



Monterey County Board of Supervisors

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to:

Adopt Resolution No.: 21-064

Revise and approve amendments to the Local Agency Formation Commission of Monterey County's Conflict of Interest Code.

PASSED AND ADOPTED on this 9th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, 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 82 for the meeting March 9, 2021.

Dated: March 11, 2021

File ID: RES 21-039

Agenda Item No.: 32

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Julian Lorenzana, Deputy

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

Resolution No.: 21-064

Resolution revising and approving the Local)
Agency Formation Commission’s Amended)
Conflict of Interest Code)

WHEREAS, under Government Code sections 87300 and 87301, the Local Agency Formation Commission (LAFCO) has adopted a Conflict of Interest Code;

WHEREAS, under Government Code section 87306, LAFCO amended its Conflict of Interest Code to update its designated positions;

WHEREAS, under Sections 82011 and 87303 of the Government Code, LAFCO submitted its amended Code to the Monterey County Board of Supervisors, the code reviewing body under the Political Reform Act, for approval;

WHEREAS, LAFCO’s amended Conflict of Interest Code is attached hereto as Attachment A and incorporated herein by reference;

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

WHEREAS, the amended Code is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby revise the proposed code and does hereby approve the Amended Conflict of Interest Code of LAFCO attached hereto as Attachments A and B, and directs the Clerk of the Board of Supervisors to notify LAFCO of its approval.

PASSED AND ADOPTED on this 9th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams
NOES: None
ABSENT: None
(Government Code 54953)

I, Valerie Ralph, 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 82 for the meeting March 9, 2021.

Dated: March 11, 2021
File ID: RES 21-039
Agenda Item No.: 32

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Julian Lorenzana, Deputy

Exhibit A

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

CONFLICT OF INTEREST CODE OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

December 7, 2020 Proposed Update – Clean Version

The Political Reform Act of 1974, Government Code section 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 Local Agency Formation Commission of Monterey County (hereinafter "LAFCO").

Individuals holding designated positions shall file their statement of economic interests with their agency. Upon receipt of the statement of the LAFCO Commissioners, the agency shall make and retain copies and forward the original of the statements to the code reviewing body, the Monterey County Board of Supervisors, by providing the documents to the office of the Monterey County Clerk to the Board. Statements for all other designated positions shall be retained by the agency.

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

Amended: 1979 and 1994

APPENDIX A: DESIGNATED POSITIONS

Designated Positions¹

Assigned Disclosure Categories

LAFCO Commission Members and Alternate Members	1 ²
LAFCO Executive Officer	1
LAFCO Principal Analyst	1
LAFCO Senior Analyst	1
Consultants ³	1

APPENDIX B: DISCLOSURE CATEGORIES

¹ Public officials who manage public investments are not covered by the Conflict of Interest Code because they must file a statement of economic interest pursuant to Government Code section 87200. Therefore, those positions are listed under Designated Positions for information purposes only.

² Designated positions who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated position as if it were an original. See Government Code section 81004.

³ For purposes of this Code, "consultant" has the same meaning as set forth in section 18701 (a)(2) of Title 2 of California Code of Regulations 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. Approved 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 LAFCO shall be subject to disclosure under Category 1, subject to the following limitation:

The LAFCO Executive Officer 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 LAFCO Executive Officer 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 LAFCO Executive Officer is a public record and shall be retained for public inspection in the same manner and location as LAFCO's Conflict of Interest Code.

General Provisions

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 LAFCO.

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 LAFCO 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.

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 interests in real property.

Category 4

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before LAFCO.

Category 5

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 LAFCO.

Category 6

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 LAFCO.