



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/15/2017  
Agenda Placement: 9C  
Set Time: 9:15 AM PUBLIC HEARING  
Estimated Report Time: 5 minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Minh Tran - County Counsel  
County Counsel  
**REPORT BY:** John Myers, Deputy County Counsel II - 707-259-8604  
**SUBJECT:** Napa County Conflict of Interest Code

---

### **RECOMMENDATION**

County Counsel requests adoption of a resolution amending Napa County's Conflict of Interest Code (last amended in 2016).

### **EXECUTIVE SUMMARY**

During the November 8, 2016, Board of Supervisors meeting, the Board approved the transfer of Purchasing functions from Public Works to the County Executive Office. This action additionally deleted one 1.0 FTE Purchasing Manager and two 1.0 FTE Buyer I/II positions from the departmental allocation for the Public Works Department and added one 1.0 FTE Purchasing Manager and two 1.0 FTE Buyer I/II positions to the departmental allocation for the County Executive Office. As a result of this change, the County's Conflict of Interest Code must be amended to ensure that all positions that pose potential conflicts of interest are included in, and subject to, the County's Conflict of Interest Code. Additionally, the attached amendments to the County's Conflict of Interest Code includes newly created positions and positions not previously covered by the Code. The attached amendments reflect these changes and ensure application of the Conflict of Interest Code to these positions.

### **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.

The County is required to amend the Code, as 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 redlined version of Appendix A showing the minor changes due to the reassignment of purchasing duties from Public Works to the County Executive Office and the addition of newly created or previously uncovered positions is attached.

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 . Redlined Conflict of Interest Code
- B . Resolution Amending Conflict of Interest Code

CEO Recommendation: Approve

Reviewed By: Helene Franchi