



## Monterey County Board of Supervisors

### Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066  
www.co.monterey.ca.us

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Jane Parker to approve Consent Calendar Item Numbers 15 through 37.

#### **Resolution No.: 20 - 314**

Adopt a resolution to revise and approve amendments to the Conflict of Interest Code of the Monterey Educational Risk Management Authority.

PASSED AND ADOPTED on this 29<sup>th</sup> day of September 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 September 29, 2020.

Dated: September 29, 2020

File ID: RES 20-161

Agenda Item No.: 30

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 - 314** )  
Resolution revising and approving the )  
Amended Conflict of Interest Code of the )  
Monterey Educational Risk Management )  
Authority ..... )

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, to periodically review those codes, and to make any necessary changes; and

WHEREAS, under Government Code sections 87300 and 87301, the Monterey Educational Risk Management Authority (MERMA) has adopted a Conflict of Interest Code; and

WHEREAS, under Government Code section 87306, MERMA amended its Conflict of Interest Code as necessitated by changed circumstances; and

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

WHEREAS, MERMA’s amended Conflict of Interest Code is attached hereto as Attachment A and incorporated herein by reference; and

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; and

WHEREAS, the proposed amended Code is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby approve MERMA’s Amended Conflict of Interest Code and directs the Clerk of the Board of Supervisors to notify MERMA of its approval.


PASSED AND ADOPTED on this 29<sup>th</sup> day of September 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 September 29, 2020.

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

  
\_\_\_\_\_  
Joel G. Pablo, Deputy

## **Attachment D**

**RESOLUTION NO.: 20-02**

**MONTEREY EDUCATIONAL RISK MANAGEMENT AUTHORITY**

### **CONFLICT OF INTEREST CODE**

The Political Reform Act (Government Code Section 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. Sec. 18730) which contains the terms of the standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Practices Commission are hereby incorporated by reference. This regulation and attached Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the Monterey Educational Risk Management Authority (MERMA).

The Monterey Educational Risk Management Authority operates entirely within the geographical boundaries of Monterey County, with headquarters in Salinas, CA.

Individuals holding designated positions shall file their statements of economic interest electronically through the NetFile system at <http://netfile.com/filer>

Electronically filed statements are available for public inspection (Gov. Code Sec. 81008) via the County of Monterey, Clerk of the Board Public Portal at <https://ssl.netfile.com/pub/?aid=COM>

MONTEREY EDUCATIONAL RISK MANAGEMENT AUTHORITY

APPENDIX TO THE CONFLICT OF INTEREST CODE

<u>Designated Positions</u> <sup>1</sup>	<u>Disclosure Category</u>
Members Board of Directors	1,2,3,4 and 5
Executive Director	1,2,3,4 and 5
Accountants	1,2,3,4 and 5
Consultants <sup>2</sup>	1

<sup>1</sup> The following positions are not covered by the conflict-of-interest code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

Treasurer

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Section 87200.

<sup>2</sup> 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:

- (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 which requires agency approval;
  - (E) 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;
  - (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) or (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.”

Consultants to the Monterey Educational Risk Management Authority shall be subject to disclosure under Category 1, subject to the following limitations:

As to the consultants, the Executive 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 this is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## **DISCLOSURE CATEGORIES:**

### **Disclosure Category 1**

Persons designated in the category must disclose business entities in which they have an investment, business position, or which are sources of income to them if such entities filed claims against the Monterey Educational Risk Management Authority or any of its members during the reporting period.

### **Disclosure Category 2**

Persons designated in this category must disclose business entities in which they have an investment, business position, or which are sources of income to them if such entities are of the type in which the Monterey Educational Risk Management Authority is empowered to invest its funds, including financial institutions, but not limited to banks, savings and loan associations, and credit unions.

### **Disclosure Category 3**

Persons designated in this category must disclose business entities in which they have an investment, business position, or which are sources of income to them if such entities are the type that contract with the Monterey Educational Risk Management Authority to supply goods, services, materials, supplies, or leased space.

#### **Disclosure Category 4**

Persons designated in this category must disclose investments and business positions in business entities and sources of income that are engaged in the business of insurance including but not limited to insurance companies, holding companies investing in insurance companies, insurance underwriting agencies, insurance brokers, adjusters, claims managers, or insurance agencies.

#### **Disclosure Category 5**

Persons designated in this category must disclose investments in real property located in the jurisdiction, including property located within a two-mile radius of any property owned or used by the Monterey Educational Risk Management Authority.