

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

DEPT: Board of Supervisors

BOARD AGENDA # \*A-5

Urgent

Routine



AGENDA DATE December 9, 2014

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Adopt the Amendments to the Conflict of Interest Codes for Modesto City Schools and Empire Union School District

STAFF RECOMMENDATIONS:

Adopt amendments to the Conflict of Interest Code for Modesto City Schools and Empire Union School District

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2014-591

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST:

  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

SUBJECT: Approval to Adopt the Amendments to the Conflict of Interest Codes for Modesto City Schools and Empire Union School District  
page 2

**DISCUSSION:**

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve amendments to an agency's Conflict of Interest Code. After holding public meetings the Modesto City Schools Board and Empire Union School District Board approved amendments to their Conflict of Interest Codes. After an agency adopts an amendment to their Code they must submit it to the Board of Supervisors. Upon receiving the amendments to the Conflict of Interest Code from the agencies the Board of Supervisors places the amendments on their agenda for approval.

**POLICY ISSUE:**

The Board of Supervisors is the Conflict of Interest Code Reviewing Body for all agencies whose boundaries are solely within Stanislaus County.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item.

**CONTACT INFORMATION:**

Christine Ferraro Tallman, Clerk of the Board of Supervisors Telephone: 209-525-4494

# 2014 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 ext. 5401

E-Mail: Betschart.j@monet.k12.ca.us

**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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other (describe) \_\_\_\_\_

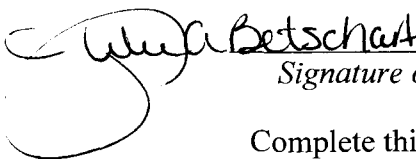
2014 SEP - 4 A 10:27  
BOARD OF SUPERVISORS

**The code is currently under review by the code reviewing body.**

**No amendment is required.** (If your code is more than five years old, amendments may be necessary.)

### Verification

*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.*

 Associate Superintendent, Business Services/CBO 8/28/14  
 \_\_\_\_\_  
 Signature of Authorizing Official and Title Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS  
 STANISLAUS COUNTY  
 1010 10<sup>th</sup> Street, Suite 6700  
 MODESTO, CA 95354  
 PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

MODESTO CITY SCHOOLS

BOARD OF SUPERVISORS

TO: Pamela Able, Superintendent

2014 DEC - 1 A 10:26  
Regular Meeting

SUBJECT: Report on Revisions to Exhibit 9270, List of Designated Employees and Disclosure Categories (Conflict of Interest)

September 29, 2014

---

**BACKGROUND**

The Board of Education is required to maintain a current Conflict of Interest code which designates positions in the District that are required to file various types of financial disclosure documents. Board Bylaw 9270 is the Conflict of Interest Code and Exhibit 9270 lists designated positions in two categories: Category 1 (full disclosure) and Category 2 (limited disclosure).

**ISSUE**

Revisions to existing position job titles, addition of new job titles, and the removal of obsolete job titles have been made which require an update to Exhibit 9270.

**Category 1 (full disclosure)**

The following positions reflect title changes in Category 1:

- Senior Director, Business Services (*formerly Director, Planning, Facilities, Support*)
- Senior Director, Maintenance and Operations (*formerly Director, Maintenance and Construction*)

The following position is obsolete and has been completely removed from Category 1:

- Senior Buyer

**Category 2 (limited disclosure)**

The following position reflects an added job title in Category 2:

- Supervisor, Alternative Education

The following positions reflect title changes in Category 2:

- Administrator of Special Projects, English Learners Program (*formerly Administrator of Special Projects*)
- Budget Analyst (*formerly Budget Manager*)
- Director II, Assessment & Evaluation (*formerly Director, Assessment & Evaluation*)

Report on Revisions to Exhibit 9270, List of Designated Employees and Disclosure Categories (Conflict of Interest)

- Director II, Child Development Programs (*formerly Director, Child Development Programs*)
- Director II, Child Welfare and Attendance (*formerly Director, Child Welfare and Attendance*)
- Director of Student, Parent, and Community Support Services (*formerly Director, Community and Parent Involvement*)
- Senior Director, Educational Services (*formerly Director, Educational Services, Pre-K-12*)
- Senior Director, Human Resources (*formerly Director, Human Resources*)
- Senior Director, Information & Technology Services (*formerly Director, Information & Technology Services*)
- Director I, Nutrition Services (*formerly Director, Nutrition Services*)
- Director I, Maintenance and Operations (*formerly Director, Operations*)
- Director I, Risk Management (*formerly Director, Risk Management*)
- Senior Director, Alternative and Vocational Education (*formerly Director, School-to-Career*)
- Senior Director, SELPA (*formerly Director, SELPA*)
- Director III, State & Federal Programs (*formerly Director, State & Federal Programs*)
- Network Manager (*formerly Network Specialist*)
- Supervisor, Payroll (*formerly Supervisor, Payroll and Benefits*)

The following position is obsolete and has been completely removed from Category 2:

- Supervisor, Computer Systems

**Section 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.

Section 2 in Exhibit 9270 lists the positions of public officials who manage public investments and are required to file a statement of economic interests pursuant to Government Code Section 87200.

The following position in Section 2 reflects a title change:

- Senior Director, Financial Services (*formerly Director, Finance*)

---

Report on Revisions to Exhibit 9270, List of Designated Employees and Disclosure  
Categories (Conflict of Interest)

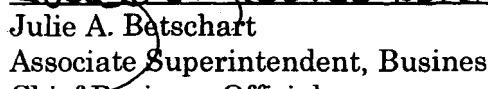
SUMMARY

Exhibit 9270 needs to be updated to reflect revised job titles, the addition of new titles, and the removal of obsolete job titles.


---

**APPROVED**

Prepared and Submitted by:

  
\_\_\_\_\_  
Julie A. Betschart  
Associate Superintendent, Business Services  
Chief Business Official

Approved for Submission  
to the Governing Board by:

  
\_\_\_\_\_  
Pamela Able  
Superintendent

# 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

Associate Superintendent, Human Resources

→ ~~Director, Planning, Facilities, Support~~ Senior Director, Business Services

→ Senior Director, Maintenance and Construction Operations

Supervisor, Maintenance and Construction

Supervisor, Purchasing

→ ~~Senior Buyer~~

Buyer

Purchasing Clerks

Designated Consultants (Not responsible for the management of public investments)<sup>1</sup>

<sup>1</sup> 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 ~~Manager~~ Analyst
- Director II, Assessment & Evaluation
- Director II, Child Development Programs
- Director II, Child Welfare and Attendance
- Director, ~~Community and Parent Involvement of Student, Parent,~~  
and Community Support Services
- Senior Directors, Educational Services, ~~Pre-K-12~~
- Senior Directors, Human Resources
- Senior Director, Information & Technology Services
- Director I, Nutrition Services
- Director I, Maintenance and Operations
- Director I, Risk Management
- Senior Director, ~~School-to-Career~~ Alternative and Vocational  
Education
- Senior Director, SELPA
- Director III, State & Federal Programs  
K-12 Principals
- Network ~~Specialist~~ Manager
- Reprographics Supervisor
- ~~Supervisor, Computer Systems~~
- Supervisor, Alternative Education
- Supervisor, Information Systems
- Supervisor, Instructional Technology
- Supervisor, Operations
- Supervisor, Payroll ~~and Benefits~~
- 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, Finance 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.

# MODESTO CITY SCHOOLS

## Exhibit

BOARD OF SUPERVISORS

2014 DEC - 1 A 10: 27

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  
Associate Superintendent, Human Resources  
Senior Director, Business Services  
Senior Director, Maintenance and Operations  
Supervisor, Maintenance and Construction  
Supervisor, Purchasing  
Buyer  
Purchasing Clerks  
Designated Consultants (Not responsible for the  
management of public investments)<sup>1</sup>

---

<sup>1</sup> 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.



# 2014 Local Agency Biennial Notice

Name of Agency: Empire Union School District

Mailing Address: 116 N. McClure Road - Modesto, CA 95357

Contact Person: Claudia L. Vicino Phone No: (209) 521-2800, Ext. 2216

E-Mail: cvicino@empire.k12.ca.us

**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 (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other *(describe)* \_\_\_\_\_

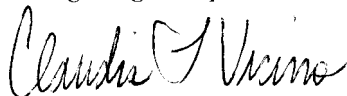
2014 OCT - 9 A 10:15  
BOARD OF SUPERVISORS

**The code is currently under review by the code reviewing body.**

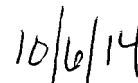
**No amendment is required.** (If your code is more than five years old, amendments may be necessary.)

## Verification

*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.*



\_\_\_\_\_  
*Signature of Authorizing Official and Title*



\_\_\_\_\_  
*Date*

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

Please return this notice no later than **October 1, 2014** to:

**CLERK OF THE BOARD OF SUPERVISORS**

**STANISLAUS COUNTY**

**1010 10<sup>th</sup> Street, Suite 6700**

**MODESTO, CA 95354**

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC**

# Empire Union SD

## Board Bylaw

### Conflict Of Interest

BB 9270

#### Board Bylaws

#### Conflict of Interest

Governing 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)

Board members and designated employees shall adhere to the district's conflict of interest code adopted pursuant to the provisions of Government Code 87300 and attached hereto.

#### ATTACHMENT A CONFLICT OF INTEREST CODE OF THE EMPIRE UNION SCHOOL DISTRICT

The Political Reform Act, Government Code 81000, et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 CCR 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 CCR 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix consisting of this Attachment A and Attachments B through D, in which members and employees are designated (Attachment B) and disclosure categories (Attachment C) are set forth, and the place of filing is specified (Attachment D), shall constitute the Conflict of Interest Code of the Empire Union School District.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall make and retain a copy and forward the original of these statements to the place of filing, as indicated on Attachment D.

#### ATTACHMENT B CONFLICT OF INTEREST CODE OF THE EMPIRE UNION SCHOOL DISTRICT DESIGNATED EMPLOYEES/POSITIONS

Under provisions of the Standard Code, designated employees/positions shall file statements of

economic interest. Listed below are the designated employees/positions for the Empire Union School District and the appropriate schedules for filing:

POSITIONS DISCLOSURE CATEGORY

Members of the Board of Trustees I/II

Superintendent I/II

Assistant Superintendent, Instructional Services/Special Education Services I/II

Assistant Superintendent, Business Services I/II

Consultant(s) III  
(as defined in 2 CCR 18701(a)(2))

Director of Fiscal Services II

Director of Food Services II

Director of Maintenance, Operations & Transportation II

Director of Technology & Data Management II

Head Start Coordinator II

ATTACHMENT C

CONFLICT OF INTEREST CODE

OF THE EMPIRE UNION SCHOOL DISTRICT

DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS

CATEGORY 1

Designated employees assigned to this category must report:

- a. Interests in real property which are located, in whole or in part: (1) within the boundaries of the district, (2) within two miles of the boundaries of the district, or (3) within two miles of any land owned or used by the district, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property;
- b. Investments and business positions in business entities or income from sources which engage in the acquisition or disposal of real property within the jurisdiction;
- c. Investments and business positions in business entities or income from sources which:  
(1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the district, or (2) which manufacture, sell or provide supplies, materials, books,

machinery, services or equipment of the type utilized by the district.

## CATEGORY II

Designated employees assigned to this category must report:

Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by employee's department or district. For the purposes of this category, a principal's department is his/her entire school.

## CATEGORY III

Consultants shall disclose, pursuant to broadest disclosure category and the code, subject to the following limitation:

The Superintendent may determine, in writing, that a particular consultant, although a "designated position," is hired to perform a range of duties that limited in scope and, thus, is not required to fully comply with the disclosure requirements described 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 shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## ATTACHMENT D CONFLICT OF INTEREST CODE EMPIRE UNION SCHOOL DISTRICT PLACE OF FILING

### DESIGNATED EMPLOYEES/POSITIONS

Where: Empire Union School District

The district shall maintain a copy of each "Statement of Financial Interests" form a the district and the original Statements shall be forwarded to the Clerk of the Board of Supervisors at 1100 H Street, Modesto, CA 95354

### Legal Reference:

#### EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

35239 Compensation for board members in districts under 70 ADA

## GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

## CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

## COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

## ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

## Management Resources:

### WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

## Bylaw EMPIRE UNION SCHOOL DISTRICT

adopted: January 11, 2007 Modesto, California

revised: November 1, 2012 Modesto, California

revised: November 14, 2013 Modesto, California

revised:

# Empire Union SD

## Board Bylaw Conflict Of Interest

BOARD OF SUPERVISORS

2014 NOV 24 A 10: 05

BB 9270

### Board Bylaws

#### Conflict of Interest

Governing 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)

Board members and designated employees shall adhere to the district's conflict of interest code adopted pursuant to the provisions of Government Code 87300 and attached hereto.

#### ATTACHMENT A CONFLICT OF INTEREST CODE OF THE EMPIRE UNION SCHOOL DISTRICT

The Political Reform Act, Government Code 81000, et seq., requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation, 2 CCR 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 CCR 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix consisting of this Attachment A and Attachments B through D, in which members and employees are designated (Attachment B) and disclosure categories (Attachment C) are set forth, and the place of filing is specified (Attachment D), shall constitute the Conflict of Interest Code of the Empire Union School District.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the various designated members and employees, the designated agency shall make and retain a copy and forward the original of these statements to the place of filing, as indicated on Attachment D.

#### ATTACHMENT B CONFLICT OF INTEREST CODE OF THE EMPIRE UNION SCHOOL DISTRICT DESIGNATED EMPLOYEES/POSITIONS

Under provisions of the Standard Code, designated employees/positions shall file statements of

economic interest. Listed below are the designated employees/positions for the Empire Union School District and the appropriate schedules for filing:

POSITIONS DISCLOSURE CATEGORY

Members of the Board of Trustees I/II

Superintendent I/II

Assistant Superintendent, Instructional Services/Special Education Services I/II

Assistant Superintendent, Business Services I/II

Consultant(s) III  
(as defined in 2 CCR 18701(a)(2))

Director of Fiscal Services II

Director of Food Services II

Director of Maintenance, Operations & Transportation II

Director of Technology & Data Management II

Head Start Coordinator II

ATTACHMENT C

CONFLICT OF INTEREST CODE

OF THE EMPIRE UNION SCHOOL DISTRICT

DISCLOSURE CATEGORIES FOR DESIGNATED EMPLOYEES/POSITIONS

CATEGORY 1

Designated employees assigned to this category must report:

- a. Interests in real property which are located, in whole or in part: (1) within the boundaries of the district, (2) within two miles of the boundaries of the district, or (3) within two miles of any land owned or used by the district, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property;
- b. Investments and business positions in business entities or income from sources which engage in the acquisition or disposal of real property within the jurisdiction;
- c. Investments and business positions in business entities or income from sources which:  
(1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the district, or (2) which manufacture, sell or provide supplies, materials, books,

machinery, services or equipment of the type utilized by the district.

## CATEGORY II

Designated employees assigned to this category must report:

Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by employee's department or district. For the purposes of this category, a principal's department is his/her entire school.

## CATEGORY III

Consultants shall disclose, pursuant to broadest disclosure category and the code, subject to the following limitation:

The Superintendent may determine, in writing, that a particular consultant, although a "designated position," is hired to perform a range of duties that limited in scope and, thus, is not required to fully comply with the disclosure requirements described 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 shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

ATTACHMENT D  
CONFLICT OF INTEREST CODE  
EMPIRE UNION SCHOOL DISTRICT  
PLACE OF FILING

## DESIGNATED EMPLOYEES/POSITIONS

Where: Empire Union School District

The district shall maintain a copy of each "Statement of Financial Interests" form a the district and the original Statements shall be forwarded to the Clerk of the Board of Supervisors at 1100 H Street, Modesto, CA 95354

Legal Reference:  
EDUCATION CODE  
1006 Qualifications for holding office  
35107 School district employees  
35230-35240 Corrupt practices  
35233 Prohibitions applicable to members of governing boards  
35239 Compensation for board members in districts under 70 ADA



## GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

## CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

## COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

## ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources:

## WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

## Bylaw EMPIRE UNION SCHOOL DISTRICT

adopted: January 11, 2007 Modesto, California

revised: November 1, 2012 Modesto, California

revised: November 14, 2013 Modesto, California

revised: November 13, 2014 Modesto, California