



## Monterey County Board of Supervisors

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

### Board Order

#### Resolution No. 16-305

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

Adopted Resolution No. 16-305 to revise and approve the proposed amendments to the Conflict of Interest Code of the Soledad Unified School District.

PASSED AND ADOPTED on this 1st 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 1, 2016.

Dated: November 14, 2016  
File ID: 16-1210

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. 16-305**

Adopted Resolution approving the Amended )  
Conflict of Interest Code of the Soledad )  
Unified School District ..... )

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Soledad Unified School District has adopted a Conflict of Interest Code;

WHEREAS, pursuant to Government Code section 87306, the Soledad Unified School 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 Unified School 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 Unified School District is attached hereto as Attachment A 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 Unified School District, attached here to as Attachment A, and directs the Clerk of the Board of Supervisors to notify Soledad Unified School District of the approval.

**PASSED AND ADOPTED** upon motion of Supervisor Salinas, seconded by Supervisor Phillips carried this 1st 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 1, 2016.

Dated: November 14, 2016  
File Number: 16-1210

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

By  Deputy

Board Bylaws

E 9270(a)

CONFLICT OF INTEREST

SOLEDAD UNIFIED SCHOOL DISTRICT  
RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE  
No. 8-04-16

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Soledad Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Soledad Unified School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Soledad Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 22nd day of June, 2016 at a meeting, by the following vote:

AYES: 5 NOES: 0 ABSENT: 0

Attest:

Marie Bulcay August 10, 2016  
Secretary/President

## **Conflict of Interest Code of the Soledad Unified School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

### **APPENDIX**

#### **Disclosure Categories**

1. **Category 1:** A person designated Category 1 shall disclose:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
  
2. **Category 2:** A person designated Category 2 shall disclose:
  - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
  
3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

## **Designated Positions**

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Chief Business Officer	1
Director	2
Principal	2
Assistant Principal	2
Maintenance and Operations Director	2
Program Coordinator	2

## **Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

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 district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

# MONTEREY COUNTY



**OFFICE OF THE COUNTY COUNSEL**

CHARLES J. MCKEE, COUNTY COUNSEL

## MEMORANDUM

**DATE: October 6, 2016**

**TO: Chair Parker and Members of the Monterey County Board of Supervisors**

**FROM: Rebecca M. Cenicerros, Deputy County Counsel**

**SUBJECT: Soledad Unified School District Conflict of Interest Code**

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Government Code section 87303(b) provides that the Board, as the code reviewing body for local agencies, may revise a proposed Conflict of Interest Code and approve it, as revised.

The Soledad Unified School District has submitted an amended Conflict of Interest Code to the Board for review.

County Counsel recommends that the Board revise this Conflict of Interest Code to include a statement that the Soledad Unified School District is entirely within the County of Monterey, thereby establishing that the Monterey County Board of Supervisors is the appropriate code reviewing body.

County Counsel further recommends that the Board revise this Conflict of Interest Code to provide that individuals who file Statements of Economic Interest pursuant to Government Code section 87200 shall file them in accordance with Title 2 of the California Code of Regulations, section 18753(d).

County Counsel recommends that the Board approve the proposed Conflict of Interest Code for the Soledad Unified School District as so revised.

CHARLES J. MCKEE, County Counsel

By 

Rebecca M. Cenicerros  
Deputy County Counsel