



## Monterey County Board of Supervisors

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

### Board Order

#### Resolution No.: 16-310

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

Adopted Resolution No.: 16-310 to approve the amendments to the Conflict of Interest Code of the Economic Development Department.

PASSED AND ADOPTED on this 15th day of November 2016, by the following vote, to wit:

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

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 79 for the meeting on November 15, 2016.

Dated: November 17, 2016  
File ID: 16-1237

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. 16-310** )  
 Adopted a Resolution approving the )  
 Amended Conflict of Interest Code of the )  
 Economic Development Department of )  
 the County of Monterey..... )

**WHEREAS**, pursuant to Government Code sections 87300 and 87301, the Economic Development Department has adopted a Conflict of Interest Code;

**WHEREAS**, pursuant to Government Code section 87306, the Economic Development Department has amended its Conflict of Interest Code as necessitated by changed circumstances;

**WHEREAS**, the amended Conflict of Interest Code of the Economic Development Department is attached hereto as Attachment C 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 amended 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 amended Conflict of Interest Code of the Economic Development Department, attached hereto as Attachment C, and direct the Clerk of the Board of Supervisors to notify the Economic Development Department of the approval.

**PASSED AND ADOPTED** upon motion of Supervisor Phillips, seconded by Supervisor Salinas carried this 15th day of November 2016, by the following vote, to wit:

**AYES:** Supervisors Armenta, Phillips, Salinas, Parker and Potter

**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 79 for the meeting on November 15, 2016.

Dated: November 17, 2016  
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Gail T. Borkowski, Clerk of the Board of Supervisors  
 County of Monterey, State of California

By



Deputy

**CONFLICT OF INTEREST CODE  
OF THE  
ECONOMIC DEVELOPMENT DEPARTMENT  
COUNTY OF MONTEREY**

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 that 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 together with the attached Appendices designating positions and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Economic Development Department (hereafter "Agency").

Individuals holding designated positions shall file their statement of economic interests with the Economic Development Department, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statement for the Economic Development Director, the Agency shall make and retain copies and forward the original of the statements to the code reviewing body. Statements for all other designated positions shall be retained by the Agency.

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

Approved: May 1, 2012  
Amended: March 10, 2015  
Amended: November 15, 2016

## APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions:</u>	<u>Assigned Disclosure Category</u>
Economic Development Director	1
Housing Program Manager	1
Management Analyst I	1
Management Analyst II	1
Management Analyst III	1
Redevelopment & Housing Project Analyst I	1
Redevelopment & Housing Project Analyst II	1
Redevelopment & Housing Project Analyst III	1
Administrative Services Assistant	1
Finance Manager I	1
Finance Manager II	1
Program Manager II	1
Accountant I	1
Consultant <sup>1</sup>	
 <u>Boards and Committees:</u>	
Member, Housing Advisory Committee	1
Member, Economic Opportunity Committee	1

<sup>1</sup> 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 18700.3(a) 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 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 the Economic Development Department shall be subject to disclosure under Category 1, subject to the following limitation: The Economic Development Director 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 with the disclosure requirements of Category 1. In such cases, the Economic Development Director may designate a different disclosure requirement. Such determination 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. Such determination by the Economic Development Director 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.

## **APPENDIX B: 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 the type of real property described below 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 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 Economic Development Department is the County of Monterey.

### **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.