

COUNTY OF SAN DIEGO 2014 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM

2014 SEP 29 PM 3 02

Contact Person: John Collins Telephone Number: 858-521-2700

CLERK OF THE BOARD  
OF SUPERVISORS  
Name of Agency: Poway Unified School District

Mailing Address: 15250 Avenue of Science, San Diego, CA 92128

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 Being reviewed by legal counsel for any other necessary changes.

**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: John Collins Date: 9/25/14

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

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

Approved and/or authorized by the  
Board of Supervisors of the County of San Diego  
Meeting Date: 12/2/14 Minute Order No. 28  
By: [Signature] Date: 12/2/14  
Deputy Clerk of the Board Supervisors

2014 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO

2014 NOV 13 AM 4 24

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BOARD OF EDUCATION  
Kimberley Beatty  
Marc Davis  
Todd Gutschow  
Andrew Patapow  
Penny Ranftle  
SUPERINTENDENT  
John P. Collins, Ed.D.



OFFICE OF THE SUPERINTENDENT  
John P. Collins, Ed.D.  
Superintendent  
jcollins@powayusd.com  
858-521-2700  
FAX 858-485-1075

## POWAY UNIFIED SCHOOL DISTRICT

November 13, 2014

Clerk of the Board  
Attn: Biennial Review of Conflict of Interest  
1600 Pacific Highway, Room 402  
San Diego, CA 92101-2471

Re: Poway Unified School District Board Policy 1.11 Administrative Procedure Section 1.11.1

Dear Mr. Pastuszka,

Attached please find the proposed revisions to the Conflict of Interest Board Policy and Administrative Procedure for Poway Unified School District. There are minor changes including designated positions and reference to Government Code.

Please contact Wendy Anderson, Executive Assistant to the Board of Education in our office if you need any additional information at [wanderson@powayusd.com](mailto:wanderson@powayusd.com) or by phone at 858-521-2704.

Sincerely,

John P. Collins, Ed.D  
Superintendent

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**POWAY UNIFIED SCHOOL DISTRICT  
BOARD POLICY**

**ARTICLE: 1.0 GOVERNING BOARD**

**Originator:** Superintendent  
**Issue No:** 1110  
**Date:** ~~10/13/08~~  
**Page:** 1 of 2  
**Reference:** GC 87207.87300, *et seq*;  
89501-89503

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**SECTION 1.11 CONFLICT OF INTEREST CODE**

**Purpose**

The Poway Unified School District of the County of San Diego hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974. The provisions of this Code are additional to other laws pertaining to conflicts of interest. Except as otherwise indicated, this policy incorporates by reference the provisions of California Code of Regulations, Title 2, section 18730, and any amendments thereto. The definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

No Board member, candidate for board membership, or designated employee as defined in this code, shall accept any honorarium, as defined in Government Code Sections 89501-89503, nor shall such person accept any gift which exceeds the limits specified in Government Code 87201 ~~is in excess of \$390 in a calendar year from a single source.~~

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by the Political Reform Act of 1974, or its successor.

**Designated Positions**

The positions listed in this Policy are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest.

**Disclosure Statements**

Designated positions shall be assigned to one or more of the disclosure categories of this Policy. Each designated employee shall file an annual statement disclosing the employee's interest in investments, real property, and income, designated as reportable under the category to which the employee's position is assigned.

Annual statements shall be filed during the month of April by all designated employees. Such statements shall cover the period of the preceding calendar year or from date of filing initial statement.

Closing statements shall be filed within 30 days of leaving a designated position. Such statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.

Persons in designated positions shall complete the designated economic interest schedules indicated pursuant to the manual as proposed annually by the Fair Political Practices Commission and made available through the Superintendent's office.

**Consultants**

A consultant hired by the District may be individually classified as a "designated employee" if in the opinion of the District he or she may reasonably be expected to make, participate in making, or in any way attempt to use his or her position as a "consultant" to influence a governmental decision in which the person might reasonably be expected to have a financial interest.

**POWAY UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE**

**Originator:** Superintendent  
**Issue No:** 1514  
**Date:** ~~1/15~~ 2/1/13  
**Page:** 1 of 55  
**Reference:** GC 87103, 87300 *et seq*;  
89506; 2 CCR 18110-18997

**ARTICLE: 1.0 GOVERNING BOARD**  
**1.11 CONFLICT OF INTEREST CODE**

**SECTION 1.11.1 Conflict of Interest Procedures**

Persons in these designated positions shall complete the required economic interest schedules.

**Designated Positions**

Five Governing Board Members	Director of Finance
Superintendent	Director of Food and Nutrition
Deputy Superintendent	Director of Information Technology
Associate/Assistant Superintendent	Director of Planning
Executive Directors	Director of Purchasing
Chief Financial Officer	Director of Transportation
Chief Technology Officer	Personnel Commission, Director
Director of Accounting	Three Personnel Commissioners
Director of Facilities, Maintenance & Operations	<del>Citizens' Oversight Committee Member</del>

Government Code 87302.3 requires all candidates for the Governing Board to file a Form 700, Statement of Economic Interest, disclosing certain personal financial interests during the immediately preceding twelve (12) months, as enumerated in the schedule requirements for Governing Board Members. The statement shall be filed with the election official with whom the candidate's declaration of candidacy or other nomination documents to appear on the ballot are required to be filed, and shall be filed no later than the final filing date for the declaration of nomination documents. This does not apply to a candidate who has filed an initial, assuming-office, or annual statement pursuant to that conflict of interest code within sixty (60) days before the declaration of nomination filing deadline.

**Time and Place in Filing Disclosure Statements**

- (a) Members of the Governing Board shall file the original form with the District, which shall make and retain a copy and forward the original to the Clerk of the San Diego County Board of Supervisors.
- (b) All other individuals in designated positions required to submit a statement of financial interest shall file the original with the District.
- (c) An individual in a designated position shall submit an initial statement of financial interest within thirty (30) days after the effective date of this Conflict of Interest Code.
- (d) An individual, who, after the effective date of this Conflict of Interest Code, is elected, appointed, promoted, or transferred to a designated position under the jurisdiction of the Personnel Commission of the Poway Unified School District shall file the statement within thirty (30) days after such election, appointment, promotion, or transfer.
- (e) Any other person who, after the effective date of this Conflict of Interest Code is appointed, promoted, or transferred to a designated position shall file a statement. The statement shall be filed not less than ten (10) days before the person assumes the designated position to which he/she is elected, appointed, promoted, or transferred, unless an earlier assumption of the position is required by emergency circumstances certified to by the Poway Unified School District, in which case the Statement shall be filed within thirty (30) days after assumption of the designated position.

**Contents of Disclosure Statements**

Disclosure statements shall be made on the schedules prepared or approved by the Code Reviewing Body and supplied by the District, and shall contain the following information:

**(a) Contents of Investment and Real Property Reports:**

When an investment or an interest in real property is required to be reported, the statement shall contain:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged;
- (3) The address or other precise location of the real property;
- (4) A statement whether the fair market value of the investment, or interest in real property, exceeds the limits specified in Government Code 87206.
- (5) Date acquired or disposed of if entire investment initially acquired or entirely disposed of during the reporting period.

Disclosure of location or value of principal residence is not required.

**(b) Contents of Personal Income Reports:**

When personal income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating to a value exceeding the limits specified in Government Code 87207 if the income was a gift, and a general description of the business activity, if any, of each source;
- (2) A statement whether the aggregate value of income from each source, or in case of a loan, the highest amount owed to each source, exceeds the limits specified in Government Code 87207;
- (3) A description of the consideration, if any, for which the income was received;
- (4) In the case of a gift, the full name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.
- (5) In the case of a loan, name and address of each lender, general description of business activity if lender is a business entity, indicate highest balance of the loan during the reporting period, the annual interest rate, term of the loan, and the security, if any, given for the loan.

**(c) Contents of Business Entity Reports:**

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- (1) The name, address, and a general description of the business activity of the business entity;
- (2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of

**SECTION 1.11.1 Conflict of Interest Procedures**

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fees from such person was equal to or greater than the limits specified in Government Code 87207;

- (3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than the limits specified in Government Code 87207 during a calendar year.

(d) **Contents of Initial Statement:**

The first report filed by an individual following adoption of this Code or upon appointment to a designated position or by a candidate for election to a District office shall disclose any reportable investments and interests in real property. Income shall not be reported.

(e) **Contents of Annual Statements:**

The annual statement filed by an individual in a designated position shall disclose any reportable investments, interests in real property, and income during the period since the previous statement was filed.

(f) **Contents of Leaving Office Statements:**

The leaving office statement filed by an individual in a designated position shall disclose reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing.

(g) **Acquisition or Disposal During Reporting Period:**

If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.

**Disqualifications**

Individuals in designated positions shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- (a) Any business entity in which the individual in a designated position has a direct or indirect investment worth more than the limits specified in Government Code 87207;
- (b) Any real property in which the individual in a designated position has a direct or indirect interest worth more than the limits specified in Government Code 87206;
- (c) Any source of income, other than gifts and other than loans by a commercial lending institution, aggregating more than the limits specified in Government Code 87207 provided to, received by, or promised to an individual in a designated position within twelve (12) months prior to the time when the decision is made;
- (d) Any business entity in which the individual in a designated position is a director, officer, partner, trustee, employee, or holds any position of management; or

**SECTION 1.11.1 Conflict of Interest Procedures**

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(e) Any donor of, or any intermediary of agent for a donor of, a gift or gifts aggregating more than the amount specified in Government Code 89503 or more in value provided to, received by, or promised to the individual in a designated position within twelve (12) months prior to the time when the decision is made.

However, no individual in a designated position shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of an individual in a designated position who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this code.

**Manner of Disqualification**

An individual in a designated position required to disqualify himself or herself shall notify his or her supervisor in writing. This notice shall be forwarded to the Appointing Authority, who shall record the individual's disqualification. Upon receipt of such statement, the supervisor shall immediately reassign the matter to another individual.

In the case of an individual in a designated position who is a member of the Governing Board, notice of disqualification shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the Board. The member shall then refrain from participating and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

**Definition of Terms**

Except as otherwise provided, the definitions contained in the Political Reform Act of 1974 (Government Code Section 81000, *et seq.*), the regulations of the Fair Political Practices Commission, and any amendments to the Act or Regulations, shall be incorporated into this Conflict of Interest Code.

**Effective Date of Code**

This Conflict of Interest Code shall become effective thirty (30) days after approval by the Code Reviewing Body, the San Diego County Board of Supervisors.

In keeping with the Fair Political Practices Commission regulations, persons in designated positions shall complete the designated economic interest schedules indicated annual. The schedules are available through the Superintendent's office.

**Designated Positions**

**Reportable Economic Interest Schedules**

Five Governing Board Members / Citizens' Oversight Committee Member	A1-A2-B-C-D-E
Superintendent	A2-B-D-E
Deputy Superintendent	A2-B-D-E
Associate Superintendent	A2-B-D-E
Assistant Superintendent	A2-B-D-E
Executive Directors	A2-B-D-E
Chief Financial Officer	A2-B-D-E
Chief Technology Officer	A2-B-D-E
Director of Accounting	A2-B-D-E

**SECTION 1.11.1 Conflict of Interest Procedures**

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<b>Designated Positions</b>	<b>Reportable Economic Interest Schedules</b>
Director of Facilities, Maintenance & Operations	A2-B-D-E
Director of Finance	A2-B-D-E
Director of Food and Nutrition	A2-B-D-E
Director of Information Technology	A2-B-D-E
Director of Planning	A2-B-D-E
Director of Purchasing	A2-B-D-E
Director of Transportation	A2-B-D-E
Personnel Commissioner	D-E
Director of Personnel for the Personnel Commission	D-E

**Common Reportable Interests**

- Schedule A-1 Investments – Stocks, Bonds, and Other Interests including those held in an IRA or 401K (Ownership Interest is Less Than 10%)
- Schedule A-2 Investments, Income and Assets of Business Entities/Trusts (including certain independent contracting), sole proprietorships, partnerships, LLCs, and corporations (Ownership Interest is 10% or Greater)
- Schedule B Interests in Real Property (Including Rental Property in the jurisdiction)
- Schedule C Income, Loans, & Business Positions (Income Other Than Gifts and Travel Payments) (non-governmental salaries of public officials and spouse/registered domestic partner)
- Schedule D Income – Gifts from non-family members (such as tickets to sporting events or entertainment events)
- Schedule E Income - Gifts - Travel Payments, Advances, and Reimbursements from third parties (not employer)

**Common Non-Reportable Interests**

- Schedule A-1 Insurance policies, government bonds, diversified mutual funds, certain funds
- Schedule A-2 similar to diversified mutual funds (such as exchange traded funds), and investments held in certain retirement accounts
- Schedule A-1 Savings and checking accounts and annuities
- Schedule A-2
- Schedule B A residence exclusively as a personal residence (such as a home or vacation cabin)
- Schedule C Governmental salary (such as a school district)
- Schedule D Gifts from family members
- Schedule E Travel paid by your government agency