

2014 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

2014 JUN 26 AM 11 58

CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: Dana Voros Telephone Number: 760-752-1294

Name of Agency: San Marcos Unified School District

Mailing Address: 255 Pico Avenue, Suite 250, San Marcos, CA 92069

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 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: *Dana Voros* Date: 06/25/14

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. 23
By: *DMB* Date: 12/2/14
Deputy Clerk of the Board Supervisors

SAN MARCOS UNIFIED SCHOOL DISTRICT

BYLAWS OF THE BOARD

CONFLICT OF INTEREST

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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.

An employee of the school District may not be sworn into office as an elected or appointed member of the District's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office.

The District has adopted a Conflict of Interest Code (the "Code") pursuant to the requirements of the Political Reform Act of 1974. Government Code Section 81000 et seq. (the "Act"). The purpose of the Code is to provide for the disclosure of assets and income of designated employees, and the disqualification of those designated employees from acting where a conflict of interest exists.

The Code lists those officials and designated employees subject to the disclosure provisions of the Code and lists of disclosure categories specifying the types of assets and income required to be disclosed by each of the officials and designated employees.

The requirements of the Code are in addition to other state and local laws pertaining to conflicts of interest and have the force and effect of law. All officials and employees are directed to refer to the District's Conflict of Interest Code for these specific requirements.

The Conflict of Interest Code is held in the office of the Administrative Assistant of the Superintendent as the District's Filing Officer/Official.

All statements of economic interests submitted to and retained by the District's Filing Officer/Official shall be available for public inspection and reproduction during regular business hours.

If a Board member or the Superintendent determines he or she has a financial interest in a decision within the meaning of Government Code section 87100 that person shall, immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

4. Notwithstanding paragraph 3, the official described in this section may speak on the issue during the time that the general public speaks on the issue.

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.

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:

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 same terms and conditions as if he or she were not a member of the board
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 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 of office holding has existed for at least one year prior to his/her election or appointment.
5. That of a nonsalaried 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 record
6. That of a noncompensated 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 Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. 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.

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 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.

Gifts

Board members and the Superintendent shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and similar occasions, during the same calendar year provided that the gifts exchanged are not substantially disproportionate in value.

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

A gift of travel does not include travel provided by the District for Board members and designated employees.

Honoraria

Board members, the Superintendent 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 the law if the source would be reportable for income or gifts on the official's statement of economic interests.

The term *honorarium* does not include:

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 tax purposes.

A Board member shall abstain from voting on personal matters that uniquely affect a relative of the Board member. "Relative" is defined as an adult who is related to the person by blood or an adoptive relationship including spouse, parents, grandparents, great grandparents, children, grandchildren, great grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and similar family of the Board member's spouse unless the Board member is widowed or divorced.

A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which a relative belongs.

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
87100-87103.6	General prohibitions
87105	Disqualification
87200-87210	Disclosure; Officials who manage public investments
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

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

ATTORNEY GENERAL OPINIONS

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)

Adoption History:

11/08/82

09/28/92

Revision Reviewed: 07/19/94

Revision Adopted: 08/22/94

Revision Adopted: 11/17/97

Reviewed: 11/13/00

Revised: 06/16/08

Revised: 08/23/10

Revised: 04/14/14

APPENDIX

CONFLICT OF INTEREST CODE OF THE SAN MARCOS UNIFIED SCHOOL DISTRICT

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Governing Board

Superintendent

Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

Designated Employees' Title or Function	Disclosure of Categories Assigned
Assistant Principal (ALL)	5
Assistant Superintendent, Business Services	1, 2 full disclosure
Assistant Superintendent, Human Resources & Development	5
Assistant Superintendent, Instructional Services	5
Buyer	4 expanded
Coordinator, Child Nutrition Services	4
Coordinator, Facilities	4
Coordinator, Special Education	4
Coordinator, Technology	4
Coordinator, Transportation	2, 5 expanded
Director, Child Nutrition Services	5
Director, Curriculum (All)	5
Director, Human Resources & Development	5
Director, Kids on Campus	5
Director, Maintenance & Operations	3, 5 expanded
Director, Purchasing	4 expanded
Director, Secondary Education	5 expanded
Director, Special Education	5
Director, Special Programs	5
Director, Technology	5
Director, Transportation	2, 5 expanded
Executive Director, Child Nutrition Services	5
Executive Director, Facilities	2, 3, 5 new
Executive Director, Finance	4 new
Executive Director, Maintenance & Operations and Transportation	2, 5
Executive Director, Technology	3, 5
General Counsel	1, 2 new
Grounds Supervisor	3, 5 new
Maintenance Supervisor	5 new
Principal	5
Purchasing Technician	4 expanded
Supervisor, Child Nutrition Services	4
Consultant ²	new

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following information:

The Superintendent may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the 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 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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, source of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions and sources of income, including gifts, loans and travel payments located in, that do business in or part within, or not more than two (2) miles outside, the jurisdiction of the District

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District

Category 3: All investments and business positions and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District

Category 4: All investments and business positions and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District

Category 5: All investments and business positions and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's department, unit or division.