

ATTACHMENT A

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: November 9, 2004 - Consent	AGENDA NO.:
SUBJECT: Approve amendments to the conflict of interest code of the Probation Department of Monterey County	
DEPARTMENT: COUNTY COUNSEL	

RECOMMENDATION:

It is recommended that the Board of Supervisors, as code reviewing body, approve and order the proposed amendments to the Conflict of Interest Code of the Probation Department of Monterey County, a copy of which is attached hereto.

SUMMARY:

The Probation Department amended its Conflict of Interest Code on October 28, 2004 to reflect the creation of new positions or change in title of several designated positions within the Probation Department.

DISCUSSION:

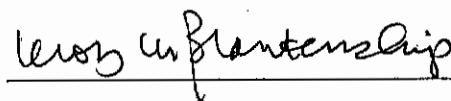
Amendments to local agency Conflict of Interest Code are authorized by section 87306 of the Government Code whenever changes are required by changed circumstances, by creation or deletion of designated positions, or by changes in the duty of such positions. The proposed code as amended is lawful under the Political Reform Act of 1974.

OTHER AGENCY INVOLVEMENT:

No other agency involvement exists.

FINANCING:

There is no fiscal impact upon the County of Monterey as a result of the proposed amendment.



LEROY W. BLANKENSHIP
Assistant County Counsel

Attachment

cc: Manuel Real, Chief Probation Officer

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Approve amendments to the conflict of)
interest code of the Probation Department)
of Monterey County)

ORDER

Pursuant to section 87300 of the Government Code, the Probation Department of Monterey County has requested the Monterey County Board of Supervisors, as code reviewing body, to approve amendments to its conflict of interest code, which have been adopted and submitted to the code reviewing body.

The amendments to the conflict of interest code of the Probation Department, a copy of which have been filed with the Clerk to the Board of Supervisors, are hereby approved by the Monterey County Board of Supervisors.

The Clerk to the Board of Supervisors is hereby directed to notify the Probation Department of the approval of its conflict of interest code by mailing or delivering a copy of this order to the Chief Probation Officer.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing order was passed and adopted this ____ day of November, 2004, by the following vote:

AYES: Supervisors

NOES:

ABSENT:

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____, on _____, 2004.

Dated:

SALLY R. REED, Clerk of the Board of Supervisors,
County of Monterey, State of California

By _____
Deputy

**CONFLICT OF INTEREST CODE
OF THE
MONTEREY COUNTY PROBATION DEPARTMENT**

(a) 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, 2 Cal. Code of Regs. section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix 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 Probation Department of Monterey County.

(b) Pursuant to Government Code section 81008 and 2 Cal. Code of Regs. section 18730(b)(4), all designated employees shall file statements of economic interests with their agency. Upon receipt of the statement of the Chief Probation Officer, the agency shall make and retain a copy and forward the original of the statement to the code reviewing body. Statements for all other designated employees shall be retained by the agency, which shall make the statements available for public inspection and reproduction.

(c) APPENDIX

EXHIBIT A: Designated Positions

List of Designated Positions	Assigned Disclosure Categories
Chief Probation Officer	1
Administrative Services Officer	1
Probation Division Manager - Monterey	1
Probation Division Manager - Salinas	1
Probation Division Manager - Institutions	1
Assistant Manager - Juvenile Hall	1
Assistant Manager - Youth Center	1
Assistant Chief Probation Officer	1
Finance Manager II	1
Probation Division Manager - Juvenile	1
Probation Division Manager - Adult	1
Probation Division Manager - Youth Center	1
Probation Division Manager - Juvenile Hall	1

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MONTEREY COUNTY PROBATION DEPARTMENT

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Consultants¹

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EXHIBIT B: Disclosure Categories

General Provisions

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

When a designated member, officer, or employee who holds a designated position is required to disclose interests in real property, he or she shall disclose the type of real property described below, if it is located in whole or in part within, or not more than two miles outside of the boundaries of the jurisdiction, or within two miles of any land owned or used by the County of Monterey.

When a designated member, officer, or employee who holds a designated position is required to disclose business position, 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 Probation Department is the County of Monterey.

Disclosure Category 1:

A member, officer, or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report:

All investments and business positions in business entities and sources of income in the jurisdiction;

Interests in real property in the jurisdiction;

His or her status as director, officer, partner, trustee, employee, or holder

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PROBATION DEPARTMENT OF MONTEREY COUNTY
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of a management position in any business entity in the jurisdiction.

Adopted: 3/189/85
Amended: 2/08/94
10/10/95
3/24/98
10/28/04

¹ For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code of Regs. section 18700(a)(1), as follows:

"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 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 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 the Probation Department shall be subject to disclosure under Category 1, subject to the following limitation:

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The Chief Probation Officer may determine in writing that a particular consultant, although a "Designated Employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of Category 1. In such cases, the Chief Probation Officer may designate a different disclosure requirement. Such designation must be made in writing and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements. The Chief Probation Officer's designation must be filed, in advance of disclosure by the consultant, with the agency's conflict of interest code and also filed with the code reviewing body and must be delivered to the consultant along with a copy of the conflict of interest code and the manual and forms for disclosure (FPPC Form 700).

MONTEHEY COUNTY
PROBATION DEPARTMENT
ADMINISTRATION

NOV 01 2004

RECEIVED