

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-3

Urgent Routine

AGENDA DATE January 6, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

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

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Code of the Oak Valley Hospital District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2015-3

On motion of Supervisor Monteith, Seconded by Supervisor De Martini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval of the Amendments to the Conflict of Interest Code of the Oak Valley Hospital District
page 2

DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Oak Valley Hospital District Board approved amendments to their Conflict of Interest Code. After amendments to their Conflict of Interest Code they must submit them to the Board of Supervisors for approval. Upon receiving the amendments to the Conflict of Interest Code from the agencies the Board of Supervisors places the amendments on their agenda for approval.

POLICY ISSUE:

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT INFORMATION:

Christine Ferraro Tallman, Clerk of the Board of Supervisors Telephone: 209-525-4494



Oak Valley Hospital District

BOARD OF SUPERVISORS

2014 DEC 29 A 10:45

Memo

December 18, 2014

TO: Liz King, Assistant Clerk of the Board
Stanislaus County Board of Supervisors

FROM: Jill Andersen, Administrative Assistant/Clerk of the Board 

RE: Conflict of Interest Code for the Oak Valley Hospital District - Resolution 2014-10

Enclosed please find the new Conflict of Interest Code and Resolution 2014-10 for the Oak Valley Hospital District which was approved at the December 17, 2014 Oak Valley Hospital District Board meeting.

Please feel free to contact me with any questions at 209-848-4102.

Thank you.

JA:
Enclosure

**RESOLUTION NO. 2014-10
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 the 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 President of this Board are hereby authorized to execute any documents and take any other actions necessary to give effect to this Resolution.

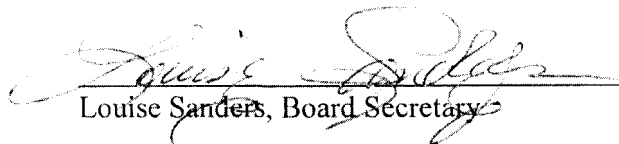
This Resolution was adopted at a Regular Meeting of the Board of Directors of the Oak Valley Hospital District on December 17, 2014, by the following vote.

AYES: Cummins, Chun, Sanders, Chock

NOES:

ABSTENTIONS:

ABSENT: Teter


Louise Sanders, Board Secretary

CONFLICT OF INTEREST CODE FOR THE OAK VALLEY HOSPITAL DISTRICT

The Political Reform Act of 1974 (Government Code sections 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, section 18730 of Title 2 of the California Code of Regulations, which 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 Fair Political Practices Commission may amend the standard code to conform to amendments of the Political Reform Act. Therefore, the terms of section 18730 of title 2 of the California Code of Regulations and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Oak Valley Hospital District ("Agency").

Individuals holding designated positions shall file their statement of economic interests with the Oak Valley Hospital District, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. The statements for Members of the Board of Directors, the President/Chief Executive Officer, and other designated reporters, shall be retained by the secretary of the Agency.

Attachments: Appendix A: Disclosure Categories
Appendix B: Designated Positions

Adopted as Amended and Restated: December 17, 2014

By Board Resolution 2014-10

**CONFLICT OF INTEREST CODE
FOR THE OAK VALLEY HOSPITAL DISTRICT
APPENDIX A: DISCLOSURE CATEGORIES**

General Provisions Applicable to All Categories

When an individual who holds a designated position is required to disclose investments and sources of income, he or she shall disclose investments in business entities and sources of income which do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

When an individual who holds a designated position is required to disclose sources of income, he or she shall include gifts received from donors located inside as well as outside the jurisdiction.

When an individual who holds a designated position is required to disclose interests in real property, he or she shall disclose real property if it is located within the jurisdiction, or not more than two miles outside the boundaries of the jurisdiction, or within two miles of any land owned or used by Agency.

When an individual who holds a designated position is required to disclose business positions, he or she shall disclose positions in business entities that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the Oak Valley Hospital District is Stanislaus County.

Category 1

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including gifts, loans, and travel payments.

Category 2

A designated position in this category must report all investments, business positions, and sources of income, including gifts, loans, and travel payments.

Category 3

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment utilized by the Agency.

Category 4

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to receive grants or other monies from or through the Agency.

**CONFLICT OF INTEREST CODE
FOR THE OAK VALLEY HOSPITAL DISTRICT**

APPENDIX B: DESIGNATED POSITIONS

Designated Positions¹

Assigned Disclosure Category

Board of Directors	1	2	3	4
President and Chief Executive Office	1	2	3	4
V.P., Chief Financial Officer	1			
V.P., Administrative Services	1			
V.P., Nursing Services	1			
V.P., Quality and Risk Management	1			
V.P., Human Resources	1			
V.P., Long Term Care – Oak Valley Care Center	1			
Administrative Assistant/Clerk of the Board			3	4
Controller			3	4
Director, Pharmacy			3	4
Manager, Surgical Services			3	4
Manager, Patient Financial Services/Admitting			3	4
Manager, Materials/Purchasing Services			3	4
Assistant Manager, Materials/Purchasing Services			3	4
Manager, Information Services			3	4
Manager, Engineering/Maintenance/Safety			3	4
Director of Nursing, Long Term Care Center			3	4
Manager, Laboratory			3	4
Manager, Imaging Services			3	4
Consultants / New Positions ²				

¹ Public officials who manage public investments are not covered by the Conflict of Interest Code because they must file a statement of economic interests pursuant to Government Code section 87200. Therefore, those positions are listed for information purposes only: Members of the Board of Directors and President/Chief Executive Officer

An individual in one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

² Consultants are included in the list of designated positions. For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code Regs., tit. 2, section 18701(a)(2), as it may be amended from time to time, but which reads as follows as of adoption of this restated and amended Conflict-of-Interest Code:

"Consultant" means an individual who, 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
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 participates in making a governmental decision or performs 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.

Consultants to, and new positions of, the Agency shall be subject to disclosure under Category 1, subject to the following limitation:

The President/Chief Executive Officer may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements of Category 1. In such cases, the President/Chief Executive Officer may designate a different disclosure requirement. Such determination must be made in writing and shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of the consultant's or new position's disclosure requirements. Such determination by the President/Chief Executive Officer is a public record and shall be retained for public inspection in the same manner and location as the Agency's Conflict of Interest Code.