



Monterey County Board of Supervisors

Board Order

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

Resolution No.: 20-340

Adopt a Resolution approving the proposed amendment to the Conflict of Interest Code of the Office of the Auditor-Controller of Monterey County.

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 20-177

Agenda Item No.: 20

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. 20-340

Adopt Resolution approving the)
Amended Conflict of Interest Code)
of the Office of the Auditor-Controller....)

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 those codes and make any necessary changes;

WHEREAS, pursuant to Government Code sections 87300 and 87301 the Office of the Auditor-Controller has adopted a Conflict of Interest Code;

WHEREAS, pursuant to Government Code section 87306, the Office of the Auditor-Controller has amended its Conflict of Interest Code as necessitated by changed circumstances;

WHEREAS, pursuant to sections 82001 and 87303 of the Conflict of Interest Code, the Office of the Auditor-Controller 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 Office of the Auditor-Controller is attached hereto as Attachment A 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 Office of the Auditor-Controller, attached hereto as Attachment A, and directs the Clerk of the Board of Supervisors to notify the Office of the Auditor-Controller of the approval.

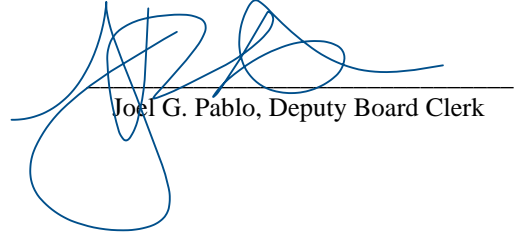
PASSED AND ADOPTED on this 20th day of October 2020, by roll call vote:

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

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 20-177
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Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy Board Clerk

**CONFLICT OF INTEREST CODE
OF THE
OFFICE OF THE AUDITOR-CONTROLLER
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 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 Office of the Auditor-Controller of Monterey County (hereafter "Department").

Individuals holding designated positions shall file their statement of economic interests with 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 for the 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 positions shall be retained by the Department.

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

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

APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Assigned Disclosure Category</u>
Auditor-Controller	1
Assistant Auditor-Controller	1
Chief Deputy Auditor-Controller	1
Consultants ¹	

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

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 18701(a)(2), as follows:

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

(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 Department to enter into, modify, or renew a contract provided it is the type of contract which requires Department approval;
5. Grant Department approval to a contract which requires Department approval and in which the Department is a party or to the specifications for such a contract;
6. Grant Department approval to a plan, design, report, study, or similar item;
7. Adopt, or grant Department approval of, policies, standards, or guidelines for the Department, or for any subdivision thereof; or

(B) Serves in a staff capacity with the Department and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for the Department that would otherwise be performed by an individual holding a position specified in the Department'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 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 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 Auditor-Controller 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.

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 jurisdiction of the Office of the Auditor-Controller is 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.

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.