



Agenda Date: 3/27/2007
Agenda Placement: 6M

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: JANICE KILLION for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: JANICE KILLION, Attorney, 8247
SUBJECT: Amended Conflict of Interest Codes for Local Agencies

RECOMMENDATION

County Counsel requests approval of recently amended conflict of interest codes for Napa County Transportation Planning Agency and Local Agency Formation Commission of Napa County.

EXECUTIVE SUMMARY

Pursuant to the Political Reform Act of 1974, local agencies are required to review conflict of interest codes, and, if changes are required due to changed circumstances, they are to submit an amended code to the code-reviewing body for approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

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 authority for the code-reviewing body to 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 the 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 received timely responses from the two agencies that have now presented the amended conflict of interest codes approved by agency resolution. The Board must review the proposed amended codes and either approve or disapprove them. If it 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. 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. Napa County Transportation Planning Agency
2. Local Agency Formation Commission of Napa County

County Counsel further recommends that the Board direct the Clerk to give notice of its 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 . LAFCO Resolution
- B . NCTPA Resolution

CEO Recommendation: Approve

Reviewed By: Maiko Klieman