



# Monterey County

## Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

Upon motion of Supervisor Salinas, seconded by Supervisor Calcagno, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 13-052 to approve the amendments to the Conflict of Interest Code of the Big Sur Unified School District of Monterey County.

PASSED AND ADOPTED on this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 76 for the meeting on February 26, 2013.

Dated: March 1, 2013  
File Number: RES 12-0136

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By   
Deputy

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

Resolution No. 13-052

Adopt Resolution to approve the amendments )  
to the Conflict of Interest Code of the Big Sur )  
Unified School District of Monterey County... )

RECITALS

WHEREAS, pursuant to Government Code sections 87300 and 87301, Big Sur Unified School District of Monterey County of the County of Monterey has adopted a conflict of interest code;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Big Sur Unified School District of Monterey County has submitted its adopted code to the Monterey County Board of Supervisors, the code reviewing body, for approval;

WHEREAS, the adopted conflict of interest code of the Big Sur Unified School District of Monterey County is attached hereto as Attachment B and incorporated herein by reference;

WHEREAS, pursuant to Government Code section 87303, the Board of Supervisors as code reviewing body may approve the code as submitted, revise the proposed code and approve it as revised, or return the proposed code to the agency for revision and resubmission; and

WHEREAS, the proposed code as amended is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby approve the adopted conflict of interest code of the Big Sur Unified School District, attached hereto as Attachment B, with the approved revisions to the requirements for filing as noted in the attached Memorandum from County Counsel, and direct the Clerk of the Board of Supervisors to notify the Pacific Unified School District of Monterey County of the approval.


**PASSED AND ADOPTED** upon motion of Supervisor Salinas, seconded by Supervisor Calcagno, and carried this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter  
NOES: Parker  
ABSENT: None

I, Gail T. Borkowski, 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 76 for the meeting on February 26, 2013.

Dated: March 1, 2013  
File Number: RES 12-0136

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By  Deputy

MEMORANDUM

To: Chair Armenta and Members of the Monterey County Board of Supervisors

Cc: Gail Borkowski, Clerk of the Board

From: Traci A. Kirkbride, Deputy County Counsel

Date: February 15, 2013

Re: Conflict of Interest Codes for Special Districts

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This is to provide clarification to eight (8) of the Conflict of Interest Codes for certain special districts that are on the consent agenda for the February 26<sup>th</sup> Board meeting. This memo only relates to: the Soledad Mission Recreation District, the Soledad Unified School District, the Gonzales Unified School District, the Spreckels Union School District, Big Sur Unified School District, South Monterey County Joint Union High School District, Community Human Services and Monterey Peninsula Water Management District.

In order to clarify the language concerning the requirements for which designated positions' statements of economic interest (Form 700) must be forwarded to the Board of Supervisors as the code reviewing body for the special district, and in order not to delay the processing of the special districts' Conflict of Interest Codes, County Counsel's Office recommends that, as to these seven named special districts, these Conflict of Interest Codes be revised pursuant to Government Code section 87303 and that all the designated positions in the special districts' Conflict of Interest Codes be required to file their Statement of Economic Interests (Form 700) with the clerk of the Monterey County Board of Supervisors as code reviewing body. The special districts shall make and retain copies of the statements and shall forward the original of the statements to the code reviewing body.

**CONFLICT OF INTEREST CODE  
OF THE  
BIG SUR UNIFIED SCHOOL DISTRICT  
OF MONTEREY COUNTY**

(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 Big Sur Unified School District 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 Big Sur Unified School District, 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
1. Board Members	5
2. Superintendent/Principal	1
3. Administrative Assistant	1
4. Consultants <sup>1</sup>	1

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BIG SUR UNIFIED SCHOOL DISTRICT OF MONTEREY COUNTY**

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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 Big Sur Unified School District.

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 Big Sur Unified School District is within the Big Sur Unified School District boundaries in Monterey County.

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;

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BIG SUR UNIFIED SCHOOL DISTRICT OF MONTEREY COUNTY**

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Interests in real property in the jurisdiction;

His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Adopted by Monterey County Board of Supervisors:  
Amended by BSUSD Board of Education: December 14, 2004

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<sup>1</sup> 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

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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 Big Sur Unified School District shall be subject to disclosure under Category 1, subject to the following limitation:

The Big Sur Unified School District 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 Superintendent 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 Superintendent'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).