

Resolution 15-1020-1

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 Solvang Elementary 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 Solvang Elementary 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any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and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 Solvang Elementary School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 20 day of October, 2015 at a meeting, by the following vote:

AYES: 4 NOES: 0 ABSENT: 0



Secretary/President of the Board of Trustees

Conflict of Interest Code of the Solvang Elementary 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. Designated employees shall file their statements online using eDisclosure to the Elections Division of the County, Clerk, Recorder and Assessors, which will make the statements available for public inspection and reproduction (GC 81108).

Designated employees:

Superintendent
Principal
Business Manager
Administrative Assistant to the Superintendent
Maintenance/Operations Supervisor
Director of Food Services
Consultants

APPENDIX

Category 1

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. *This does not include the principal residence of the filer.*

Category 2

Business positions or investments from entities engaged in the appraisal, acquisition, or disposal of real property within the school district.

Category 3

Business positions, investments, or income of any type which has provided services, supplies, materials, machinery or equipment for the use of the school district.

Category 4

Business positions, investments or entities which within the previous two years has in any way attempted to use his or her official position to influence a governmental decision regarding services, supplies, materials, machinery or equipment to the school district.

Category 5

Business positions, investments, and business entities whose income are subject to the regulations imposed upon school districts.

The document completed by each Board of Trustee member and designated employees shall be filed electronically with the Elections Division and a copy shall be retained by the District.

Preparation of said document shall allow Trustees and designated employees time and a fair opportunity to present their views on conflict of interest questions.

Adoption of the conflict of interest code shall be posted where it can be viewed by the public at least ten days before a hearing to allow public input before adoption of the code. After the code is adopted, a copy shall be filed with the Clerk of the Board of Supervisors, the Office of the County Counsel, and the Elections Division of the County Clerk Recorder.

A Board of Trustee Member and designated employee need not report all investments or income that he or she may have. Investments may be reported only if they are in conflict with the five categories previously outlined. These forms shall be completed every two years or at that time in which a new Board of Trustee member assumes office.

Forms shall be those as prescribed by the California Fair Political Practices Commission and forms will be obtained from the Elections Division and are updated on an annual basis.

The designated trustee must disqualify himself or herself from participating in decisions that will have a reasonably foreseeable material affect upon the trustee, his or her immediate family, or in his or her financial interest. Disclosure of conflict includes the need for a trustee disqualification in instances where the interest may be for personal gain. The manner of disqualification shall be that as outlined in Title 2. The Fair Political Practices Commission, section 18732, article 334.9, which states as follows:

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying 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 employee 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 employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

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)