



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/18/2009
Agenda Placement: 10B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: CHRIS APALLAS, ATTORNEY II - 259-8248
SUBJECT: Notice of Intent to Adopt a Conflict of Interest Code

RECOMMENDATION

RESOLUTION OF INTENT TO ADOPT PLANNING COMMISSION CONFLICT OF INTEREST CODE

CEQA Status: 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.

Request: Adoption of a resolution of Intent to adopt the Planning Commission Conflict of Interest Code and to: (1) Authorize the Commission Secretary to notify the Napa County Board of Supervisors of the Commission's intent to adopt its Conflict of Interest Code; (2) Authorize the Commission Secretary to publish in the Napa Register at least one time a Notice of Intention to adopt the Conflict of Interest Code and establishing a 10-day public review; (3) Authorize the Commission Secretary to give written notice of the proposed adoption of a Conflict of Interest Code to all Commission personnel affected by the proposed changes; and (4) Authorize the Commission to tentatively approve the Conflict of Interest Resolution and Exhibit 1 after the expiration of the 10-day public review period.

Staff Recommendation: Adopt attached resolution and direct Staff to implement required additional actions.

Staff Contact: Laura Anderson, 259-8252 or laura.anderson@CountyofNapa.org, or Chris Apallas, 259-8248 or capallas@CountyofNapa.org

EXECUTIVE SUMMARY

Proposed Action:

That the Conservation, Development and Planning Commission adopts the attached Resolution of Intent to adopt the Commission Conflict of Interest Code and to:

1. Authorize the Commission Secretary to notify the Napa County Board of Supervisors of the Commission's intent to adopt its Conflict of Interest Code;
2. Authorize the Commission Secretary to publish in the Napa Register at least one time a Notice of Intention to adopt the Conflict of Interest Code and establishing a 10-day public review;
3. Authorize the Commission Secretary to give written notice of the proposed adoption of a Conflict of Interest Code to all Commission personnel affected by the proposed changes; and
4. Authorize the Commission to tentatively approve the Conflict of Interest Resolution and Exhibit 1 after the expiration of the 10-day public review period.

Discussion:

The Napa County Conservation, Development and Planning Commission is required by Government Code to adopt a Conflict of Interest Code. Prior to adopting a Conflict of Interest Code, the Commission must notice its intent to do so. The proposed resolution initiates the process for adopting a Conflict of Interest Code. After a 10-day public comment period, the Commission will adopt the code requiring commission members and specific staff to disclose certain investments, income, interest in real property and business positions that would disqualify them from making or participating in the making of governmental decisions affecting those interests.

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

The Napa County Conservation, Development and Planning Commission is a planning agency having such powers and duties as are prescribed by Chapter 3, Division 1 of Title 7 of the Government Code (commencing with Section 65100) and, in addition, such other powers and duties as assigned to the agency by the board of supervisors. The Political Reform Act of 1974 requires local government agencies to adopt a conflict of interest code (code). Such a code requires commission members and specific staff to disclose certain investments, income, interest in real property and business positions that would disqualify them from making or participating in the making of governmental decisions affecting those interests. The proposed code is based on the same template used for other agencies and covers designated officers and contractors of the Commission (including the Commissioners, Secretary, Legal Counsel and Auditor-Controller, and their deputies). The type of information all covered officers are required to disclose include:

1. All income, including gifts, loans and travel payments as defined in Government Code section 82030;
2. All investments as defined in Government Code section 82034;
3. Interests in real property as defined in Government Code, section 82033; and
4. All business positions as defined in California Code of Regulations, section 18730, Subsection (b)(7)(D).

If approved, the Board of Supervisors, as the code reviewing body for the Commission, will need to approve the code before it can take effect.

SUPPORTING DOCUMENTS

A . Resolution of Intent

Napa County Planning Commission: Approve

Reviewed By: John McDowell