

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-4

Urgent Routine

AGENDA DATE December 18, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Amendments to the Conflict of Interest Code for the Westside Power Authority

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Code for the Westside Power Authority.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-621

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval to Adopt Amendments to the Conflict of Interest Codes for the Westside Power Authority
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DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Westside Power Authority approved amendments to their Conflict of Interest Code. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendment to a Conflict of Interest Code from an agency the Board of Supervisors places the amendment on their agenda for approval.

POLICY ISSUE:

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Christine Ferraro Tallman Phone Number: 209-525-4494

2012 Local Agency Biennial Notice

Name of Agency: WESTSIDE POWER AUTHORITY (WPA) BOARD OF SUPERVISORS
Mailing Address: PO BOX 949, TURLOCK CA 95381-0949 2012 SEP 28 A 10:36
Contact Person: TAMI WALLENBURG Office Phone No: 209-883-8310
E-mail: tmwallenburg@tid.org Fax No: 209-656-2143

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

X An amendment is required. The following amendments are necessary:

(*Mark all that apply.*)

- Include new positions.
- X Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- X Other (*describe*) Amend Conflict of Interest Code to include change of filing officer from Stanislaus County Clerk of the Board of Supervisors to Secretary of the Westside Power Authority; also revise filing location where completed FPPC Form 700's will be retained.

No amendment is required.

The code is currently under review by the code reviewing body.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

9-26-12

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

PLEASE DO NOT RETURN THIS FORM TO THE FPPC

GRIFFITH & MASUDA

A PROFESSIONAL LAW CORPORATION

517 East Olive Street
Turlock, California 95380

(209) 667-5501

Fax (209) 667-8176

www.calwaterlaw.com

Founded 1920

BOARD OF SUPERVISORS

2012 DEC 13 A 10:51

*Celebrating Our
92nd Anniversary*

W. Coburn Cook, 1892-1953
Lin H. Griffith, retired

Sara J. Lima
slima@calwaterlaw.com

December 11, 2012

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

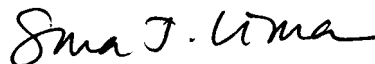
RE: Westside Power Authority Conflict of Interest Code

Dear Ms. Ferraro:

Our office represents the Westside Power Authority. Enclosed is the proposed revised Conflict of Interest Code for the Westside Power Authority. Changes were made to update the disclosure categories to follow the suggested format of the FPPC, and to change the filing officer and location where form 700's will be retained to the Westside Power Authority. I have included the proposed version of the Conflict of Interest Code for approval by the Board of Supervisors. Please call me if you have any questions regarding the proposed changes.

Very truly yours,

GRIFFITH & MASUDA



Sara J. Lima

Cc: Westside Power Authority

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 Secretary of the Westside Power Authority who shall make the statements available for public inspection and reproduction. (Gov. Code Section 81008).

EXHIBIT 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.

EXHIBIT B
WESTSIDE POWER AUTHORITY
CONFLICT OF INTEREST CODE

DISCLOSURE CATEGORIES

Category 1: Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the Authority.

Category 2: Interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the Authority as well as investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources, that provide real estate consulting or development services of the type utilized by the Authority.

Category 3: Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources, of the type to provide financial or insurance services, including, but not limited to, banks, savings and loans, insurance agents, auditors, accountants, and financial hedges and derivatives.