

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-5

Urgent

Routine

CS

AGENDA DATE October 21, 2014

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Adopt the Amendments to the Conflict of Interest Codes for the following Agencies: Housing Authority of the County of Stanislaus; Chatom Union School District; Knights Ferry Elementary School District; Salida Union School District; and, Sylvan Union School District

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Codes for the following Agencies: Housing Authority of the County of Stanislaus; Chatom Union School District; Knights Ferry Elementary School District; Salida Union School District; and, Sylvan Union School District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2014-518

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

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

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 the Amendments to the Conflict of Interest Codes for the following Agencies: Housing Authority of the County of Stanislaus; Chatom Union School District; Knights Ferry Elementary School District; Salida Union School District; and, Sylvan Union 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 meeting the Housing Authority of the County of Stanislaus; Chatom Union School District; Knights Ferry Elementary School District; Salida Union School District; and, Sylvan Union School District approved amendments to their Conflict of Interest Codes. 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 agencies the Board of Supervisors places the amendments on their agenda for approval.

POLICY ISSUE:

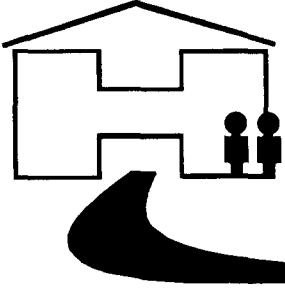
The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT INFORMATION:

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



**Housing Authority
of the County of Stanislaus**

(209) 557-2000
P.O. Box 581918
1701 Robertson Rd.
Modesto, CA 95358-0033

Clerk of the Board of Supervisors

Stanislaus County

1010 Tenth Street, Suite 6700

Modesto, CA 95354

BOARD OF SUPERVISORS
2014 OCT -7 A 10:10

To whom it may concern:

The Housing Authority of the County of Stanislaus has reviewed its Conflict of Interest Code and has determined a revision of titles of existing positions was necessary.

Attached is the signed 2014 Local Agency Biennial Notice which states the revision of titles of existing positions. In addition, we have included a copy of Resolution 12-13-59 approved by our Board of Commissioners, which indicates a revision of titles. As requested, we have also included our Conflict of Interest Code showing the strikeout of the previous title and a copy of the updated titles.

If you should have any additional questions, please contact our office.

Sincerely,


William A. Fagan
Executive Director

RESOLUTION 12-13-59

RESOLUTION APPROVING THE PERSONNEL POLICY REVISION

WHEREAS, the Housing Authority finds it necessary to reclassify the positions of; Deputy Director of Asset Management, Deputy Director of Housing Assistance Programs and the Deputy Director of Finance, and

WHEREAS, the adoption of the revised job descriptions reflect the updated duties and additional responsibilities required, and

WHEREAS, these revised job descriptions for the Deputy Director of Asset Management, Deputy Director of Housing Assistance Programs and the Deputy Director of Finance are attached as Exhibit A of this resolution, and

WHEREAS, the Commission has reviewed and discussed these revisions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the County of Stanislaus, that:

1. That the revised job descriptions will reflect the updated duties and responsibilities necessary to perform the duties of the position.
2. The job description for the Deputy Director of Asset Management is revised and approved as, Direct of Asset Management; Deputy Director of Housing Assistance Programs is revised and approved as Director of Regional Housing Choice Voucher Program, and Deputy Director of Finance, has been revised and approved as, Director of Finance and IT Management, and attached as Exhibit A.
3. The compensation range for the new reclassified Director's positions has been approved as, \$7090 to \$8640
2. That this resolution shall take effect immediately.

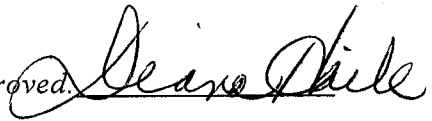
DULY AND REGULARLY ADOPTED by the Board of Commissioners of the Housing Authority of the County of Stanislaus this 24th day of September, 2013

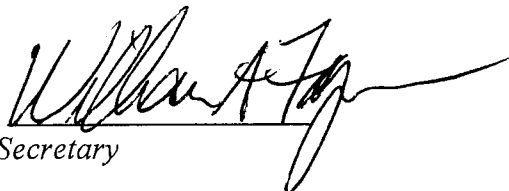
On motion of Commissioner Edwards, seconded by Commissioner Degele, and on the following roll call vote:

AYES: Commissioner Edwards, Degele, Banuelos, Griggs, Hoek, Estacio and Haile

NAYS: None

ABSENT: None

Approved: 
Chairman

Attest: 
Secretary

2014 Local Agency Biennial Notice

Name of Agency: Housing Authority of the County of Stanislaus

Mailing Address: P.O.Box 581918

Contact Person: Sheila Gentry Phone No: 209-557-2004

E-Mail: SGentry@stanocha.org

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 includes disclosure by those 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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other *(describe)* _____

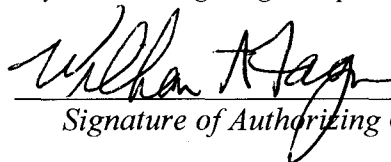
The code is currently under review by the code reviewing body.

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

2014 OCT - 7 A 10: 11
BOARD OF SUPERVISORS

Verification

This agency's conflict of interest 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 designated positions. The code includes all other provisions required by Government Code Section 87302.

 Executive Director
Signature of Authorizing Official and Title

10/01/14
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354
PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

EXHIBIT A

HOUSING AUTHORITY STAFF

Original Position

Executive Director

~~Deputy Director of Finance~~

~~Deputy Director of Housing Assistance Programs~~

~~Deputy Director of Asset Management~~

Housing and Construction Supervisor

Purchasing Specialist

Current Position

Executive Director

Director of Finance and IT Management

Director of Regional Housing Choice
Voucher Program

Director of Asset Management

Housing and Construction Supervisor

Purchasing Specialist

EXHIBIT A

HOUSING AUTHORITY STAFF

Current Position

Executive Director

Director of Finance and IT Management

Director of Regional Housing Choice Voucher Program

Director of Asset Management

Housing and Construction Supervisor

Purchasing Specialist

CONFLICT OF INTEREST CODE
OF THE
STANISLAUS COUNTY HOUSING AUTHORITY

Section 100. Purpose. Pursuant to the provisions of Government Code Section 87300, et seq., the Stanislaus County Housing Authority 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 Housing Authority 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 Housing Authority 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 Housing Authority 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 Housing Authority 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 Secretary of the Stanislaus County Housing Authority.

(b) The Secretary who receives the statement of financial interest shall file a copy and forward the original to the Office of the Board of Supervisors.

(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 designated 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.



Chatom Union School District

7201 Clayton Rd. - Turlock, CA 95380
(209) 664-8505 Fax: (209) 664-8508


2014 AUG 13 A 10:23
BOARD OF SUPERVISORS

DISTRICT
SUPERINTENDENT/
PRINCIPAL
Cherise Olvera

Date: August 11, 2014

BOARD OF
TRUSTEES
Anthony Avila
Dan Costa
Rodney Machado
Dr. Rob Santos
Steve Soderstrom

TO: Christine Ferraro Tallman, Clerk of the Board
Clerk of the Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354

FR: Cherise Olvera 
Chatom Union School District

RE: Conflict of Interest Biennial Notice

CHATOM
PRESCHOOL
7221 Clayton Rd.
Turlock, CA 95380

This letter is to inform you that the Chatom Union School District Board of Trustees revised the Conflict of Interest Code at a regular scheduled Board Meeting on June 17, 2014.

The attached revision reflects the removal of the title Maintenance Supervisor from Category 2 because we no longer have that position in our District.

CHATOM
ELEMENTARY
7221 Clayton Rd.
Turlock, CA 95380

If you have any additional questions or need further information, please feel free to contact me at the Chatom Union School District Office at (209) 664-8505.

MOUNTAIN VIEW
MIDDLE SCHOOL
10001 Crows Landing Rd.
Crows Landing, CA 95313

Attachment

2014 Local Agency Biennial Notice

Name of Agency: Chatom Union School District

Mailing Address: 7201 Clayton Avenue, Turlock, CA 95380

Contact Person: Cherise Olvera Phone No: (209) 664-8505

E-Mail: colvera@chatom.k12.ca.us

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 includes disclosure by those 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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other (describe) _____

2014 AUG 13 A 10:23
BOARD OF SUPERVISORS

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

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

Verification

This agency's conflict of interest 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 designated positions. The code includes all other provisions required by Government Code Section 87302.

C. Olvera, Superintendent
Signature of Authorizing Official and Title

8-11-14
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354
PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

Chatom Union School District

E Board Bylaws

Conflict of Interest

E 9270 Board Bylaws 06-17-14-02

Conflict Of Interest

RESOLUTION 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 Governing Board of the Chatom Union 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 Chatom Union 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 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 Chatom Union School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 17th day of June 2014, at a meeting, by the following vote:

AYES: 4 NOES: 0 ABSENT: 1

Attest:



Secretary/President

Conflict of Interest Code of the Chatom Union 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.

Governing Board 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.

APPENDIX

Disclosure Categories:

Category 1: Person occupying the following position is designated as an employee in Category 1:

- Governing Board Members
- Superintendent of Schools
- Business Manager

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: Persons occupying the following positions are designated employees in Category 2:

- Site Administration
- Director of Transportation
- Director of Food Service

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.

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)

7/10

Revised: 6/17/14



KNIGHTS FERRY ELEMENTARY SCHOOL DISTRICT

P.O. Box 840 – 12726 Dent Street – Knights Ferry, CA 95361

Phone (209) 881-3382 – Fax (209) 881-3525

www.knightsferry.k12.ca.us



Inspiring academic excellence and cultivating citizenship for the future success of the whole child.

DATE: August 15, 2014

TO: Board of Supervisors- Stanislaus County
Christine Ferraro Tallman, Clerk of the Board
1010 10th Street 6700
Modesto, CA 95361

FROM: Cheryl Griffiths, Superintendent/Principal

RE: 2014 Conflict of Interest Biennial Notice

Attached is the completed 2014 Local Agency Biennial Notice, Board Bylaw 9250, and the Conflict of Interest Resolution.

The Board Bylaws were updated on Thursday, August 14, 2014 with no major changes. In addition the resolution was passed at the same meeting.

If you have any questions please feel free to call me at 881-3382.

Sincerely,

Cheryl Griffiths
Superintendent /Principal
Knights Ferry School

2014 AUG 19 AM 10:21
BOARD OF SUPERVISORS

2014 Local Agency Biennial Notice

Name of Agency: Knights Ferry School District
Mailing Address: P.O. Box 840 Knights Ferry CA 95361
Contact Person: Cheryl Griffiths Phone No: 209 881-3382
E-Mail: cgriffiths@stancoe.org

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 includes disclosure by those 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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions

Other (describe) Updated policy - No major changes

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

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

Verification

This agency's conflict of interest 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 designated positions. The code includes all other provisions required by Government Code Section 87302.

Cheryl Griffiths Superintendent 8-5-14
Signature of Authorizing Official and Title Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354
PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

Board Bylaw

Conflict Of Interest

Board Bylaws

The Governing Board 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)

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.

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.

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)

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

GOVERNMENT CODE

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

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

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

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

(7/01 11/03) 7/10

Bylaws **KNIGHTS FERRY ELEMENTARY SCHOOL DISTRICT**

Version: August 14, 2014 Knights Ferry, California

Knights Ferry Elementary School

Exhibit

Conflict Of Interest

E 9270

Board Bylaws

RESOLUTION 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 Governing Board of the Knights Ferry 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

Knights Ferry School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code 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 Knights Ferry School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 14th day of August, 2014 at a meeting, by the following vote:

AYES: 4 NOES: 0 ABSENT: 1

Attest:

Cheryl Griffiths Kym Cassarollo
Secretary/President

Conflict of Interest Code of the Knights Ferry 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.

Governing Board 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.

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.
3. 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.

Designated Positions

Designated Position Disclosure Category

Governing Board Members	1
Superintendent of Schools	1
Purchasing Agent	1
Principal	2
Maintenance and Operations Director	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)

2014 Local Agency Biennial Notice

Name of Agency: Salida Union School District

Mailing Address: 4801 Sisk Rd., Salida, CA 95368

Contact Person: Barbara Fortado Phone No: 209-543-3119

E-Mail: bfortado@salida.k12.ca.us

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 includes disclosure by those 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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other *(describe)* _____

2014 SEP 19 A 10:51:16
BOARD OF SUPERVISORS

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

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

Verification

This agency's conflict of interest 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 designated positions. The code includes all other provisions required by Government Code Section 87302.


Signature of Authorizing Official and Title

8-20-14
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354
PLEASE DO NOT RETURN THIS FORM TO THE FPCC**

BOARD OF SUPERVISORS

Board Bylaws
CONFLICT OF INTEREST

2014 SEP 19 A 10:17

E 9270(a)

BEFORE THE SALIDA UNION SCHOOL DISTRICT
BOARD OF EDUCATION

RESOLUTION ADOPTING A
CONFLICT OF INTEREST CODE
No. 1415-06

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 Governing Board of the Salida Union 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 Salida Union 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 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 Salida Union School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 16th day of September, 2014, by the following vote:

AYES: 4 NOES: 0 ABSENT: 1

Attest:



Clerk, Board of Trustees

**Conflict of Interest Code of the
Salida Union 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.

Governing Board 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 at 4801 Sisk Road, Salida, CA 95368, 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.

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.

CONFLICT OF INTEREST (continued)

E 9270(c)

- 3. **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.

Designated Positions

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Purchasing Agent	1
Director	2
Principal	2
<u>Assistant Principal</u>	<u>2</u>
Maintenance and Operations Director	2
Program Coordinator	2
Project Specialist	2
Supervisor	2
Dean of Students	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

CONFLICT OF INTEREST (continued)

E 9270(d)

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)

7/10 9/12 8/14

Exhibit
version:

SALIDA UNION SCHOOL DISTRICT
Salida, California

BOARD OF SUPERVISORS

Conflict Of Interest Board Bylaws

2014 SEP 19 A 10:18

BB 9270 (a)

The Board of Trustees 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 codes, 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)

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)

Conflict Of Interest

BB 9270 (b)

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.

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.

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.

Conflict Of Interest

BB 9270 (c)

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)

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

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87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

Conflict Of Interest

BB 9270 (d)

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PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

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

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

9/12

Bylaw

adopted: 9/16/2014

SALIDA UNION SCHOOL DISTRICT

Salida, California

2014 Local Agency Biennial Notice

Name of Agency: Sylvan Union School District
Mailing Address: 605 Sylvan Avenue, Modesto, 95350
Contact Person: Bobbie Gregory Phone No: 209-574-5000
E-Mail: bgregory@sylvan.k12.ca.us

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 includes disclosure by those 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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other (describe) _____

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

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

Verification

This agency's conflict of interest 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 designated positions. The code includes all other provisions required by Government Code Section 87302.

Debra M. Hendricks
Signature of Authorizing Official and Title

July 29, 2014
Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY
1010 10th Street, Suite 6700
MODESTO, CA 95354
PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

**ATTACHMENT B
CONFLICT OF INTEREST CODE
OF THE SYLVAN UNION SCHOOL 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 SYLVAN UNION SCHOOL DISTRICT and the appropriate schedules for filing:

POSITIONS:

DISCLOSURE CATEGORY:

Governing Board Members	I
Superintendent	I
Assistant Superintendents	I
Director of Food Services	II
Director of Special Education	II
Director of Categorical Programs	II
Supervisor of Maintenance and Operations	II
Supervisor of Transportation	II
Director of Fiscal Services	II
Program Specialists	III
Principals	III
Assistant Principals	III

Dated this 30th day of July, 2014

SYLVAN UNION SCHOOL DISTRICT

ATTACHMENT A
CONFLICT OF INTEREST CODE
OF THE SYLVAN UNION SCHOOL DISTRICT

APPENDIX

The Political Reform Act, Government Code § 81000, 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 regular, 2 Cal. Code of Regs., §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., §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 Sylvan Union School 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 make and retain a copy and forward the original of these statements to the place of filing, as indicated in Attachment "D".

Dated this 30th day of July, 2014

SYLVAN UNION SCHOOL DISTRICT

ATTACHMENT C
CONFLICT OF INTEREST CODE
OF THE SYLVAN UNION SCHOOL DISTRICT

DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS

CATEGORY I

Designated employees assigned to this category must report:

A. Interests in real property which are 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;

B. Investments and business positions in business entities or income from sources which engage in the acquisition or disposal of real property within the jurisdiction;

C. Investments and business positions in business entities or income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the District, or (2) which manufacture, sell or provide supplies, materials, books, machinery, services or equipment of the type utilized by the District.

CATEGORY II

Designated employees assigned to this category must report:

Investments and business positions in business entities and income from sources which manufacture, sell, or provide, supplies, materials, books, machinery, services or equipment of the type utilized by employee's department or the District. For the purposes of this category, a principal's department is her/her entire school.

CATEGORY III

Consultants shall disclose, pursuant to broadcast disclosure category and the code, subject to the following limitation:

The Superintendent 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 statement of the extent of the disclosure requirements. The Superintendent's 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 SYLVAN UNION SCHOOL DISTRICT

PLACE OF FILING

DESIGNATED EMPLOYEES/POSITIONS

Where: Sylvan Union School District

The District shall keep the original of each "Statement of Financial Interests" form at the District Office at 605 Sylvan Avenue, Modesto, CA.

Dated this 30th day of July, 2014

SYLVAN UNION SCHOOL DISTRICT