COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2008 AUG 28 PM 1 14
THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

2008 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

Contact Person: Chris Grove Telephone Number: (760) 291-3201

Name of Agency: Escondido Union High School District

Mailing Address 302 N. Midway Drive, Escondido CA 92027

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 Revised the actual wording to be in compliance with CCR 18730

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: Edward J. [signature] Date: 8/26/08

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2008 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
Date 10/28/08 Minute Order No. 14
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By [signature]
Deputy Clerk

(Rev 6/17/2008)

Conflict Of Interest

Regulations of the Fair Political Practices Commission Title 2, Division 6 of the California Code of Regulations

18730. Provisions of Conflict of Interest Codes

The Political Reform Act, Government Code Section 81000 et seq, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California Code of Regulations, Title 2, division 6, Section 18730 (hereinafter "CCR 18730"), which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act.

Therefore, the terms of CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and along with the attached Appendix in which members and employees are designated and disclosure categories are set forth constitute the conflict of interest code of the Escondido Union High School District.

Designated employees shall file statements of economic interests with the agency. Upon receipt of these statements, the agency shall make and retain a copy and forward the original of these statements to the Clerk of the Board of Supervisors. The original statements for all other designated employees will be retained by the agency.

ATTACHMENT – Exhibit A

Officials Who Manage Public Investments

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 87200-87203:

Governing Board Members
Superintendent of Schools

Designated Positions and Disclosure Requirements

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

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 any of several specified governmental decisions or serves in a staff capacity with the district, performing the same or substantially 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. Consultants are individuals who decide whether to: (2 CCR 18700)

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; or

g. Adopt or grant district approval of district policies, standards or guidelines.

OLD "Conflict of Interest" VERSION

Revision = strike through

Escondido Union High School District
Exhibit
Board Bylaws

E 9270

Conflict Of Interest

Regulations of the Fair Political Practices Commission Title 2, Division 6 of the California Code of Regulations

18730. Provisions of Conflict of Interest Codes

~~(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code 87300 or the amendment of a conflict of interest code within the meaning of Government Code 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code 87100, and to other state or local laws pertaining to conflicts of interest.~~

~~(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:~~

~~(1) Section 1. Definitions.~~

~~The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 CCR 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.~~

~~(2) Section 2. Designated Employees.~~

~~The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.~~

~~(3) Section 3. Disclosure Categories.~~

~~This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial~~

~~interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code 87200 et seq.~~

~~In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:~~

~~(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;~~

~~(B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code 87200; and~~

~~(C) The filing officer is the same for both agencies.1/~~

~~Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those financial interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he/she foreseeably can affect materially through the conduct of his/her office.~~

~~(4) Section 4. Statements of Economic Interests: Place of Filing.~~

~~The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.2/~~

~~(5) Section 5. Statements of Economic Interests: Time of Filing.~~

~~(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.~~

~~(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.~~

~~(C) Annual Statements. All designated employees shall file statements no later than April 1.~~

~~(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.~~

~~(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.~~

~~Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.~~

~~(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:~~

~~1. File a written resignation with the appointing power; and~~

~~2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in making or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.~~

~~(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.~~

~~(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.~~

~~(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.~~

~~(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office, whichever is later.~~

~~(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.~~

~~(7) Section 7. Manner of Reporting.~~

~~Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:~~

~~(A) Investments and Real Property Disclosure. When an investment or an interest in real property3/ is required to be reported,4/ the statement shall contain the following:~~

~~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 $1,000, exceeds $10,000, or exceeds $100,000.~~

~~(B) Personal Income Disclosure. When personal income is required to be reported,5/ the statement shall contain:~~

~~1. The name and address of each source of income aggregating $250 or more in value or $50 or more in value 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 the case of a loan, the highest amount owed to each source, was $1,000 or less, greater than $1,000, or greater than $10,000;~~

~~3. A description of the consideration, if any, for which the income was received;~~

~~4. In the case of a gift, the 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, the annual interest rate and the security, if any, given for the loan.~~

~~(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,6/ the statement shall contain:~~

~~1. The name, address, and a general description of the business activity of the business entity;~~
~~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~~

~~$10,000.~~

~~(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.~~

~~(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.~~

~~(8) Section 8. Prohibition on Receipt of Honoraria.~~

~~(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.~~

~~Subdivisions (a), (b), and (c) of Government Code 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code 89506.~~

~~(8.1) Section 8.1. Prohibition on Receipt of Gifts of $300 or More.~~

~~(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than $300 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.~~

~~Subdivisions (e), (f) and (g) of Government Code 89503 shall apply to the prohibitions in this section.~~

~~(9) Section 9. Disqualification.~~

~~No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family or on:~~

~~(A) Any business entity in which the designated employee has a direct or indirect investment worth $1,000 or more;~~

~~(B) Any real property in which the designated employee has a direct or indirect interest worth $1,000 or more;~~

~~(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating $250 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;~~

~~(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position or management; or~~

~~(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $300 or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.~~

~~(9.3) Section 9.3. Legally Required Participation.~~

~~No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.~~

~~(10) Section 10. Manner of Disqualification.~~

~~When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.~~

~~(11) Section 11. Assistance of the Commission and Counsel.~~

~~Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code 83114 or from the attorney for his/her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.~~

~~(12) Section 12. Violations.~~

~~This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code 87100 or 87450 has occurred may be set aside as void pursuant to Government Code 91003.~~

~~Authority: Government Code 83112~~
~~Reference: Government Code 87300-87302, 89501, 89502, 89503~~

~~1/ Designated employees who are required to file statements of economic interests under any other agency's Conflict of Interest Code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code 81004.~~

~~2/ See Government Code 81010 and the Code of Regulations, Title 2, Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.~~

~~3/ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.~~

~~4/ Investments and interests in real property which have a fair market value of less than $1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.~~

~~5/ A designated employee's income includes his/her community property interest in the income of his/her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.~~

~~6/ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10% or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.~~

The Political Reform Act, Government Code Section 81000 et seq, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation, California

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ATTACHMENT – **Exhibit A**

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