



Agenda Date: 12/19/2006
Agenda Placement: 60

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Janice Killion for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Brandi Periera, Paralegal, 251-1090
SUBJECT: Amended Conflict of Interest Codes for Local Agencies

RECOMMENDATION

County Counsel requests approval of recently amended conflict of interest codes for various local agencies.

EXECUTIVE SUMMARY

Pursuant to the Political Reform Act of 1974, each local agency has reviewed its conflict of interest code and, if changes were needed due to changed circumstances, they have hereby submitted an amended code to the code-reviewing body for approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

In 1974, the voters of California approved the Political Reform Act of 1974 ("the Act," Government Code section 81000 et seq.). Among other things, the Act requires every agency to adopt and promulgate a conflict of interest code. (Section 87300.) For this purpose, an "agency" includes any local government agency. An agency may adopt its code by incorporating by reference the model conflict of interest code set forth in Section 18730 of Title 2 of the

California Code of Regulations.

The Board of Supervisors in each county is the "code-reviewing body" of any local agency, other than a city located entirely within the boundaries of the county. (Section 82011(b).)

Section 87306.5 provides that no later than July 1 of every even-numbered year, the code-reviewing body must direct each local agency which has adopted a conflict of interest code to review its code and, if changes are needed due to changed circumstances, submit an amended code to the code-reviewing body. Finally, Section 87303 provides that no conflict of interest code is effective until it has been approved by the code-reviewing body.

In a memorandum dated June 1, 2006 your Clerk of the Board asked each local agency in the County, pursuant to Section 87306.5, to review its own conflict of interest code and to report no later than September 1, 2006, whether an amendment is necessary.

The Clerk has now received responses from 21 of the 23 local agencies. See the spreadsheet entitled CHANGES TO CONFLICT OF INTEREST CODE referenced as Attachment A. Fifteen of the twenty-three agencies report that no changes requiring amendments to their conflict of interest code have occurred. As to these, no further action is required by this Board.

Six other local agencies report that they have amended or are in the process of amending their conflict of interest code in response to changed circumstances. As to these, the Board must review the proposed amended codes and either approve or disapprove them. If disapproves any code, the Board must return the code to the local agency for further review. Resolutions from these agencies adopting their amended codes are attached for reference.

On the Board's behalf, County Counsel has reviewed and considered the proposed amendments, submitted to date, pursuant to the Political Reform Act. After that review, the amended codes have been determined to comply with the Political Reform Act.

Therefore, County Counsel recommends the Board approve the amended conflict of interest codes of the following local agencies:

1. Circle Oaks Water District
2. Monticello Public Cemetery District
3. Napa County Flood Control and Water Conservation District
4. Napa County Office of Education
5. Napa Sanitation District
6. Spanish Flat Water District

County Counsel further recommends that the Board direct the Clerk to give notice of your action to the affected local agencies.

Copies of the above referenced Conflict of Interest Codes are on file with the Clerk of the Board of Supervisors.

SUPPORTING DOCUMENTS

A . Changes to Conflict of Interest Code

- B . Circle Oaks Water District Resolution
- C . Monticello Public Cemetery District Resolution
- D . Napa County Flood Control and Water Conservation District Resolution
- E . Napa County Office of Education Resolution
- F . Napa Sanitation District Resolution
- G . Spanish Flat Water District Resolution

CEO Recommendation: Approve

Reviewed By: Maiko Klieman