



Monterey County Board of Supervisors

Board Order

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A motion was made by Supervisor John M. Phillips, seconded by Supervisor Luis A. Alejo to:

Adopt Resolution No.: 21-062

Revise and approve amendments to, and revise, Carmel Unified School District's Conflict of Interest Code.

PASSED AND ADOPTED on this 9th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew 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 March 9, 2021.

Dated: March 11, 2021

File ID: RES 21-041

Agenda Item No.: 24

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


Julian Lorenzana, Deputy

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

Resolution No.: 21-062

Resolution revising and approving the)
Amended Conflict of Interest Code of Carmel)
Unified School District.....)

WHEREAS, under Government Code sections 87300 and 87301, Carmel Unified School District’s has adopted a Conflict of Interest Code;

WHEREAS, under Government Code section 87306, Carmel Unified School District’s amended its Conflict of Interest Code to clarify its disclosure categories;

WHEREAS, under Sections 82011 and 87303 of the Government Code, Monterey One Water submitted its amended Code to the Monterey County Board of Supervisors, the code reviewing body under the Political Reform Act, for approval;

WHEREAS, the amended Conflict of Interest Code of Carmel Unified School District is attached hereto as Attachment B and incorporated herein by reference;

WHEREAS, under Government Code section 87303, the Board of Supervisors as code reviewing body may approve the Code as submitted, may revise the proposed Code and approve it as revised, or may return the proposed Code to the agency for revision and resubmission;

WHEREAS, the Monterey County Counsel’s office recommends that the amended code be revised as set forth in the Memorandum appended as Attachment E to this matter’s Board Report and incorporated herein by reference; and

WHEREAS, the amended Code, revised as set forth in the attached Memorandum, is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby revise the proposed code and approves the Amended Conflict of Interest Code of Carmel Unified School District appended hereto as Attachments A and B, and directs the Clerk of the Board of Supervisors to notify Carmel Unified School District of its approval.

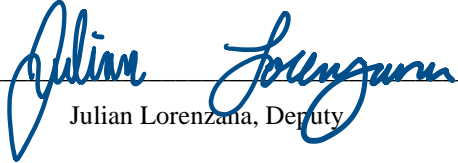
PASSED AND ADOPTED on this 9th day of March 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew 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 March 9, 2021.

Dated: March 10, 2021
File ID: RES 21-041
Agenda Item No.: 24

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


Julian Lorenzana, Deputy

Resolution

#20-40

CARMEL UNIFIED SCHOOL DISTRICT

ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Board of Education of the Carmel Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Carmel Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Carmel Unified School District Board of Education adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 30 day of September, 2020 at a meeting, by the following vote:

AYES: 5
NOES: 0
ABSENT: 0

Attest:


Secretary/President

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Board of Education members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The members of the Board of Education, and designated employees, shall file their Statements of Economic Interests with the Clerk of the Board's Office of the Monterey County Board of Supervisors electronically. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. Category 2: A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
3. Full Disclosure: Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

Designated Position	Disclosure Category
<u>Board of Education Members</u>	<u>Full Disclosure</u>
<u>Superintendent of Schools</u>	<u>Full Disclosure</u>
<u>Purchasing Agent</u>	<u>1</u>
<u>Chief Academic Officer</u>	<u>1</u>
<u>Chief Business Official</u>	<u>1</u>
<u>Chief Human Resources Officer</u>	<u>1</u>
<u>Chief Technology Officer</u>	<u>1</u>
<u>Legal Council</u>	<u>1</u>
<u>Admin Asst. to Superintendent of Schools</u>	<u>2</u>
<u>Assistant Principals</u>	<u>2</u>
<u>Directors</u>	<u>2</u>
<u>Principals</u>	<u>2</u>
<u>Supervisors</u>	<u>2</u>

Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

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 district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)