

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-5c

AGENDA DATE: April 18, 2017

SUBJECT:

Approval to Adopt the Amended Conflict of Interest Code for the Modesto City Schools

BOARD ACTION AS FOLLOWS:

No. 2017-175

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

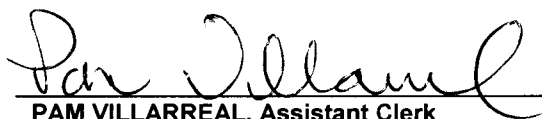
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:


PAM VILLARREAL, Assistant Clerk

ATTEST:

File No.

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

DEPT: Board of Supervisors

BOARD AGENDA #: *A-5c

Urgent Routine



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 Modesto City Schools

STAFF RECOMMENDATIONS:

1. Adopt the Amended Conflict of Interest Code for the Modesto City Schools.

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 Modesto City Schools 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 Modesto City Schools

2016 Local Agency Biennial Notice

Name of Agency: Modesto City Schools
Mailing Address: 426 Locust Street Modesto, CA 95351
Contact Person: Julie A. Betschart Phone No: (209)550-3301
E-Mail: Betschart.j@mcs4kids.com X5401

BOARD OF SUPERVISORS

SEP 19 A 11:39

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

Other (describe) Titles have been revised on mcs' Board Exhibit 9270.

The code is currently under review by the code reviewing body. (updated copy attached)

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.

Julie A. Betschart, Assoc. Supt. Business Svcs.
Signature of Authorizing Official and Title

9/12/16
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

MODESTO CITY SCHOOLS

Exhibit

E 9270

LIST OF DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

1. DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES

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

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

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

¹ The Superintendent may determine in writing that a particular consultant is hired to perform a range of duties that is required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Category 1 (continued)

Individuals included in this category shall disclose:

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

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

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

Accounting Supervisor

Administrator of Intervention Programs

Administrator of Special Projects, English Learners Program

Administrator of Student & Family Support Services

Category 2 (continued)

Assistant Directors, Nutrition Services
Budget Analyst
Director I, Maintenance and Operations
Director I, Nutrition Services
Director I, Risk Management
Director II, Assessment & Evaluation
Director II, Child Development Programs
Director II, Child Welfare and Attendance
Director III, State & Federal Programs
Director of Student, Parent, and Community Support Services
K-12 Principals
Network Manager
Reprographics Supervisor
Senior Director, Alternative and Vocational Education
Senior Directors, Educational Services
Senior Directors, Human Resources
Senior Director, Information & Technology Services
Senior Director, SELPA
Supervisor, Alternative Education
Supervisor, Information Systems
Supervisor, Instructional Technology
Supervisor, Operations
Supervisor, Payroll
Supervisors, Special Education
Supervisor, Transportation
Systems and Operations Manager
Warehouse Supervisor

Category 2 (continued)

Individuals included in this category shall disclose:

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

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

2. OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

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

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

Board of Education Members
Superintendent of Schools
Associate Superintendent, Business Services/Chief Business
Official
Senior Director, Financial Services

Officials Who Manage Public Investments (continued)

Manager, Fiscal Support Services

Consultants (Responsible for the management of public
investments)

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