



## Monterey County Board of Supervisors

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

### Board Order

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

Adopted Resolution No. 17-097 to approve and order the proposed amendments to the Conflict of Interest Code of the North County Fire Protection District

PASSED AND ADOPTED on this 28th day of March 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

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 80 for the meeting on March 28, 2017.

Dated: April 5, 2017  
File ID: 17-0112

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

By Denise Hancock  
Deputy

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

**Resolution No. 17-097**

Resolution approving the Amended )  
Conflict of Interest Code of North )  
County Fire Protection District..... )

WHEREAS, pursuant to Government Code sections 87300 and 87301, the North County Fire Protection District of the County of Monterey has adopted a Conflict of Interest Code, as revised by the memorandum from the Office of County Counsel (Attachment D);

WHEREAS, pursuant to Government Code section 87306, the North County Fire Protection 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 North County Fire Protection 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 North County Fire Protection District is attached hereto as Attachment C, including the memorandum from the Office of County Counsel (Attachment D) 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 North County Fire Protection District, attached hereto as Attachment C, and direct the Clerk of the Board of Supervisors to notify North County Fire Protection District of the approval.

**PASSED AND ADOPTED** upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried this 28th day of March 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams  
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 80 for the meeting on March 28, 2017.

Dated: April 5, 2017  
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Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

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Deputy

ATTACHMENT C

CONFLICT OF INTEREST CODE OF THE  
NORTH COUNTY FIRE PROTECTION DISTRICT

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 model Conflict of Interest, 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 the 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 constitute the Conflict of Interest Code of the **North County Fire Protection District (Agency)**

Individuals holding designated positions shall file their statement of economic interests with the North County Fire Protection District, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statements for Designated Positions as listed in Exhibit A below, the **North County Fire Protection District** 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 **North County Fire Protection District**.

APPENDIX

EXHIBIT A: Designated Positions

<b>List of Designated Positions</b>	<b>Assigned Disclosure Categories</b>
Members, Board of Directors	1
District Fire Chief	1
Division Chiefs	1
District Administrative Officer	1
USAR Coordinator	1
Apparatus Specification Committee Members	1
Communications Coordinator	1
Ladder Testing Coordinator	1
EMS Coordinator	1
SBCA Coordinator	1
Small Tools and Equipment Coordinator	1
Personnel Protective Clothing Coordinator	1

CONFLICT OF INTEREST CODE OF THE  
NORTH COUNTY FIRE PROTECTION DISTRICT (Agency)

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EXHIBIT B: Disclosure Categories

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 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 North County Fire Protection District is the legal boundaries of said district.

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;
- Interest in real property in the jurisdiction;
- His or her status as director, officer, partner, trustee, employee, or holder of a management positions in any business entity in the jurisdiction.

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Adopted, February 10, 1994; Amended, September 12, 1996; Amended, August 15, 2006  
Amended, July 8, 2008; Amended, March 15, 2011; Amended, March 19, 2013

**CONFLICT OF INTEREST CODE OF THE  
NORTH COUNTY FIRE PROTECTION DISTRICT (Agency)**  
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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 18701(a)(2), 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 **North County Fire Protection District** shall be subject to disclosure under Category 1, subject to the following limitation: The Fire Chief 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 **Fire Chief** 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 **Fire Chief** is a public record and shall be retained for public inspection in the same manner and location as the **North County Fire Protection District's** Conflict of Interest Code.

# MONTEREY COUNTY



**OFFICE OF THE COUNTY COUNSEL**

CHARLES J. MCKEE, COUNTY COUNSEL

## MEMORANDUM

**DATE:** January 11, 2017

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

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

**SUBJECT:** North County Fire Protection District Conflict of Interest Code

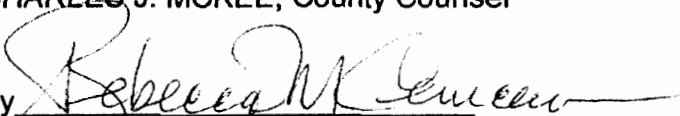
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Government Code section 87303(b) provides that the Board, as the code reviewing body for local agencies, may revise a proposed Conflict of Interest Code and approve it, as revised. The North County Fire Protection District has submitted an amended Conflict of Interest Code to the Board for review.

County Counsel recommends that the Board revise this Conflict of Interest Code to incorporate the definition of consultants set forth in Title 2 of the California Code of Regulations, section 18700.3(a).

County Counsel recommends that the Board approve the proposed Conflict of Interest Code for the North County Fire Protection District as so revised

CHARLES J. MCKEE, County Counsel

By 

Rebecca M. Cenicerros  
Deputy County Counsel