

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA #: *A-4

AGENDA DATE: November 21, 2017

SUBJECT:

Approval to Adopt the Amended Conflict of Interest Code for the Oak Valley Hospital District

BOARD ACTION AS FOLLOWS:

No. 2017-650

On motion of Supervisor Olsen, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: Olsen, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Withrow

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

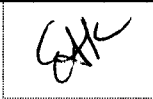
ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors BOARD AGENDA #: *A-4
Urgent Routine AGENDA DATE: November 21, 2017



CEO CONCURRENCE: 4/5 Vote Required: Yes No

SUBJECT:
Approval to Adopt the Amended Conflict of Interest Code for the Oak Valley Hospital District

STAFF RECOMMENDATIONS:

1. Adopt the Amended Conflict of Interest Code for the Oak Valley Hospital District.

DISCUSSION:

The Political Reform Act requires every local government agency to review its conflict of interest code on a biennial basis to determine if it is accurate or if amendments are needed. It is essential and legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Statement of Economic Interest (Form 700), and what financial interests they must disclose.

The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts). An agency's amended code is not effective until it has been approved by the code reviewing body.

The Oak Valley Hospital District has reviewed its conflict of interest code, and has submitted amendments to the Board of Supervisors for approval. County Counsel has reviewed the subject conflict of interest code in compliance with Government Code Section 87309 and has determined it meets the legal requirements.

POLICY ISSUE:

Stanislaus County Board of Supervisors is the code reviewing body for public agencies whose jurisdictions fall within Stanislaus County. An agency's amended conflict of interest code is not effective until it has been approved by the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended action supports the Board's priority of Efficient Delivery of Public Services.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Elizabeth King, Clerk of the Board of Supervisors (209) 525-4494
Thomas Boze, Assistant County Counsel (209) 525-6376

ATTACHMENT(S):

1. Amended Conflict of Interest Code for the Oak Valley Hospital District

**RESOLUTION NO. 2017-13
OF THE BOARD OF DIRECTORS OF
OAK VALLEY HOSPITAL DISTRICT
AMENDING THE CONFLICT OF INTEREST CODE**

WHEREAS, the Board of Directors of Oak Valley Hospital District ("District") has adopted a Conflict of Interest Code setting forth rules and regulations regarding the annual disclosure of assets, business positions and income of designated officers and employees of the District;

WHEREAS, Government Code Section 87306.5 requires each local agency in California to review its Conflict of Interest Code in each even numbered year to determine whether the Conflict of Interest Code accurately designates all positions which make or participate in the making of governmental decisions; and

WHEREAS, the District Conflict of Interest Code has been reviewed and recommendations have been made to revise the Conflict of Interest Code and to update the list of officers and employees who must disclose their economic interests.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors of the Oak Valley Hospital District hereby adopts the amended and restated Conflict of Interest Code in the form attached to this Resolution.
2. A copy of this Resolution and attached Conflict of Interest Code shall be forwarded to the Stanislaus County Board of Supervisors in its capacity as reviewing agency for the District Conflict of Interest Code.
3. The Secretary and Chair Person of this Board are hereby authorized to execute any documents and take any other actions necessary to give effect to this Resolution.

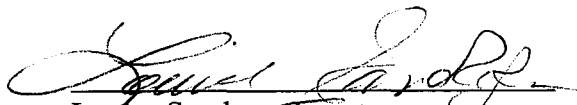
This Resolution was adopted at a Regular Meeting of the Board of Directors of the Oak Valley Hospital District on October 9, 2017, by the following vote.

AYES: *Teter, Sanders, Cummins, Chock*

NOES:

ABSTENTIONS:

ABSENT: *Chun*


Louise Sanders, Secretary
Oak Valley Hospital District

CONFLICT OF INTEREST CODE FOR THE OAK VALLEY HOSPITAL DISTRICT

The Political Reform Act (California Government code Sections 81000, et seq.) requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The California Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730, hereinafter “Regulation”) which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. The Regulation further provides that incorporation of its terms by reference along with the designation of employees and the formulation of disclosure categories in an Appendix (Appendix A and B attached hereto) shall constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87307.

Therefore, the terms of the Regulation and any amendments to it, duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. The Regulation and the attached Appendix designating officials and employees and establishing disclosure categories constitute the Conflict of Interest Code of the Oak Valley Hospital District, doing business as Oak Valley Hospital.

Designated officials and employees and any person who manages the District’s investments shall file statements of economic interests (Form 700) with the District. Such officers covered by this Code who are also public officials specified in Section 87200 of the 2 Government Code, including those who manage public investments, shall file Form 700s pursuant to that Government Code provision as long as the categories of disclosure are the same or broader than those under this Code. The Form 700s will be available for public inspection and reproduction. (California Government Code Section 81008). Upon receipt of the statements of all designated officials and employees, the District shall make and retain the original onsite in Administration.

Adopted as Amended and Restated: October 9, 2017

By Board Resolution 2017-13

Oak Valley Hospital District
CONFLICT OF INTEREST CODE

Appendix “A”

Designated Positions Disclosure Category

Member of the Board of Directors 1
President and Chief Executive Officer 1
Vice President/ Chief Financial Officer 2
Director of Finance 2
Vice President, Acute Nursing Services 2
Vice President, Long Term Care Services 2
Vice President Human Resources Officer 2
Vice President, Administrative Services 2
Vice President, Quality and Risk Management 2
Manager of Purchasing 2
Manager of Facilities 3
Food and Nutritional Services Manager 4
Consultants *

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The chief executive officer may determine in writing that a particular 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 fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The chief executive officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Oak Valley Hospital District
CONFLICT OF INTEREST CODE
Appendix “B”

Disclosure Categories

General Rule

The District has adopted Section 18730 of Title 2 of the California Code of Regulations, as it may hereinafter be revised, as the District’s standing Conflict of Interest Code provisions, supplemented by this Appendix and its preamble. An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee or officer by virtue of the his or her position. Form 700 provides guidelines on what are “reportable” interests within each category and the corresponding disclosure schedule in Form 700, i.e., Schedules A-1, A-2, B, C, D, E, F.

Designated Employees in Category #1 Must Report:

A. Investments in any business entity which (a) has an interest in real property within the area on the map attached hereto and designated Exhibit “C” (“Designated Area”); (b) does business with Oak Valley Hospital District (“District”), or has done business with the District at any time during the two years prior to the time any statement or other action is required under this code; or (c) engages in the following businesses:

1. Ambulance service
2. Banks, Savings and Loan
3. Collection agencies
4. Communications equipment
5. Computer hardware or software
6. Construction or building materials
7. Construction companies
8. Data processing consultants
9. Dietetic, kitchen or equipment consultants
10. Dietetic or kitchen supplies, equipment, including food and food products
11. Educational and training supplies, equipment or material
12. Employment agencies
13. Engineering services
14. Equipment consultants

15. Equipment or fixture manufacturers
16. Health care equipment or instruments
17. Health care facilities
18. Health care materials or supplies
19. Health facilities or services
20. Housekeeping or linen supplies or equipment
21. Housekeeping service agencies
22. Insurance companies
23. Laboratory supplies or equipment
24. Landscaping consultants or companies
25. Laundries
26. Medical laboratories
27. Medical records supplies or equipment
28. Motor vehicles and specialty vehicles and parts
29. Nursing service supplies, equipment or material
30. Office equipment or supplies
31. Petroleum products
32. Pharmaceutical supplies or equipment
33. Physical therapy supplies or equipment
34. Plant, building, grounds supplies or equipment
35. Printing and distribution
36. Public relations or advertising
37. Publications
38. Radiology supplies or equipment
39. Real property
40. Respiratory therapy supplies or equipment
41. Safety equipment
42. Safety instruction material
43. Social services agencies
44. Structural, mechanical, electrical, etc., engineering firms
45. Temporary help agencies
46. Testing laboratories or services
47. Utilities

- B. Income from any business entity described in subparagraph A.
- C. Status as a director, officer, partner, trustee, employee or holder of a position of management in any business entity described in subparagraph A.
- D. Each interest in real property located in the Designated Area.

Designated Employees in Category #2 must report:

- A. Investments in any business entity which does business with the District or has done business with the District at any time during the two years prior to the time any statement or other action is required under this code.
- B. Income from any business entity described in subparagraph A.
- C. Status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity described in subparagraph A.

Designated Employees in Category #3 must report:

- A. Investments in any business entity which, within the last two years, has supplied or in the future foreseeably may supply building maintenance materials, gardening materials, or other materials for use in the maintenance and repair of the physical plant of the hospital.
- B. Income from any business entity described in subparagraph A.
- C. Status as a director officer, partner, trustee, employee, or holder of a position of management in any business entity described in subparagraph A.

Designated Employees in Category #4 must report:

- A. Investments in any business entity which engages in the business of supplying food or other culinary supplies which may be used in hospitals.
- B. Income from any business entity described in subparagraph A.
- C. Status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity described in subparagraph A.