



**Local Agency Formation Commission of Napa County**  
Subdivision of the State of California

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Napa, California 94559  
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[www.napa.lafco.ca.gov](http://www.napa.lafco.ca.gov)

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*We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture*

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**Agenda Item 5b (Consent/Action)**

**TO:** Local Agency Formation Commission

**PREPARED BY:** Brendon Freeman, Executive Officer *B F*

**MEETING DATE:** October 7, 2024

**SUBJECT:** Approval of Resolution Amending Conflict of Interest Code

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**SUMMARY AND RECOMMENDATION**

This is a consent item for formal action. Accordingly, if interested, the Commission is invited to pull this item for additional discussion with the concurrence of the Chair.

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending its Conflict of Interest Code (COIC), included as Attachment 1.

As a local public agency, LAFCO must have a COIC that sets forth the obligations of staff and Commissioners to disclose their financial interests. Every two years, all public agencies must review their COICs and notify their code reviewing body of any changes needed to their adopted COIC. Because LAFCO's jurisdiction is limited to Napa County, the County of Napa is the code reviewing body for LAFCO, meaning the County must approve LAFCO's COIC and any amendments.

Staff proposes an amendment to the COIC that would make a handful of relatively minor revisions as shown with tracked changes in Attachment 2. The most significant recommended revision is to add two staff positions to the list of designated employee positions subject to Form 700 financial interest disclosure requirements.

If the Commission adopts the draft resolution, staff will then provide the amended COIC to the County for approval.

**ATTACHMENTS**

- 1) Draft Resolution Amending Conflict of Interest Code
- 2) Draft Amendments to Conflict of Interest Code Showing Tracked Changes

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Margie Mohler, Commissioner  
Councilmember, Town of Yountville

Beth Painter, Commissioner  
Councilmember, City of Napa

Mariam Aboudamous, Alternate Commissioner  
Councilmember, City of American Canyon

Anne Cottrell, Chair  
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner  
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner  
County of Napa Supervisor, 1st District

Kenneth Leary, Vice Chair  
Representative of the General Public

Eve Kahn, Alternate Commissioner  
Representative of the General Public

Brendon Freeman  
*Executive Officer*

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE  
LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY  
AMENDING ITS CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act of 1974 (Government Code Sections 81000, et seq., hereinafter the “PRA”) requires the Local Agency Formation Commission of Napa County (hereinafter LAFCO) to adopt a Conflict of Interest Code; and

**WHEREAS**, the Fair Political Practices Commission (hereinafter referred to as “FPPC”) has adopted a regulation (Section 18730 of Title 2 of the California Code of Regulations) containing a standard conflict of interest code which may be incorporated by reference into the code of a local agency; and

**WHEREAS**, LAFCO is required to review and amend its Conflict of Interest Code biennially to determine if amendments are needed; and

**WHEREAS**, an amendment to the Conflict of Interest Code is necessary to update the list of designated filers; and

**WHEREAS**, LAFCO staff has provided notice of the proposed amendment to its adopted Conflict of Interest Code to the County of Napa, as the code reviewing body for LAFCO; and

**WHEREAS**, at a regular meeting of LAFCO, held on October 7, 2024, oral and/or written comments on the proposed amendment to the Conflict of Interest Code were received from affected persons and or the general public, and these comments and the proposed revisions were considered by LAFCO;

**NOW, THEREFORE, BE IT RESOLVED** by LAFCO that the Conflict of Interest Code shall be amended and adopted in the manner set forth in Exhibit “A,” attached hereto and incorporated herein by reference, effective upon confirmation by the Napa County Board of Supervisors acting as the code reviewing body for LAFCO.

**BE IT FURTHER RESOLVED** by LAFCO that the Clerk is hereby directed to certify as to the adoption of this resolution and forward the Conflict of Interest Code as set forth in Exhibit “A” to the County of Napa for its review.

**BE IT FURTHER RESOLVED** by LAFCO that the adoption of this resolution and the amendment of LAFCO’s Conflict of Interest Code is not a project for purposes of the California Environmental Quality Act (hereinafter CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that this activity may have a significant effect on the environment, and section 15378(b)(2) of the CEQA Guidelines, as an administrative and personnel-related policymaking activity.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 7, 2024, after a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote:

AYES: Commissioners \_\_\_\_\_  
NOES: Commissioners \_\_\_\_\_  
ABSENT: Commissioners \_\_\_\_\_  
ABSTAIN: Commissioners \_\_\_\_\_

\_\_\_\_\_  
Anne Cottrell  
Commission Chair

ATTEST: \_\_\_\_\_  
Brendon Freeman  
Executive Officer

Recorded by: Stephanie Pratt  
Clerk/Jr. Analyst

DRAFT



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Conflict of Interest Code*

(Adopted: January 9, 2003; Last Amended: October 3, 2016; Proposed Amendment: October 7, 2024)

1. Purpose. The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act (the "Act"). Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference as if set forth fully herein.
2. List of Designated Employees. For the purposes of the Act and this Conflict of Interest Code, the Designated Employees of LAFCO shall be the persons holding those offices and performing the functions of the positions set forth in Appendix "A," attached hereto and incorporated by reference herein.
3. List of Disclosure Categories. For purposes of the requirements of the Act and the provisions of this code, the disclosure categories for the Designated Employees of LAFCO shall be those set forth in Appendix "B," attached hereto and incorporated by reference herein.
4. Documents Comprising Conflict of Interest Code. For purposes of the Act, the terms of Section 18730 of Title 2 of the California Code of Regulations, as may be amended from time to time, and Appendices "A" and "B" shall together constitute the Conflict of Interest Code of LAFCO on and after the date of confirmation by the Napa County Board of Supervisors.
5. Effective Date of Code. This Conflict of Interest Code shall become effective when confirmed by the Napa County Board of Supervisors acting as the code reviewing body for LAFCO.
6. Documents to be filed with the Board of Supervisors. As the "Filing Officer" under this Code, the LAFCO Secretary shall file three certified copies of the Conflict of Interest Code, as approved/amended by the LAFCO Commission, with the Napa County Board of Supervisors as the code reviewing body for LAFCO.
7. Time of Filing Statements of Economic Interests. All persons who are required by this Conflict of Interest Code to file Statements of Economic Interests ("Statements" or "Form 700s"), shall file assuming office, leaving office, and annual Statements as required by Section 18730 of Title 2 of California Code of Regulations.
8. Place of Filing. Designated employees shall file their Statements of Economic Interests with the LAFCO Secretary, who shall retain the original Statements in the LAFCO business office.

9. Public Inspection of Conflict of Interest Code and Statements. A copy of the Conflict of Interest Code and all filed Statements shall be maintained in the office of LAFCO and be available for public inspection and copying during regular business hours.

10. LAFCO Review of Adopted Code.

A. No later than October 1 of each even-numbered year, LAFCO shall submit to the Napa County Board of Supervisors, as the code reviewing body for LAFCO, a written statement signed by the LAFCO Executive Officer, or designee thereof, that either:

1. LAFCO has reviewed the Conflict of Interest Code, that the Conflict of Interest Code designates accurately all positions which make or participate in the making of governmental decisions for LAFCO, that the disclosure assigned those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those designated positions, and that the Conflict of Interest Code contains the provisions required by Government Code section 87302; or

2. LAFCO has reviewed the Conflict of Interest Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for LAFCO, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be affected materially by the designated positions, or to include other provisions required by Government Code section 87302. If the statement contains this report, LAFCO shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

B. Changed circumstances which require amendment of the Conflict of Interest Code shall include, but not be limited to:

1. The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

2. The reclassification, renaming, or deletion of previously designated positions;

3. The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or

4. The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been automatically incorporated into this Conflict of Interest Code as the result of inclusion of amendments made to Section 18730 of Title 2 of the California Code of Regulations by the Fair Political Practices Commission.

## LIST OF DESIGNATED EMPLOYEES

Because of the nature of the powers and duties conferred on the Local Agency Formation Commission of Napa County under the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.), the policies adopted by the LAFCO Commission, and the terms of support services and consultant agreements approved by the LAFCO Commission, the following positions within LAFCO may involve the making or participation in the making of decisions of LAFCO which may foreseeably have a material effect on financial interests of the holders of the positions. The positions are listed because their scope of authority or work involve either making final decisions for LAFCO which have financial consequences or developing and/or exercising such a level of expertise and ongoing relationship with those who make such decisions that the decision-makers can reasonably be expected to routinely trust and rely upon their advice.

For purposes of filing Statements of Economic Interests as required by this Conflict of Interest Code, the “Designated Employees” of LAFCO shall be those persons who actually occupy or carry out the functions of the following positions, whether as elected or appointed officers, compensated employees, or contracted consultants:

### **DESIGNATED EMPLOYEE POSITIONS**

**Members of the LAFCO Commission** (including any persons serving as **Alternate Commission Members**)

**LAFCO Executive Officer**

**LAFCO Assistant Executive Officer**

**LAFCO Clerk/Junior Staff Analyst**

**LAFCO Legal Counsel**

**Auditor-Controller** (Napa County Auditor-Controller, serving ex-officio)

**Contract Consultants for LAFCO** - Contract consultants shall be included in the list of Designated Employees and shall disclose their material financial interests in regard to all of the adopted disclosure categories, subject to the following limitation:

The LAFCO Executive Officer may determine in writing that a particular contract consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to comply or fully comply with all of the disclosure requirements described in Appendix “B”. This written determination shall include a description of the contract consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection and be available for inspection and copying in the same location and manner as LAFCO’s copy of the Conflict of Interest Code.

## DISCLOSURE CATEGORIES

The decisions which the Designated Employees may make, or participate in making, for LAFCO may involve exercising or directly influencing the exercise of powers conferred on LAFCO by the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.).

The decisions by the Designated Employees in the course of their work for LAFCO may have the potential to materially impact any or all of those types of financial interests listed in all the Disclosure Schedules of the Statement of Economic Interests Form 700 adopted by the Fair Political Practices Commission.

For this reason, all of the Designated Employees under this Conflict of Interest Code, other than contract consultants who are exempted from disclosure on a case-by-case basis pursuant to Appendix "A," shall disclose the following financial interests:

- (i) All income as defined in Government Code Section 82030 (including but not limited to gifts, loans and travel payments); and
- (ii) All investments as defined in Government Code Section 82034; and
- (iii) All interests in real property as defined in Government Code Section 82033; and
- (iv) All business positions as defined in 2 California Code of Regulations Section 18730(b)(7)(D) in business entities as defined in Government Code section 82005 that may foreseeably be affected materially by the decisions made by LAFCO or any Designated Employee of LAFCO.

**CERTIFICATIONS**

I hereby certify that I am the Secretary and custodian of records of the Local Agency Formation Commission and that the attached Resolution is a true and correct copy of the original approved by the LAFCO Commission and on file in the LAFCO office.

Stephanie Pratt  
LAFCO Clerk/Jr. Analyst

By \_\_\_\_\_

I hereby certify that the Conflict of Interest Code for the Local Agency Formation Commission of Napa County was approved and confirmed by the Napa County Board of Supervisors, as the code reviewing body for LAFCO by action of the Board of Supervisors on \_\_\_\_\_, 20\_\_, and recorded in the certified minutes of the Board of Supervisors for that date.

Clerk of the Napa County Board of Supervisors

By \_\_\_\_\_

DRAFT





## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Conflict of Interest Code*

(Adopted:- January 9, 2003; Last Amended: -October 3, 2016; Proposed Amendment: October 7, 2024)

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2. List of Designated Employees. For the purposes of the Act and this Conflict of Interest Code, the Designated Employees of LAFCO shall be the persons holding those offices and performing the functions of the positions set forth in Appendix “A,” attached hereto and incorporated by reference herein.

3. List of Disclosure Categories. For purposes of the requirements of the Act and the provisions of this code, the disclosure categories for the Designated Employees of LAFCO shall be those set forth in Appendix “B,” attached hereto and incorporated by reference herein.

4. Documents Comprising Conflict of Interest Code. For purposes of the Act, the terms of Section 18730 of Title 2 of the California Code of Regulations, as may be amended from time to time, and Appendices “A” and “B” shall together constitute the Conflict of Interest Code of LAFCO on and after the date of confirmation by the Napa County Board of Supervisors.

5. Effective Date of Code. This Conflict of Interest Code shall become effective when confirmed by the Napa County Board of Supervisors acting as the code reviewing body for LAFCO.

6. Documents to be filed with the Board of Supervisors. As the “Filing Officer” under this Code, the LAFCO Secretary shall file three certified copies of the Conflict of Interest Code, as approved/amended by the LAFCO Commission, with the Napa County Board of Supervisors as the code reviewing body for LAFCO.

7. Time of Filing Statements of Economic Interests. All persons who are required by this Conflict of Interest Code to file Statements of Economic Interests (“Statements” or “Form 700s”), shall file assuming office, leaving office, and annual Statements as required by Section 18730 of Title 2 of California Code of Regulations—

7.

~~8.~~ 8. Place of Filing. Designated employees shall file their Statements of Economic Interests with the LAFCO Secretary, who shall retain the original Statements in the LAFCO business office.

9. Public Inspection of Conflict of Interest Code and Statements. A copy of the Conflict of Interest Code and all filed Statements shall be maintained in the office of LAFCO and be available for public inspection and copying during regular business hours.

10. LAFCO Review of Adopted Code.

A. No later than October 1 of each even-numbered year, LAFCO shall submit to the Napa County Board of Supervisors, as the code reviewing body for LAFCO, a written statement signed by the LAFCO Executive Officer, or ~~his~~ designee thereof, that either:

1. LAFCO has reviewed the Conflict of Interest Code, that the Conflict of Interest Code designates accurately all positions which make or participate in the making of governmental decisions for LAFCO, that the disclosure assigned those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those designated positions, and that the Conflict of Interest Code contains the provisions required by Government Code section 87302; or

2. LAFCO has reviewed the Conflict of Interest Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for LAFCO, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be affected materially by the designated positions, or to include other provisions required by Government Code section 87302. If the statement contains this report, LAFCO shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

B. Changed circumstances which require amendment of the Conflict of Interest Code shall include, but not be limited to:

1. The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

2. The reclassification, renaming, or deletion of previously designated positions;

3. The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or

4. The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been

automatically incorporated into this Conflict of Interest Code as the result of inclusion of ~~the changes into the model code~~amendments made to Section 18730 of Title 2 of the California Code of Regulations by the Fair Political Practices Commission.

## APPENDIX “A”

### LIST OF DESIGNATED EMPLOYEES

Because of the nature of the powers and duties conferred on the Local Agency Formation Commission of Napa County under the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.), the policies adopted by the LAFCO Commission, and the terms of support services and consultant agreements approved by the LAFCO Commission, the following positions within LAFCO may involve the making or participation in the making of decisions of LAFCO which may foreseeably have a material effect on financial interests of the holders of the positions. The positions are listed because their scope of authority or work involve either making final decisions for LAFCO which have financial consequences or developing and/or exercising such a level of expertise and ongoing relationship with those who make such decisions that the decision-makers can reasonably be expected to routinely trust and rely upon their advice.

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**LAFCO Assistant Executive Officer**

**LAFCO Clerk/Junior Staff Analyst**

**LAFCO Legal Counsel**

**Auditor-Controller** (Napa County Auditor-Controller, serving ex-officio)

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The LAFCO Executive Officer may determine in writing that a particular contract consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to comply or fully comply with all of the disclosure requirements described in Appendix “B”. This written determination shall include a description of the contract consultant’s duties and, based upon that description, a

statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection and be available for inspection and copying in the same location and manner as LAFCO's copy of the Conflict of Interest Code.

## APPENDIX "B"

### DISCLOSURE CATEGORIES

The decisions which the Designated Employees may make, or participate in making, for LAFCO may involve exercising or directly influencing the exercise of powers conferred on LAFCO by the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et. seq.).

The decisions by the Designated Employees in the course of their work for LAFCO may have the potential to materially impact any or all of those types of financial interests listed in all the Disclosure Schedules of the Statement of Economic Interests Form 700 adopted by the Fair Political Practices Commission.

For this reason, all of the Designated Employees under this Conflict of Interest Code, other than contract consultants who are exempted from disclosure on a case-by-case basis pursuant to Appendix "A," shall disclose the following financial interests:

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- (ii) All investments as defined in Government Code Section 82034; and
- (iii) All interests in real property as defined in Government Code Section 82033; and
- (iv) All business positions as defined in 2 California Code of Regulations Section 18730(b)(7)(D) in business entities as defined in Government Code section 82005 that may foreseeably be affected materially by the decisions made by LAFCO or any Designated Employee of LAFCO.

**CERTIFICATIONS**

I hereby certify that I am the Secretary and custodian of records of the Local Agency Formation Commission and that the attached Resolution is a true and correct copy of the original approved by the LAFCO Commission and on file in the LAFCO office.

~~Kathy Mabry, Stephanie Pratt~~  
LAFCO ~~Secretary~~ Clerk/Jr. Analyst

By \_\_\_\_\_

I hereby certify that the Conflict of Interest Code for the Local Agency Formation Commission of Napa County was approved and confirmed by the Napa County Board of Supervisors, as the code reviewing body for LAFCO by action of the Board of Supervisors on \_\_\_\_\_, 20\_\_, and recorded in the certified minutes of the Board of Supervisors for that date.

Clerk of the Napa County Board of Supervisors

By \_\_\_\_\_