



Agenda Date: 9/12/2006  
Agenda Placement: 8C  
Set Time: 9:45 AM PUBLIC HEARING  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Brandi Periera, Paralegal, 251-1090  
**SUBJECT:** Public hearing and adoption of resolution amending County's Conflict of Interest Code.

---

### **RECOMMENDATION**

County Counsel requests the following actions relating to the County's 2004 Conflict of Interest Code:

1. Open the Public Hearing to consider any objections or protests with respect to amending the Code; and
2. Close the Public Hearing and adopt a resolution authorizing the amendment of the Code.  
**(STAFF REQUESTS CONTINUANCE TO OCTOBER 17, 2006 AT 9:15 A.M.)**

### **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 certain 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 those 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.

The revised Conflict of Interest Code also requires the persons occupying those designated positions to attend periodic ethics training to the extent required by new legislation recently enacted into law.

Changes to the 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. 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.

### **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 Resolution No. 80-47 which established a Conflict of Interest Code for the County of Napa (the "Code"). Enactment of the Code was required by the Political Reform Act (the "PRA") 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 PRA identifies the economic interests the holders of those positions must identify and requires that each of those economic interests be set forth in each local conflict of interest code. The PRA also requires that each local code must establish restrictions on gifts, loans and the like which are at least as stringent of the restrictions found in the PRA. Finally, pursuant to recent legislation, many but not all of the individuals designated in the Code are required to receive ethics training. Nonetheless, and although not strictly required, the Code mandates periodic ethics training for all individuals occupying designated positions.

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 PRA further requires that a public hearing must be held prior to a county adopting or amending its 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, 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 County's Conflict of Interest 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 the following:

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; and
3. Publish notice of intent to conduct a public hearing to consider amendments to the County's Conflict of Interest 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. Each department head was asked to provide each of their affected employees with appropriate notice of the hearing and a copy of the proposed amendments. 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 are in the process of also being 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. 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.

The regulations implementing the PRA define member as including, but not limited to, salaried or unsalaried members of committees, boards or commissions with decisionmaking authority. Regarding these committees, boards or commissions whose members are appointed by the County Board of Supervisors (other than those already included in Appendix A), a review is being conducted to determine whether inclusion in the Code is warranted. If so, such a recommendation will be brought to the Board for consideration, following the Code amendment process for further amendments to the Code.

County Counsel recommends that the Board adopt the attached Resolution which adopts the proposed revised Conflict of Interest Code.

### **SUPPORTING DOCUMENTS**

A . Resolution\Code\Appendix A&B

CEO Recommendation: Approve

Reviewed By: Helene Franchi