulatory Commission. Currently, facilities inventory is underway.

ADJOURNMENT

Moved by Commissioner Azevedo, seconded by Commissioner Crowell, that the meeting be adjourned.

The President declared the motion carried.


Secretary