

## **CONFLICT OF INTEREST CODE OF THE MONTEREY COUNTY BOARD OF EDUCATION AND MONTEREY COUNTY SUPERINTENDENT OF SCHOOLS**

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 Cal. Code of Regs. 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 Cal. Code of Regs, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with Appendix A below, 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 Monterey County Board of Education and Monterey County Superintendent of Schools.

Pursuant to Government Code section 81008 and 2 Cal. Code of Regs., section 18730(b)(4), all designated employees shall file statements of economic interests with their agency. Upon receipt of the statement of the members of the Monterey County Board of Education and the Monterey County Superintendent of Schools, 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.

### **APPENDIX A**

#### **I. Designated Positions**

Members of the Monterey County Board of Education  
Monterey County Superintendent of Schools  
Deputy Superintendent  
Consultants<sup>1</sup> to the Monterey County Board of Education  
Consultants<sup>1</sup> to the Monterey County Superintendent of Schools  
Associate Superintendent Finance and Business Services  
Assistant Superintendent of Educational Services  
Assistant Superintendent of Human Resources  
Assistant Superintendent of Special Education  
Child Care Planning Council Coordinator  
Executive Director of Finance  
Executive Director of SELPA

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Executive Director Technology & Information Services  
Director II of Migrant Education  
Director II of Head Start Program  
Director II of Special Education  
Director of Alternative Education  
Director of Auditing & Accounting  
Director of District Advisory and Financial Services  
Director of General Services  
Director Internal Services  
Director of MCAET  
Coordinator of English Languages Arts  
Coordinator of English Learner and Secondary  
Coordinator of Special Education  
Coordinator of Technology – Alternative Education  
Coordinator of Technology – CTAP  
Administrator of Business Services  
Controller of Special Education Funding and Finance  
Principal of Alternative Education  
Principal of Home Charter School  
Principal of Special Education  
Network Administrator  
Supervisor Systems Analyst  
Supervisor Maintenance

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<sup>1</sup> For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code of Regs. Section 18700(a)(1), 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;

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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 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 Monterey County Board of Education or Monterey County Superintendent of Schools shall be subject to disclosure under Category 1, subject to the following limitation:

The Monterey County Superintendent of Schools 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 Monterey County Superintendent of Schools 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 Monterey County Superintendent of Schools' designation must be filed, in advance of disclosure by the consultant, with the agency'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 700).

**II. Disclosure Category****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



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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 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 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 Monterey County Board of Education or the Monterey County Superintendent of Schools.

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 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 Monterey County Board of Education and the Monterey County Superintendent of Schools is that territory of Monterey County over which the Monterey County Superintendent of Schools has jurisdiction pursuant to the Education Code.

Persons holding designated positions shall report, in the manner described above:

- A. All investments and business positions in business entities and sources of income in the jurisdiction;
- B. Interests in real property in the jurisdiction;
- C. His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Legal References: Government Code Sections 8100 et seq.; 81008  
2 Cal. Code of Regulations, Section 18700(a)(1);  
18730(b)(4)

Adopted: 2/08/77

Revised: 1/27/88; 11/96; 3/01/00; 2/21/01; 8/02; 10/20/04; 10/17/12