



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/10/2012  
Agenda Placement: 9F  
Set Time: 9:45 AM PUBLIC HEARING  
Estimated Report Time: 10 minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Carrie R. Gallagher for Westmeyer, Robert - County Counsel  
County Counsel

**REPORT BY:** Carrie R. Gallagher, Deputy County Counsel III - 259-8604

**SUBJECT:** Public hearing and adoption of resolution amending County's Conflict of Interest Code.

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### **RECOMMENDATION**

County Counsel requests adoption of a resolution amending Napa County's Conflict of Interest Code (last amended in 2010).

### **EXECUTIVE SUMMARY**

Biannual review of the Conflict of Interest Code of the County is required by the Fair Political Practices Act. The purpose of the biannual review is to ensure that all positions that pose potential conflicts of interest are included in, and subject to, the County's Conflict of Interest Code.

The positions that must be included are positions the occupants of which make or participate in the making of, or might use their position to influence, decisions which may affect their economic interests.

Changes to the County's Conflict of Interest Code are usually required every two years because of the fact that the County inevitably over time is required to add new positions or modify existing job descriptions. Minor changes are being made to six County Departments. More extensive changes are being made to three County Departments. Specifically, on May 15, 2012, the Board of Supervisors approved the realignment of the Departments of Conservation, Development & Planning and Environmental Management into the Department of Planning, Building & Environmental Services and the Department of Public Works. The reorganization resulted in the elimination of four positions, the addition of three new positions and the reclassification of three positions. Additionally, changes to the Fair Political Practices Act, or the regulations implementing the Act, often mandate revisions to the County's Conflict of Interest Code as a part of the biannual review process.

### **PROCEDURAL REQUIREMENTS**

1. Open Public Hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

### **BACKGROUND AND DISCUSSION**

In 1980, the Board of Supervisors adopted a Conflict of Interest Code (the "Code") for the County of Napa (Resolution No. 80-47). Enactment of the Code was required by the Political Reform Act of 1974 (Government Code section 87300 et seq.). Each jurisdiction's Code is required to designate all positions the occupants of which might make or participate in the making of, or might use their position to influence, decisions which may affect their economic interests. The holders of those positions must disclose certain economic interests. The Code designates the categories of interests that must be disclosed. The Code also establishes certain restrictions on gifts, loans and the like.

No later than July 1st of each even numbered year, the County is required to review its Code and amend it, if necessary, due to changed circumstances. Changed circumstances include, but are not limited to, the creation of new positions and relevant changes in the duties assigned to existing positions.

The Political Reform Act of 1974 further requires that a public hearing must be held prior to a county adopting or amending its Conflict of Interest Code. Insofar as local agencies such as the County are concerned, the review must be carried out under procedures which guarantee to officers, employees, members of local commissions, and consultants of the County, and to residents of the County, adequate notice and a fair opportunity to present their views on the proposed amendments to the Code. To comply with this requirement, County Resolution 98-145 was adopted and established the procedure to be followed when amending the Code. That resolution requires taking all of the following actions:

1. Solicit recommendations from each department head regarding whether the Code should be amended to reflect changed circumstances in his or her department.
2. Prepare the agenda item, including a draft resolution for adoption by the Board.
3. Publish notice of intent to conduct a public hearing to consider amendments to the Code at least 10 days prior to the public hearing and provide that same 10 days notice to all officers, employees, members, and consultants of the County who are affected by the amendments.

Pursuant to that Resolution, the proposed amendments were sent to the department heads of each affected

employee and the department heads were asked to share them with the affected employees. Notice of the Board's intention to adopt these amendments was published pursuant to Government Code section 6061 at least 10 days prior to the public hearing. The consultants who are affected by the amendments were also provided notice of the hearing by the department heads who utilize those consultants.

After soliciting recommendations from each department head regarding whether the Code should be amended to reflect changed circumstances in his or her department, a number of changes were requested, all of which have been incorporated in Appendix A of the Resolution. Many of these changes are the result of the realignment of the Departments of Conservation, Development & Planning and Environmental Management into the Department of Planning, Building & Environmental Services and the Department of Public Works. The explanations of the disclosure categories are found in Appendix B. Each of these recommended changes are based on the independent determinations of the department heads. In addition to updating Appendix A, technical revisions were made to the body of the Code.

County Counsel recommends that the Board adopt the attached Resolution which will result in the adoption of the proposed revised Conflict of Interest Code.

#### **SUPPORTING DOCUMENTS**

- A . 2012 Tracked Changes
- B . 2012 COIC - Final

CEO Recommendation: Approve

Reviewed By: Helene Franchi