

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

CONFLICT OF INTEREST CODE OF THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

December 7, 2020 Proposed Update – Tracked Changes Version

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, ~~2-Cal. Code of Regs. Section 18730 of Title 2 of the California Code of Regulations~~, which contains the terms of a standard ~~model~~ Conflict of Interest Code, ~~which that~~ can be incorporated by reference ~~in an agency's code, and which may be amended by~~ After public notice and hearing, the Fair Political Practices Commission may amend the standard code to conform to amendments ~~in of~~ the Political Reform Act ~~after public notice and hearings~~. Therefore, the terms of ~~2-Cal. Code of Regs. section 18730 of Title 2 of the California Code of Regulations~~ and any amendments to it duly adopted by the Fair Political Practices Commission, ~~along together~~ with the attached Appendices ~~in which officials and employees are~~ designated positions and establishing disclosure categories ~~are set forth~~ are hereby incorporated by reference and together constitute the Conflict of Interest Code of the Local Agency Formation Commission of Monterey County (hereinafter "LAFCO").

~~Pursuant to Government Code section 81008 and 2-Cal. Code of Regs. Section 18730(b)(4), all designated employees~~ Individuals holding designated positions shall file their statements of economic interests with their agency. Upon receipt of the statement of the LAFCO Commissioners, the agency shall make and retain ~~a copy~~ iesy and forward the original of the statements s to the code reviewing body, the Monterey County Board of Supervisors, by providing the documents to the office of the Monterey County Clerk to the Board. Statements for all other designated position employees shall be retained by the agency, ~~which shall make the statements available for public inspection and reproduction.~~

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

Amended: 1979 and 1994

EXHIBIT APPENDIX A: DESIGNATED POSITIONS

List of Designated Positions¹
Categories

Assigned Disclosure

LAFCO Commission Members and Alternate Members	1 ²
LAFCO Executive Officer	1
<u>LAFCO Principal Analyst</u>	<u>1</u>
LAFCO Senior Analyst	1
Consultants ³	1

¹ Public officials who manage public investments are not covered by the Conflict of Interest Code because they must file a statement of economic interest pursuant to Government Code section 87200. Therefore, those positions are listed under Designated Positions for information purposes only.

² Designated position employees who are required to file statements of economic interests under any other agency’s conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated position employee as if it were an original. See Government Code section 81004.

³ For purposes of this Code, a “consultant” has the same meaning as set forth in section 18701 (a)(2) of Title 2 of California Code of Regulations 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. Approved 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

(A)(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. is any natural person who provides, under contract, information, advice, recommendation, or counsel to the Local Formation Commission of Monterey County, provided however, that “consultant” shall not include a person who: (a) Conducts research and arrives at conclusions with respect to his or her rendition of information, control and direction of the agency or of any agency official, other than normal contract monitoring; and (b) Possesses no

EXHIBIT APPENDIX B: DISCLOSURE CATEGORIES

General Provisions

When an ~~an individual member, officer, or employee~~ 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 ~~an individual designated member, officer, or employee~~ who holds a designated position is required to disclose sources of income, he or she shall ~~includedislose~~ gifts received from donors located inside as well as outside the jurisdiction.

When an ~~an individual designated member, officer, or employee~~ 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 in whole or in part within~~, or not more than two miles outside ~~of~~ the boundaries of the jurisdiction, or within two miles of any land owned or used by ~~LAFCO~~LAFCO of Monterey County.

When an ~~an individual designated member, officer, or employee~~ 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 Local Agency Formation Commission of Monterey County~~LAFCO is the County of Monterey.

~~authority with respect to any agency decision beyond the rendition of information, advice, recommendation, or counsel.~~

Consultants to ~~the Local Agency Formation Commission of Monterey County~~LAFCO shall be subject to disclosure under Category I, subject to the following limitation:

The LAFCO Executive Officer may determine in writing that a particular consultant, although a “Designated ~~Position~~Employee,” is hired to perform a range of duties that is limited in scope and thus is not required to ~~fully~~ comply with the disclosure requirements of Category I. In such cases, the LAFCO Executive Officer may designate a different disclosure requirement. Such ~~determination~~designation 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 LAFCO Executive Officer is a public record and shall be retained for public inspection in the same manner and location as LAFCO’s of Monterey County’s Conflict of Interest Code.’s designation must be filed, in advance of disclosure by the consultant, with the agency’s conflict of interest code and also filed with the code reviewing body and must be delivered to the consultant along with a copy of the conflict of interest code and the manual and forms for disclosure (FPPC Form 730).

Disclosure Category 1:

~~A designated position in this category must member, officer, or employee holding a position assigned to Disclosure Category 1 shall, in the manner described above, report :~~

~~All investments, and business positions, in business entities interests in real property, and sources of income, including gifts, loans, and travel payments, in the jurisdiction;~~

~~Interests in real property in the jurisdiction;~~

~~His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.~~

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 LAFCO.

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 LAFCO.

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 LAFCO.