

CAMBRIAN SCHOOL DISTRICT
Board Policy

Procedure 9270

Adopted: ~~November 5, 2020~~ **October 6, 2022**

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BYLAWS OF THE BOARD

Conflict Of Interest Code

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the below list of designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code. The full text of 2CCR§ 18730 may be found at <http://www.fppc.ca.gov/content/dam/fppc/NSDocuments/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

Board members and designated employees shall file statements of economic interests with the administrative assistant to the superintendent who is the district's filing official. If a statement is received in signed paper format, the district's filing official shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara's Form 700 e-filing system, both the district's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The district shall make the statements available for public inspection and reproduction pursuant to Government Code section 81008.

I. Designated Positions and Disclosure Requirements

A. Persons occupying the following positions are designated employees in *Category 1*:

Governing Board Member
Superintendent of Schools
Assistant Superintendent of Educational Services
Assistant Superintendent of Personnel Services
Chief Financial Officer

1. 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 in, business positions in, and income* (including gifts, loans, and travel payments) from sources which:
 - (1) Are engaged in the acquisition or disposal of real property within the district,
 - (2) Are contractors or subcontractors that are or have been within the past two years engaged in work or services of the type used by the district, or

- (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district.

B. Persons occupying the following Positions are designated employees in *Category 2*:

Director of Buildings and Grounds
Director of Student Services
Director of Information Technology
Coordinator of Educational Technology
Principal

1. *Category 2*: Designated persons in this category must report *investments in, business positions in, and income* (including gifts, loans, and travel payments) from sources which:
 - a. Are engaged in work or services of the type used by the department which the designated person manages or directs, or
 - b. Manufacture or sell supplies, goods, machinery or equipment of the type used by the department that the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

C. *Category 3*: Disclosure for Consultants

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the District's conflict of interest code subject to the following limitation: The Superintendent or designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection in the same manner and location as the District's conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to:

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order
- d. or similar authorization or entitlement
- e. Authorize the district to enter into, modify or renew a contract that requires district
- f. approval
- g. Grant district approval to a contract or contract specifications that require district
- h. approval and in which the district is a party
- i. Grant district approval to a plan, design, report, study or similar item or
- j. 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 the capacity participates in making a governmental decision as defined in 2 CCR 18704 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 18700.3).

II. Newly Created Positions

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the district's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Superintendent or designee may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The district's determination is a public record and shall be retained for public inspection in the same manner and location as the conflict of interest code.

When the district has a newly created position that must file statements of economic interests, the district shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title that is to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the district shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the district shall update this conflict of interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Section 87306)

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 Cambrian 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 Cambrian 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 Cambrian School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED by the Board of Trustees of the Cambrian School District of Santa Clara County, State of California this ?? th day of ??, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

I do hereby certify that the foregoing is a full true and correct copy of a resolution adopted by said Board at a regular meeting thereof held at its regular place of meeting at the time and vote stated which resolution is on file in the office of said Board.

Cambrian School District Board of Trustees