SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

CONFLICT OF INTEREST CODE

1.0 Purpose Statement

The Political Reform Act of 1974 (Gov Code, §81000, et seq.) requires local and state governmental agencies to adopt and promulgate a conflict of interest and disclosure code. The primary purpose of this code is to require disclosure of those types of investments, interests in real property, sources of income and business positions that persons in designated classifications may affect materially through the conduct of their position or decision-making.

2.0 Policy Statement

It is the policy of this court that all employees maintain the highest standards of professional integrity and ethics, and that they conduct themselves in a responsible manner that will avoid a conflict of interest or appearance thereof.

3.0 Adoption of Code

The Superior Court of California, County of Monterey, hereby adopts this Conflict of Interest Code as required by Government Code §87300 and incorporates by reference California Code of Regulations, Title 2, §18730 ("Standard Code") and any amendments thereto.

4.0 Code Reviewing Body

The Presiding Judge of this Court or designee will act as the Code Reviewing Body with respect to this Conflict of Interest Code as defined in Government Code §82011(g). The Conflict of Interest Code will also be reviewed and adopted by the Court Executive Committee.

5.0 Filing Officer

The Court Executive Officer or designee will act as Filing Officer with respect to this Conflict of Interest Code, and perform duties as described in Government Code §81010.

Court Administration, on behalf of the Court Executive Officer, will acquire the appropriate forms and instructions, distribute, obtain, and track the Statement of Economic Interests filings (Form 700) for all employees holding a position in a Designated Employment Classification named in this code. Designated employees are responsible for completing their own forms and ensuring they are returned to Court Administration in a timely manner for review and filing. Designated employees who file past their specified due dates are subject to fines by the State.

The original statements will be retained (see section 14.0 Retention) and made available for public inspection and reproduction (see section 13.0, Public Inspection).

Court Administration will maintain a log of all designated employees for the purpose of tracking the dates existing positions are assumed or vacated, new positions are created and assumed, corresponding Form 700 due dates, as well as annual due dates for filings and training. Court Administration will report to the Court Executive Officer or designee on May 1st of each year the designated employees who have or have not filed a Form 700. The code will be part of new employee orientation and will be reviewed every two (2) years with designated employees via the ethics and conflict of interest training outlined in section 8.0, Training.

6.0 Designated Employees

Persons holding positions listed in Appendix A are "designated employees." It has been determined that these persons may make, participate in or influence decisions which may have a foreseeable material effect on economic interests.

This code does not establish disclosure guidelines for Judges and Commissioners of the Court. Disclosure and filing requirements for these positions are specified in Government Code §87200.

7.0 Reporting Periods and Contents

All designated employees are required to file a completed Form 700 as follows (Gov. Code, § 83702):

(A) Initial Statements
All designated employees employed on the effective date of this code, or already in a position when designated by amendment, must file a Form 700 within 30 days after the effective date of the code or amendment. Employees are required to disclose any reportable investments, interests in real property and business positions held on the effective date of the code or amendment, and income received during the 12 months prior to the effective date of the code or amendment.

(B) Assuming Office (Position) Statements
All persons hired into existing positions in a designated employment classification after the effective date of this code are required to file a Form 700 within 30 days after their start date. The form must disclose any reportable investments, interests in real property and business positions held on the start date and income received during the 12 months prior to the start date.

Effective January 1, 2010, pursuant to FPPC Regulation 18734, all persons hired in a new position not yet covered under this code, serving in a position that makes, participates in or influences the decision-making, must file under the broadest disclosure category with 30 days of their start date until the code is amended to include the new position, unless a determination has been provided, in writing, detailing a limited disclosure requirement.

(C) Annual Statements
All designated employees are required to file an annual Form 700 no later than April 1. Annual statements are used to disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year; however, the period covered by an employee's first annual statement will begin on the effective date of the code or the employee's start date with the court, whichever is later.

(D) Leaving Office (Position) Statements
All persons in designated positions must file a Form 700 within 30 days after leaving the position. The person must disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last Form 700 filed and the date of leaving the position.

The Form 700, with an original signature, is to be filed with Court Administration by the specified due date. Designated employees who file past their specified due dates are subject to fines by the State. Copies of prior year forms will not be accepted to meet the filing requirements of the current year.

8.0 Training

Each designated employee is required to complete mandatory ethics and conflict of interest code training and submit a certificate of completion to Court Administration by the specified due date every two (2) years. New designated employees are required to complete the training and submit a certificate within six (6) months of becoming an employee and at least once during each consecutive two calendar years thereafter. (Gov. Code, §11146; CA Rules of Court, rule 6.301.)

The two (2) hour training is available at Comet.
http://www2.courtinfo.ca.gov/protem/courses/ct/coi_2/index.htm

9.0 Disqualification

A designated employee must disqualify himself or herself from making any decision when the employee has a financial interest which can be reasonably foreseen to be affected by the decision (Gov. Code, §87103). No designated employee will make, participate in making, or use their position to influence the making of any court decision which will have a material economic effect on the employee, a member of

his or her immediate family, a person with whom the employee has a close personal relationship, or on:

(A) Any business entity in which the designated employee has a direct or indirect interest worth $2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth $2,000 or more;

(C) Any source of income with a sum total of $500 or more in value provided to, received by, or promised to the designated employee within the 12 month period prior to when the decision is made (does not include loans from a commercial lending institution in the regular course of business on terms available to the public without regard to official status);

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor (or representative of a donor) of a gift or gifts with a total value of $420 or more provided to, received by, or promised to the designated employee or their immediate family member within a 12 month period prior to when the decision is made.

If a matter cannot be legally acted upon without the employee's participation, the employee does not have to be disqualified.

9.1 Manner of Disqualification

An annual statement of disqualification shall be filed with the Court Executive Officer by employees subject to disclosure category 3 and serving in a designated employment classification.

During the course of business, when a designated employee determines that they should not be involved in the decision making process (including procurements and contracts) due to any of the reasons stated above, they must disclose the reason for the disqualification in the following manner:

(A) For the Court Executive Officer, the determination and disclosure will be made in writing to the Presiding Judge.

(B) For other designated employees, the determination and disclosure will be made in writing to the Court Executive Officer with a copy to their immediate supervisor.

10.0 Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code §81000, et seq. In addition to sanctions allowed under the statute, the court may initiate appropriate disciplinary actions up to and including termination of employment.

11.0 Gifts, Kickbacks, and Honoraria Restrictions

It is the policy of this court that all designated employees refrain from accepting kickbacks, and comply with the Political Reform Act limits on gifts and the prohibition of honoraria payments. (Gov. Code, §§89503 (e), (f), and (g) and 89501 (a), (b), and (c)).

11.1 Gifts

A gift is defined as any item, payment or benefit that provides a personal benefit for which compensation of equal value was not provided in return. Gifts include rebates or discounts unless made available to the general public. A gift is considered received or accepted even when discarded or turned over to another person.

Designated employees and their immediate family members may not accept gifts with a total value of more than $420 in a calendar year from any single source, if required to report a gift from that source on the Form 700. Reportable gifts with a value of $50 or more (or multiple gifts totaling $50 or more from a single source) must be reported on the Form 700. Exceptions not subject to gift limits can be found at the FPPC website, www.fppc.ca.gov.

FPPC Regulation 18944.2 establishes the criteria under which a payment that would otherwise be considered a gift to an employee may be considered a gift to the Court instead. The payment or gift must meet the following requirements:

(A) The Court Executive Officer or designee must determine and control the use of the payment or gift;

(B) The payment or gift must be used for official Court business;

(C) The donor may identify a purpose for the gift but may not designated by name, title, class or otherwise who may use the payment or gift;

(D) When determining how the gift will be used, the Court Executive Officer or designee may not select herself or himself;

(E) Within 30 days of receipt of the payment or gift, the Court must file a Form 801 with the FPPC. The Form 801 discloses the donor information, the payment or gift amount(s) and a specific description of the use of the payment or gift. The filing must be certified by the Court Executive Officer or designee. A copy of the Form 801 filing must also be placed on the Court's public website for public information.

Additional information regarding restrictions on travel payments, not associated with education, training, or other inter-agency programs are detailed in FPPC Regulation 18944.2, which is available on the FPPC website www.fppc.ca.gov

11.2 Kickbacks

Designated employees are prohibited from accepting any payment, gratuity, or offer of employment from a potential bidder, contractor or subcontractor, as an inducement for the award of a contract, subcontract, or order.

11.3 Honoraria

An honoraria is any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal or like gathering.

Designated employees may not accept an honorarium from any source the employee would be required to report on a Form 700. This prohibition does not apply to payments, advances, or reimbursements for travel and related lodging, and subsistence authorized by Gov. Code §89506.

12.0 Code Amendments and Reviews

Government Code §87306 requires public agencies to amend their conflict of interest codes when changes occur. Changes include the establishment of new, or the deletion of existing designated employee classifications or changes to disclosure categories.

Proposed amendments will be submitted by Court Administration, via the Court Executive Officer, to the Presiding Judge within 90 days following the changed circumstances. The Presiding Judge then has 90 days from receiving the amendments to approve, revise or return the code for additional changes.

Government Code §87306 also requires a biennial report to the code reviewing body identifying changes in the code, including those outlined above and changes in reportable sources of income, and relevant changes in the duties assigned to existing designated positions. These reports will be submitted by the Court Executive Officer to the Presiding Judge and Court Executive Committee no later

than March 1 of each odd-numbered year. In each even-numbered year, the Court Executive Officer will review the code, and if no change is required, will submit a written statement to that effect to the Presiding Judge and Court Executive Committee no later than October 1 of the same year.

13.0 Public Inspections

Members of the public may request to inspect or obtain copies of Forms 700 from the court filing officer or designee during regular business hours. No conditions can be imposed on individuals who wish to review copies of statements and no information or identification can be requested from persons seeking access. No redaction of information or altering of a Form 700 is permissible.

Copies must be provided no later than the second business day after requested at a cost of no more than $.10 cents per page, plus a $5.00 retrieval fee if the statements are five (5) years or more old. (Gov. Code, §81008 (a)).

14.0 Retention

Original Form 700 filings for designated employees must be retained for no less than seven years (Gov. Code, §81009), but following a period of two years the Court may maintain an electronic copy of the original for public inspection (Gov. Code §81009(g)). Original Form 700 filings for Judges and Commissioners are submitted to the FPPC, but the Court shall retain a copy on file for public inspection for a period of no less than four years (Gov. Code §81009(f)).

15.0 Assistance and Support

Any designated employee who is unsure of their duties under this code may request assistance from Court Administration or directly from the FPPC. The web site contains detailed information on reporting requirements and instructions on completing the Form 700.

Fair Political Practices Commission
Toll-free advice line: 1-866-ASK-FPPC
1-866-275-3772
www.fppc.ca.gov

Appendix A
Designated Employment Classifications

Designated employees are required to annually disclose economic interests that may foreseeably impact a court decision. This includes positions that make, participate in or influence decisions which typically include those that involve voting, negotiating contracts, or making recommendations on purchasing without substantive review.

The table below lists all positions designated by the Conflict of Interest Code of the Monterey County Superior Court. All employees in these positions are considered designated employees and must complete a Statement of Economic Interests, Form 700, in accordance with this code. Additional disclosure categories require a statement of disqualification to be filed with the Court Executive Officer each year.

Detailed instructions for completing the Form 700 can be found at www.fppc.ca.gov.

Part-time or full-time employees, temporary employees, or consultants in the designated classifications shall report interests in property, investments, other interests and gifts in the corresponding Disclosure Categories.

Position / Classification	Disclosure Categories
Court Executive Officer	1, 2, 4
Assistant Court Executive Officer	1, 2, 4
Director of Finance	1, 2, 4
Director of Information Technology	1, 2, 4
Director of Operations	1, 2, 4
Assistant Director of Finance	1, 2, 4
Division Manager-Finance	1, 2, 4
Division Manager-Information Technology	1, 2, 4
Division Manager-Operations	1, 2, 4
Financial Analyst	1, 2, 4
Accountant III	1, 2, 4
Administrative Analyst	3, 4
Business Applications Analyst	3, 4
Desktop Administrator	3, 4
Family Law Facilitator	3, 4
General Services Supervisor	3, 4
Human Resources Analyst	3, 4

IT Support Technician ==	3, 4
Paralegal	3, 4
Research Attorney	3, 4
Senior IT Support Technician	3, 4
Staff Attorney	3, 4
Systems Administrator I	3, 4
Systems/Network Administrator	3, 4
Technical Systems Analyst	3, 4
	3, 4
Consultant	As designated by the Court Executive Officer*

*Consultants for this purpose are individuals assisting the Court in carrying out managerial functions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Court Executive Officer may designate in writing that a particular consultant is hired to perform a range of duties requiring compliance with the disclosure requirements described in this section. The Court Executive Officer'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.

Appendix B
Disclosure Categories

The Conflict of Interest Code requires disclosure of those types of investments, interests in real property, sources of income and business positions that persons holding designated classifications may affect materially through the conduct of their position or decision-making.

Disclosure categories specify which kinds of financial interests are reportable. Designated employees are assigned disclosure categories and are required to disclose financial interests as specified in their assigned categories.

PLEASE NOTE: The language used below has been paraphrased to make it more easily understood. Employees are encouraged to read the actual language contained in the FPPC instructions and government codes cited throughout this document.

For additional information on disclosure requirements, go to www.fppc.ca.gov.

DISCLOSURE CATEGORIES		
Category	**How To Report**	**What To Report**
Category 1 Real Property	Use Form 700	Interests in real property located within Monterey County or within two (2) miles of Monterey County. For the purpose of disclosure only (not disqualification), an interest in real property **does not include a principal residence**** or investments and interests in real property which have a fair market value of less than $2,000. However, interests in real property include those held by a spouse and/or dependent children. [**A residence, such as a home or vacation cabin, used exclusively as a personal residence. However, a residence for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.]
Category 2 Business Interests	Use Form 700	Business positions and/or investments in and income from business entities (including those of filer's spouse) engaged in the manufacture, sale, lease or provision of supplies, materials, equipment, real property and services of the type used by this Court within the past two (2) years.
Category 3 Disqualification	Annual Statement of Disqualification and/or, as	All investments, sources of income, interests in real property **(excluding principal residences)** and positions in business entities when the following circumstances exist (pertains to disqualification only):

	applicable a written statement to the CEO; no Form 700 required	If during a reporting period a designated employee did **not** participate in, or was **not** required to disqualify themselves from participating in, a case or other assignment in which he/she had a financial interest, the employee will sign a statement to that effect under penalty of perjury. This statement will be filed as the annual statement of economic interests with the Court Executive Officer. An employee who disqualified himself/herself from participating in a case or assignment in which he/she had a financial interest must disclose the case or assignment and the disqualifying interest and file the statement with the Court Executive Officer.
Category 4 Gifts	Use Form 700	Gifts made to an employee or family member of an employee. The name and address of the donor of any gift valued at $50.00 or more (includes multiple gifts totaling $50 or more from a single source); a description and estimated value of the gift. Reportable gifts include those from business entities or individuals which contract or potentially contract to furnish goods or services to the court and from donors who may be affected by any decision made or participated in by the employee. Reportable gifts and exceptions can be found in Schedules D and E of the Form 700.

The Court Executive Committee hereby adopts the revised Monterey County Superior Court's Conflict of Interest Code, effective September 19, 2012.

By: _____ Date: 10/15/12

Signature of Chair

Committee Members:

Presiding Judge Timothy P. Roberts, Chairperson
Assistant Presiding Judge Marla O. Anderson
Judge Adrienne M. Grover
Civil Supervising Judge Kay T. Kingsley
Judge Russell D. Scott
Judge Robert A. Burlison

Advisory:

Connie Mazzei, Court Executive Officer
Rosalinda G. Chavez, Assistant Court Executive Officer