

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-5b

AGENDA DATE: April 18, 2017

SUBJECT:

Approval to Adopt the Amended Conflict of Interest Code for the Ceres Unified School District

BOARD ACTION AS FOLLOWS:

No. 2017-174

On motion of Supervisor Withrow, Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


PAM VILLARREAL, Assistant Clerk

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Board of Supervisors BOARD AGENDA #: *A-5b
Urgent Routine GAK AGENDA DATE: April 18, 2017
CEO CONCURRENCE: 4/5 Vote Required: Yes No

SUBJECT:

Approval to Adopt the Amended Conflict of Interest Code for the Ceres Unified School District

STAFF RECOMMENDATIONS:

1. Adopt the Amended Conflict of Interest Code for the Ceres Unified School District.

DISCUSSION:

The Political Reform Act requires every local government agency to review its conflict of interest code on a biennial basis to determine if it is accurate or if amendments are needed. It is essential and legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Statement of Economic Interest (Form 700), and what financial interests they must disclose.

The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts). An agency's amended code is not effective until it has been approved by the code reviewing body.

The Ceres Unified School District has reviewed its conflict of interest code, and has submitted amendments to the Board of Supervisors for approval. County Counsel has reviewed the subject conflict of interest code in compliance with Government Code Section 87309 and has determined it meets the legal requirements.

POLICY ISSUE:

Stanislaus County Board of Supervisors is the code reviewing body for public agencies whose jurisdictions fall within Stanislaus County. An agency's amended conflict of interest code is not effective until it has been approved by the Board of Supervisors.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended action supports the Board's priority of Efficient Delivery of Public Services.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Elizabeth King, Clerk of the Board of Supervisors	(209) 525-4494
Thomas Boze, Assistant County Counsel	(209) 525-6376

ATTACHMENT(S):

1. Amended Conflict of Interest Code for the Ceres Unified School District

Ceres Unified School District

“Committed to Excellence, Responsive to Every Student”

BOARD MEMBERS:

*Lourdes Perez, President
Teresa Guerrero, Clerk
Faye Lane
Jim Kinard
Mike Welsh
Betty Davis
Valli Wigt*

SUPERINTENDENT:

Scott Siegel, Ed.D.

August 25, 2016

Clerk of the Board of Supervisors
Stanislaus County
1010 10th Street, Suite 6700
Modesto, CA 95354

RE: 2016 Conflict of Interest Biennial Notice

Dear Code Reviewing Body:

The Ceres Unified School District has conducted a biennial review of its conflict of interest code and determined that an amendment is required. Please find enclosed the 2016 Local Agency Biennial Notice, along with the amended code in ~~strikeout~~/underscore format, as presented for review and public comment on June 30, 2016, and adopted by the Board of Trustees at the regular meeting of August 11, 2016. Also enclosed is a signed clean copy of the resolution adopting the conflict of interest code. Please contact me with any questions or if anything further is needed.

Sincerely,



Scott Siegel, Ed.D.
Superintendent

2016 SEP - 2 AM 11:01
BOARD OF SUPERVISORS

2016 Local Agency Biennial Notice BOARD OF SUPERVISORS

2016 SEP -2 A 11:02

Name of Agency: Ceres Unified School District

Mailing Address: 2503 Lawrence St. / P.O. Box 307

Contact Person: Beth Jimenez Phone No: (209) 556-1501

E-Mail: bjimenez@ceres.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):

[X] An amendment is required. The following amendments are necessary:

(Mark all that apply.)

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

[X] Other (describe) To update legal citations and to omit a section on Additional Requirements for Boards that Manage Public Investments as recommended by the California School Boards Association for districts in which the superintendent and board of trustees do not manage public investments.

[] 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 (to be completed if no amendment is required)

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 Date

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

Please return this notice no later than October 3, 2016 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

**GOVERNING BOARD
CERES UNIFIED SCHOOL DISTRICT**

**BOARD RESOLUTION NO. 19-15/16
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 Ceres 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 California School Boards Association has issued a recommendation that districts in which the Board and Superintendent do not manage public investments must delete from their conflict of interest codes disclosure requirements relevant only to districts who do manage public investments, necessitating an amendment to the Ceres Unified School District conflict of interest code; 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;


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

PASSED AND ADOPTED THIS 30th day of June, 2016 at a meeting, by the following vote:

AYES: 7 NOES: 0 ABSENT: 0

Wigt, Davis, Welsh, Kinard, Lane, Guerrero and Perez.

Attest:



Secretary to the Board of Trustees of the
Ceres Unified School District

Exhibit

Conflict Of Interest

E 9270

Board Bylaws

GOVERNING BOARD
CERES UNIFIED SCHOOL DISTRICT

BOARD RESOLUTION NO. ~~05-12/13~~ **19-15/16**
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 Ceres 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 Ceres Unified School District has recently reviewed its positions, and the duties of each position, and has determined that no changes to the current conflict of interest code are necessary~~ **the California School Boards Association has issued a recommendation that districts in which the Board and Superintendent do not manage public investments must delete from their conflict of interest codes disclosure requirements relevant only to districts who do manage public investments, necessitating an amendment to the Ceres Unified School District conflict of interest code;** 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;

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

PASSED AND ADOPTED THIS ~~25th day of September, 2012~~ **30th day of June, 2016** at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

Conflict of Interest Code of the
Ceres 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.

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

Governing Board Members
Superintendent of Schools

1. Category 1: Persons occupying the following positions are designated Category 1:

Assistant/Associate/Deputy Superintendent
Purchasing Agent

and 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: Persons occupying the following positions are designated Category 2:

Director
Principal

Program Coordinator
Consultants

and 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.

Note: Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue.

~~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
Assistant/Associate/Deputy Superintendent	1
Purchasing Agent	1
Director	2
Principal	2
Program Coordinator	2
Consultants	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~~**18700.3**)

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~~**18704, subsections (a) and (b)**, 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~~**18700.3**)

Exhibit CERES UNIFIED SCHOOL DISTRICT
version: ~~September 25, 2012~~-Ceres, California