



Monterey County

Board Order

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

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

Adopted Resolution No. 13-257 to approve the amendments to the Conflict of Interest Code of the Monterey County Office of Education.

PASSED AND ADOPTED on this 16th day of July 2013, 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 July 16, 2013.

Dated: July 22, 2013
File Number: 13-0597

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
Deputy

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

Resolution No. 13-257

Adopt Resolution approving the amended Conflict of Interest Code of the Monterey County Office of Education.....)

WHEREAS, pursuant to Government Code sections 87300 and 87301, Monterey County Office of Education of the County of Monterey has adopted a conflict of interest code;

WHEREAS, pursuant to Government Code section 87306, the Monterey County Office of Education has amended its conflict of interest code as necessitated by changed circumstances;

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

PASSED AND ADOPTED upon motion of Supervisor Potter seconded by Supervisor Parker and carried this 16th day of July 2013, 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 July 16, 2013.

Dated: July 22, 2013
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Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By [Signature] Deputy

CONFLICT OF INTEREST CODE OF THE MONTEREY COUNTY BOARD OF EDUCATION AND MONTEREY COUNTY SUPERINTENDENT OF SCHOOLS

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, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs, section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with Appendix A below, in which officials and employees are designated and disclosure categories are set forth are hereby incorporated by reference and constitute the Conflict of Interest Code of the Monterey County Board of Education and Monterey County Superintendent of Schools.

Pursuant to Government Code section 81008 and 2 Cal. Code of Regs., section 18730(b)(4), all designated employees shall file statements of economic interests with their agency. Upon receipt of the statement of the members of the Monterey County Board of Education and the Monterey County Superintendent of Schools, 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 employees shall be retained by the agency, which shall make the statements available for public inspection and reproduction.

APPENDIX A

I. Designated Positions

Members of the Monterey County Board of Education
 Monterey County Superintendent of Schools
 Deputy Superintendent
 Consultants¹ to the Monterey County Board of Education
 Consultants¹ to the Monterey County Superintendent of Schools
 Associate Superintendent Finance and Business Services
 Assistant Superintendent of Educational Services
 Assistant Superintendent of Human Resources
 Assistant Superintendent of Special Education
 Child Care Planning Council Coordinator
 Executive Director of Finance
 Executive Director of SELPA

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Executive Director Technology & Information Services
 Director II of Migrant Education
 Director II of Head Start Program
 Director II of Special Education
 Director of Alternative Education
 Director of Auditing & Accounting
 Director of District Advisory and Financial Services
 Director of General Services
 Director Internal Services
 Director of MCAET
 Coordinator of English Languages Arts
 Coordinator of English Learner and Secondary
 Coordinator of Special Education
 Coordinator of Technology – Alternative Education
 Coordinator of Technology – CTAP
 Administrator of Business Services
 Controller of Special Education Funding and Finance
 Principal of Alternative Education
 Principal of Home Charter School
 Principal of Special Education
 Network Administrator
 Supervisor Systems Analyst
 Supervisor Maintenance

¹ For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code of Regs. Section 18700(a)(1), 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;

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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

(B) Serves in a staff capacity with the agency and in that capacity 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 Monterey County Board of Education or Monterey County Superintendent of Schools shall be subject to disclosure under Category 1, subject to the following limitation:

The Monterey County Superintendent of Schools may determine in writing that a particular consultant, although a "Designated 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 1. In such cases, the Monterey County Superintendent of Schools may designate a different disclosure requirement. Such 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. The Monterey County Superintendent of Schools' 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 700).

II. Disclosure Category

General Provisions

When a 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

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

When a 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 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 the Monterey County Board of Education or the Monterey County Superintendent of Schools.

When a 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 Monterey County Board of Education and the Monterey County Superintendent of Schools is that territory of Monterey County over which the Monterey County Superintendent of Schools has jurisdiction pursuant to the Education Code.

Persons holding designated positions shall report, in the manner described above:

- A. All investments and business positions in business entities and sources of income in the jurisdiction;
- B. Interests in real property in the jurisdiction;
- C. His or her status as director, officer, partner, trustee, employee, or holder of a management position in any business entity in the jurisdiction.

Legal References: Government Code Sections 8100 et seq.; 81008
2 Cal. Code of Regulations, Section 18700(a)(1)
18730(b)(4)

Approved by the Monterey County
Board of Supervisors Date: July 16, 2013
 Deputy

Adopted: 2/08/77

Revised: 1/27/88; 11/96; 3/01/00; 2/21/01; 8/02; 10/20/04; 10/17/12