

## CONSULTANTS

The Monterey County Board of Education (County Board) understands that the Monterey County Superintendent of Schools (County Superintendent) authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by Monterey County Office of Education (MCOE) staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the County Superintendent or designee should determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. MCOE employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests. However, the County Superintendent or designee may determine in writing that a consultant's duties are of limited scope, and therefore, the consultant is not required to fully comply with the disclosure requirements.

If the County Superintendent enters into a consultant contract for \$25,000 or more, and the contract exceeds the current budgetary appropriation and requires a budget revision, the cost shall be incorporated in the next interim financial report or other report to the County Board for discussion and approval at a regularly scheduled meeting of the County Board.

### *Legal Reference:*

#### *EDUCATION CODE*

- 1281 Consultant contract requirements*
- 1300 Consultant contracts with retired certificated employees*
- 17596 Limit on continuing contracts*

#### *GOVERNMENT CODE*

- 1126 Incompatible activities; public officers and employees*
- 53060 Contract for special services and advice*

Adopted: 4/82

Revised: 8/87; 1996; 1999; 04/10/19