

**CONFLICT OF INTEREST CODE  
OF THE  
OFFICE OF THE AUDITOR-CONTROLLER  
OF MONTEREY COUNTY**

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~~(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-Cal. Code of Regs section 18730 of Title 2 of the California Code of Regulations; Section 18730~~, which contains the terms of a standard ~~model~~ ~~Conflict of Interest Code~~ ~~which that~~ can be incorporated by reference, ~~in a Department's codes. After public notice and hearing, and which may be amended by~~ the Fair Political Practices Commission ~~to conform to~~ ~~may~~ amend ~~the standard code to conform to amendments of~~ ~~ments in~~ the Political Reform Act ~~after public notice and hearings~~. Therefore, the terms of ~~section 18730 of title 2 of the California~~ Code of Regulations, ~~Section 18730~~ and any amendments to it duly adopted by the Fair Political Practices Commission, ~~along together~~ with the attached ~~Appendices~~ ~~in which officials and employees are designating edpositions and establishing~~ and disclosure categories are ~~set forth are~~ hereby incorporated by reference and ~~together~~ constitute the Conflict of Interest Code of the Office of the Auditor-Controller of Monterey County (~~hereafter "Department"~~).

~~(b)~~ Pursuant to ~~Government Code section 81008 and 2-Cal. Code of Regs. Section 18730(b)(4)~~, all ~~Individuals holding~~ designated ~~employees positions~~ shall file ~~their~~ statement of economic interests with ~~their agency~~ ~~the Office of the Auditor-Controller of Monterey County~~ which will make the statements available for public inspection and reproduction pursuant to ~~Government Code section 81008~~. Upon receipt of the statements ~~of the~~ ~~for~~ Auditor-Controller, 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~~ ~~Department~~, ~~which shall make the statements available for public inspection and reproduction~~.

~~(c)~~ ~~APPENDIX~~ Appendix A: Designated Positions  
Appendix B: Disclosure Categories

Adopted: June 3, 2010  
Amended: June 15, 2010



~~duties for the Department that would otherwise be performed by an individual holding a position specified in the Department's Conflict of Interest Code.~~

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~~Consultants to the Office of the Auditor-Controller of Monterey County shall be subject to disclosure under Category 1, subject to the following limitation: The Auditor-Controller 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 Auditor-Controller 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. Such determination by the Auditor Controller is a public record and shall be retained for public impactation in the same manner and location as the Department's Conflict of Interest Code.~~

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## APPENDIX B: DISCLOSURE CATEGORIES

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### General Provisions Applicable to all Categories

When an ~~individual 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 an ~~designated member, officer or employee~~individual 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 an ~~designated member, officer or employee~~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 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 Department.

When an ~~individual 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 Office of the Auditor-Controller is the County of Monterey

### Disclosure Category 1:

A designated position in this category must report all investments, business positions, and sources of income, including gifts, loans, and travel payments. ~~A member, officer or~~

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~~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 position in any business entity in the jurisdiction.~~

#### Category 2

A designated position in this category must report all investments, business positions, and sources of income, including gifts, loans, and travel payments.

#### Category 3

A designated position in this category must report all interests in real property.

#### Category 4

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the Department.

#### Category 5

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to supply materials, products, supplies, commodities, services, machinery, vehicles, or equipment utilized by the Department.

#### Category 6

A designated position in this category must report all investments, business positions and income, including gifts, loans, and travel payments, from sources which are of the type to receive grants or other monies from or through the Department.

<sup>†</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:

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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 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 Office of the Auditor-Controller of Monterey County shall be subject to disclosure under Category 1, subject to the following limitation:

—The Auditor-Controller 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 with the disclosure requirements of Category 1. In such cases, the Auditor-Controller 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 Auditor-Controller's 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).