



# Monterey County

## Board Order

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

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

Adopted Resolution No. 13-055 to approve the amendments to the Conflict of Interest Code of the Clerk of the Board department.

PASSED AND ADOPTED on this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker

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 76 for the meeting on February 26, 2013.

Dated: March 1, 2013  
File Number: RES 13-003

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. 13-055

Adopt Resolution approving the amended )
Conflict of Interest Code of the Clerk of the )
Board department..... )

RECITALS

WHEREAS, pursuant to Government Code sections 87300 and 87301, Clerk of the Board department of the County of Monterey has adopted a conflict of interest code;

WHEREAS, pursuant to Government Code section 87306, the Clerk of the Board has amended its conflict of interest code as necessitated by changed circumstances;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Clerk of the Board department 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 Clerk of the Board department is attached hereto as Attachment C 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 Clerk of the Board department, attached hereto as Attachment C, and direct the Clerk of the Board of Supervisors to notify the Clerk of the Board department of the approval.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Calcagno, and carried this 26th day of February 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter
NOES: Parker
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 76 for the meeting on February 26, 2013.

Dated: March 1, 2013
File Number: RES 13-003

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

By [Signature] Deputy

**CONFLICT OF INTEREST CODE  
OF THE  
CLERK OF THE BOARD OF SUPERVISORS  
OF MONTEREY COUNTY**

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, section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard Conflict of Interest Code 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 amendments of the Political Reform Act. . Therefore, the terms 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 and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Clerk of the Board of Supervisors of Monterey County.

Individuals holding designated positions shall file their statement of economic interests with the Clerk of the Board of Supervisors, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statements of the Clerk of the Board of Supervisors, the Agency shall make and retain a copy and forward the original of the statements to the code reviewing body. Statements for all other designated employees shall be retained by the Agency.

Attachments: Appendix A: Designated Positions  
Appendix B: Disclosure Categories

Adopted: 11/18/08  
Amended: 01/4/13

## APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Assigned Disclosure Category</u>
Clerk of the Board of Supervisors	1
Management Analyst I	1
Consultants <sup>1</sup>	1

<sup>1</sup> 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 Clerk of the Board of Supervisors shall be subject to disclosure under Category 1, subject to the following limitation:

The Clerk of the Board 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 Clerk of the Board 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 Clerk of the Board is a public record and shall be retained for public inspection in the same manner and location as the Agency's Conflict of Interest Code.

## APPENDIX B: DISCLOSURE CATEGORIES

### General Provisions Applicable to All Categories

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 disclose 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 of the boundaries of the jurisdiction, or within two miles of any land owned or used by the 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 Clerk of the Board of Supervisors is the County of Monterey.

Category 1:

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