



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. 13-049 to approve the amendments to the Conflict of Interest Code of the Soledad Mission Recreation District.

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 12-0117

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. 13-049

Adopt Resolution to approve the amendments)
to the Conflict of Interest Code of the Soledad)
Mission Recreation District.....)

RECITALS

WHEREAS, pursuant to Government Code sections 87300 and 87301, Soledad Mission Recreation District of the County of Monterey has adopted a conflict of interest code;

WHEREAS, pursuant to Government Code section 87306, the Soledad Mission Recreation District has amended its conflict of interest code as necessitated by changed circumstances;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Soledad Mission Recreation District has submitted its amended code to the Monterey County Board of Supervisors, the code reviewing body, for approval;

WHEREAS, the amended conflict of interest code of the Soledad Mission Recreation District 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 amended conflict of interest code of the Soledad Mission Recreation 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 Soledad Mission Recreation District 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 12-0117

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

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 26th 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 Soledad-Mission Recreation District OF MONTEREY COUNTY

SECTION 100. Purpose. Pursuant to the provisions of Government Code Sections 87300, et seq, the Soledad-Mission Recreation District of Monterey County hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions and provisions of said Act and regulations adopted pursuant thereto shall be incorporated herein and this code shall be interpreted in a manner consistent therewith.

SECTION 200. Designated Positions. The positions listed on Exhibit "A" are designated positions. Officers and employees holding those positions are designated employees and are deemed to make or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. Disclosure Statements. Designated positions shall be assigned to one or more of the disclosure categories set forth on Exhibit "B". Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned to Exhibit "B".

SECTION 400. Place and Time of Filing.

- (a) All designated employees required to submit a statement of financial interests (Form 700) shall file original with the Clerk of the board.
- (b) The Clerk of the board, upon receipt of the statement of financial interest (Form 700) shall make and retain a copy and forward the original to the County Clerk.
- (c) A designated employee required to submit a statement of financial interest (Form 700) shall submit the statement within 30 days after the effective date of this code.
- (d) New employees, other than officers and their deputies, appointed to designated positions shall file statements within 30 days after date of employment.
- (e) New officers and their deputies appointed to designated positions shall file statements not less than 10 days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed 30 days thereafter.
- (f) Annual statements shall be filed during the month of February by all designated employees. Such statements shall cover the period of the preceding calendar year.
- (g) A designated employee required to file a statement of financial interest with any other agency, which has the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate statement.

SECTION 500. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the Clerk to the board, and shall contain the following information.

- (a) Contents of Investment and Real Property Reports: When an investment or an interest in real property is required to be reported, the statement shall contain:
 - (1) A statement of the nature of the investment or interest;
 - (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 - (3) The address or other precise location of the real property;
 - (4) A statement whether the fair market value of the investment or interest in real property exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information in real property which is used principally as the residence of the filer.
- (b) Contents of Personal Income Reports: When personal income is required to be reported, the statement shall contain:
 - (1) The name and address of each source of income aggregating two hundred and fifty dollars(\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 - (2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1000), and whether it was greater than ten thousand dollars (\$10,000);
 - (3) A description of the consideration, if any, for which the income was received;
 - (4) In case of a gift, the amount and the date on which the gift was received;
- (c) Contents of Business Entity Income Reports: When income of a business entity, including income of a soled proprietorship, is required to be reported under this article, the statement shall contain:
 - (1) The name, address, and a general description of the business activity of the business entity;
 - (2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's prorata share of fees from such person was equal to or greater than one thousand dollars(\$1000).
 - (3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10000) during a calendar year.
- (d) First Statement: The first report filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.
- (e) Acquisition During Reporting Period. In the case of a statement filed under SECTION 400(f), if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

SECTION 600. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decision in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself/herself with respect to any matter which could not be legally acted upon or decided without his/her participation.

Exhibit "A"

DESIGNATED POSITION	DISCLOSURE CATEGORY
All members of the Board of Directors	1
District Administrator (Executive Director)	1
Assistant Director	2

No employee who performs purely ministerial, clerical or service functions shall be designated employee.

Adopted: 2/22/2011

Amended: 8/28/2012

Exhibit "B"

Disclosure Categories

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 by virtue of the employee's position.

Group "1":

Designated employees in this Group must report:

All investments, interest in real property, and income, and any business entity in which the person is a director, officer, partner, trustee, employee or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction or has done business within the jurisdiction at any time during the two years prior to the filing of the statement.

Group "2":

Designated employees in this Group must report:

- A. Investment in any business entity which within the last two years has contracted, or in the future foreseeably may contract with the Soledad-Mission Recreation District to provide services, supplies, materials, machinery or equipment to the Soledad-Mission Recreation District.
- B. Income from any source which, within the last two years has contracted, or in the future foreseeably may contract with the Soledad-Mission Recreation District to provide services, supplies, materials, machinery or equipment to the Soledad-Mission Recreation District.
- C. His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity which within the last two years has contracted, or in the future foreseeably may contract with the Soledad-Mission Recreation District to provide services, supplies, materials, machinery, or equipment to the Soledad-Mission Recreation District.