

## 2006 Local Agency Biennial Notice

Name of Agency: CARLSBAD UNIFIED SCHOOL DISTRICT  
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This agency has reviewed its conflict-of-interest code and has determined that:

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

- Include new positions (including consultants) that must be designated
- Delete positions that manage public investments from the list of designated positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Other (describe) NEW BOARD POLICY APPROVED 7-26-06 (ATTACHED)

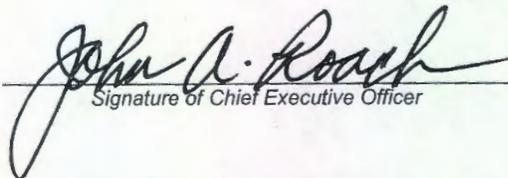
THOMAS J PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

2006 AUG - 3 PM 4: 21

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

No amendment is required.

The agency's 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 which may foresee-ably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
Signature of Chief Executive Officer

7-10-06  
Date

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than August 31, 2006 to:

Clerk of the Board of Supervisors  
(COI Biennial Review)  
1600 Pacific Highway, Room 402  
San Diego, CA 92101

Fair Political Practices Commission  
(866) ASK-FPPC/www.fppc.ca.gov  
Biennial Notice Locals - May 2006

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

**CONFLICT OF INTEREST (continued)**

*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>*

**CONFLICT OF INTEREST (continued)**

**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:

Board of Trustees Members  
Superintendent of Schools  
Deputy Superintendent

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

Assistant/Associate Superintendent  
Purchasing Agent

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

**CONFLICT OF INTEREST** (continued)

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)

- 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)