2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

Contact Person: Soreli M. Norton Telephone Number: (619) 425-9600, x1311

Name of Agency: Chula Vista Elementary School District

Mailing Address: 84 East J Street, Chula Vista, CA 91910

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

☑ **Amendments are necessary**: (Attach Amended Code) Code will be forwarded by the November 16, 2012 deadline.

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2012 OCT 8 AM 9 21
THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

(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 Add language to clarify familial relationships and update legal references.

☐ **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: [signature] Date: 9-5-12

You must complete this report regardless of how recently your code was approved or amended.
Please return this report no later than October 1, 2012 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: 10/4/12 Minute Order No. 20
By: [signature] Date: 10/4/12
Deputy Clerk of the Board Supervisors

(Rev 7/02/2012)

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2012 SEP 10 AM 11 26
THOMAS J. PASTOORA
CLERK OF THE BOARD
OF SUPERVISORS

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San Diego, CA 92101

(Rev 7/02/2012)

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • 619 425-9600

EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

SAN DIEGO
BOARD OF SUPERVISORS
2012 OCT 31 PM 3 41
THOMAS J. ... ERA
CLERK OF THE BOARD
OF SUPERVISORS

October 30, 2012

Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101

To Whom It May Concern:

As required by law, the Board of Education of the Chula Vista Elementary School District conducted the biannual review of its Conflict of Interest Code and decided that several revisions were necessary. Attached are copies of the Conflict of Interest Code—Board Bylaw 9270, and Exhibit B, which show the revisions deemed necessary.

The revisions were approved by the Board of Education at its October 24, 2012, regular meeting. Attached are also copies of the final documents.

Please let us know as soon as the Conflict of Interest is approved by the Board of Supervisors.

Should you have any additional questions, please do not hesitate to contact me at (619) 425-9600, Ext. 1312.

Sincerely,

Soreli M. Norton
Assistant to the Superintendent and the Board of Education

SMN
Attachments

BOARD OF EDUCATION
DAVID BEJARANO ♦ LARRY CUNNINGHAM ♦ DOUGLAS E. LUFFBOROUGH, III ♦ PAMELA B. SMITH ♦ GLENDORA M. TREMPER

SUPERINTENDENT
FRANCISCO ESCOBEDO, ED.D.

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2012 OCT 31 PM 3 41
THOMAS J. [illegible]
CLERK OF THE BOARD
OF SUPERVISORS

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

ITEM TITLE:

First Reading: Proposed Revisions to Board Bylaw 9270, Conflict of Interest, and Exhibit (B)

_____**Action** ____X____**Information**

BACKGROUND INFORMATION:

Government Code Section 87306.5 requires every local government agency to review its Conflict of Interest Code each even-numbered year to determine if changed circumstances require any amendments. Once the determination has been made, the agency must notify the code reviewing body by October 1 of the same year whether or not an amendment is necessary. Government Code Section 87303 indicates that any necessary amendments must be completed and forwarded for approval to the code reviewing body by its deadline. The amended Conflict of Interest Code is not effective until it is approved by the code reviewing body. The San Diego County Board of Supervisors serves as the code reviewing body and has established November 16, 2012, as the deadline for receipt of amended Conflict of Interest Codes.

To comply with the requirements, the District's Board Bylaw 9270, Conflict of Interest, and the accompanying Exhibits (A) and (B) were reviewed. It was determined that revisions to the Board Bylaw and Exhibit (B) were needed. Revisions include the addition of language to clarify familial relationships, the update of legal references, and the inclusion of new positions.

ADDITIONAL DATA:

Copies of proposed revisions to Board Bylaw 9270 and Exhibit (B) are attached. Additional information is available for review in the Office of the Superintendent.

FISCAL IMPACT/FUNDING SOURCE:

None.

STAFF RECOMMENDATION:

This is an information item.

Bylaws of the Board

CONFLICT OF INTEREST

Incompatible Activities

Governing Board ~~m~~**M**embers shall not engage in any employment or activity ~~which~~ **that** is inconsistent with, incompatible with, in conflict with, or inimical to the Board ~~m~~**M**ember's duties as an officer of the District. (Government Code 1126)

Conflict of Interest Code

Board ~~m~~**M**embers and designated employees shall adhere to the District's Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300. This code shall comprise the terms of the 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 required for each position.

Board ~~m~~**M**embers and designated employees shall submit Statements of Economic Interests to the District in accordance with requirements of the Conflict of Interest Code. These statements shall be available for public inspection and reproduction. (Government Code 81008) Upon receiving the statements of Board ~~m~~**M**embers and the Superintendent, the District shall make and retain copies and shall forward the originals to the code reviewing body. Statements for all other designated employees shall be retained by the District.

When reviewing and preparing ~~c~~**C**onflict of ~~i~~**I**nterest ~~c~~**C**odes, 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)

The Board shall review the District's Conflict of Interest Codes in even-numbered years and ~~send~~ **notify** the code reviewing body by October 1~~,~~ of that year ~~either an amended code or, a statement to the effect that no~~ **whether** change**s** ~~is~~ **are or are not** necessary. **If changes are necessary, the Board shall send the code reviewing body a copy of the amended Conflict of Interest Code by the established deadline.** (Government Code 87306.5)

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Financial Interest

Board ~~m~~**M**embers 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 ~~m~~**M**embers or designated employees. (Government Code 1090)

A Board ~~m~~**M**ember shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code 1091.5 apply.

A Board ~~m~~**M**ember 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 ~~m~~**M**ember shall not vote or debate on the matter or attempt to influence any other Board ~~m~~**M**ember to enter into the contract. Remote interests are specified in Government Code 1091-(b)~~, they~~ **and** include the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

If a Board ~~m~~**M**ember or designated employee determines that he/she has a financial interest in a decision, this determination shall be disclosed and made a part of the official Board~~'s~~ minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (Code of Regulations, Title 2, Section 18700)

A Board ~~m~~**M**ember shall abstain from voting on personnel matters that uniquely affect a relative of the Board ~~m~~**M**ember. A Board ~~m~~**M**ember 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 that individual's parents, grandparents, and great-grandparents~~,~~; children, gran**d**children, and great-grandchildren~~,~~; brothers~~,~~ **and** sisters~~,~~; aunts and uncles~~,~~; nieces and nephews~~,~~; and the similar family of the individual's spouse unless the individual is widowed or divorced.

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Disqualification for Board Members Who Manage Public Investments

A Board ~~m~~**M**ember who manages public investments pursuant to Government Code 87200 and who has financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and 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 or potential 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. (Government Code 87105)

2. Recuse himself/herself from discussing and voting on the matter, ~~or otherwise~~ **to avoid** acting in violation of Government Code 87100. This Board ~~m~~**M**ember shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)

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. (Government Code 87105)

4. If the item is on the consent calendar, the Board ~~m~~**M**ember must recuse himself/herself from discussing or voting on that matter, but the Board ~~m~~**M**ember is not required to leave the room during **action on or discussion of** the consent calendar. (2 CCR 18702.5)

The Board ~~m~~**M**ember may speak on the issue during the time that the general public speaks on the issue. The Board ~~m~~**M**ember shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/~~s~~**S**he may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board ~~m~~**M**ember shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision. (2 CCR 18702.5)

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Gifts

Board ~~m~~Members shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law. (Government Code 89503)

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. (Government Code 89503)

The above 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 above limitations except as described in Government Code 89506.

A gift of travel does not include travel provided by the District for Board ~~m~~Members and designated employees. (Government Code 89506)

Honoraria

Board ~~m~~Members 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. (Government Code 89501, 89502)

Designated employees shall not accept any honorarium as defined above if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 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.

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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.

Legal Reference:

EDUCATION CODE
1006 Qualifications for Hholding Ooffice
35107 School Ddistrict Eemployees
35230-35240 Corrupt Ppractices**, especially:**
35233 Prohibitions Aapplicable to Mmembers of Ggoverning Bboards
~~35239 Compensation for board members in districts under 70 ADA~~
41000-41003 Moneys received by school districts
GOVERNMENT CODE
1090-1098 Prohibitions Aapplicable to Sspecified Oofficers
1125-1129 Incompatible Aactivities
81000-91015 Political Reform Act of 1974, Eespecially:
82011 Code Rreviewing Bbody
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 Ggifts
91000-91014 Enforcement
CODE OF REGULATIONS, TITLE 2
18100-18997 Regulations of the Fair Political Practices Commission, especially:
18702.5 Public identification of a conflict of interest for Section 87200 filers
COURT DECISIONS
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

Bylaws of the Board

CONFLICT OF INTEREST (continued)

ATTORNEY GENERAL OPINIONS
92 Ops.Cal.Atty.Gen. 26 (2009)
92 Ops.Cal.Atty.Gen. 19 (2009)
89 Ops.Cal.Atty.Gen. 217 (2006)
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)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:
CSBA PUBLICATIONS
Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS
Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES
CSBA: www.csba.org
Fair Political Practices Commission: ~~http://~~www.fppc.ca.gov
Institute of Local Government: www.ca-ilg.org

Bylaw
Adopted: 09/27/94
Revised: 02/21/95
Revised: 12/12/95
Revised: 09/03/96
Revised: 09/14/04
Revised:

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

Bylaws of the Board

CONFLICT OF INTEREST

Designated Positions and Disclosure Requirements

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

✓ Governing Board Members
✓ Superintendent of Schools
✓ Assistant Superintendents

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~~ **that**:

(1) ~~a~~**A**re engaged in the acquisition or disposal of real property within the District.

(2) ~~a~~**A**re contractors or subcontractors ~~which~~ **that** are or have been within the past two years engaged in work or services of the type regularly used by the District.

(3) ~~m~~**M**anufacture or sell supplies, books, machinery, or equipment of the type**s** used by the District.

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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

√ Executive Director of Curriculum and Instruction
√ Executive Director of Fiscal Services
√ Executive Director of Instruction and Assessment
√ Executive Director of Language Acquisition and Development
√ Executive Director of Operations and Communications
√ Executive Director of Student, Family, and Community
√ **Executive Director of Technology and Instruction**
√ **Director of Child Nutrition Services**
√ **Director of Childhood Education**
√ **Director of Fiscal Services**
√ Director of Human Resources
√ Director of Maintenance and Operations
√ Director of Special Education and Pupil Services Instruction
√ Director of Transportation
√ Communications Officer
√ Coordinator for Instructional Technology
√ Coordinator of Pupil Services/Special Education
√ Coordinator of Student, Family, and Community ~~Services~~
√ Accounting Manager
√ Benefits/Risk Manager
√ Child Nutrition Services, Program Manager
√ Fleet Maintenance Manager
√ Grounds, Safety, and Maintenance Manager
√ Lead Fleet Maintenance Transportation Manager
√ Payroll Manager
√ Safety, Environmental, and Maintenance Manager
√ Senior Grant Writer
√ Student Placement Manager
√ Transportation Manager
√ Manager of Information Technology, Programming, and Support
√ Manager of Network Services, Computer Hardware Support
√ Manager of Purchasing, Publications, and Warehouse
√ **Office Manager for the Superintendent and Business Services**
√ Principal/Director
√ Associate Principal/Academy Director

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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

a. ~~a~~Are contractors or subcontractors engaged in work or services of the types used by the department ~~which~~ **that** the designated person manages or directs.

b. ~~m~~Manufacture or sell supplies, books, machinery, or equipment of the types used by the department ~~which~~ **that** the designated person manages or directs. For the purposes of this category, a Principal's department is his/her entire school.

Designated Positions and Disclosure Requirements

√ 3. Consultants are designated employees ~~who~~ **that** 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 any of several specified governmental decisions whether to: (2 CCR 18701)~~.~~

a. ~~a~~Approve a rate, rule, or regulations.

b. ~~a~~Adopt or enforce a law.

c. ~~i~~Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement.

d. ~~a~~Authorize the District to enter into, modify, or renew a contract that requires District approval.

e. ~~g~~Grant District approval to a contract or contract specifications ~~which~~ **that** require District approval and in which the District is a party.

f. ~~g~~Grant District approval to a plan, design, report, study, or similar item.

g. ~~a~~Adopt or grant District approval of District **a** policy~~ies~~, standards, or guidelines.

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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).

Exhibit
Adopted: 09/27/94
Revised: 02/07/95
Revised: 08/31/98
Revised: 04/11/00
Revised: 02/20/01
Revised: 05/21/02
Revised: 09/14/04
Revised: 09/19/06
Revised: 09/16/08
Revised:

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 OCT 31 PM 3 41

THOMAS J. PASZKOWSKA
CLERK OF THE BOARD
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Bylaws of the Board

CONFLICT OF INTEREST

Incompatible Activities

Governing Board Members shall not engage in any employment or activity that 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)

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Board Members and designated employees shall adhere to the District's Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300. This code shall comprise the terms of the 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 required for each position.

Board Members and designated employees shall submit Statements of Economic Interests to the District in accordance with requirements of the Conflict of Interest Code. These statements shall be available for public inspection and reproduction. (Government Code 81008) Upon receiving the statements of Board Members and the Superintendent, the District shall make and retain copies and shall forward the originals to the code reviewing body. Statements for all other designated employees shall be retained by the District.

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)

The Board shall review the District's Conflict of Interest Codes in even-numbered years and notify the code reviewing body by October 1 of that year whether changes are or are not necessary. If changes are necessary, the Board shall send the code reviewing body a copy of the amended Conflict of Interest Code by the established deadline. (Government Code 87306.5)

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)

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Financial Interest

A Board Member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code 1091.5 apply.

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) and include the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

If a Board Member or designated employee determines that he/she has a financial interest in a decision, this determination shall be disclosed and made a part of the official Board minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (Code of Regulations, Title 2, Section 18700)

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 that individual's parents, grandparents, and great-grandparents; children, grandchildren and great-grandchildren; brothers and sisters; aunts and uncles; nieces and nephews; and the similar family of the individual's spouse unless the individual is widowed or divorced.

A Board Member who manages public investments pursuant to Government Code 87200 and who has financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Disqualification for Board Members Who Manage Public Investments

1. Publicly identify the financial interest that gives rise to the conflict or potential 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. (Government Code 87105)

2. Recuse himself/herself from discussing and voting on the matter, to avoid acting in violation of Government Code 87100. This Board Member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)

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. (Government Code 87105)

4. If the item is on the consent calendar, the Board Member must recuse himself/herself from discussing or voting on that matter, but the Board Member is not required to leave the room during action on or discussion of the consent calendar. (2 CCR 18702.5)

The Board Member may speak on the issue during the time that the general public speaks on the issue. The Board Member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/She may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board Member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision. (2 CCR 18702.5)

Board Members shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law. (Government Code 89503)

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Gifts

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. (Government Code 89503)

The above 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 above limitations 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 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. (Government Code 89501, 89502)

Designated employees shall not accept any honorarium as defined above if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 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

CONFLICT OF INTEREST (continued)

Legal Reference:

EDUCATION CODE
1006 Qualifications for holding office
35107 School district employees
35230-35240 Corrupt practices, especially:
35233 Prohibitions applicable to members of governing boards
41000-41003 Moneys received by school districts
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
18100-18997 Regulations of the Fair Political Practices Commission, especially:
18702.5 Public identification of a conflict of interest for Section 87200 filers
COURT DECISIONS
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
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
92 Ops.Cal.Atty.Gen. 26 (2009)
92 Ops.Cal.Atty.Gen. 19 (2009)
89 Ops.Cal.Atty.Gen. 217 (2006)
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)
63 Ops.Cal.Atty.Gen. 868 (1980)

Bylaws of the Board

CONFLICT OF INTEREST (continued)

Management Resources:

CSBA PUBLICATIONS
Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS
Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
WEB SITES
CSBA: www.csba.org
Fair Political Practices Commission: www.fppc.ca.gov
Institute of Local Government: www.ca-ilg.org

Bylaw
Adopted: 09/27/94
Revised: 02/21/95
Revised: 12/12/95
Revised: 09/03/96
Revised: 09/14/04
Revised: 10/24/12

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2012 OCT 31 PM 3 41
THOMAS J. PAPAGEORGE
CLERK OF THE BOARD
OF SUPERVISORS

Bylaws of the Board

CONFLICT OF INTEREST

Designated Positions and Disclosure Requirements

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

   Governing Board Members
   Superintendent of Schools
   Assistant Superintendents

   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 that:

      (1) Are engaged in the acquisition or disposal of real property within the District.

      (2) Are contractors or subcontractors that are or have been within the past two years engaged in work or services of the type regularly used by the District.

      (3) Manufacture or sell supplies, books, machinery, or equipment of the types used by the District.

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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

   Executive Director of Curriculum and Instruction
   Executive Director of Fiscal Services
   Executive Director of Instruction and Assessment
   Executive Director of Language Acquisition and Development
   Executive Director of Operations and Communications
   Executive Director of Student, Family, and Community
   Executive Director of Technology and Instruction
   Director of Child Nutrition Services
   Director of Childhood Education
   Director of Fiscal Services
   Director of Human Resources
   Director of Maintenance and Operations
   Director of Special Education and Pupil Services Instruction
   Director of Transportation
   Communications Officer
   Coordinator for Instructional Technology
   Coordinator of Pupil Services/Special Education
   Coordinator of Student, Family, and Community
   Accounting Manager
   Benefits/Risk Manager
   Child Nutrition Services, Program Manager
   Fleet Maintenance Manager
   Grounds, Safety, and Maintenance Manager
   Lead Fleet Maintenance Transportation Manager
   Payroll Manager
   Safety, Environmental, and Maintenance Manager
   Senior Grant Writer
   Student Placement Manager
   Transportation Manager
   Manager of Information Technology, Programming, and Support
   Manager of Network Services, Computer Hardware Support
   Manager of Purchasing, Publications, and Warehouse
   Office Manager for the Superintendent and Business Services
   Principal/Director
   Associate Principal/Academy Director

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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

a. Are contractors or subcontractors engaged in work or services of the types used by the department that the designated person manages or directs.

b. Manufacture or sell supplies, books, machinery, or equipment of the types used by the department that the designated person manages or directs. For the purposes of this category, a Principal's department is his/her entire school.

Designated Positions and Disclosure Requirements

3. Consultants are designated employees that must disclose financial interests as determined on a case-by-case basis by the Superintendent/designee. The Superintendent/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 any of several specified governmental decisions whether to: (2 CCR 18701)

   a. Approve a rate, rule, or regulations.

   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 that 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 a policy, standard, or guideline.

Bylaws of the Board

CONFLICT OF INTEREST (continued)

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).

Exhibit
Adopted: 09/27/94
Revised: 02/07/95
Revised: 08/31/98
Revised: 04/11/00
Revised: 02/20/01
Revised: 05/21/02
Revised: 09/14/04
Revised: 09/19/06
Revised: 09/16/08
Revised: 10/24/12

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California