

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 (County Board) and Monterey County Superintendent of Schools (County Superintendent).

Pursuant to 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 County Board and the County Superintendent, 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, pursuant to Government Code section 81008, shall make the statements available for public inspection and reproduction.

Government Code section 82011(b) states that for any local agency, other than a city agency, with jurisdiction wholly within a county, a county board of supervisors is the governing body for that agency's conflict of interest code. Thus, the County Board and County Superintendent must complete and submit a biennial notice to the Monterey County Board of Supervisors (Board of Supervisors) stating whether the County Board and County Superintendent's conflict of interest code is in need of amendment. If the County Board and County Superintendent's conflict of interest code needs to be amended, a copy of the amended code and record of the vote must be submitted to the Board of Supervisors within ninety (90) days of the determination by the Monterey County Office of Education (MCOE) that amendments to its code were necessary, in addition to the biennial notice.

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

Legal References:

GOVERNMENT CODE

81000-81016 Political Reform Act

82011(b) Code reviewing body

2 CAL. CODE OF REGULATIONS

18700(a)(1) Basic Rule; Guide to conflict of interest regulations

18730 Provisions of conflict of interest codes

Adopted: 2/08/77

Revised: 1/27/88; 11/96; 3/01/00; 2/21/01; 8/02; 10/20/04; 10/17/12; 09/03/14;
12/14/16; 01/16/19

APPENDIX A: Designated Positions**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
 Members of the Child Care Planning Council
 Associate Superintendent of Finance & Business
 Chief Technology and Operations Officer
 Chief Human Resources Officer
 Chief of General Services and Business Support
 Assistant Superintendents
 Senior Executive Directors
 Executive Directors
 Senior Directors
 Directors
 Director/Producer
 Director/Controller
 Program Directors
 Administrative Officer
 Communication & Public Relations Officer
 Operations Planning Officer
 Educational Administrators
 Educational Specialists
 Program Coordinator IIs
 Program Coordinator Is
 Program Specialists
 Principals
 Assistant Principals
 Managers
 Assistant Manager IIs
 Assistant Manager Is
 Coordinators

¹ For purposes of this Code, "consultant" has the same meaning as set forth in 2 Cal. Code of Regs. Section 18700.3(a), 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:
- i. Approve a rate, rule, or regulation;
 - ii. Adopt or enforce a law;
 - iii. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - iv. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
 - v. Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
 - vi. Grant agency approval to a plan, design, report, study, or similar item;
 - vii. 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 participates in making a governmental decision as defined in regulation 18702.2 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 Government Code section 87302.

Consultants to the County Board or County Superintendent shall be subject to disclosure under Category 1, subject to the following limitation:

The County Superintendent 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 County Superintendent 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. Such designation by the County Superintendent is a public record and shall be retained for public inspection in the same manner and location of MCOE's Conflict of Interest Code. The County Superintendent'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 700).

APPENDIX B: Disclosure Categories**General Provisions Applicable to All Designated Positions**

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 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 County Board or the County Superintendent.

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

Persons holding designated positions shall disclose:

- 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.