



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

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

Adopted Resolution No. 12-258 to approve the amendments to the Conflict of Interest Code of the County Administrative Office of the County of Monterey.

PASSED AND ADOPTED on this 18th day of September 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 76 for the meeting on September 18, 2012.

Dated: September 19, 2012
File Number: 12-182

Gail T. Borkowski, 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. 12-258

Adopt Resolution approving the Amended)
Conflict of Interest Code of the County)
Administrative Office of the County of Monterey...)

WHEREAS, pursuant to Government Code sections 87300 and 87301, County Administrative Office of the County of Monterey has adopted a Conflict of Interest Code;

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

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the County Administrative Office 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 County Administrative Office is attached hereto 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 County Administrative Office, attached hereto, and direct the Clerk of the Board of Supervisors to notify the County Administrative Office of the approval.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried this 18th day of September 2012, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 76 for the meeting on September 18, 2012.

Dated: September 19, 2012
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Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Donise Hancock
Deputy

**CONFLICT OF INTEREST CODE
OF THE
COUNTY ADMINISTRATIVE OFFICE OF THE 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 County Administrative Office (hereafter "Agency").

Individuals holding designated positions shall file their statement of economic interests with the County Administrative Office, which will make the statements available for public inspection and reproduction pursuant to Government Code section 81008. The County Administrative Officer shall file one original statement of economic interests with the County Clerk who shall make and retain a copy and forward the original statement to the Fair Political Practices Commission, which shall be the filing officer. Statements for all other designated positions shall be retained by the Agency.

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

Adopted: 09/18/12
Amended: 11/20/02
01/14/03
02/03/04
10/04/04
02/09/06
12/12/07
01/08/08
10/06/08
11/09/10

APPENDIX A: DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Assigned Disclosure Category</u>
<u>COUNTY ADMINISTRATIVE OFFICE</u>	
Assistant County Administrative Officer	1
Associate Administrative Analyst	1
Buyer I	1
Buyer II	1
Intergovernmental & Legislative Affairs Director	1
Contracts & Purchasing Officer	1
County Budget Director	1
Enterprise Resource Planning Project Director	1
Executive Management Specialist	1
Finance Manager I	1
Finance Manager II	1
Management Analyst I	1
Management Analyst II	1
Management Analyst III	1
Management Specialist	1
Principal Administrative Analyst	1
Senior Administrative Analyst	1
County Administrative Officer ¹	
Consultants ²	1

1 The County Administrative Officer is not covered by the Conflict of Interest Code because he must file a statement of economic interests pursuant to Government Code section 87200. Therefore, this position is listed above for information purposes only.

2 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 agency:

(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 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

APPENDIX A: DESIGNATED POSITIONS CONTD.

<u>Designated Positions</u>	<u>Assigned Disclosure Category</u>
Emergency Services Manager	1
Emergency Services Planner	1

guidelines for the agency, or for any subdivision thereof; or
(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.

Consultants to the County Administrative Office shall be subject to disclosure under Category 1, subject to the following limitation:

The County Administrative Officer 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 County Administrative Officer 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 County Administrative Officer 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 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 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 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 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 County Administrative Office of the County of Monterey is 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.