

Town of Yountville
Resolution Number 3205-14

Adopting an Amended Conflict of Interest Code for the Town of Yountville and Rescinding Resolution 3055-12

Recitals

- A. The Political Reform Act, Government Code Sections 81000, et seq., requires every state or local government agency to adopt and promulgate a Conflict of Interest Code (Government Code Sections 87300, et seq.).
- B. The Fair Political Practices Commission has adopted regulation 2 California Code of Regulations Section 18730 that contains the terms of a standard model Conflict of Interest Code. The Code can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearing to conform to amendments in the Political Reform Act.
- C. 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 along with the attached Appendices, in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code for the Town of Yountville.
- D. The Town Council wishes to rescind the Conflict of Interest Code adopted by Resolution Number 3055-12 and to adopt a revised Conflict of Interest Code that includes addition of new position; modified titles for designated employees; and modified disclosure categories required to comply with the Conflict of Interest Code.
- E. This body has determined that the attached Appendices A and B accurately set forth those positions and the categories of financial interests that should be designated along with the categories of financial interests that should be made reportable.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

1. Resolution Number 3055-12 is hereby rescinded.
2. The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices A and B in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Town of Yountville.
3. Pursuant to Section 4(c) of the Code, all designated employees shall file their statements of economic interest with the Town Clerk, to whom the Town Council hereby delegates the authority to carry out the duties of filing officer.

4. Statements of Economic Interest shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Town of Yountville.
5. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

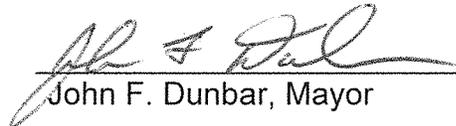
PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 21st day of October, 2014 by the following vote:

AYES: Hall, Mohler, Dorenbecher, Chilton and Dunbar

NOES: None

ABSENT: None

ABSTAIN: None



John F. Dunbar, Mayor

ATTEST:



Michelle Dahme
Town Clerk

**TOWN OF YOUNTVILLE
CONFLICT OF INTEREST CODE**

APPENDIX "A"

"Public Official at any level of state or local government" means a member, officer, employee, or consultant of a state or local government agency. The term "public official" also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200, including "other public officials who manage public investments" as that term is defined in 2 Cal. Code of Regs. Section 18720.

(1) "Member" shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision-making authority. A board or commission possesses decision-making authority whenever:

(A) It may make a final governmental decision;

(B) It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or

(C) It makes substantive recommendations, which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

(2) A "designated employee" is an officer, employee, member or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions which may foreseeable have a material effect on any financial interest. (*Government Code Section 82019*)

(A) *Making* a governmental decision means the person:

1. Votes on a matter;
2. Appoints a person;
3. Obligates or commits his or her agency to any course of action; or
4. Enters into any contractual agreement on behalf of his or her agency.

(B) *Participating in the making* of a decision, means the person:

1. Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or

2. Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

The term "designated employee" does not include:

- Public officials specified in Government Code Section 87200:

Planning Commissioners

Councilmembers

Mayors

City Managers

City Attorneys

City Treasurers

Other City, County and Local Agency Public Officials who manage public investments

- Solely clerical, ministerial or manual positions
- Unsalaries members of boards or commissions, which are solely advisory

(3) "Consultant" means an individual whom, pursuant to a contract with a state or local government agency:

(A) Makes a governmental decision whether to:

1. Approve a rate, rule, or regulation;
2. Adopt or enforce a law;
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract, which requires agency approval;
5. Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
6. Grant agency approval to a plan, design, report, study, or similar item;
7. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency or for any subdivision thereof; or

(B) Serves in a staff capacity with the agency and in that capacity perform the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

(C) The Town Manager or his/her designee may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Town Manager or his/her designee's determination is a public record and shall be retained for public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**TOWN OF YOUNTVILLE
CONFLICT OF INTEREST CODE**

APPENDIX "A"

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

Public Officials required to file Form 700:

87100 & 87200 Filers*

Disclosure Category

Category 1

Mayor
Town Council
Town Manager
Town Attorney
Finance Director

*Originals forwarded to FPPC; file copy retained with Town

Members Required to File Form 700:

Town Boards:

Housing Authority of the Town of Yountville
Parking Authority of the Town of Yountville
Finance Authority of the Town of Yountville
Zoning & Design Review Board Commissioners
Parks and Recreation Advisory Commission
Yountville Arts Commission
Napa County Youth and Gang Violence Commission
Napa County Local Food Advisory Council

Commissions, Committees and Boards *(May be required to file directly with agency)*

Napa County City Selection Committee
Napa County Flood Control and Water Conservation District Board
Napa County Transportation & Planning Agency
NCTPA Bicycle Advisory Committee
Upper Valley Waste Management
PARSAC
Countywide Measure A Financial Oversight Committee
Napa County League of Governments (NCLOG)

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CONFLICT OF INTEREST CODE**

APPENDIX "A"

The following is a listing of those persons who are required to submit Statements of Economic Interests pursuant to the Political Reform Act of 1974, as amended:

List of Designated Town Employees Required to File Form 700:

Department	Position	Disclosure Category
Administration	Town Manager	1
	Town Clerk	6, 7
	Town Attorney	1
	Finance Director	1
	Management Analyst	6,7
Planning	Planning Director	1
	Building Official	1
	Management Analyst – Public Works/Planning	1
		1
Public Works	Public Works Director/Town Engineer	1
	Assistant Town Engineer	1
	Deputy Public Works Director	1
	Public Works Supervisor/Manager	6, 7
	Utilities Operator Supervisor/Manager	6, 7
Parks & Recreation Services	Parks & Recreation Director	1
	Parks & Recreation Facilities Manager	6, 7
	Parks & Recreation Supervisor	6, 7
Consultants*		1

* See Page 4, Section 3.C relating to consultants.

TOWN OF YOUNTVILLE
CONFLICT OF INTEREST CODE

APPENDIX "B"

APPENDIX OF DISCLOSURE CATEGORIES

"Unit" as used in this text means the particular department, board, commission, office or other entity using the disclosure category.

Disclosure Category Definitions

1	All investments and sources of income.
2	All investments in real property.
3	All investments, interests in real property, and sources of income subject to the regulatory, permit, or licensing authority of the department.
4	Investments in business entities and business positions and sources of income which engage in land development, construction, or the acquisition or sale of real property
5	Interests in real property located within two miles of any land owned or used by the Town of Yountville.
6	Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the Town of Yountville to provide services, supplies, materials, machinery or equipment.
7	Investments in business entities and business positions and sources of income of the type which, within the past two years, have contracted with the designated employee's department to provide services, supplies, materials, machinery, or equipment.