



Monterey County Board of Supervisors

Board Order

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Salinas, CA 93901
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A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to:

Resolution No. 20-341

Adopt a Resolution to approve proposed amendments to the Conflict of Interest Code of the Information Technology Department of the County of Monterey.

PASSED AND ADOPTED on this 20th day of October 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, 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 82 for the meeting October 20, 2020.

Dated: October 20, 2020

File ID: RES 20-174

Agenda Item No.: 21

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy

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

Resolution No. 20 - 341

Resolution to approve the Amended Conflict)
of Interest Code of the Information Technology)
Department of the County of Monterey.....)

WHEREAS, the Political Reform Act of 1974 (Government Code section 810000, et. seq.), requires state and local government agencies to adopt Conflict of Interest codes and to periodically review their codes and make necessary changes to these codes; and

WHEREAS, pursuant to Government Code sections 87300 and 87303, the Information Technology Department of the County of Monterey previously adopted its Conflict of Interest Code which was approved by the Board; and

WHEREAS, due to addition of positions, pursuant to Government Code section 87306, the Information Technology Department of the County of Monterey has submitted its proposed, amended code to the Monterey County Board of Supervisors, the code reviewing body, for approval; and

WHEREAS, the Amended Conflict of Interest Code of the Information Technology Department of the County of Monterey is attached hereto as Attachment C and incorporated herein by reference; and

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 amended code as adopted 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 Information Technology Department of the County of Monterey, attached hereto as Attachment B, and directs the Clerk of the Board of Supervisors to notify the Information Technology Department of the approval.

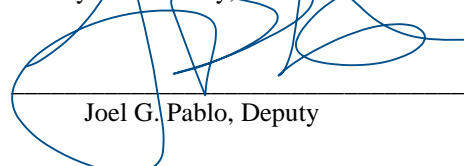
PASSED AND ADOPTED on this 20th day of October 2020, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams
NOES: None
ABSENT: None
(Government Code 54953)

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County of Monterey, State of California


Joel G. Pablo, Deputy

**CONFLICT OF INTEREST CODE
OF THE
INFORMATION TECHNOLOGY DEPARTMENT**

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, 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 a Department'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 of 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 positions and establishing disclosure categories are hereby incorporated by reference and together constitute the Conflict of Interest Code of the **Information Technology Department** of the County of Monterey (hereafter "Department").

Individuals holding designated positions shall file their statement of economic interests with the **Information Technology Department** of the County of Monterey, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statement for **Director of Information Technology**, the Department shall make and retain copies and forward the original of the statements to the code reviewing body. Statements for all other designated positions shall be retained by the Department.

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

Adopted: **04/11/00**
Amended: **09/10/02**
12/09/08
11/06/12
07/30/13
10/20/20

APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Assigned Disclosure Category</u>
Director of Information Technology	1
Chief Security and Privacy Officer	1
Division Manager	1
Finance Manager II	1
Information Technology Manager	1
Information Technology Business Manager	1
Information Technology Supervisor	1
Management Analyst III	1
Management Analyst II	1
Management Analyst I	1
Consultants ¹	

APPENDIX B: DISCLOSURE CATEGORIES

1 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 18703(a), as follows:

"Consultant" means an individual who, pursuant to a contract with a state or local government agency:

- (1) Makes a governmental decision whether to:
 - (A) Approve a rate, rule, or regulation;
 - (B) Adopt or enforce a law;
 - (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (D) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (E) 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;
 - (F) Grant agency approval to a plan, design, report, study, or similar item;
 - (G) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (2) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18704(a) and (b) 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 under Section 87302."

Consultants to the **Information Technology Department** of the County of Monterey shall be subject to disclosure under Category 1, subject to the following limitation: The **Director of Information Technology** 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 **Director of Information Technology** 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 **Director of Information Technology** is a public record and shall be retained for public inspection in the same manner and location as the Department's Conflict of Interest Code.

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 include 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 the boundaries of the jurisdiction, or within two miles of any land owned or used by Department.

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 **Department of Information Technology** of the **County of Monterey** operates entirely within the geographical boundaries of Monterey County.

Category 1

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