

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE IN-HOME SUPPORTIVE SERVICES OF
NAPA COUNTY PUBLIC AUTHORITY (“PA”)
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 December 3, 2002, the PA 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, PA’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”; 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, PA’s Conflict of Interest Code provides for seven categories of disclosure in “APPENDIX B – DISCLOSURE CATEGORIES”; 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 PA 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”;

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NOW, THEREFORE, BE IT RESOLVED by the In-Home Supportive Services of Napa County Public Authority, State of California, as follows:

1. The In-Home Supportive Services of Napa County Public Authority Conflict of Interest Code is amended and readopted in the form set forth as attached Exhibit “A.”
2. The amendments described in Exhibit “A” and readoption of the In-Home Supportive Services of Napa County Public Authority Conflict of Interest Code shall be effective _____, 2023.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the In-Home Supportive Services of Napa County Public Authority of Napa County, State of California, at a regular meeting of the PA held on the _____ day of _____, 2023, by the following vote:

AYES: DIRECTORS _____

NOES: DIRECTORS _____

ABSTAIN: DIRECTORS _____

ABSENT: DIRECTORS _____

IN-HOME SUPPORTIVE SERVICES
PUBLIC AUTHORITY OF NAPA
COUNTY

By: _____

BELIA RAMOS, Chair of the
Governing Board of Directors

APPROVED AS TO FORM Office of Authority Counsel By: <u>Douglas V. Parker (e-sign)</u> Deputy Authority Counsel Date: <u>March 24, 2023</u>	APPROVED BY THE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY OF NAPA COUNTY Date: _____ Processed By: _____ _____ Deputy Secretary for the IHSS PA	ATTEST: NEHA HOSKINS Secretary for the IHSS PA By: _____
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EXHIBIT “A”

IN-HOME SUPPORTIVE SERVICES OF NAPA COUNTY PUBLIC AUTHORITY OF NAPA COUNTY CONFLICT OF INTEREST CODE

Effective _____, 2023

Section 1. Citation and Incorporation of Standard Conflict Of Interest Code.

The Political Reform Act (Govt. Code sec. 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 Cal. Code of Regs. sec. 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. Therefore, the terms of 2 Cal. Code of Regs. sec. 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation, the additional provisions set forth below, and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of In-Home Supportive Services of Napa County Public Authority of Napa County (“PA”). This document and its attached Appendices may together be cited as the In-Home Supportive Services of Napa County Public Authority of Napa County Conflict of Interest Code (“Code”).

Section 2. Definitions.

- A. The definitions contained in the Political Reform Act and the regulations of the Fair Political Practices Commission, as amended from time to time, are hereby incorporated by reference into this Code.
- B. “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.
- C. “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 3. Designated Employees.

Individuals holding designated positions shall file their statements of economic interests with the PA, which will make the statements available for public inspection and reproduction (Govt. Code sec. 81008). All statements will be retained by the PA. Statements may be retained and made available electronically. 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.

Section 4. Disclosure Categories.

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 5. Statements of Economic Interests; Place of Filing; Time of Filing.

- A. All designated employees shall file statements of economic interests with the Filing Officer. The Filing Officer may implement, consistent with all approvals required and regulations of the Fair Political Practices Commission, an electronic system through which designated employees shall file statements of economic interests.
- B. **Initial Statements.** All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- C. **Assuming Office Statements.** All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- C. **Annual Statements.** All designated employees shall file statements no later than April
 - 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status

IN-HOME SUPPORTIVE SERVICES OF NAPA COUNTY PUBLIC AUTHORITY CONFLICT OF INTEREST CODE

APPENDIX A

Designated Positions - Disclosure Categories

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

Members of the PA Governing Board	4
PA Director	2
PA Legal Counsel	2
Members of the PA Advisory Committee	6
Auditor-Controller (Napa County Auditor-Controller, serving ex-officio)	2
Contract Consultants for PA.:	

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 PA Director 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 PA's copy of the Conflict of Interest Code.

APPENDIX B

DISCLOSURE CATEGORIES¹

CATEGORY 1. Persons in this category shall disclose (i) all income including gifts, loans and travel payments as defined in Government Code section 82030², (ii) all investments as defined in Government Code section 82034³, (iii) interests in real property as defined in Government Code

¹ The terms contained herein which are defined in the following footnotes apply to all disclosure categories unless otherwise indicated.

² **"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.

³ **"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 other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or their immediate

APPENDIX B

DISCLOSURE CATEGORIES

section 82033⁴, and (iv) all business positions as defined in the California Code of Regulations, section 18730, Subsection (b)(7)(D)⁵.

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 (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, and (iii) all business positions as defined in Title 2 of the California Code of Regulations, section 18730, Subsection (b)(7)(D) 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 (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, and (iii) all business positions as defined in Title 2 of the California Code of Regulations, section 18730, Subsection (b)(7)(D). Income for purposes of this category shall 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 previous two calendar years.

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.

⁴ **“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.

⁵ **“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

CATEGORY 5. 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, and (iii) all business positions as defined in Title 2 of the California Code of Regulations, section 18730, Subsection (b)(7)(D) 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 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 (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, and (iii) all business positions as defined in Title 2 of the California Code of Regulations, section 18730, Subsection (b)(7)(D) 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 inside the geographic boundaries of the County of Napa, or located within two miles of the geographic boundaries of the County of Napa.