

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

DEPT: Board of Supervisors

BOARD AGENDA # \*A-4

Urgent  Routine  *CF*

AGENDA DATE September 25, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt Amendments to the Conflict of Interest Codes for the Denair Fire Protection District; Local Agency Formation Commission; Turlock Mosquito Abatement District; West Stanislaus Resource Conservation District; Denair Unified School District; and, Hughson Unified School District

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Codes for the Denair Fire Protection District; Local Agency Formation Commission; Turlock Mosquito Abatement District; West Stanislaus Resource Conservation District; Denair Unified School District; and, Hughson Unified School District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-485

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

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

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:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**SUBJECT:** Approval to Adopt Amendments to the Conflict of Interest Codes for the Denair Fire Protection District; Local Agency Formation Commission; Turlock Mosquito Abatement District; West Stanislaus Resource Conservation District; Denair Unified School District; and, Hughson Unified School 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 meetings the Denair Fire Protection District; Local Agency Formation Commission; Turlock Mosquito Abatement District; West Stanislaus Resource Conservation District; Denair Unified School District; and, Hughson Unified School 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 amendment to a Conflict of Interest Code from an 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 Phone Number: 209-525-4494



# Denair Fire Protection District

P.O. Box 262, Denair, CA 95316  
(209) 632-5032 Station (209) 632-1488 Fax

BOARD OF SUPERVISORS

2012 AUG 10 A 10:55

August 7, 2012

Christine Ferraro Tallman  
Clerk of the Board of Supervisors  
Stanislaus County  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

Re: Conflict of Interest Code

Dear Ms. Ferraro Tallman:

The Denair Fire Protection District has approved the amendment to the enclosed Conflict of Interest Code at a regular District board meeting on Tuesday, August 7, 2012.

Sincerely

A handwritten signature in cursive script that reads "Jim Tavernas".

Jim Tavernas  
Vice-Chairman  
Board of Commissioners

### 2012 Local Agency Biennial Notice

Name of Agency: Denair Fire Protection District  
 Mailing Address: PO Box 262 Denair CA 95316  
 Contact Person: Lisa Wynn Office Phone No: 209 6325032  
 E-mail: denairfire@gmail.com Fax No: \_\_\_\_\_

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

- An amendment is required. The following amendments are necessary: (Mark all that apply.)
  - Include new positions.
  - Revise disclosure categories.
  - Revise the titles of existing positions.
  - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
  - Other (describe) Change of filing location
- No amendment is required.
- The code is currently under review by the code reviewing body.

#### Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
 \_\_\_\_\_  
 Signature of Chief Executive Officer

7/3/12  
 \_\_\_\_\_  
 Date

Complete this notice regardless of how recently your code was approved or amended. Please return this notice no later than October 1, 2012, or the date specified by your agency, if earlier, to:

BOARD OF SUPERVISORS  
2012 JUL 18 P 4:51

Clerk of the Board of Supervisors  
 1010 10<sup>th</sup> Street, Suite 6700  
 Modesto, CA 95354

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

## ATTACHMENT A

### CONFLICT OF INTEREST CODE

#### OF THE DENAIR FIRE PROTECTION DISTRICT

The Political Reform Act, Government Code Section 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 conflict of interest code, which can be incorporated by reference in an agencies code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attachments, designated members and employees established in disclosure categories, shall constitute the Conflict of Interest Code of the Denair Fire Protection District.

Designated employees shall file statements of economic interest with the agency. Upon receipt of the statements the designated agency shall file the statements at Denair Fire Department, 3918 North Gratton Road, Denair, California, as indicated on Attachment D.

**ATTACHMENT B**

**CONFLICT OF INTEREST CODE**

**OF THE DENAIR FIRE PROTECTION DISTRICT**

**DESIGNATED EMPLOYEES/POSITIONS**

Under provisions of the Standard Code, designated employees/positions shall file statements of economic interests. Listed below are the designated employees/positions for the Denair Fire Protection District and the appropriate schedules for filing:

**POSITIONS:**

**DISCLOSURE CATEGORY:**

Commissioners

I, II

Fire Chief

I, II

Consultant(s)

III

**ATTACHMENT C**

**CONFLICT OF INTEREST CODE**

**OF THE DENAIR FIRE PROTECTION DISTRICT**

**DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS**

**CATEGORY I**

All investments and business positions in business entities, sources of income and interest in real property located in or doing business in the district.

**CATEGORY II**

Investments and business positions in business entities, and sources of income from any source of the type which has contracted to provide, or has provided, the district with services, supplies, materials, machinery or equipment.

**CATEGORY III**

Consultants shall disclose, pursuant to Category I and II, subject to the following limitation:

The Fire Chief may determine, in writing, that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and, thus, is not required to fully comply with the disclosure requirements described 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 consultant's disclosure requirements. Such determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of Interest Code.

**ATTACHMENT D**

**CONFLICT OF INTEREST CODE**

**OF THE DENAIR FIRE PROTECTION DISTRICT**

**PLACE OF FILING**

**DESIGNATED EMPLOYEES/POSITIONS:**

**Where: Denair Fire Protection District**

**The District shall maintain a copy of each "Statement of Financial Interests" form at the Denair Fire Department, 3918 North Gratton Road, Denair, California.**



1010 TENTH STREET, 3<sup>RD</sup> FLOOR  
MODESTO, CA 95354



PHONE: (209) 525-7660  
FAX: (209) 525-7643  
www.stanislauslafco.org

2012 AUG -9 A 8:24

August 9, 2012

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

**SUBJECT: Transmittal of the Stanislaus LAFCO Amendment of Conflict of Interest Code – As Amended on July 25, 2012**

Dear Ms. Tallman:

At their meeting of July 25, 2012, the Stanislaus Local Agency Formation Commission (LAFCO) voted to amend the Commission's Conflict of Interest Code to reflect changing the Filing Officer from the County Clerk of the Board to the LAFCO Clerk. Attached please find a copy of the Commission's amended Conflict of Interest Code. Please file this with the previously transmitted adopted LAFCO Resolution No. 2012-11 and completed 2012 Local Agency Biennial Notice.

It is understood that the Commission's amended code must be approved by the Board of Supervisors by December 30, 2012.

Please contact me with any questions regarding this matter.

Sincerely,

Marjorie Blom  
Executive Officer

Attachments: Conflict of Interest Code of the Stanislaus County LAFCO

## 2012 Local Agency Biennial Notice

Name of Agency: Stanislaus Local Agency Formation Commission (LAFCO)

Mailing Address: 1010 10th Street, 3rd Floor, Modesto, CA 95354

Contact Person: Marjorie Blom Office Phone No: 209-525-7660

E-mail: blomm@stancounty.com Fax No: 209-525-7643

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.**

This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

**An amendment is required. The following amendments are necessary:**  
(*Mark all that apply.*)

- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- Other (*describe*) Change Filing Officer from County Clerk of the Board to the LAFCO Clerk.

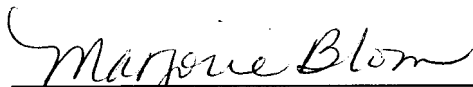
**No amendment is required.**

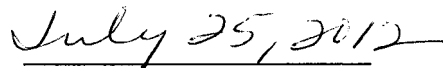
**The code is currently under review by the code reviewing body.**

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### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

  
\_\_\_\_\_  
Signature of Chief Executive Officer

  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

**Stanislaus County Clerk of the Board of Supervisors**  
**1010 Tenth Street, Suite 6700**  
**Modesto, CA 95354**

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** July 25, 2012

**NO.** 2012-11

**SUBJECT:** Amendment of Conflict of Interest Code – Change of Filing Officer

On the motion of Commissioner O'Brien, seconded by Commissioner Saletta, and approved by the following:

Ayes: Commissioners: Bublak, DeMartini, Goeken, O'Brien, Saletta  
Noes: Commissioners: None  
Absent: Commissioners: Chiesa  
Ineligible: Commissioners: Beekman, Freitas

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

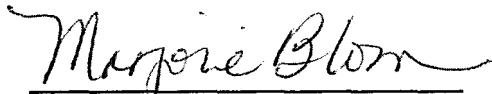
**WHEREAS**, pursuant to the Political Reform Act, the Stanislaus County Board of Supervisors is the Conflict of Interest Code reviewing body for County agencies and any other local governmental agencies whose jurisdiction is solely within the County; and

**WHEREAS**, the Stanislaus Local Agency Commission (LAFCO) has conducted a duly noticed public hearing on July 25, 2012, to consider amending its adopted Conflict of Interest Code to reflect changing the Filing Officer from the County Clerk of the Board to the LAFCO Clerk.

**NOW, THEREFORE, BE IT RESOLVED** that the Commission:

1. Amends the Stanislaus Local Agency Formation Commission's Conflict of Interest Code to designate the LAFCO Clerk as the Filing Officer, who will retain the agency's original Fair Political Practices Commission (FPPC) Form 700s, at the LAFCO Office.
2. Directs the Executive Officer to forward the LAFCO amended Conflict of Interest Code to reflect the Change of Filing Officer to the Board of Supervisors for their subsequent approval, pursuant to Government Code Section 87303.

**ATTEST:**



Marjorie Blom  
Executive Officer

**CONFLICT OF INTEREST CODE  
OF THE  
STANISLAUS COUNTY LAFCO**

Section 100. Purpose. Pursuant to the provisions of Government Code Section 87300, et seq., the Stanislaus County LAFCO hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

Section 200. Designated Positions. The positions listed on Exhibit "A" are designated positions. Individuals holding those positions are designated members or employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

Section 300. Disclosure Statements. Each designated individual shall file an annual statement disclosing that individual's interest in investments, business positions, real property, and income, designated as reportable under the provisions of this code. An investment, business position, interest in real property, or income is reportable if the business entity in which the investment is held, the business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position. Designated employees must report:

- a) Investments in any business entity which, within the last two years, has contracted or in the future foreseeably may contract with the Stanislaus County LAFCO or with the County of Stanislaus to provide services, supplies, materials, machinery or equipment to Stanislaus County.
- b) Income, other than a gift, from any source which, within the last two years, has contracted, or in the future foreseeably may contract with the Stanislaus County LAFCO or with the County of Stanislaus, to provide services, supplies, materials, or machinery or equipment to Stanislaus County. Gifts valued at \$50 or more must be reported regardless of whether the donor is located in the County or is doing business with Stanislaus County.

- c) Status as a director, officer, sole owner, partner, trustee, employee or holder of a position of management in any business entity which, within the last two years, has contracted or in the future foreseeably may contract with the Stanislaus County LAFCO or with the County of Stanislaus, to provide services, supplies, materials, machinery or equipment to Stanislaus County.
- d) Interest in real property located within the County of Stanislaus. "Interest in real property" does not include the principal residence of the filer or any other property which the filer utilizes exclusively as the personal residence of the filer.
- e) Investments and income otherwise reportable under paragraphs (a) and (b) shall not be reported unless the total amount of all contracts by the business entity to provide services, supplies, materials, machinery or equipment to the Stanislaus County LAFCO or to the County of Stanislaus was more than \$1,000 in the prior calendar year, or unless the total amount of all foreseeable contracts by the business entity to provide services, supplies, materials, or machinery or equipment to Stanislaus County will be more than \$1,000 in the next calendar year.

Section 400. Place and Time of Filing.

- a) All designated individuals required to submit a statement of financial interests shall file the original with the LAFCO Clerk of the Stanislaus County LAFCO.
- b) The LAFCO Clerk who receives the statement of financial interest shall file the original in the Stanislaus County Local Agency Formation Commission (LAFCO) Office located at: 1010 Tenth Street, Third Floor, Modesto, CA 95354.
- c) A designated individual required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.
- d) Individuals appointed, promoted or transferred to designated positions shall file initial statements within 30 days after date of appointment to the position.
- e) Annual statements shall be filed during the month of March by all designated individuals. Such statements shall cover the period of the preceding calendar year.

- f) Any person whose appointment in a designated position is terminated shall, within 30 days after termination, file a statement covering the period between the closing date of the last prior statement and the date of termination.
- g) A designated individual required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

Section 500. Contents of Disclosure Statements. Disclosure statement shall be made on forms prescribed by the Fair Political Practices Commission, and shall contain the following information:

- a) **CONTENTS OF INVESTMENT AND REAL PROPERTY REPORTS.** When an investment, or an interest in real property, is required to be reported, the statement shall contain:
  - 1) A statement of the nature of the investment or interest;
  - 2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
  - 3) The address or other precise location of the real property;
  - 4) A statement whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000).

This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

- b) **CONTENTS OF PERSONAL INCOME REPORTS.** When personal income is required to be reported, the statement shall contain:
  - 1) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any of each source. Income, other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction,

not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title. Income from the State, Local or Federal government, alimony and child support, loans from relatives, and loans from a commercial lending institution used for the purchase of the principal residence of the buyer need not be disclosed.

- 2) A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);
- 3) A description of the consideration, if any, for which the income was received;
- 4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made, a description of the gift; and the amount or value of the gift; and the date on which the gift was received;
- 5) In the case of a loan, the annual interest rate and the security, if any, given for the loan.

c) **CONTENTS OF BUSINESS ENTITY INCOME REPORTS.** When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- 1) The name, address, and a general description of the business activity of the business entity;
- 2) The name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

d) **CONTENTS OF BUSINESS POSITIONS REPORTED.** When business positions are required to be reported, a designated individual shall list the name of each business entity not specified above in which he or she is a director, officer, sole owner, partner, trustee, employee, or in which he or she holds any position of management. A description of the business activity which the business entity is engaged, and the designated individual's position with the business entity.

- e) INITIAL STATEMENT. The initial statement filed by an individual appointed to a designed position shall disclose any reportable investments and interests in real property.
  
- f) ACQUISITION OR DISPOSAL DURING REPORTING PERIOD. In the case of a statement filed under Section 400(f), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

Section 600. Disqualification. No designated individual shall make, participate in making, or use his or her official position to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on the individual or a member of his or her immediate family or on any other financial interest as defined in Government Code Section 87103.

No designated individual shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated individual who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

Section 700. Manner of Disqualification. When a designated individual determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated individual who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated individuals, this determination and disclosure shall be made in writing to the designated employee's supervisor.



"EXHIBIT A"

Designated Positions

The following Stanislaus County LAFCO positions are designated:

Chairman, all Commissioners;  
All Alternate Commissioners;  
Executive Officer;  
Assistant Executive Officer; and  
Counsel

"EXHIBIT B"

Disclosure by Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to the provisions of this code subject to the following limitation:

The Stanislaus County LAFCO may determine in writing that a particular consultant, although a "designated position," 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 this code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Stanislaus County LAFCO's determination is a public record and shall be retained for public inspection in the same manner and location as the conflict of interest code.

# 2012 Local Agency Biennial Notice

BOARD OF SUPERVISORS

Name of Agency: TURLOCK MOSQUITO ABATEMENT DISTRICT 2012 AUG - 8 A 10:40  
Mailing Address: 4412 N. WASHINGTON RD. ; TURLOCK, CA 95380  
Contact Person: DAVID HEFT Office Phone No: (209)634-1234  
E-mail: dheft@fire2wire.com Fax No: (209) 634-~~8~~4103

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:  
(Mark all that apply.)

- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Other (describe) COI CODE CHANGED TO MATCH COUNTY TEMPLATE.

No amendment is required.

The code is currently under review by the code reviewing body.

## Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
\_\_\_\_\_  
Signature of Chief Executive Officer

08/01/2012  
\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

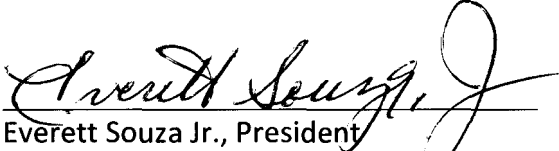
(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

**CONFLICT OF INTEREST CODE  
OF THE  
TURLOCK MOSQUITO ABATEMENT DISTRICT**


**RECORD OF ACTION**

The above-named agency hereby submits the attached amended Conflict of Interest Code to the County of Stanislaus Board of Supervisors as the code reviewing body for such agency.

  
Everett Souza Jr., President  
Turlock Mosquito Abatement District

Received on behalf of the code reviewing body.

Date: 8/8/12

  
Christine Ferraro-Tallman, Clerk to the  
Board of Supervisors

The amendments to the Conflict of Interest Code, having been submitted by the agency designated above, was approved by order of the code reviewing body on \_\_\_\_\_, to be effective immediately.

  
Christine Ferraro-Tallman, Clerk to the  
Board of Supervisors

RESOLUTION NO. 2012-4

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
TURLOCK MOSQUITO ABATEMENT DISTRICT AMENDING THE  
CONFLICT OF INTEREST CODE AND SUBMITTING  
THE AMENDED CODE TO THE BOARD OF SUPERVISORS  
OF THE COUNTY OF STANISLAUS AS THE  
CODE REVIEWING BODY**

**WHEREAS**, the Turlock Mosquito Abatement District duly amended its conflict of interest code in 1996; and

**WHEREAS**, the Turlock Mosquito Abatement District desires to amend its conflict of interest code in order to modify, among other non-substantive changes, the District's designated place of filing.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Turlock Mosquito Abatement District as follows:

1. That the District has prepared, reviewed and revised the draft amended conflict of interest code;
2. That the District has satisfied the requirements of Government Code §87311;
3. That the Board of Trustees has conducted a public hearing and provided an opportunity for public and district employee input pursuant to Government Code §87311;
4. That the draft amended conflict of interest code for the District, attached to this Resolution and incorporated herein, is hereby adopted and shall be submitted to the Board of Supervisors of the County of Stanislaus for their approval as the code reviewing body.

Moved by Trustee Hunewill, seconded by Trustee Hooker,  
that the foregoing resolution be adopted.

Upon roll call the following vote was had:

**Ayes:**

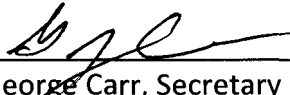
Apland, Carr, Caulton, Hackler, Hooker, Hunewill,  
Peterson, and Souza.

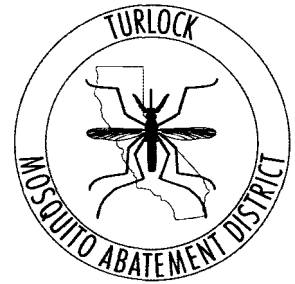
**Noes:**

**Abstain:**

**Absent:**

I, George Carr, Secretary of the Board of Trustees of the Turlock Mosquito Abatement District, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the said Board of Trustees held the 16th day of July, 2012.

  
\_\_\_\_\_  
George Carr, Secretary



# Conflict of Interest Code

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## **Attachment A**

The Political Reform Act (Government Code Section 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 California Code of Regulations Section 18730) which contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attachments, designated members and employees established in disclosure categories, shall constitute the Conflict of Interest Code of the Turlock Mosquito Abatement District ("District").

Designated employees and officials shall file statements of economic interests with the District. Upon receipt of the statements of the various designated members and employees, the designated agency shall make and retain a copy and forward the original of these statements to the place of filing, as indicated on Attachment D.

## **Attachment B**

### *Designated Employees/Positions*

Under provisions of the Standard Code, designated employees/positions shall file statements of economic interests. Listed below are the designated employees/positions for the Turlock Mosquito Abatement District and the appropriate schedules for filing:

<u>Designated Positions</u>	<u>Disclosure Category</u>
General Manager	I, II
District Legal Counsel	I, II
Consultant*	III

Officials who manage public investments:

It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interests pursuant to Government Code Section 87200:

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Board of Trustees	I, II



## **Attachment C**

### *Disclosure Categories for Designated Employees/Positions*

#### Category I

Investments and business positions in business entities which have contracted to provide, or have provided, the District with services, supplies, materials, machinery or equipment, and income from any such entity other than a public agency.

#### Category II

Investments in business entities which do business, plan to do business, or have done business in the District within the past two (2) years, and all interests in real property located in whole or in part: (1) within the boundaries of the District, (2) within two (2) miles of the boundaries of the District, or (3) within two (2) miles of any land owned or used by the District, including any leasehold, beneficial or ownership interest, or option to acquire such interest in real property, but not including real property which is used principally as the residence of the filer.

#### Category III

Consultants shall disclose, pursuant to Category I and II, subject to the following limitation:

The Turlock Mosquito Abatement District may determine, in writing, that a particular consultant, although a “designated position” is hired to perform a range of duties that are limited in scope and, thus, is not required to fully comply with the disclosure requirements described 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 disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **Attachment D**

### *Place of Filing*

#### Designated Employees/Positions:

Where: Turlock Mosquito Abatement District

The District shall maintain the original copy of each "Statement of Financial Interests" form at the District office and shall make the statements available for public inspection and reproduction.

BOARD OF SUPERVISORS

2012 AUG -8 A 10:40

**West Stanislaus Resource Conservation District  
P.O. Box 193  
Patterson, California 95363  
(209) 892-3026**

August 2, 2012

Clerk of the Board of Supervisors  
1010 Tenth Street, Suite 6700  
Modesto, CA 95354

The West Stanislaus Resource Conservation District Board met on July 11, 2012 at their regular monthly board meeting. At this time the West Stanislaus Resource Conservation District board members reviewed and approved the 2012 Conflict of Interest Biennial Code. This included the approval of amending the location of filing the Conflict of Interest 700 Forms. The original copies shall be kept at the District office.

Sincerely,



Karen Crow, Secretary to the Board of the  
West Stanislaus Resource Conservation District

## 2012 Local Agency Biennial Notice

Name of Agency: West Stanislaus Resource Conservation District

Mailing Address: P.O. Box 193, Patterson, CA 95363

Contact Person: \_\_\_\_\_ Office Phone No: (209) 892-3026

E-mail: \_\_\_\_\_ Fax No: (209) 892-3026

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that (Check one box):

An amendment is required. The following amendments are necessary:  
(Mark all that apply.)

- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Other (describe) Amending the Location of the filing of 700 Form

- No amendment is required.
- The code is currently under review by the code reviewing body.

2012 JUL 24 AM 11:14  
BOARD OF SUPERVISORS

### Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Norman W. Crew  
Signature of Chief Executive Officer

7-11-12  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

Clerk of the Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**

ATTACHMENT A  
CONFLICT OF INTEREST CODE  
OF THE WEST STANISLAUS RESOURCE CONSERVATION DISTRICT

The Political Reform Act, Government Code Section 8100, et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs., Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs., Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and along with the attached Appendix consisting of this Attachment A and Attachments B through D, in which members and employees are designated and disclosure categories are set forth, and the place of filing is specified, shall constitute the Conflict of Interest Code of the West Stanislaus Resource Conservation District.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall retain the original copy of these statements to the place of filing, as indicated on Attachment D.

**ATTACHMENT B**  
**CONFLICT OF INTEREST CODE**  
**OF THE WEST STANISLAUS RESOURCE CONSERVATION DISTRICT**  
**DESIGNATED EMPLOYEES/POSITIONS**

Under provisions of the Standard Code, designated employees/positions shall file statements of economic interests. Listed below are the designated employees/positions for the West Stanislaus Resource Conservation District and the appropriate schedules for filing:

**POSITIONS:**

**DISCLOSURE CATEGORY:**

Members of the Board of Directors	I, II
Resource Conservationist	I, II
Irrigation/Drainage Specialist	I, II
Consultant(s)	III
Watershed Coordinator	III

**ATTACHMENT C**  
**CONFLICT OF INTEREST CODE**  
**OF THE WEST STANISLAUS RESOURCE CONSERVATION DISTRICT**  
**DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS**

**CATEGORY I**

Investments and business positions in business entities, and source of income from any source of the type which has contracted to provide, or has provided, the District with services, supplies, materials, machinery or equipment.

**CATEGORY II**

Investments in business entities which do business, plan to do business, or have done business in the district within the past two (2) years, and all interest in real property located in whole or in part: (1) within the boundaries of the district, (2) within two (2) miles of the boundaries of the district, or (3) within two (2) miles of any land owned or used by the district, including any leasehold, beneficial or ownership interest, or option to acquire such interest in real property.

**CATEGORY III**

Consultants shall disclose, pursuant to Category I and II, subject to the following limitation:

The West Stanislaus Resource Conservation District may determine, in writing, that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and, thus, is not required to fully comply with the disclosure requirements described 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 disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

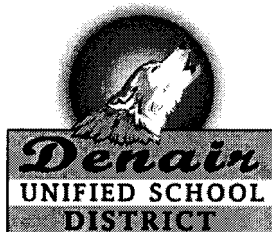
ATTACHMENT D  
CONFLICT OF INTEREST CODE  
OF THE WEST STANISLAUS RESOURCE CONSERVATION DISTRICT  
PLACE OF FILING

**DESIGNATED EMPLOYEES/POSITIONS:**

Where: West Stanislaus Resource Conservation District Office

The District shall retain the original copy of each "Statement of Financial Interests" form at the district office, 301 South 1<sup>st</sup> Street, Patterson, CA 95363.





BOARD OF SUPERVISORS

2012 JUL -5 A 10:34

DATE: June 29, 2012

TO: Clerk of the Board of Supervisors Stanislaus County  
Attn: Christine Ferraro Tallman  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

FROM: Jody Jorge, Administrative Assistant to the Superintendent

RE: Revised Conflict of Interest Code

The Denair USD Board of Trustees approved the enclosed Conflict of Interest Code at a Special Board meeting held June 28, 2012.

A hard copy of the revised code is attached for your review and approval. I've also attached a copy of the district's current code, which was last revised in 1996. Due to the length of time that has passed since the last revision, our district chose to update the entire code, to reflect current language and Board Policy, rather than submit a strike out version as directed.

Please don't hesitate to contact me should you need any additional information.

Thank you,

Jody Jorge

Enclosures: June 28, 2012 approved Conflict of Interest Code  
1996 Conflict of Interest Code

REVISED CONFLICT OF INTEREST CODE  
6/28/2012

## **CONFLICT OF INTEREST CODE**

Denair Unified School District  
3460 Lester Rd  
Denair, CA 95316

## **CONFLICT OF INTEREST CODE**

Denair Unified School District  
6/28/2012

The Political Reform Act, Government Code Section 81000 et seq, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter "CCR 18730"), which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the attached Appendix in which members and employees are designated and disclosure categories are set forth constitute the conflict of interest code of Denair Unified School District.

Designated employees shall file statements of economic interests with the agency. The original statements for all designated employees will be retained by the agency.

Attachment A: Designated Positions

Attachment B: Disclosure Categories for Designated Positions

Attachment C: Place of Filing

Edward E. Parraz, Superintendent  
(Name/Title of Head of Agency)

# **ATTACHMENT A**

## **CONFLICT OF INTEREST CODE Denair Unified School District**

### **DESIGNATED POSITIONS**

Agency Officials who manage public investments as defined by 2 CCR 18701(b) are NOT subject to the Agencies Code but are subject to the disclosure requirements of the Political Reform Act (Government Code Section 87200 et seq). These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments and are designated employees for Denair Unified School District:

<b><u>DESIGNATED POSITION</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
Governing Board Members	Full Disclosure
Governance Committee Members	Full Disclosure
Superintendent of Schools	Full Disclosure
Assistant/Associate/Deputy Superintendent	1
Director of Facilities and Construction	2
Maintenance and Operations Supervisor	2
Transportation Supervisor	2
Payroll and Accounting Supervisor	2
Technology Coordinator	2
Coordinator of Intervention and Assessments	2
Director of Food and Nutritional Services	2
Principal	2
Assistant Principal	2
Learning Director/Counselor	2
Administrative Assistant	2

# **ATTACHMENT B**

## **CONFLICT OF INTEREST CODE** Denair Unified School District

### **DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS**

**Category 1:** A person designated Category 1 shall disclose:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
- b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are 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 manufacture or sell supplies, books, machinery, or equipment of the type used by the district.

**Category 2:** A person designated Category 2 shall disclose:

- a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

**Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

## **ATTACHMENT C**

**CONFLICT OF INTEREST CODE**  
Denair Unified School District

## **PLACE OF FILING**

Denair Unified School District  
3460 Lester Road  
Denair, CA 95316



**UNIFIED SCHOOL DISTRICT**

*Tradition With The Future In Mind* 2012 AUG 20 A 1:4

BOARD OF SUPERVISORS

**Brian Beck, Superintendent**

**BOARD OF TRUSTEES:** Rick Applegate Cindy Cunningham-Gipp Mark Harman Randall Heckman Jim Hudelson

---

August 15, 2012

Christine Ferraro Tallman  
Clerk of the Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

Dear Ms. Ferraro Tallman:

The Hughson Unified School District Board of Trustees recently conducted the Biennial Review of Board Bylaw 9270 - Conflict of Interest.

There were no changes to the Board Bylaw; however, the Exhibit 9270 (enclosed) was revised. Revisions include information as to where the policy and exhibit are kept on file and available for public review and inspection, as well as deletion of the title "director" as not applicable.

Also, please find enclosed the Hughson Unified School District Board Resolution No. 12/13:02, which was formally adopted by the Board at the August 14, 2012 regular board meeting.

Please call me if you have any questions at 209-883-4428, Ext. 4.

Sincerely,

Linda Young  
Administrative Assistant to the Superintendent

Enclosure: 2012 Local Agency Biennial Notice  
HUSD Board Resolution No. 12/13:02-Conflict of Interest  
Board Bylaw 9270 – Conflict of Interest  
Revised Board Exhibit 9270 – Conflict of Interest

## 2012 Local Agency Biennial Notice

Name of Agency: Hughson Unified School District  
Mailing Address: P.O. Box 189, Hughson, CA 95326  
Contact Person: Linda Young Office Phone No: 209-883-4428x4  
E-mail: lyoung@hughson.k12.ca.us Fax No: 209-883-4639

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.**


This agency has reviewed its conflict-of-interest code and has determined that *(Check one box)*:

**An amendment is required. The following amendments are necessary:**  
*(Mark all that apply.)*

- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. (Removed the title "Director")
- Other *(describe)* Added information to Board Exhibit 9270 re: location of where Economic  
Statements are kept on file and available for public review and inspection.
- No amendment is required.**
- The code is currently under review by the code reviewing body.**

### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

  
Brian Beck, Superintendent  
Signature of Chief Executive Officer

Aug. 14, 2012  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2012**, or the date specified by your agency, if earlier, to:

*Clerk of the Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354*

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**



**Hughson Unified School District  
Governing Board**

**RESOLUTION NO. 12/13:02  
ADOPTING A CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

**WHEREAS**, the Board of Education of the Hughson Unified School District has previously adopted a local conflict of interest code; and

**WHEREAS**, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

**WHEREAS**, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

**WHEREAS**, the Hughson Unified School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code (Exhibit 9270) are necessary; and

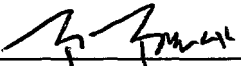
**WHEREAS**, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

**NOW THEREFORE BE IT RESOLVED** that the Hughson Unified School District Board of Education adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

**PASSED AND ADOPTED THIS** 12th day of August, 2012, at a meeting, by the following vote:

AYES: 5 NOES: 0 ABSENT: 0

Attest:

  
\_\_\_\_\_  
Secretary of the Board

# **Exhibit**

## **Conflict Of Interest**

E 9270  
**Board Bylaws**

### **Conflict of Interest Code of the Hughson Unified School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Board of Education members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection at the Superintendent's office located at 6815 Hughson Avenue, Hughson, CA 95326.

#### **APPENDIX**

##### **Disclosure Categories**

1. **Category 1: A person designated Category 1 shall disclose:**
  - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are 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 manufacture or sell supplies, books, machinery, or equipment of the type used by the district.
2. **Category 2: A person designated Category 2 shall disclose:**
  - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
  - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

## Designated Positions

<u>Designated Position</u>	<u>Disclosure Category</u>
Board of Education Members	1
Superintendent of Schools	1
Assistant Superintendent of Curriculum and Instruction	1
Chief Business Official	1
<del>Director</del>	<del>2</del>
Principal	2
Assistant/Associate Principal	2
Maintenance and Operations Director	2
Director of Technology	2
Director of Food Services	2
Director of After School Program	2

## Disclosures for Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

**CONFLICT OF INTEREST**

The Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

*(cf. 9005 - Governance Standards)*

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

*(cf. 9320 - Meetings and Notices)*

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

*(cf. 4117.2/4217.2/4317.2 - Resignation)*

*(cf. 9222 - Resignation)*

**Conflict of Interest under the Political Reform Act**

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

**CONFLICT OF INTEREST** (continued)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

**Additional Requirements for Boards that Manage Public Investments**

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

**CONFLICT OF INTEREST** (continued)

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

*(cf. 3430 - Investing)*

**Conflict of Interest under Government Code 1090**

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

## **CONFLICT OF INTEREST (continued)**

### **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

### **Rule of Necessity or Legally Required Participation**

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

### **Incompatible Offices and Activities**

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

*(cf. 4136/4236/4336 - Nonschool Employment)*

### **Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

### **Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

**CONFLICT OF INTEREST (continued)**

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

*Legal Reference:*

EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices, especially:*

35233 *Prohibitions applicable to members of governing boards*

41000-41003 *Moneys received by school districts*

FAMILY CODE

297.5 *Rights, protections, and benefits of registered domestic partners*

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1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

87100-87103.6 *General prohibitions*

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87300-87313 *Conflict of interest code*

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18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

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**CONFLICT OF INTEREST (continued)**

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