

RESOLUTION 2019-23
ADOPTION OF AMENDMENTS TO MODESTO IRRIGATION DISTRICT'S
CONFLICT OF INTEREST CODE

WHEREAS, the Modesto Irrigation District (District) reviewed its Conflict of Interest Code (Code) in accordance with provisions of the Political Reform Act and the regulations of the California Fair Political Practices Commission; and

WHEREAS, the District determined certain substantive amendments to the Code were required; and

WHEREAS, the District notified all interested persons of the proposed amendments to the Code and provided a comment period for such persons to submit comments to the proposed amendments in accordance with the above referenced Act and regulations; and

WHEREAS, no comments have been received; and

WHEREAS, no public hearing was requested.

BE IT RESOLVED, That the Board of Directors of the Modesto Irrigation District hereby approves and adopts the proposed Amendments to the Modesto Irrigation District's Conflict of Interest Code, subject to the approval of the California Fair Political Practices Commission.

Moved by Director Gilman, seconded by Director Blom, that the foregoing resolution be adopted.

The following vote was had:

Ayes: Directors Blom, Byrd, Campbell and Gilman

Noes: Director None

Absent: Director Mensinger

The President declared the resolution adopted.

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I, Angela Cartisano, Board Secretary of the Modesto Irrigation District, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a special meeting of said Board of Directors held the twenty-sixth day of March 2019.



Board Secretary of the
Modesto Irrigation District

**CONFLICT OF INTEREST CODE FOR THE
MODESTO IRRIGATION DISTRICT**

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) 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, the standard code 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 regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Modesto Irrigation District (District)**.

Individuals holding designated positions shall file their statements of economic interests (Form 700) with the **District**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the **District**.

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APPENDIX A

All positions that manage public investments, as defined by 2 Cal. Code Regs. §18700.3(b), are NOT subject to the code but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)]. The following positions must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

Directors

Assistant General Manager of Finance & Treasurer

General Manager

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 section 87200.

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APPENDIX A

DESIGNATED POSITIONS AND ASSIGNED CATEGORIES OF DISCLOSURE

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Assistant General Manager, Electric Operations, Senior	1, 2, 3
Assistant General Manager, Electric Resources	1, 2, 3
Assistant General Manager, Transmission and Distribution	1, 2, 3
Assistant General Manager, Water Operations	1, 2, 3
Board Secretary	4
Building Services Supervisor	4
Buyer	1
Buyer, Senior	1
Civil Engineering Manager	2, 4
Civil Engineer, Senior	2, 4
Controller	1, 2, 3
Customer Services Manager	3, 4
Database Specialist	4
Dispatching Shift Supervisor	4
Electrical Engineer, Senior (Finance - ES)	4
Electrical Engineer, Senior (IT)	1
Electrical Engineer, Senior (T&D)	2, 4
Electrical Engineering Manager	2, 4
Energy Services Engineer, Senior	4
Energy Services Supervisor	3, 4

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<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Environmental Compliance Officer	4
Environmental Compliance Specialist (ER)	2, 4
Financial Analyst II	4
Fleet Maintenance Supervisor	4
Fleet Parts Buyer	4
General Counsel	1, 2, 3
General Services Manager	1, 2, 3
Generation Manager	4
Generation Supervisor	4
Human Resources Analyst, Senior	4
Human Resources Manager	4
Information Security Analyst	3
Information Security Officer	3
Information Technology Manager	1, 2, 3
Information Technology Project Manager	1
Information Technology Systems Supervisor	1, 2, 3
Irrigation Field Services Manager	2, 4
Land Surveyor Supervisor	2, 4
Line Construction Manager	4
Line Construction Supervisor	4
Major Account Representative	4
Metering Supervisor	4

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<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Network Analyst	4
Operations Manager	4
Power Contracts Specialist I/II	4
Power Scheduling Supervisor	4
Power System Scheduler	4
Pricing/Risk Management Administrator	1,2,3
Project Supervisor, Applications (IT)	1
Project Supervisor, Operations (IT)	1
Public Affairs Specialist, Senior	1, 2, 3
Public Affairs Specialist I/II	1, 2, 3
Purchasing/Materials Supervisor	1, 2, 3
Regulatory Administrator	1, 2, 3
Regulatory Analyst	1, 2, 3
Resource Planner, Senior	4
Resource Planning & Development Manager	2, 4
Retirement Committee Member	3
Risk and Property Analyst	1, 2, 3
Safety Officer	3, 4
Safety & Environmental Compliance Manager	3, 4
Smart Grid Engineer, Senior	4
Staff Attorney I/II	1, 2, 3
Substation Supervisor	4

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<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Systems Programmer, Senior	1
Systems Programmer	4
Training Coordinator	4
Treasurer, Assistant	4
Trouble Supervisor	3, 4
Water Quality Supervisor	4
Water Resources Analyst, Senior	4
Water Resources Analyst, I/II	4
Water Treatment Plant Maintenance Supervisor	4
Water Treatment Plant Operations Supervisor	4
Water Treatment Plant Manager	1, 2, 3
Consultants/New Positions*	

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager of the District 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 fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position'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 this conflict of interest code (Gov. Code Section 81008).

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APPENDIX B
DISCLOSURE CATEGORIES

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

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 District as well as investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide real estate consulting or development services of the type utilized by the District.

Category 3: Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that filed a claim, or have a claim pending, against the District during the previous two years as well investments and business positions in business entities, and income, including loans, gifts, and travel payments, from sources, that provide claims related services of the type utilized by the District, including, but not limited to, legal services, collection services, and investigation services.

Category 4: Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, or equipment of the type utilized by the division or department in which the designated position works.

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APPENDIX C

EXAMPLES OF TYPES OF DISCLOSABLE INTERESTS

(Note: This is not an all-inclusive list.)

- Accounting, actuarial and auditing services
- Agriculture businesses and Irrigation equipment and supplies
- Auctioneers
- Banks and savings and loans
- Collection and investigation services
- Computer hardware and software and computer hardware/software maintenance and consultants
- Construction and building materials and contractors
- Electric power and commodities brokers, traders and trading companies
- Electrical or electrical generation, transmission or distribution equipment, supplies and facilities
- Electronic equipment and supplies
- Employment agencies and temporary help agencies
- Energy assistance providers
- Energy management and energy risk management services and materials
- Energy services companies and contractors
- Engineering, power, water, architectural and environmental consulting firms
- Entities or persons who have filed a claim or have a suit pending against the District
- Event coordination, services and materials
- Healthcare and medical services, materials and administration
- Insurance companies and consultants
- Landscape, pipeline and power line maintenance services and materials
- Legal and Financial consultants
- Machine tool companies, mechanical maintenance and repair shops, and fabricators
- Motor vehicles and specialty vehicles and parts therefor
- Municipal bonds and securities sales and consulting firms
- Natural gas and propane
- Newspapers and periodicals
- Office equipment, supplies and services
- Pension plan and related financial products providers, sales and consulting firms
- Petroleum products
- Printing, photographic or reproduction services
- Public relations and governmental relations services and materials
- Public utilities, and independent power producers and power and water marketers
- Real estate consultants or development firms
- Real property
- Recreational equipment and supplies
- Safety or security equipment, facilities and instructional materials
- Soil testing, compaction and grading requirements

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- Telephone and cable TV companies, and telecommunications equipment supplies and facilities
- Title insurance or escrow companies
- Training consultants
- Travel agencies and services
- Waste disposal companies
- Water quality testing
- Water treatment equipment and supplies
- Well drilling equipment, supplies and companies

Appendix C-2

DECLARATION OF CHIEF EXECUTIVE OFFICER
Multi-County Agency Conflict of Interest Code for

Modesto Irrigation District

Name of Agency

The proposed conflict of interest code specifically includes each agency position that involves the making or participation in the making of decisions which may foreseeably have a material financial effect on an economic interest. Positions that do not make or participate in decisions are not included.

The disclosure categories are written to address the agency's current programs and require disclosure of only foreseeable interests that may create a conflict of interest.

The agency has satisfied all of the requirements of Title 2, Division 6 of the California Code of Regulations Section 18750 preliminary to approval of the proposed code, including providing a comment period for both employees and the public.

Scott Ferguson

Signature

2/26/2019

Date

Scott P Ferguson

Printed Name

General Manager

Title

This is the last page of the conflict of interest code for the **Modesto Irrigation District**.



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the **Modesto Irrigation District** was approved on 3/22/ 2019. This code will become effective on 4/21/ 2019.

A handwritten signature in black ink, appearing to read "John M. Feser, Jr.", written over a horizontal line.

John M. Feser, Jr.

Senior Commission Counsel

Fair Political Practices Commission