

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-5

Urgent Routine

AGENDA DATE February 1, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt an Amendment to the Conflict of Interest Code of the Modesto City Schools District

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Code of the Modesto City Schools District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2011-076

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval to Adopt an Amendment to the Conflict of Interest Code of the Modesto City Schools District
page 2

DISCUSSION:

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding a public meeting the Modesto City Schools District approved amendments to their Conflict of Interest Code. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendments to the Conflict of Interest Code from the agency the Board of Supervisors places the amendment on their agenda for approval.

POLICY ISSUE:

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Christine Ferraro Tallman, Clerk of the Board of Supervisors Telephone: 209-525-4494



ADMINISTRATION

Arturo M. Flores
Superintendent

Chris G. Flesuras, Jr.
Deputy Superintendent
Chief Human Resources Official

Pamela Able
Associate Superintendent
Educational Services, Pre-K-6

Randy Fillpot
Associate Superintendent
Educational Services, 7-12

Craig Rydquist
Associate Superintendent
Educational and Administrative Services

MODESTO CITY SCHOOLS

426 Locust Street, Modesto, California 95351-2631
Administrative Offices (209) 576-4011
www.monet.k12.ca.us

BOARD OF EDUCATION

Sue Zwahlen
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Rubén Villalobos
Vice President

Nancy Cline

Steven Grenbeaux

Gary A. Lopez

Cindy Marks

Kimberly Spina

January 19, 2011

Christine Ferraro Tallman, Clerk
Board of Supervisors
1010 Tenth Street, Suite 6700
Modesto, CA 95354

BOARD OF SUPERVISORS
2011 JAN 26 A 10:35

Dear Ms. Tallman:

Enclosed is the Board Bylaw 9270 Conflict of Interest Code along with the amended Exhibit 9270 for Modesto City Schools. No changes were made to the actual code only to the Exhibit which lists the designated employees.

Thank you for your cooperation in this matter and if you have any questions, please feel free to contact my office at 576-4141.

Sincerely,

Arturo M. Flores
Superintendent

AMF:bh
Enclosures

MODESTO CITY SCHOOLS

Exhibit

E 9270

LIST OF DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

1. DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

- A. Category 1--Full Disclosure (*Officials and employees whose duties are broad and indefinable.*)

Persons occupying the following positions are designated employees for purposes of the District's Conflict of Interest Code and must file statements of economic interests pursuant to Government Code Section 87302 and disclose financial interests identified in Category 1. It has been determined that the persons holding the following listed positions make or participate in the making of decisions which may foreseeably have a material effect on financial interests of the District.

Associate Superintendents, Educational Services
Deputy Superintendent, Chief Human Resources Official
Director, Planning, Facilities, Support
Director, Maintenance and Construction
Supervisor, Maintenance and Construction
Supervisor, Purchasing
Senior Buyer
Buyer
Purchasing Clerks
Designated Consultants (Not responsible for the management
of public investments)¹

¹ The Superintendent may determine in writing that a particular consultant is hired to perform a range of duties that is 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 the disclosure requirements. The Superintendent'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.

Category 1 (continued)

Individuals included in this category shall disclose:

- (1) All interest in real property located within the District boundaries or two miles thereof, or within two miles of any District-owned or used property, including all investments in, business positions with, and sources of income from entities having an interest in real property within the District or entities which are of the type to do business with or within the District.
- (2) All investments, business positions, and income (including gifts, loans and travel payments) from sources located in or doing business in the jurisdiction, which shall include:
 - (a) Acquisition, development or disposal of real property within the District boundaries;
 - (b) Contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District; or
 - (c) Manufacture, sell or provide supplies, materials, books, machinery, services, or equipment of the type utilized by the District.

B. **Category 2--Limited Disclosure** (*Officials and employees with limited decision-making authority who manage or direct departments with specific functions.*)

Persons occupying the following positions are designated employees for purposes of the District's Conflict of Interest Code and must file statements of economic interests pursuant to Government Code Section 87302 and disclose financial interests identified in Category 2.

Accounting Supervisor

Administrator of Intervention Programs

Administrator of Special Projects

Administrator of Student & Community Activities

Administrator of Student & Family Support Services

Assistant Director, Nutrition Services

Budget Manager

Coordinator, Instructional Services K-12

Category 2 (continued)

Director, Assessment & Evaluation
Director, Child Development Programs
Director, Child Welfare and Attendance
Director, Community Affairs
Directors, Educational Services, Pre K-12
Director, Human Resources K-6
Director, Human Resources 7-12
Director, Information & Technology Services
Director, Nutrition Services
Director, Operations
Director, Risk Management
Director, School to Career
Director, SELPA
Director State & Federal Programs
K-12 Principals
Network Specialist
Reprographics Supervisor
Supervisor, Computer Systems
Supervisor, Information Systems
Supervisor, Instructional Technology
Supervisor, Operations
Supervisor, Payroll and Benefits
Supervisor, Special Education
Supervisor, Transportation
Systems and Operations Manager
Warehouse Supervisor

Category 2 (continued)

Individuals included in this category shall disclose:

- (1) All investments, business positions, and income from sources (including gifts, loans and travel payments) from sources located in or doing business in the jurisdiction, including:
 - (a) Contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District department which the designated person manages or directs; or
 - (b) Manufacture, sell or provide supplies, materials, books, machinery, services or equipment, including training or consulting services of the type utilized by the District department that the designated person manages or directs.

Note: For the purpose of this category, a principal's department is his/her entire school.

2. OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

Public officials who manage public investments are excluded from the categories of "designated employees" under the Conflict of Interest Code. Public officials who manage public investments have a separate obligation to file statements of economic interest with the Fair Political Practices Commission.

It has been determined that the positions listed below are public officials who manage public investments. Individuals occupying such positions will be required to file a statement of economic interests pursuant to Government Code Section 87200.

Board of Education Members
Superintendent of Schools
Deputy Superintendent, Chief Business Official
Director, Business Services
Manager, Fiscal Support Services
Consultants (Responsible for the management of public investments)

Officials Who Manage Public Investments (continued)

Disclosure categories for officials who manage public investments are not identified herein. Officials who manage public investments are responsible for disclosing those financial interests as required by the statement of economic interest forms prepared by the Fair Political Practices Commission for use by individuals who fall under this category.

MODESTO CITY SCHOOLS

Bylaw

BB 9270

BOARD OF EDUCATION

Conflict of Interest

1. Conflict of Interest Code

The Political Reform Act (Government Code 81000 et seq.) requires that state and local government agencies adopt and promulgate a conflict of interest code.

The District adopts and incorporates by reference the sample Conflict of Interest Code prepared by the Fair Political Practices Commission as set forth in Title 2, California Code of Regulations 18730, and any amendments to it duly adopted by the Fair Political Practices Commission. Set forth in Exhibit 9270 is the District's approved list of designated employees and disclosure categories as required by the Conflict of Interest Code.

Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided (Government Code 81002 (c)). Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them (Government Code 81001 (b)).

Designated employees shall adhere to the District's Conflict of Interest Code, including filing statements of economic interests with the District. These statements shall be filed annually by April 1 with the District's filing officer, the Superintendent on forms prescribed by the Fair Practices Commission and supplied by the District. The District's filing officer shall make and retain copies and forward the originals to the County Board of Supervisors, the code reviewing body (Government Code 87500). These statements shall be available for general public inspection and reproduction (Government Code 81008).

BOARD OF EDUCATION

Conflict of Interest

Officials who manage public investments, as set forth in Exhibit 9270, shall file statements of economic interests as required by Title 2, California Code of Regulations 18753. Those designated in this category are those individuals who direct the investment of funds, formulate or approve policies for the investment of these funds, or approve investment transactions involving these funds.

2. Incompatible Activities

Governing Board members or designated employees shall not engage in any employment or activity which is inconsistent, incompatible, in conflict with or inimical to the Board member's or designated employee's duties as an officer of the District (Government Code 1126).

3. Financial Interests

A Governing Board member or designated employee shall not participate in making or influencing a governmental decision in which he/she knows or has reason to know he/she has a financial interest.

Where a Governing Board member has a financial interest in a decision, the member shall fully disclose the existence of the conflict, abstain from discussion on the subject, not engage in conduct to influence a decision, and abstain from voting on the subject. Disclosure of the conflict and Board member's abstention from voting should be reflected in Board minutes.

Governing Board members may participate in the making of a governmental decision, not involving a contract, to the extent participation is legally required to create a quorum for the action or decision to be made, or the decision affects the official's interest in a manner which is not distinguishable from the general public as set forth in Title 2, California Code of Regulations 18703. A tie does not make participation legally required.

BOARD OF EDUCATION

Conflict of Interest

Governing Board members or designated employees shall not be financially interested in any contract, sales or purchases made by them in their official capacity, or by any body or board of which they are members (Government Code, Section 1090). A Governing Board member shall not be considered to be financially interested in any contract if any of the exceptions set forth in Government Code 1091 or 1091.5 apply.

4. **Gifts and Honoraria**

Board members and designated employees shall not accept from any single source in any calendar year gifts in excess of the prevailing gift limitation specified in law, or other honorarium, except as otherwise expressly authorized by statute or regulation (Government Code 89501, 89502).

Legal Reference:

Education Code

35107 Voting Restrictions, Personnel Matters

Government Code

1090 et seq. Conflict of Interest

81000 et seq. Political Reform Act

Code of Regulations, Title 2

18100 et seq. Regulations of Fair Political Practices Commission

REVIEWED: January 27, 1992
December 16, 1996
January 18, 2005