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

Amendments to Conflict of Interest)
Code of the Affirmative Action)
Office of Monterey County,)
Approved.)

Upon motion of Supervisor Del Piero, seconded by
Supervisor Strasser Kauffman, and unanimously carried, the
Board of Supervisors, as code reviewing body, approves the
adoption by the Affirmative Action Office of the attached
Conflict of Interest Code.

PASSED AND ADOPTED this 10th day of September, 1991, by
the following vote, to-wit:

AYES: Supervisors Del Piero, Shipnuck, Perkins, Karas &
Strasser Kauffman.

NOES: None.

ABSENT: None.

I, ERNEST K. MORISHITA, 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 at page ___ of
Minute Book 65, on Sept. 10, 1991
Dated: Sept. 10, 1991

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey,
State of California.

By *Ernest K. Morishita*

Report to Monterey County Board of Supervisors

SUBJECT APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE OF THE AFFIRMATIVE ACTION OFFICE OF MONTEREY COUNTY	BOARD MEETING DATE <i>Consent</i> 9/3/91-9-10-91	AGENDA NUMBER 19.
DEPARTMENT County Counsel		

RECOMMENDATION

It is recommended that the Board of Supervisors, as code reviewing body, approve the adoption by the Affirmative Action Office of the attached Conflict of Interest Code.

SUMMARY

New departments, agencies, or offices are required to adopt and submit to the code reviewing body a conflict of interest code as required by the Political Reform Act of 1974, as amended (Government Code Sections 81000, et seq.)

DISCUSSION

The Affirmative Action Office was established as a separate budget unit on July 1, 1991, and has previously been included in the Conflict of Interest Code for the County Administrative Office. The attached code is the initial code adopted by the Affirmative Action Office.

By memorandum dated September 6, 1990, the Fair Political Practices Commission advised all interested parties that agencies may use a specialized disclosure category for consultants that provides that the required disclosure shall be determined on a case-by-case basis by the executive officer of the agency. The proposed code as amended is lawful under the Political Reform Act of 1974.

OTHER AGENCY INVOLVEMENT

No other agency involvement exists.

FINANCING

There is no fiscal impact upon the County of Monterey as a result of the adoption of the proposed Conflict of Interest Code.

Leroy W. Blankenship
LERROY W. BLANKENSHIP
Deputy County Counsel

Douglas C. Holland
APPROVED
DOUGLAS C. HOLLAND, County Counsel
JM:jl10

Attachment

cc: Ernest K. Morishita

**CONFLICT OF INTEREST CODE
OF THE
AFFIRMATIVE ACTION OFFICE
OF MONTEREY COUNTY**

(a) 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, 2 California Code of Regulations section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Affirmative Action Office of Monterey County.

(b) Pursuant to 2 California Code of Regulations section 18730(b)(4), all designated employees shall file statements of economic interests with their agency. Upon receipt of the statement of the Affirmative Action Officer, the agency shall make and retain a copy and forward the original of the statement to the code reviewing body. Statements for all other designated employees shall be retained by the agency, which shall make the statements available for public inspection and reproduction.

(c) APPENDIX

EXHIBIT A: Designated Positions

List of Designated Positions	Assigned Disclosure Categories
Affirmative Action Officer	1
Consultants	*

EXHIBIT B: Disclosure Categories

General Provisions

When a member, officer, or employee 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 a designated member, officer, or employee who holds a designated position is required to disclose sources of income, he or she shall disclose gifts received from donors located inside as well as outside the jurisdiction.

When a designated member, officer, or employee who holds a designed 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 in whole or in part within, or not more than two miles outside of the boundaries of the jurisdiction, or within two miles of any land owned or used by the County of Monterey.

When a designated member, officer, or employee who holds a designated position is required to disclose business position, he or she shall disclose positions in business entities that do business in California, plan to do business in California, or have done business in California within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the Affirmative Action Office is the County of Monterey.

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;

Interests in real property, in the jurisdiction, which were acquired by, leased, or otherwise used by the Affirmative Action Office;

His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Adopted: 8/20/91

*/ Consultants to the Affirmative Action Office shall be subject to disclosure under Category 1, subject to the following limitation:

The Affirmative Action Officer may determine in writing that a particular consultant, although a "Designated Employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of Category 1. In such cases, the Affirmative

Action Officer may designate a different disclosure requirement. Such designation 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. The Affirmative Action Officer's designation must be filed, in advance of disclosure by the consultant, with the Affirmative Action Office's conflict of interest code and also filed with the code reviewing body and must be delivered to the consultant along with a copy of the conflict of interest code and the manual and forms for disclosure (FPPC Form 730).

JM: JL19-8/20/91

