



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Counsel
Department No.: 0710
For Agenda Of: February 24, 2009
Placement: Administrative
Estimated Tme: n/a
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: County Counsel Dennis A. Marshall x2950

Contact Info: Jerry F. Czuleger x2950 

SUBJECT: Amendment to the Conflict of Interest Code of the Solvang Elementary School District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: n/a

Other Concurrence: n/a

Recommended Actions:

That the Board of Supervisors approve the attached proposed amendments to the Conflicts of Interest Code of the Solvang Elementary School District ("District").

Summary Text:

The District's Conflicts of Interest Code amendments were adopted February 3, 2009. The amendments include new positions that must be designated.

Background:

All public agencies are required by the Political Reform Act of 1974 to:

1. Adopt local conflicts of interest codes identifying the reporting requirements of covered employees;
2. Review the need for any revisions to their local conflicts of interest codes on a biennial basis.

The revised Conflicts of Interest Code would be effective once approved by your Board.

Special Instructions:

Please forward a copy of the minute order reflecting the Board's action to Cynthia Micate at the Solvang Elementary School District; and to Senior Deputy County Counsel Jerry F. Czuleger.

Attachments:

January 15, 2009 – 2008 Local Agency Biennial Notice (with attachments) from the Solvang Elementary School District.

Authored by:

Senior Deputy County Counsel Jerry F. Czuleger

cc:

Solvang Elementary School District

2008 LOCAL AGENCY BIENNIAL NOTICE

RECEIVED

FEB 11 2009

SANTA BARBARA COUNTY
ELECTIONS

Name of Agency: Solvang School District
Mailing Address: 565 Atterdag Rd. Solvang CA 93463
Contact Person: Cynthia Micate Telephone Number: (805) 688 4810 x160
Email: Cynthiam@sbceo.org Fax No: 688 7012

This agency has reviewed its conflict-of-interest code and has determined that:

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

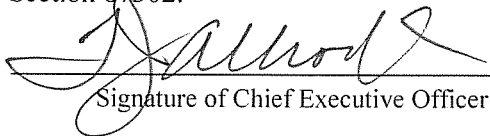
- Include new positions (including consultants) that must be designated
- Delete positions that manage public investments from the list of designated positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Other (describe) _____

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2009 FEB 12 AM 8:33
COURT COUNSEL
SANTA BARBARA, CA

Code is currently under review by the code-reviewing body.

No amendment is required.

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



Signature of Chief Executive Officer

1/15/09

Date

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

Please return this report *no later than October 1, 2008* to:

SANTA BARBARA COUNTY ELECTIONS
P.O. Box 159
Santa Barbara, CA 93102-0159
Attn: Suzanne Jackson

SOLVANG ELEMENTARY SCHOOL DISTRICT
CONFLICT OF INTEREST CODE

All members of the Solvang School District Board of Trustees, the Superintendent, the Principal, the Assistant Principal, the Maintenance/Operations Supervisor, the Bond Finance Consultant, the Business Manager and the Administrative Assistant to the Superintendent shall be responsible for completing a conflict of interest document. It has been determined that the positions listed herein manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200: Superintendent. The document to be completed shall address conflict of interest in five different areas. This does not include the principal residence of the filer.

Category 1

Interests in real property located in the jurisdiction of the District with the fair market value of more than \$2,000.00.

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 Superintendent shall be forwarded to the Elections Division and a copy shall be retained by the District.

Preparation of said document shall allow Trustees and Superintendent 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 Superintendent 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:

(9) Section 9. Manner of Disqualification. 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.

Solvang Elementary School

**Science Discovery Center, Upper Campus, Solvang School
565 Atterdag Rd., Solvang, CA 93463**

Meeting of the Board of Trustees

Feb 3, 2009

6:00 pm Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Introductions/Recognition
4. (M) Approval of Agenda
5. (M) Approval of Minutes: Jan 6, 2009
6. Public Comment: *Members of the public may be heard on any item. A person addressing the Board will normally be limited to 3 minutes unless the Chairman of the Board grants a longer period of time. Comments by members of the public on an item on the agenda will only be allowed during consideration of the item by the board.*
7. Correspondence
8. (M) Approval of Consent Agenda
 - 8.1 Approval of Commercial Warrants(*) (12/19/08,1/9/09, 1/16/09)
 - 8.2 Approval of Financial Reports(*)
The current enrollment report was not available at the time of packet preparation. Current enrollment is 587.
9. Board Member Reports
10. Principal's Report
11. Superintendent's Report
 - 11.1 Construction Timeline
12. Board Action Items
 - 12.1(M) Consideration for Approval: Consolidated Application for Funding Categorical Aid Programs, Part II.** *The Consolidated Application is submitted twice annually in order for the District to receive funds for categorical programs. The Con App was not available at the time of packet distribution. It will be available at the board meeting or can be viewed in the school office on Feb. 3.*
 - 12.2 (M)(*) Consideration for Approval: 2008 Proposition 39 Funding Performance Audit Report.** *The annual Prop 39 Performance Audit examines the district's compliance with performance requirements for the Proposition 39/Measure B 02 General Obligation Bond. The report is prepared by the independent accounting firm Moss, Levy and Hartzheim.*
 - 12.3 (M) Consideration for Approval: Authorization to Open Bid the Bid Process on the Solvang Elementary Lower Campus New Classroom and Multi-Purpose Room Addition Project.** *The prequalification process will end on Feb 27 and prequalified bidders will be invited to bid on the pending project.*
 - 12.4 (R)(*) Consideration for Approval: Resolution 09-0203-1 Approval of Behavioral Intervention Plans Mandated Cost Claim Settlement and Agreement to Waive Future Claims.** *By accepting revenue generated by this class action suit the district waives its right to future mandated cost reimbursement. Currently Behavioral Intervention Plans do not fall under funded mandates.*
 - 12.5 (R)(*) Consideration for Approval: Resolution 09-0203-2 Approval of the Solis Group for the Department of Industrial Relations Approved Third Party Provider for Labor Compliance Services.** *The district will utilize the Solis Group to initiate and enforce statutory labor compliance requirements in conjunction with Bond construction.*

12.6 (M) Consideration for Approval: Teaching Assignments for Mary Ann Ibsen and Bruce Pedersen Under Ed Code 44256. Education Code 44256 allows elementary credentialed teachers to teach departmentalized classes in Grade 8 and below with Board approval if they have completed 12 semester units or 6 upper division/graduate units in the specified subject area.

12.7 (M)(*) Consideration for Approval: 2009-2010 Academic Calendar. The Superintendent recommends the calendar as presented for the 2009-10 school year.

12.8 (M)(*) Consideration for Approval: Solvang School District Plan for Expelled Youth. Ed Code 48926 requires a triennial update of a district's plan for educating expelled youth. The current plan was approved in 2006.

12.9 (M)(*) Consideration for Approval: Solvang Elementary School District Conflict of Interest Code. Pursuant to Government Code 87200, individuals associated with managing public investments are required to file an annual conflict of interest document. The district is updating it's policy to include the following individuals: Superintendent, Principal, Assistant Principal, Maintenance/Operations Supervisor, Bond Finance Consultant, Business Manager and the Administrative Assistant to the Superintendent.

13. Board Informational Items: Fiscal Report, "What Happens with a Qualified or Negative Budget"; Current Working Budget for Solvang School District General Fund.

14. Future Agenda Items

15. Closed Session

15.1 Personnel: Consideration of 2009-10 Certificated and Classified Reductions

15.2 Negotiations

15.3 Supt. Evaluation and Contract Negotiation

16. Adjournment

(*) Supporting material contained within the Board packet (M) Motion Item (R) Roll Call Item