

RESOLUTION NO. 2016-73

**A RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS
STATE OF CALIFORNIA,
AMENDING ITS CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act of 1974 (Government Code section 81000 et seq.) requires every state and local governmental agency to adopt a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations section 18730) containing a standardized conflict of interest code which may be incorporated by reference into the code of local government agencies; and

WHEREAS, on June 17, 1980, the Board of Supervisors of the County (the "Board") adopted a Conflict of Interest Code which incorporated by reference the standardized code authorized by law which may be amended from time to time by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

WHEREAS, County's Conflict of Interest Code includes a list of positions that are subject to mandatory disclosure of financial information, entitled "APPENDIX A- Designated Positions-Disclosure Categories 2016;" and

WHEREAS, from time to time, the list of designated positions requires amendment so as to update the titles of positions, add new positions which should be required to file disclosure statements, reevaluate the disclosure categories of various positions, and delete those positions or titles no longer in use; and

WHEREAS, County's Conflict of Interest Code provides for eight categories of disclosure in "APPENDIX B – DISCLOSURE CATEGORIES;" and

WHEREAS, there are no substantive amendments to the categories of disclosure since the last time the categories were adopted; and

WHEREAS, notice of the proposed revisions to the Conflict of Interest Code of the County has been given in the manner required by County Resolution No. 98-145; and

WHEREAS, the Board has concluded that it is necessary to amend and readopt its Conflict of Interest Code, a copy of which is attached hereto as Exhibit "A,"

NOW, THEREFORE, it is hereby resolved that the Conflict of Interest Code of

Napa County is amended and readopted in the form set forth in Exhibit "A."

The foregoing resolution was duly and regularly adopted at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the 7th day of June, 2016 by the following vote:

AYES:	SUPERVISORS	DILLON, WAGENKNECHT, CALDWELL, LUCE and PEDROZA
NOES:	SUPERVISORS	NONE
ABSTAIN:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	NONE

NAPA COUNTY, a political subdivision of
the State of California



ALFREDO PEDROZA, Chairman of the
Board of Supervisors


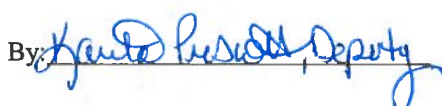
<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Carrie R. Gallagher, Deputy County Counsel</u></p> <p>Date: <u>June 3, 2016</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: June 7, 2016</p> <p>Processed By:  _____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By:  _____ Deputy</p>
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EXHIBIT "A"

NAPA COUNTY CONFLICT OF INTEREST CODE

Section One. Citation.

This Code may be cited as the Napa County Conflict of Interest Code ("Code"). The Political Reform Act of 1974 (the "Act"), the regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. section 18730) and any amendments to the Act or regulations, are incorporated by reference into this Code.

Section Two. Definitions.

A. "Filing Officer" shall mean the office or officer with whom any statement or report is required to be filed by the Act or its implementing regulations. If copies of a statement or report are required to be filed with more than one office or officer, the one first named is the filing officer, and the copy filed with the filing officer shall be signed in the original and shall be deemed the original copy. The filing officer for each designated employee is the Elections Division of the office of the Assessor-Recorder-County Clerk.

B. "Statement of Economic Interests" refers to that document developed by the Fair Political Practices Commission and more commonly known and referred to as "Form 700."

Section Three. Designated Employees.

The persons holding the positions listed in Appendix "A" are the designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on their economic interests. The disclosure categories set forth in Appendix "B" specify which kinds of economic interests are reportable. All designated employees shall disclose in their statement of economic interests those economic interests described in the disclosure category to which they are assigned in Appendix "A." It has been determined that the economic interests set forth in each designated employees' disclosure category are the kinds of economic interests which it is foreseeable the employees could materially affect through the conduct of their offices.

Section Four. Exemptions From This Code.

A. Government Code section 87200 establishes disclosure obligations for designated public officers. This Code, which is intended to establish disclosure obligations for additional employees, does not affect the existing disclosure categories for those public officers designated in Government Code section 87200, nor does it impose any additional disclosure obligations on them if the geographical jurisdiction of the County is the same as, or is wholly included within, the jurisdiction in which those persons must report their economic interests pursuant to Article 2 of Chapter 7 of the Act, Government Code section 87200 et seq.

Section Five. Statements of Economic Interests; Place of Filing.

The Board of Supervisors, through its Clerk, shall instruct all designated employees to file their statements of economic interests with the Filing Officer.

CONFLICT OF INTEREST

APPENDIX A

Designated Positions - Disclosure Categories 2014

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
<u>AGRICULTURAL COMMISSIONER/SEALER</u>	
Agricultural Commissioner/Sealer of Weights & Measures	2
Assistant Agricultural Commissioner/Sealer of Weights & Measures	2
<u>ASSESSOR/RECORDER/COUNTY CLERK</u>	
Assessor/Recorder/County Clerk	1
Election Services Manager	2
Staff Services Manager	2
Chief Appraiser	2
<u>AUDITOR-CONTROLLER</u>	
Auditor-Controller	2
Assistant Auditor-Controller	2
Accountant-Auditor Manager	2
<u>CHILD SUPPORT SERVICES</u>	
Director of Child Support Services	2
Chief Child Support Attorney	2
Staff Services Manager	2
<u>CORRECTIONS</u>	
Director of Corrections	2
Assistant Director of Corrections	2
Correctional Lieutenant	2
<u>COUNTY EXECUTIVE OFFICE</u>	
Assistant County Executive Officer	2
Deputy County Executive Officer/Principal/Senior/Management Analyst I/II	2
Administrative Manager/Clerk of the Board	2
Risk and Emergency Services Manager	2
Staff Services Analyst I/II (CEO)	5
Executive Assistant-CEO (secretary to Board/CEO/Assistant CEO)	6
Training and Organizational Development Officer	2
Housing and Intergovernmental Affairs	
Director of Housing and Intergovernmental Affairs	2
Housing and Community Development Program Manager	2
Staff Assistant-BOS	2

APPENDIX A
Designated Positions - Disclosure Categories 2016

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
Human Resources	
Director of Human Resources	2
Assistant Director of Human Resources	2
Deputy Director, Labor Relations	2
Benefits Administrator	2
Information Systems	
Communications Manager	5
Chief Information Officer	2
Assistant Chief Information Officer	2
Information Systems Manager	4
Technology Architect	5
<u>COUNTY COUNSEL</u>	
Assistant County Counsel	2
Chief Deputy County Counsel	2
Deputy County Counsel I/II/III/IV	2
County Privacy Officer	2
Legal Office Manager	6
<u>COUNTY LIBRARY</u>	
Director of Library Services	2
Assistant Director of Library Services	2
Communication and Public Information Officer	2
<u>DISTRICT ATTORNEY</u>	
Assistant District Attorney	2
Chief Deputy District Attorney	2
Chief District Attorney Investigator	2
Supervising District Attorney Investigator	2
Staff Services Manager	2
Victim Witness Program Manager	2
<u>HEALTH AND HUMAN SERVICES</u>	
Administration	
Director of Health and Human Services	2
Assistant Director of Health and Human Services	2
Program Manager I	2
Staff Services Manager	6
Staff Services Analyst I/II	2
Staff Services Analyst I/II (Contracts)	2
Operations	
Dep Director of HHSA – OPS	2

APPENDIX A
Designated Positions - Disclosure Categories 2016

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
Project Manager	6
Training and Organizational Development Manager	6
Operations Manager – HHSA	2
Operations Supervisor	6
Staff Services Analyst I/II	6
Staff Services Manager	6
Quality Management	
Quality Management/Compliance Officer	2
Assistant Manager – Quality Management	6
Fiscal	
Chief Fiscal Officer – HHSA	2
Deputy Chief Fiscal Officer – HHSA	2
Supervising Staff Services Analyst	6
Alcohol and Drug Services	
Deputy Director of HHSA – Administrator of Alcohol and Drug Programs	2
Assistant Deputy Director	6
Supervising Mental Health Counselor I - Lic	6
Supervising Mental Health Counselor II – Lic	6
Staff Services Analyst I/II	6
Child Welfare Services	
Deputy Director of HHSA – Child Welfare Services Director	2
Assistant Deputy Director of HHSA – Child Welfare Services	6
Social Worker Supervisor II	6
Supervising Staff Services Analyst	6
Staff Services Analyst I/II	6
Comprehensive Services for Older Adult	
Deputy Director of HHSA – Aging and Disability Services	2
Aging and Disability Program Manager	6
Assistant Public Administrator/Guardian/Conservator	2
Supervising Mental Health Counselor II – Lic	6
Veterans Services Officer	6
Deputy Public Guardian	6
Supervising Staff Services Analyst	6
Public Health	
Deputy Director of HHSA – Public Health Officer	2
Public Health Manager	6
Public Health Nursing Manager/ Public Health Nursing Director	6
Health Services Nursing Supervisor	6

APPENDIX A
Designated Positions - Disclosure Categories 2016

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
Supervising Therapist	6
Staff Services Analyst I/II	6
WIC Coordinator/Nutrition Supervisor	6
Emergency Med Svc Admin	6
Emergency Medical Services Specialist	6
Supervising Staff Nurse	6
Mental Health	
Psychiatric Medical Director	6
Deputy Director of HHSA – Mental Health Director	2
Assistant Deputy Director of HHSA-Mental Health	2
Mental Health Manager	6
Project Manager	6
Mental Health Nurse Practitioner	6
Mental Health Provider Services Coordinator	6
Staff Psychiatrist	6
Supervising Mental Health Counselor II – Lic	6
Supervising Mental Health Worker	6
Staff Services Analyst I/II	6
Self Sufficiency	
Deputy Director of HHSA – Self Sufficiency Programs	2
Self Sufficiency Manager	6
Supervising Employment Services Worker	6
Workforce Development Manager	2
<u>PLANNING, BUILDING & ENVIRONMENTAL SERVICES</u>	
Director of Planning, Building & Environmental Services	2
Assistant Director of Planning, Building & Environmental Services	2
Deputy Planning Director	2
Chief Building Official	2
Engineering Manager	2
Environmental Health Manager	2
Park and Open Space Program Manager	2
Supervising Planner	2
Principal Planner	2
Plans & Permits Supervisor	2
Code Enforcement Supervisor	2
Field Inspection Supervisor	2
Environmental Health Supervisor	2
Environmental Management Coordinator	2
Solid Waste Program Manager	2
Administrative Secretary II	2
(when serving as Planning Commission clerk)	

APPENDIX A
Designated Positions - Disclosure Categories 2016

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
Office Assistant II (when serving as Planning Commission clerk)	2
<u>PROBATION</u>	
Chief Probation Officer	2
Assistant Chief Probation Officer	2
Chief Deputy Probation Officer	2
Juvenile Hall Superintendent	2
Assistant Juvenile Hall Superintendent	2
Probation Services Program Manager	2
Staff Services Manager	2
<u>PUBLIC DEFENDER</u>	
Public Defender	6
Chief Deputy Public Defender	6
Supervising Public Defender Investigator	6
Legal Office Manager	6
<u>PUBLIC WORKS</u>	
Director of Public Works	2
General Services	
Deputy Director of Public Works – General Services	2
Public Works Administrative Manager	2
Animal Shelter Manager	2
Airport Manager	2
Assistant Airport Manager	2
Supervising Building Maintenance Worker	5
Supervising Custodian	5
Equipment Pool Supervisor	5
Buyer I/II	5
Purchasing Manager	2
Construction Inspector	3
Supervising Staff Services Analyst	2
Flood Control & Water Resources	
Deputy Director of Public Works – Flood Control and Water Resources	2
Engineering Manager – Water Resources	2
Watershed & Flood Control Operations Manager	2
Natural Resources Manager	2
Stormwater Program Manager	2

APPENDIX A
Designated Positions - Disclosure Categories 2016

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORIES</u>
Transportation & Engineering	
Deputy Director of Public Works – County Engineering	2
Engineering Manager – Public Works	2
Public Works Superintendent	2
Assistant Public Works Superintendent	2
Road Maintenance Supervisor	5
Road Maintenance Coordinator	5
 <u>SHERIFF/CORONER</u>	
Sheriff-Coroner	1
Undersheriff	1
Captain	2
Sheriff's Administrative Manager	2
 <u>TREASURER/TAX COLLECTOR</u>	
Assistant Treasurer-Tax Collector	1
 <u>OTHER BOARDS, COMMITTEES AND COMMISSIONS</u> <i>(department liaisons denoted in parentheses and italics)</i>	
 <i>(Auditor-Controller)</i>	
Member of Napa County Deferred Compensation Board	2
 <i>(Chief Executive Office)</i>	
Member of Napa County Debt Advisory Committee	2
 <i>(Health and Human Services)</i>	
Member of Napa County Advisory Board on Drug and Alcohol Programs	2
 <i>(Health and Human Services)</i>	
Member of Napa County Tobacco Advisory Board	2
 <i>(Napa County Superior Court)</i>	
Member of Napa County Grand Jury	2
 <i>(Treasurer-Tax Collector)</i>	
Member of Napa County Treasury Oversight Committee	1
 <u>FOR ALL DEPARTMENTS</u>	
Consultant*	2**

APPENDIX A
Designated Positions - Disclosure Categories 2016

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

* The department head may determine in writing that a particular consultant, although holding a “designated position,” is hired to perform a range of duties that is limited in scope and is therefore not required to fully comply with the disclosure requirements of this section. Such written determination must include a description of the consultant's duties and the extent of disclosure, if any, required. The determination of the department head is a public record. It must be retained for public inspection in the same manner and location as this code.

**The department head may determine in writing that the broadest disclosure is not necessary and set interim disclosure requirements that are more tailored to positions with a limited range of duties. Such written determination must include a description of the consultant's duties and the extent of disclosure, if any, required. The determination of the department head is a public record. It must be retained for public inspection in the same manner and location as this code.

APPENDIX B

DISCLOSURE CATEGORIESⁱ

CATEGORY 1. Persons in this category shall disclose (i) all income including gifts, loans and travel payments as defined in Government Code section 82030ⁱⁱ, (ii) all investments as defined in Government Code section 82034ⁱⁱⁱ, (iii) interests in real property as defined in Government Code

ⁱ The terms contained herein which are defined in the following footnotes apply to all disclosure categories unless otherwise indicated.

ⁱⁱ **"Income"** (a) "Income" means, except as provided in subdivision (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(b) "Income" also does not include:

- (1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).
- (2) Salary and reimbursement for expenses or per diem, and social security, disability, or other similar benefit payments received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- (3) Any devise or inheritance.
- (4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.
- (5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures.
- (6) Redemption of a mutual fund.
- (7) Alimony or child support payments.
- (8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status.
- (9) Any loan from or payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if the individual is acting as an agent or intermediary for any person not covered by this paragraph.
- (10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status.
- (11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).
- (12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.

ⁱⁱⁱ **"Investment"** "Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or

APPENDIX B Disclosure Categories

section 82033^{iv}, and (iv) all business positions as defined in the California Code of Regulations, section 18730, Subsection (b)(7)(D)^v.

CATEGORY 2. Persons in this category shall disclose (i) all income including gifts, loans and travel payments as defined in Government Code section 82030, (ii) all investments as defined in Government Code section 82034, (iii) interests in real property as defined in Government Code section 82033, and (iv) all business positions as defined in Title 2 of the California Code of Regulations, section 18730, Subsection (b)(7)(D). Gifts for purposes of this category shall not include gifts received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the previous two calendar years.

CATEGORY 3. Persons in this category shall disclose investments, income, including gifts, loans and travel payments, and business positions from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the Department to which the person is assigned.

CATEGORY 4. Persons in this category shall disclose investments, income, including gifts, loans and travel payments, and business positions from sources that provide education or training services that are approved by the County.

CATEGORY 5. Persons in this category shall disclose investments, business positions and income, including gifts, loans and travel payments, from sources that provides, or contracts with the County or its Purchasing Agent to provide, or may foreseeably provide, goods, services, supplies, materials, machinery or equipment to Napa County, or has contracted with the County

other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or their immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$ 2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual includes a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater. The term "parent, subsidiary or otherwise related business entity" shall be specifically defined by regulations of the commission.

^{iv} "Interest in real property" "Interest in real property" includes any leasehold, beneficial or ownership interest or an option to acquire such an interest in real property located in the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or their immediate family if the fair market value of the interest is two thousand dollars (\$ 2,000) or more. Interests in real property of an individual includes a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10-percent interest or greater.

^v "Business Position Disclosure" When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the designated employee is a director, officer, partner, trustee, employee, or in which the designated employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

APPENDIX B
Disclosure Categories

or its Purchasing Agent to supply goods, services, supplies, materials, machinery or equipment within the last two calendar years.

CATEGORY 6. Persons in this category shall disclose investments, business positions and income, including gifts, loans and travel payments, from sources that provide, or contracts with the County to provide, or may foreseeably provide, goods, services, supplies, materials, machinery or equipment to the Department to which the person is assigned, or within the previous two calendar years has contracted with the County to supply goods, services, supplies, materials, machinery or equipment to the Department to which the person is assigned.

CATEGORY 7. Persons in this category shall disclose all interests in real property located in Napa County .

CATEGORY 8. Investments, positions held in business entities, and income from sources which may be the recipient of patient referrals for the delivery of health care services or supplies, or within the previous two calendar years have been the recipient of patient referrals for the delivery of health care services or supplies.