



Monterey County

Board Order

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

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

Adopted Resolution No. 14-279 to approve the amendments to the Conflict of Interest Code of the Monterey County Regional Fire District as revised by the memorandum from the Office of County Counsel (Attachment D).

PASSED AND ADOPTED on this 30th day of September 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, 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 77 for the meeting on September 30, 2014.

Dated: October 2, 2014
File Number: RES 14-081

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.: 14-279

Adopt Resolution approving the amended Conflict of)
Interest Code of the Monterey County Regional Fire)
District.....)

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Monterey County Regional Fire District has adopted a conflict of interest code;

WHEREAS, pursuant to Government Code section 87306, the Monterey County Regional Fire 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 Monterey County Regional Fire 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 Monterey County Regional Fire District is attached hereto as Attachment B 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 Monterey County Regional Fire District, attached hereto as Attachment B, as revised pursuant to the memorandum from County Counsel's Office (Attachment D), and direct the Clerk of the Board of Supervisors to notify the Monterey County Regional Fire District of the approval.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Potter and carried this 30th day of September 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, 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 77 for the meeting on September 30, 2014.

Dated: October 2, 2014
File Number: RES 14-081

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

By  Deputy

ATTACHMENT "A"

**CONFLICT OF INTEREST CODE OF THE
MONTEREY COUNTY REGIONAL FIRE PROTECTION DISTRICT
OF MONTEREY COUNTY**

(a) 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, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard model Conflict of Interest Code, to 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 the attached Appendix in which officials and employees have been designated and disclosure categories have been set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Monterey County Regional Fire Protection District of Monterey County.

(b) 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 Board of Directors, 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

<u>List of Designated Positions</u>	<u>Assigned Disclosure Categories</u>
All members of the Board of Directors	1
Fire Chief	1
Division Chiefs	1
Deputy Fire Marshal	1
Financial Analyst	1
Administrative Officer	1
Administrative Assistant	1
Safety Equipment & Protective Clothing Coordinator	1
Building & Grounds Maintenance Coordinator	1
Vehicle Maintenance Coordinator	1
Equipment Maintenance & Purchasing Coordinator	1
Mobile & Fixed Breathing Support Coordinator	1
SCBA Coordinator	1
Communications Coordinator	1
Station Supplies Coordinator	1
Medical Supplies Coordinator	1
Hydrants Coordinator	1
Protective Clothing Coordinator	1
Medical Physical Coordinator	1
Computer Equipment & Office Supplies Coordinator	1
Wellness/ Fitness Coordinator	1
EMS Coordinator	1
Fire Prevention & Public Education Coordinator	1
Pump Testing Coordinator	1
Volunteers Coordinator	1
Wildland Inspections Coordinator	1

Public Relation Coordinator	1
USAR Coordinator	1
Driver/ Operator Training Coordinator	1
Technology/ Website Coordinator	1

EXHIBIT "B": Disclosure Categories

General Provisions

When a member, officer, or employee 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 does business, plans to do business, or has done business with the Monterey County Regional Fire Protection District within the past two years. In addition to other activities, a business entity is doing business within the District if it owns real property within the District.

When a designated member, 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 District.

When a designated member, officer, or employee who holds a designated position is required to disclose interests in a 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 the boundaries of the jurisdiction, or within two miles of any land owned or used by the Monterey County Regional Fire Protection District

When a designated member, officer, or employee who holds a designated position is required to disclose business positions, he or she shall disclose position 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 Regional Fire Protection 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 with business entities that do business with the district;

Interest of real property in the jurisdiction, which were acquired, leased, or otherwise used by the Monterey County Regional Fire Protection District ;

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

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;
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

EXHIBIT "B": Disclosure Categories (continued)

(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 Regional 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 Employee", is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements of Category 1. In such cases, Fire Chief may designate a different disclosure which shall include a description of the consultants' disclosure requirements. The categories designation must be filed, in advance of disclosure by the consultant, with the agency's conflict of interest code and 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)

MEMORANDUM

To: Chair Calcagno and Members of the Monterey County Board of Supervisors

CC: Gail Borkowski, Clerk of the Board

From: Traci A. Kirkbride, Deputy County Counsel 

Date: September 30, 2014

Re: Conflict of Interest Code for Monterey County Regional Fire District

In order to clarify the language concerning the jurisdiction of the Monterey County Regional Fire District, County Counsel's Office recommends that the Board of Supervisors, as the code reviewing body for that District, revise the Conflict of Interest Code for Monterey County Regional Fire District, pursuant to Government Code § 87303(b), to reflect that the jurisdiction of the Monterey County Regional Fire District is the legal boundaries of said District.

County Counsel's Office recommends that the Board approve the Conflict of Interest code of the Monterey County Regional Fire District as so revised.