

## 2006 Local Agency Biennial Notice

Name of Agency: Napa County Flood Control and Water Conservation District  
Mailing Address: 804 First Street, Napa, CA 94559  
Contact Person: Greg Morgan Office Phone No: (707) 259-8600  
E-mail: gmorgan@co.napa.ca.us Fax No: (707) 259-8619

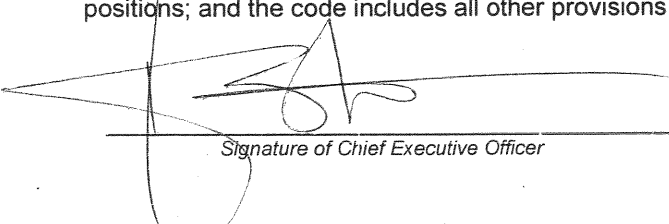
This agency has reviewed its conflict-of-interest code and has determined that:

☒ **An amendment is required. The following amendments are necessary:**  
(Check all that apply)

- ☒ Include new positions (including consultants) that must be designated
- ☐ Delete positions that manage public investments from the list of designated positions
- ☐ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished
- ☐ Other (describe) \_\_\_\_\_

☐ **No amendment is required.**

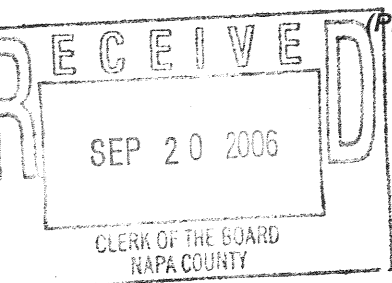
The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which 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

9-19-06  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2006** to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)



Fair Political Practices Commission  
(866) ASK-FPPC/www.fppc.ca.gov  
Biennial Notice Locals - May 2006

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

# CERTIFIED COPY

## RESOLUTION NO. 06-07(FC)

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AMENDING THE DISTRICT CONFLICT OF INTEREST CODE

WHEREAS, on June 24, 1980, the Napa County Board of Supervisors, acting as the governing board of the Napa County Flood Control and Water Conservation District ("District"), approved Resolution No. 80-55 to adopt a Conflict of Interest Code for the District as required by the Political Reform Act of 1974 (Government Code sections 81000 et seq., hereinafter referred to as "Act"); and

WHEREAS, by District Resolution No. 98-4(FC) adopted on April 4, 1998 by the expanded District Board of Directors, the District Conflict of Interest Code ("Code") was amended to update the Code to reflect changes in the applicable regulations and to expand the list of Designated Employees to conform to changes in the governing statute for the District; and

WHEREAS, by District Resolution No. 99-7 adopted on June 15, 1999, and by District Resolution No. 02-09(FC) adopted on December 3, 2002, and by District Resolution No. 04-07(FC) adopted on December 7, 2004, the District Board of Directors further amended the Code to include in the Appendix A list of Designated Employees certain new District positions that may involve exercising or directly influencing the exercise of any of the powers conferred on the District, and to make minor technical changes in the main text of the Code; and

WHEREAS, it is now necessary to further amend the Code to modify the list of Designated Employees in Appendix A to add two positions that may involve exercising or directly influencing the exercise of any of the powers conferred on the District, and to delete four positions which no longer provide services to the District; and

WHEREAS, Notice of Intention to Amend the Conflict of Interest Code, establishing a comment period of not less than 45 days and the availability of the proposed amendments and supporting documentation for inspection and copying, has been served on the Napa County Board of Supervisors as the code reviewing body for the District and on all affected officers, employees and consultants of the District, and has also been published in a newspaper of general circulation within the jurisdiction of the District; and

WHEREAS, no public hearing has been requested by any interested party and all written comments on the proposed amendments to the Conflict of Interest Code submitted within the comment period were received and considered by the District Board of Directors;

NOW, THEREFORE, BE IT RESOLVED by the District Board of Directors that the District Conflict of Interest Code shall be amended to read in full as follows effective on and after

confirmation of the amended Code by the Napa County Board of Supervisors acting as code reviewing body:

1. Incorporation of Standard Terms. The terms of the model code ("Model Code") set forth in Section 18730 of Title 2 of the California Code of Regulations, as such may be amended from time to time by the Fair Political Practices Commission ("FPPC"), are hereby adopted and incorporated by reference as if set forth fully herein.

2. List of Designated Employees. For purposes of the requirements of the Act and the provisions of the Model Code, the Designated Employees of the District shall be the persons holding those offices and performing the functions of those positions set forth in Appendix A (amended 2006), attached hereto and incorporated by reference herein.

3. List of Disclosure Categories. For purposes of the requirements of the Act and the provisions of the Model Code, the disclosure categories for the Designated Employees of the District shall be those categories set forth in Appendix B (amended 2006), attached hereto and incorporated by reference herein.

4. Documents Comprising Conflict of Interest Code; Effective Date. For purposes of the Act, the provisions of this Resolution, the Model Code, Appendix A (amended 2006), and Appendix B (amended 2006) shall together constitute the Conflict of Interest Code of the District effective on and after the date of confirmation by the Napa County Board of Supervisors.

5. Documents to be filed with the Board of Supervisors. The District Secretary is hereby directed to file three certified copies of the Conflict of Interest Code as amended by this Resolution with the Napa County Board of Supervisors, the code reviewing body for the District. The District Executive Officer shall prepare, and the District Secretary shall send to the Elections Division of the Office of the Napa County Assessor-Clerk-Recorder-Registrar of Voters an updated list of all consultants working for the District who have been determined by the District Executive Officer to be exempt from the Designated Employee "contract consultant" category and the reasons for such exemption whenever such exempt consultant positions are added, dropped, or a change in the nature of the contracted duties makes them subject to broad or limited disclosure as Designated Employees.

6. Time of Filing Statements of Economic Interests. Each person required by this Conflict of Interest Code to file a Statement of Economic Interests ("Statement"), also known at the time of approval of this Resolution as Form 700, shall file his or her initial Statement with the District Secretary for filing with the code reviewing body within ten days after the original effective date of the listing of his or her position in the District's Conflict of Interest Code. When taking office after the time of such listing, such person shall file an assuming office Statement within 30 days after taking office, except if he or she is re-elected or re-appointed without a break in service, such person need not file an assuming office Statement at the time of such re-election or re-appointment. Each such person shall thereafter file an annual Statement by April 1 of each year,

covering reportable interests for the twelve-month period ending on the preceding December 31. Each such person who leaves office shall file, within 30 days of leaving office, a Statement disclosing reportable interests held or received at any time during the period between the closing date of the last Statement required to be filed and the date of leaving office.

7. Place of Filing. Designated Employees shall file the Statements with the District Secretary who shall retain copies of the original Statements and forward the original Statements to the Elections Division of the Napa County Assessor-Clerk-Recorder-Registrar of Voters. For purpose of such filing with the District Secretary, the address of the District Secretary shall be Room 310, Napa County Administration Building, 1195 Third Street, Napa, California 94559.

8. Public Inspection of Conflict of Interest Code and Statements. Commencing on the effective date of the Conflict of Interest Code or any amendment thereof, a copy of the Conflict of Interest Code and such amendments shall be maintained in the office of the District Secretary who shall make such copies and the copies of all Statements on file with the District Secretary available for public inspection and copying during regular business hours. No conditions whatsoever shall be imposed upon persons desiring to inspect the copy of the Conflict of Interest Code and amendments thereof, nor shall any information or identification be required from such persons. Copies shall be provided in accordance with and subject to charges imposed generally by the Public Records Act (Government Code sections 6250 et seq.) and District resolutions pertaining to copying of public records of the District.

9. Annual Review Statement.

(a) No later than October 1 of each even-numbered year, the District shall submit to the Napa County Board of Supervisors, as code reviewing body for the District, a written statement signed by the District Executive Officer, either that:

(1) The District has reviewed the Conflict of Interest Code, the Conflict of Interest Code designates accurately all positions which make or participate in the making of governmental decisions for the District, the disclosure assigned those positions accurately requires the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those designated positions, and the Conflict of Interest Code contains the provisions required by Government Code section 87302; or

(2) The District has reviewed the Conflict of Interest Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for the District, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be affected materially by the designated positions, or to include other provisions required by Government Code section 87302. If the statement contains this report, the District shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

(b) Changed circumstances which require amendment of the Conflict of Interest Code shall include, but not be limited to:

- (1) The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;
- (2) The reclassification, renaming, or deletion of previously-designated positions;
- (3) The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or
- (4) The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been automatically incorporated into this Conflict of Interest Code as the result of inclusion of the changes into the model code by the Fair Political Practices Commission.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting of the Board held on the <sup>22nd</sup> day of August, 2006, by the following vote, with the number following the name of each voting Director indicating the number of votes cast by that Director:

AYES:	DIRECTORS	DILLON	2	SHAVER	1
		MOSKOWITE	2	KRIDER	1
		WAGENKENCHT	2	SAUCERMAN	1
		LUCE	2	TECHEL	2

NOES: DIRECTORS NONE

ABSENT: DIRECTORS BRITTON  
ALEXANDER  
DODD

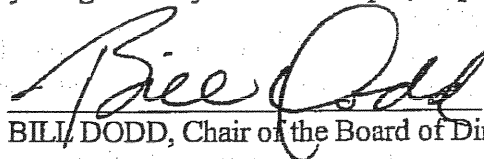
ATTEST: PAMELA  
MILLER,  
Secretary of the District Board

By



APPROVED AS TO FORM:  
ROBERT WESTMEYER,  
District Legal Counsel

By E-signature by Krishan Chopra, Deputy



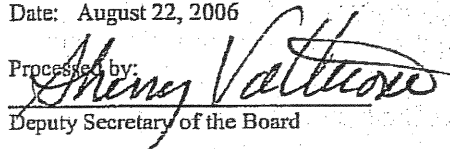
BILL DODD, Chair of the Board of Directors

APPROVED BY THE NAPA COUNTY  
FLOOD CONTROL AND WATER  
CONSERVATION DISTRICT

Date: August 22, 2006

Processed by:

Deputy Secretary of the Board



### CERTIFICATIONS

I hereby certify that I am the Secretary of the Napa County Flood Control and Water Conservation District (or Deputy Secretary acting under authorization of the Secretary) and the custodian of the records for the District and that the attached Resolution is a true and correct copy of the original approved by the Board of Directors of the District and on file in the District office.

PAMELA MILLER,  
Secretary of the District Board

By Pamela Miller

I hereby certify that the attached Conflict of Interest Code for the Napa County Flood Control and Water Conservation District as amended by the District Board on or about August 22, 2006 was approved and confirmed by the Napa County Board of Supervisors, as code reviewing body for the District, by action of the Board of Supervisors on August 22, 2006, and recorded in the certified minutes of the Board of Supervisors for that date.

PAMELA MILLER,  
Clerk of the Napa County Board of Supervisors

By Pamela Miller

THE FOREGOING INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST

8-29-06  
PAMELA A. MILLER

BY

CLERK OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF NAPA STATE OF CALIFORNIA

BY Shirley Fortner

DEPUTY  
ATTEST

COPY

THE FOREGOING INSTRUMENT IS A CORRECT COPY  
OF THE ORIGINAL ON FILE IN THIS OFFICE

**APPENDIX A**  
**(Amended 2006)**

**LIST OF DESIGNATED EMPLOYEES**

Because of the nature of the powers and duties conferred on the District by the Napa County Flood Control and Water Conservation District Act, the policies adopted by the Board of Directors of the District, and the terms of support services and consultant agreements approved by the Board of Directors, the following positions within the District may involve the making or participation in the making of decisions of the District which may foreseeably have a material effect on financial interests of the holders of the positions. Most of the positions listed are of long-term duration, although some are limited-term positions, but all are listed because their scope of authority or work involves either making final decisions for the District which have financial consequences or developing and/or exercising such a level of expertise and ongoing relationship with those who make such decisions that the decision-makers can reasonably be expected to routinely trust and rely upon their advice.

For purposes of filing Statements of Economic Interests as required by this Conflict of Interest Code, the "Designated Employees" of the District shall be those persons who actually occupy or carry out the functions of the following positions, whether as elected or appointed officers, compensated employees, or contracted consultants or their employees or subcontractors:

**DESIGNATED EMPLOYEE POSITIONS**

**Members of the Board of Directors** (including persons serving as Directors in the absence of a regular Director as the result of holding the office of Mayor Pro Tem for an incorporated city or town within the District)

**Members of the Measure A Technical Advisory Panel**

**District Executive Officer** (Napa County Executive Officer, serving ex-officio), including any Deputy District Executive Officer

**District Engineer** (Napa County Director of Public Works/Flood Control Engineer, serving ex-officio, including any Deputy Director of Public Works/Deputy Flood Control Engineer when assigned to perform in this capacity for the District)

**District Surveyor** (Napa County Director of Public Works/County Land Surveyor, serving ex-officio, including any Deputy Director of Public Works/Deputy County Land Surveyor, when assigned to perform in this capacity for the District)

**Consulting Flood Project Manager**

**Senior Flood Project Analyst**

**District Legal Counsel** (Napa County Counsel, serving ex-officio, including any Deputy County Counsel when assigned to advise and/or represent the District)

**District Assessor** (Napa County Assessor-Clerk-Recorder-Registrar of Voters, serving ex-officio)

**District Auditor-Controller** (Napa County Auditor-Controller, serving ex-officio)

**Public Works Accounting Assistant**

**Watershed & Flood Control Operations Manager**

**Watershed Operations Coordinator**

**Contract Consultants for the District:** All contract consultants of the District not named above shall be deemed included in the list of Designated Employees and shall disclose their material financial interests in regard to all of the adopted disclosure categories, except when exempted as follows, on a case-by-case basis:

The District Executive Officer may determine in writing that a particular contract consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to comply or fully comply with all of the disclosure requirements described in Appendix "B". This written determination shall include a description of the contract consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection and be available for inspection and copying in the same location and manner as the District's copy of the Conflict of Interest Code. This determination and the extent, if any, of the required disclosure categories may be made and noted on and as a part of the services agreement between the District and the Contract consultant as long as the agreement fully describes the duties of the consultant for the District.

**PUBLIC OFFICIALS OF THE DISTRICT WHO MANAGE PUBLIC INVESTMENTS**

The District Treasurer is not listed as a Designated Employee because the District Board has determined that the District Treasurer (the Napa County Treasurer-Tax Collector serving ex-officio) is a public official who manages public investments and is therefore is required by statute to file a Statement of Economic Interests pursuant to Government Code section 87200 rather than pursuant to this Conflict of Interest Code.



**APPENDIX B**  
**(Amended 2006)**

**DISCLOSURE CATEGORIES**

Rationale. The decisions which the Designated Employees may make or participate in making for the District may involve exercising or directly influencing the exercise of any of the powers conferred on the District by the Napa County Flood Control and Water Conservation District Act pertaining to flood control and the conservation and procurement of water.

Except where otherwise determined for specified contract consultants pursuant to Appendix "A", the decisions by the Designated Employees in the routine course of their work for the District may have the potential to impact at a level commonly recognized as "material" by the Political Reform Act of 1974, as amended, and the regulations adopted by the Fair Political Practices Commission ("FPPC") to implement that Act, any or all of those types of financial interests listed in all of the Disclosure Schedules of the Statement of Economic Interests Form approved by the FPPC.

Disclosure Categories. For the foregoing reasons, all of the Designated Employees under this Conflict of Interest Code, other than specified contract consultants whose disclosure responsibilities or exemption therefrom shall be determined in writing by the District Executive Officer on a case-by-case basis as described in Exhibit "A", shall comply with the broadest possible Disclosure Category applicable under the then-current Statement Form and Schedules, disclosing all sources of income, interests in real property, and investments and business positions in business entities as required by the FPPC in its instructions to the Statement of Economic Interests Form approved by the FPPC, as it may be amended from time to time.