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DEPUTY

Bylaws of the Board

Conflict of Interest

Governing Board members shall adhere to the district Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300.

The district Conflict of Interest Code shall comprise the terms of the California Code of Regulations, Title 2, 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, together with attachments specifying designated positions and disclosure categories.

Board members and designated employees shall file statements of economic interest with the district. The district's filing officer shall make and retain a copy and forward the original to the appropriate code reviewing body. (Government Code 87500)

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members. (Government Code 1090)

A Board member shall not be deemed to be financially interested in a contract between the Board and the Board's member's minor child as long as the Board member's interest in the contract is disclosed to the Board and noted in the minutes of the board. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract. (Government Code 1091)

A Board member shall not be deemed to be financially interested in a contract between the Board member's spouse and the district, provided the Board member's spouse has been employed by the district 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 any of the exceptions set forth in Government Code 1091.5 apply.
(cf. 4112.8 - Nepotism: Employment of Relatives)

A Board member who maintains a remote interest in any contract considered by the Board shall disclose the interest during a Board meeting and have the disclosure noted in the official Board minutes. "Remote interests" shall be those defined in Government Code 1091. 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.

Conflict of Interest (continued)

Board members shall not engage in any employment or activity 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 1126)
(cf. 2300 - Conflict of Interest Code: Designated Personnel)

Legal Reference:

GOVERNMENT CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 - 87103.5 Conflict of interest

87200 - 87210 Disclosure

87300 - 87313 Conflict of interest code

91000 - 91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100 et seq. Regulations of the Fair Political Practices Commission

Bylaw

Adopted: FEB 25 1992

Spreckels Union School District
Spreckels, California

Regulations of the
FAIR POLITICAL PRACTICES COMMISSION
Title 2, Division 6
California Code of Regulations

18730. Provisions of Conflict of Interest Code

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a Conflict of Interest Code within the meaning of Government Code Section 87300 or the amendment of a Conflict of Interest Code within the meaning of Government Code Section 87307 if the terms of this regulation are substituted for terms of a Conflict of Interest Code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 81000, *et seq.* The requirements of a Conflict of Interest Code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a Conflict of Interest Code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Adm. Code Sections 18100, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

(2) Section 2. Designated Employees

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if

they are designated in this Code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200, et seq¹. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the Code reviewing body in the agency's conflict of interest code².

(5) Section 5. Statement of Economic Interests: Time of Filing

(A) Initial Statements. All designated employees employed by the agency on the effective date of this Code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this Code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, thirty days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments interest in real property and business positions held on the effective date of the Code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the Code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported⁴, the statement shall contain the following:

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 \$1,000, exceeds \$10,000, or exceeds \$100,000.

(B) Personal Income Disclosure. When personal income is required to be reported⁵, the statement shall contain:

1. The name and address of each source of income aggregating \$250 or more in value or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source.

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, or greater than \$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; 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) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported⁶, 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 pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$1,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$1,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$250 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position or management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

No designated employee 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 employee 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.

(8.5) Section 8.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of Section 8, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the

contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(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 his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to be designated employee's supervisor.

(10) Section 10. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(11) Section 11. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provision of this Code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003

1/ Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

2/ See Government Code Section 81010 and 2 Cal. Adm. Code Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing office.

3/ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4/ Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5/ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6/ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a ten percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

EXHIBIT A
Designated Positions

I. Persons occupying the following positions are designated employees and must disclose financial interests in Category 1 defined in Exhibit B.

Governing Board Members
Superintendent of Schools
Assistant/Associate Superintendents
District Business Administrator
Accountant

II. Persons occupying the following positions are designated employees and must disclose financial interest defined in Category 2 of Exhibit B.

Directors
Principals
Assistant Principals
Maintenance and Operations Director
Program Directors
Program Specialists
Supervisors

EXHIBIT B
Disclosure Categories

CATEGORY 1

Designated persons in this category must report:

- (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. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- (b) Investments or business positions in or income from sources which:
- (1) are engaged in the acquisition or disposal of real property within the district.
 - (2) are contractors or sub-contractors which are or have been within the past two years engaged in work or services of the type used by the district.

CATEGORY 2

Designated persons in this category must report investments or business positions in or income from sources which:

- (a) are contractors or sub-contractors engaged in work or services of the type used by the department which the designated person manages or direct, or
- (b) 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.

NOTICE: Investments include any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest. (Government Code 82034)

Investments do not include (1) a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government agency; (2) assets with a fair market value of less than \$1,000. (Government Code 82034)

Bylaw
Adopted: FEB 25 1992

Spreckels Union School District
Spreckels, California

Resolution No. 94-299 ---)
Approval of Amendments to Conflict)
of Interest Codes)

ORDER

Pursuant to sections 87306 and 87306.5 of the Government Code, the below-named County departments and local agencies have requested that the Board of Supervisors of Monterey County, as code reviewing body, approve amendments to their respective conflict of interest codes, which are necessitated by changed circumstances, including the creation of new positions or the deletion of old positions, the re-titling of positions, or the adoption of the standard model conflict of interest code recommended by the Fair Political Practices Commission.

The following conflict of interest codes, a copy of which are on file with the Clerk to the Board of Supervisors, are hereby approved by the Board of Supervisors of Monterey County:

Agricultural Commissioner of Monterey County
Assessor of Monterey County
Auditor-Controller of Monterey County
Carmel Unified School District
Carmel Valley Fire Protection District
County Administrative Office of Monterey County
County Clerk - Recorder of Monterey County
Department of Parks of Monterey County
Department of Social Services of Monterey County
Elections Department of Monterey County
Local Agency Formation Commission of Monterey
County
Monterey County Free Library District
Monterey County Local Agencies Insurance Authority
Monterey County Planning and Building Inspection
Department
Monterey County Sheriff/Coroner/Public
Administrator
North County Fire Protection District
Office of the District Attorney of Monterey County
Pajaro/Sunny Mesa Community Services District
Salinas City School District
Salinas Rural Fire Protection District
Soledad Community Hospital District
Spreckels Memorial District
Spreckels Union School District

The Clerk to the Board of Supervisors is hereby directed to notify each of the above-named County departments and local agencies of the approval of their respective codes, as

amended, by mailing or delivering a copy of this order, together with a copy of FPPC Regulation 18730, as amended in September, 1993.

Upon motion of Supervisor Salinas, seconded by Supervisor Johnsen, the foregoing order was passed and adopted this 12th day of July, 1994, by the following vote:

AYES: Supervisors Salinas, Shipnuck, Perkins, Johnsen & Karas.

NOES: None.

ABSENT: None.


Chairwoman of the Monterey County
Board of Supervisors

LB \Q44\CONFLICTS\BOS-ORD.008

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 68 on July 12, 1994.
Dated: July 12, 1994

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey,
State of California

By Ann Marie
Deputy