Monterey County
Board of Supervisors

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Salinas, CA 93901
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Board Order

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

Adopted Resolution 18-087 approving the amended Conflict of Interest Code of the Economic Development Department.

PASSED AND ADOPTED on this 13th day of March 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, Parker and Adams
NOES: None
ABSENT: None

I, Nicholas E. Chiulos, Acting 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 80 for the meeting March 13, 2018.

Dated: April 16, 2018
File ID: 18-044

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

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

Resolution No. 18-087

Resolution approving the Amended)
Conflict of Interest Code of the Economic)
Development Department of the County)
of Monterey.....)

WHEREAS, pursuant to Government Code sections 87300 and 87301, the Economic Development Department of the County of Monterey has adopted a Conflict of Interest Code;
WHEREAS, pursuant to Government Code section 87306, the Economic Development Department has amended its Conflict of Interest Code as necessitated by changed circumstances including but not limited to the transfer of the Office of Employment Training from the Economic Development Department to the Department of Social Services;
WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Economic Development 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 Economic Development 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 Economic Development Department, attached hereto as Attachment C, and direct the Clerk of the Board of Supervisors to notify the Economic Development Department of the approval.

PASSED AND ADOPTED upon motion of Supervisor Phillips, seconded by Supervisor Adams and carried this 13th day of March 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas and Parker
NOES: None
ABSENT: Supervisor Adams

I, Nicholas E. Chiulos, Acting 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 80 for the meeting on March 13, 2018.

Dated: April 16, 2018
File Number: 18-044

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

ATTACHMENT C

CONFLICT OF INTEREST CODE
OF THE
ECONOMIC DEVELOPMENT DEPARTMENT
COUNTY OF MONTEREY

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 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 Economic Development Department (hereafter "Agency").

Individuals holding designated positions shall file their statement of economic interests with the Economic Development Department, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. Upon receipt of the statement for the Economic Development Director, the Agency 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 Agency.

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

Adopted: March 13, 2018

Approved: May 1, 2012
Amended: March 10, 2015
Amended: November 15, 2016

APPENDIX A: DESIGNATED POSITIONS

Designated Positions:	Assigned Disclosure Category
Economic Development Director	1
Housing Program Manager	1
Management Analyst II	1
Management Analyst III	1
Redevelopment & Housing Project Analyst I	1
Redevelopment & Housing Project Analyst II	1
Redevelopment & Housing Project Analyst III	1
Administrative Services Assistant	1
Consultant [1]	1

Boards and Committees:	
Member, Housing Advisory Committee	1
Member, Economic Opportunity Committee	1

[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 18700.3(a) as follows:
"Consultant" means an individual who, pursuant to a contract with a state or local government *agency:*
(a) For purposes of Sections 82019 and 82048, "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 that requires agency approval;
(E) Grant agency approval to a contract that requires agency approval and to 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.
(b) For purposes of Section 87200, the following definitions apply: 2

(1) "Other public officials who manage public investments" means:
(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;
(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and
(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (b)(1)(B).

(c) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.
(d) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.
(e) "Management of public investments" means the following nonministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

Additionally, consultants to the Economic Development Department shall be subject to disclosure under Category 1, subject to the following limitation: The Economic Development Director 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 Economic Development Director 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 Economic Development Director 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 CATERGORIES

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 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 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 jurisdictions, or have done business in the jurisdiction within the past two years.

For purposes of this Conflict of Interest Code, the jurisdiction of the Economic Development Department is the unincorporated and incorporated area of the County of Monterey.

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.