

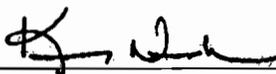
**2010 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM**

Contact Person: Becky Banning
Executive Assistant to the Superintendent
Name of Agency: San Dieguito Union High School District
710 Encinitas Blvd.
Mailing Address: Encinitas, CA 92024
(760) 753-6491, ext 5548
This agency has reviewed (760) 943-3501, Fax hat:
Email: becky.banning@sduhsd.net

Amendments are necessary: (Attach Amended Code)
(Check all that applies)

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

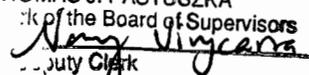
No amendments are necessary. Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer:  Date: 8-25-10

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2010 to:**

Clerk of the Board of Supervisors ✓
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

(Rev 5/12/2010)

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 10/19/10 Minute Order No. 4
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

Deputy Clerk

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2010 AUG 27 PM 1 35
THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

San Dieguito

Union High School District

Board of Trustees
Joyce Dalessandro
Linda Friedman
Barbara Groth
Beth Hergesheimer
Deanna Rich

Superintendent
Ken Noah

710 Encinitas Boulevard, Encinitas, CA 92024
Telephone (760) 753-6491
www.sduhsd.net

Office of the Superintendent
Fax (760) 943-3501

September 17, 2010

Teresa Zurita
Senior Board Assistant
Clerk of Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Rm #402
San Diego, CA 92101

Dear Ms. Zurita:

Enclosed please find a revised Conflict of Interest Code Board Policy, #9720. This policy was approved during a regular meeting of the San Dieguito Union High School District Board of Trustees, held on September 16, 2010.

This replaces the Conflict of Interest Code currently on file, dated October 3, 2002, (also attached for reference).

Please contact the Office of the Superintendent if you have any questions.

Sincerely,

Becky Banning
Becky Banning
Executive Assistant to the Superintendent
SDUHSD

Enclosure

BB

San Dieguito Union High School District

ITEM 16

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: September 3, 2010

BOARD MEETING DATE: September 16, 2010

PREPARED AND SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: BOARD POLICY REVISION PROPOSAL,
#9270, "BYLAWS OF THE BOARD, CONFLICT OF INTEREST"

.....

EXECUTIVE SUMMARY

Due to changes in district administration assignments and responsibilities, the Conflict of Interest Board Policy requires revision.

This item was presented for first read and Board consideration on September 2nd and is now being resubmitted for Board Action. Please note that two of the recommended revisions have been removed from the policy since its first reading, (*Athletic Director* and *ASB Director* removed from Appendix, Category 2).

RECOMMENDATION:

District administration recommends the Board adopt the revised policy as shown in the attached supplement.

FUNDING SOURCE:

Not applicable

APPROVED IN PUBLIC MEETING OF THE
BOARD OF TRUSTEES OF THE SAN DIEGUITO
UNION HIGH SCHOOL DISTRICT. 9-16-10
Becky Banning
BECKY BANNING RECORDING SECRETARY
BOARD OF TRUSTEES

BYLAWS OF THE BOARD

9270

CONFLICT OF INTEREST

Incompatible Activities

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)

Conflict of Interest Code

The District's conflict of interest code shall be comprised of the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a District attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the Board shall review the District's conflict of interest code in even-numbered years. If no change in the code is required, the District shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the District shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the District's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the District by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

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

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the Board.

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3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091.
4. That of a spouse of an officer or employee of the District if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment.
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records.
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records.
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records.
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (*Government Code 1091.5*)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. 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. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (*Government Code 1091*)

A Board member may be able to enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101. Legal counsel should be consulted, however, in such situations.

BYLAWS OF THE BOARD

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Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (*Education Code 35107*)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (*Government Code 89503*)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (*Government Code 89506*)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (*Government Codes 89501, 89502*)

The term honorarium does not include:
(*Government Code 89501*)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes.

BYLAWS OF THE BOARD

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APPENDIX

DESIGNATED POSITIONS / DISCLOSURE CATEGORIES

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

Governing Board Members
Superintendent of Schools
Associate Superintendents

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

Purchasing Director
Finance Director
Executive Director of Operations
Director of Planning and Financial Management
Purchasing Buyer
Contracts Analyst

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 subcontractors which 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.

2. Persons occupying the following positions are designated employees in Category 2:

Director
Principal
Assistant Principal
Program Coordinator
Project Specialist
Supervisor

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

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or

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3. 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. 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)

- 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 or similar authorization or entitlement.
- d. Authorize the District to enter into, modify or renew a contract that requires District approval.
- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party.
- f. Grant District approval to a plan, design, report, study or similar item.
- g. 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)*

BYLAWS OF THE BOARD

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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

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82019	Definition of Designated Employee
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CODE OF REGULATIONS, TITLE 2

18110 - 18997	Regulations of the Fair Political Practices Commission
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82 Ops.Cal.Atty.Gen. 83 (1999)
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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: www.fppc.ca.gov

DRAFT / REVISIONS DISPLAYED

ITEM 16

BYLAWS OF THE BOARD

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CONFLICT OF INTEREST

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A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following:
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1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the Board.

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ITEM 16

BYLAWS OF THE BOARD

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3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091.
4. That of a spouse of an officer or employee of the District if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment.
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records.
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records.
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8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (*Government Code 1091.5*)

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BYLAWS OF THE BOARD

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1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
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Associate Superintendents

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

~~Assistant Superintendents~~
~~Purchasing Agent~~ Director
Finance Director
Executive Director of Operations
Director of Planning and Financial Management
Purchasing Buyer
Contracts Analyst

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 subcontractors which 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.

2. Persons occupying the following positions are designated employees in Category 2:

Director
Principal
Assistant Principal
~~Maintenance and Operations Director~~
Program Coordinator
Project Specialist
Supervisor
~~Dean of Students~~

DRAFT / REVISIONS DISPLAYED

BYLAWS OF THE BOARD

ITEM 16
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Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors 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, 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.
3. 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:

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- d. Authorize the District to enter into, modify or renew a contract that requires District approval.
- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party.
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- g. 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)

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BYLAWS OF THE BOARD

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68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources

WEB SITES

Fair Political Practices Commission: www.fppc.ca.gov

San Dieguito Union High School District

ITEM 16

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: September 3, 2010

BOARD MEETING DATE: September 16, 2010

PREPARED AND SUBMITTED BY: Ken Noah, Superintendent

SUBJECT: BOARD POLICY REVISION PROPOSAL,
#9270, "BYLAWS OF THE BOARD, CONFLICT OF INTEREST"

.....

EXECUTIVE SUMMARY

Due to changes in district administration assignments and responsibilities, the Conflict of Interest Board Policy requires revision.

This item was presented for first read and Board consideration on September 2nd and is now being resubmitted for Board Action. Please note that two of the recommended revisions have been removed from the policy since its first reading, (*Athletic Director* and *ASB Director* removed from Appendix, Category 2).

RECOMMENDATION:

District administration recommends the Board adopt the revised policy as shown in the attached supplement.

FUNDING SOURCE:

Not applicable

APPROVED IN PUBLIC MEETING OF THE
BOARD OF TRUSTEES OF THE SAN DIEGUITO
UNION HIGH SCHOOL DISTRICT 9-16-10
Becky Banning
BECKY BANNING RECORDING SECRETARY
BOARD OF TRUSTEES

BYLAWS OF THE BOARD

9270

CONFLICT OF INTEREST

Incompatible Activities

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Upon direction by the code reviewing body, the Board shall review the District's conflict of interest code in even-numbered years. If no change in the code is required, the District shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the District shall submit an amended code to the code reviewing body. *(Government Code 87306.5)*

When a change in the District's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. *(Government Code 87306)*

When reviewing and preparing conflict of interest codes the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. *(Government Code 87311)*

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. *(2 CCR 18700)*

Statements of economic interests submitted to the District by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. *(Government Code 81008)*

Financial Interest

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

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following:
(Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the Board.

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3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091.
4. That of a spouse of an officer or employee of the District if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment.
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records.
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records.
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records.
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (*Government Code 1091.5*)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. 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. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (*Government Code 1091*)

A Board member may be able to enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101. Legal counsel should be consulted, however, in such situations.

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Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (*Education Code 35107*)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (*Government Code 89503*)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (*Government Code 89506*)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (*Government Codes 89501, 89502*)

The term honorarium does not include:
(*Government Code 89501*)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes.

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APPENDIX

DESIGNATED POSITIONS / DISCLOSURE CATEGORIES

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

Governing Board Members
Superintendent of Schools
Associate Superintendents

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

Purchasing Director
Finance Director
Executive Director of Operations
Director of Planning and Financial Management
Purchasing Buyer
Contracts Analyst

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 subcontractors which 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.

2. Persons occupying the following positions are designated employees in Category 2:

Director
Principal
Assistant Principal
Program Coordinator
Project Specialist
Supervisor

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

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or

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3. 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. 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)

- 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 or similar authorization or entitlement.
- d. Authorize the District to enter into, modify or renew a contract that requires District approval.
- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party.
- f. Grant District approval to a plan, design, report, study or similar item.
- g. 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)*

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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

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82 Ops.Cal.Atty.Gen. 83 (1999)
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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: www.fppc.ca.gov

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CONFLICT OF INTEREST

Incompatible Activities

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)*

Conflict of Interest Code

The District's conflict of interest code shall be comprised of the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a District attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the Board shall review the District's conflict of interest code in even-numbered years. If no change in the code is required, the District shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the District shall submit an amended code to the code reviewing body. *(Government Code 87306.5)*

When a change in the District's conflict of interest code is necessitated by changed circumstances such as the creation of new designated positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. *(Government Code 87306)*

When reviewing and preparing conflict of interest codes the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. *(Government Code 87311)*

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. *(2 CCR 18700)*

Statements of economic interests submitted to the District by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. *(Government Code 81008)*

Financial Interest

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

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following:
(Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty.
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the Board.

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3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091.
4. That of a spouse of an officer or employee of the District if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment.
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records.
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records.
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records.
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm.

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (*Government Code 1091.5*)

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1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
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APPENDIX

DESIGNATED POSITIONS / DISCLOSURE CATEGORIES

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

Governing Board Members

Superintendent of Schools

Associate Superintendents

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

~~Assistant Superintendents~~

~~Purchasing Agent-Director~~

Finance Director

Executive Director of Operations

Director of Planning and Financial Management

Purchasing Buyer

Contracts Analyst

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 subcontractors which 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.

2. Persons occupying the following positions are designated employees in Category 2:

Director

Principal

Assistant Principal

~~Maintenance and Operations Director~~

Program Coordinator

Project Specialist

Supervisor

~~Dean of Students~~

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ITEM 16

BYLAWS OF THE BOARD

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

- a. Are contractors or subcontractors 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, 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.
3. 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)

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- b. Adopt or enforce a law.
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement.
- d. Authorize the District to enter into, modify or renew a contract that requires District approval.
- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party.
- f. Grant District approval to a plan, design, report, study or similar item.
- g. 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)*

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ITEM 16

BYLAWS OF THE BOARD

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68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources

WEB SITES

Fair Political Practices Commission: www.fppc.ca.gov

2010 CONFLICT OF INTEREST CODE BIENNIAL REVIEW REPLY FORM

Contact Person: Becky Banning Telephone Number: 760.753.6491 ext 5548

Name of Agency: San Dieguito Union High School District

Mailing Address: 710 Encinitas Blvd., Encinitas, CA 92024

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

Amendments are necessary: (Attach Amended Code)
(Check all that applies)

Include new positions (including consultants) which must be designated

Revise the titles of existing positions

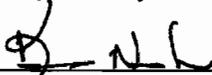
Delete titles of positions that have been abolished

Delete positions that manage public investments

Revise disclosure categories

Other _____

No amendments are necessary. Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure 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 decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer:  Date: 8/20/10

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than August 31, 2010 to:

**Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101**



County of San Diego

THOMAS J. PASTUSZKA, CMC, CCB
EXECUTIVE OFFICER/CLERK

TELEPHONE (619) 531-5600
FAX (619) 595-4616

CLERK OF THE BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 402, SAN DIEGO, CALIFORNIA 92101-2471

August 16, 2010

TO: County Departments
Agency Officials

FROM: Thomas J. Pastuszka
Clerk of the Board of Supervisors

CONFLICT OF INTEREST CODE BIENNIAL REVIEW

On June 18, 2010, pursuant to Government Code Section 87306.5, we sent you a notification letter, with form, for the review of your Conflict of Interest Code to be completed and returned to our office.

We have not yet received your response. **This is a reminder notice that we must receive the completed BIENNIAL REVIEW REPLY FORM by August 31, 2010** indicating whether you intend to make any amendments/changes to your Conflict of Interest Code or no amendments are necessary. The actual amendments/changes to your Conflict of Interest Code must be received no later than September 17, 2010.

Government Code Section 87306.5 requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or if the code must be amended. Once the determination has been made, a notice must be submitted to the code reviewing body.

The San Diego County Board of Supervisors, as the code reviewing body for your agency, hereby notifies you of the requirements of this Government Code Section. In order to comply with these requirements, the following is required:

1. **Review your agency's Conflict of Interest Code**, including designated employees and disclosure categories. A copy of each agency's designated employee and disclosure categories is available on-line at:

http://www.sdcounty.ca.gov/cob/conflict_interest/

County Departments are listed under "County of San Diego Departments."

2. **Determine whether or not amendments are necessary.** If no amendments are necessary, go to item 3. If amendments are necessary, go to item 4.

Conflict of Interest Code Biennial Review

Page 2

August 12, 2010

3. **If no amendments are necessary**, complete the Biennial Review Reply Form (enclosed with this letter) indicating that no amendment is required and return it to the Clerk of the Board no later than **August 31, 2010**. No further action will be required beyond returning the Form of Official Action.

4. **If amendments are necessary**,
 - a) complete the Biennial Review Reply Form (enclosed with this letter) indicating that an amendment is required and return it to the Clerk of the Board no later than **August 31, 2010**;
 - b) amend your Conflict of Interest Code and submit to the Clerk of the Board **no later than September 17, 2010**. County Counsel has developed a Model Conflict of Interest Code and provided additional resources to help simplify the process. However, you are not required to use this model. The Model Conflict of Interest Code is available at the Clerk of the Board's website at the following address:

http://www.sdcounty.ca.gov/cob/conflict_interest/

The Clerk of the Board will submit the proposed amendments to the Board of Supervisors for approval. An agency's amended Conflict of Interest Code is not effective until the Board of Supervisors has approved it. The Clerk of the Board will notify you upon Board action.

Please complete and submit the enclosed Biennial Review Reply Form, signed by the head of your agency/department, and mail to the Clerk of the Board of Supervisors, 1600 Pacific Highway, Room 402, San Diego, CA 92101, no later than August 31, 2010.

Thank you for your prompt attention to this matter. If further information is needed, you may call Teresa Zurita, Senior Board Assistant, at (619) 531-5600.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

TJP:GA:tz

Attachment

cc: Walter F. Ekard, Chief Administrative Officer
John Sansone, County Counsel
Communications Received for Board of Supervisors Official Records