



COUNTY OF SAN DIEGO

2020 FEB 24 PM 4:16

CLERK OF THE BOARD

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February 21, 2020

VIA FEDEX

Clerk of the Board
San Diego County Board of Supervisors
ATTN: Conflict of Interest Filings
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

Re: Amended Conflict of Interest Code for America's Finest Charter School

Dear Clerk of the Board:

America's Finest Charter School ("AFCS") is a California nonprofit public benefit corporation that operates a public charter school by the same name, America's Finest Charter School, which is located within San Diego County. The California Charter Schools Act requires that AFCS adopt a Conflict of Interest Code in accordance with the Political Reform Act ("Act") as "a charter school and an entity managing a charter school." (See, Education Code § 47604.1 (b).) AFCS previously adopted a Conflict of Interest Code that was approved by the San Diego County Board of Supervisors, therefore AFCS's Board of Directors has tentatively adopted an amendment to AFCS's current code.

In accordance with the Act and the Fair Political Practices Commission Regulations Section 18750, AFCS submits the following to the San Diego County Board of Supervisors as the code reviewing body for local agencies (See, Government Code § 82011(b)):

Attachment 1. The proposed amended conflict of interest code. We have not included a ~~strikeout~~/underline comparison with the former code because this is a substantial re-write;

Attachment 2. A description of the designated positions;

Attachment 3. The Executive Director's declaration that the proposed amended code lists each position within AFCS that must file a Form 700, and that AFCS followed the procedures required for amending the proposed code; and,

Attachment 4: The notice of intention to amend a conflict of interest code.

DOCS 3951746.1

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 02/04/2020 Minute Order No. 10
By: *Grace Carr* Date: 02/04/2020
Deputy Clerk of the Board Supervisors

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The Act requires submission of a summary of any changes to the code from the version that was originally made available to the public. Here, AFCS did not receive any public comments or requests for a hearing during the 45-day public comment period, so there are no changes to summarize.

Extensive information about AFCS's public charter school in San Diego County is available on its website: <https://www.americasfinestcharterschool.org>. Please let me know if you need anything further from AFCS in order for the San Diego County Board of Supervisors, as the code reviewing authority, to process and approve AFCS's proposed amended conflict of interest code.

Sincerely,

A handwritten signature in black ink that reads "Kevin M. Davis".

Kevin M. Davis

Enclosures



ATTACHMENT 1

PROPOSED AMENDED CONFLICT OF INTEREST CODE

[see attached]

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CLERK OF THE COUNTY
OF SAN DIEGO



America's Finest Charter School

730 45th Street, San Diego, CA 92102
619 694 4809

AMERICA'S FINEST CHARTER SCHOOL CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code § 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 (2 Cal. Code of Regs. § 18730) which contains the terms of a standard conflict of interest code, and which can be incorporated by reference as an agency's code. After public notice and hearing, the regulation may be amended by the FPPC to conform to amendments in the Political Reform Act.

The terms of California Code of Regulations, Title 2, Section 18730 and any future amendments to it duly adopted by the FPPC are hereby adopted and incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure categories shall constitute the Conflict of Interest Code ("Code") for America's Finest Charter School, a California nonprofit public benefit corporation ("AFCS").

This Code shall take effect when approved by the Board of Supervisors for the County of San Diego, and shall thereupon supersede any and all prior codes adopted by AFCS, but supplement any conflict of interest policies adopted in compliance with the laws governing nonprofit corporations and tax-exempt entities.

Individuals holding designated positions shall file their statements of economic interests with AFCS, which will make the statements available for public inspection and reproduction (Gov. Code Section 81008). All statements will be retained by AFCS.

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**APPENDIX A
DESIGNATED POSITIONS**

Any person designated in this Appendix A who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from AFCS's legal counsel. (Gov. Code § 83114; 2 Cal. Code of Regs. § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by AFCS's legal counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on such legal counsel's opinion as evidence of good faith. In addition, AFCS may consider whether such reliance should constitute a mitigating factor to any disciplinary action that AFCS may bring against the requesting party under Government Code Section 91003.5.

<u>Designated Position</u>	<u>Disclosure Categories</u>
Members of the Board of Directors	1, 2
Executive Director	1, 2
Consultants/ New Positions	*

* A consultant or new position is not required to report under the disclosure categories unless the Executive Director determines in writing that the consultant or new position is a "designated position". Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

**APPENDIX B
DISCLOSURE CATEGORIES**

Category 1. Designated positions assigned to this category must report:

Interests in real property of the type and legal designation that can be utilized for public school use within the jurisdiction of San Diego County.

Category 2. Designated positions assigned to this category must report:

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) from sources of the type that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles, of the type utilized by AFCS.



ATTACHMENT 2
DESCRIPTION OF DESIGNATED POSITIONS

[see attached]

**AMERICA'S FINEST CHARTER SCHOOL
CONFLICT OF INTEREST CODE**

Descriptions of "Designated Positions"

Members of the Board of Directors

The members of the Board of Directors ("Board") of America's Finest Charter School ("AFCS") formulate general policy and programs of AFCS and hire the Executive Director. The Board is responsible for assuring that all aspects of the financial and programmatic accountability systems are consistent with the school's charter. The Board has responsibility to ensure that AFCS's staff fulfills the AFCS's obligations to its charter authorizer and the California Department of Education.

AFCS does not have any surplus or special reserve funds to invest, and the Board does not direct the investment of public moneys, formulate or approve investment policies, approve or establish guidelines for asset allocations, or approve investment transactions. Consequently, members of the Board are not "other officials who manage public investments" within the meaning of Government Code Section 87200, or as defined in California Code of Regulations, Title 2, Section 18701; members of the Board are instead designated under AFCS's Conflict of Interest Code.

Executive Director

The Executive Director is an employee of AFCS. The Executive Director serves as the corporate chief executive officer ("CEO"), generally participates in the formulation of AFCS's general policy and programs, and implements policy on behalf of the Board. The Executive Director hires employees and contractors, including those providing management, curriculum, technology, and instructional services. The Executive Director has general supervision, direction, and control of the business and affairs of AFCS.

AFCS does not have any surplus or special reserve funds to invest, and the Executive Director does not direct the investment of public moneys, formulate or approve investment policies, approve or establish guidelines for asset allocations or approve investment transactions. Consequently, the Executive Director is not an official who manages public investments within the meaning of Government Code Section 87200, or as defined in California Code of Regulations, Title 2, Section 18701; the Executive Director is instead designated under AFCS's Conflict of Interest Code.



**ATTACHMENT 3
EXECUTIVE DIRECTOR'S DECLARATION**

[see attached]

**DECLARATION OF THE EXECUTIVE DIRECTOR
OF AMERICA'S FINEST CHARTER SCHOOL TO APPROVE
THE AMENDED CONFLICT OF INTEREST CODE**

I, Jan Perry, hereby declare:

I am the Executive Director of America's Finest Charter School, a California nonprofit public benefit corporation ("AFCS"). The Executive Director serves as the corporate chief executive officer ("CEO") for AFCS.

On August 19, 2019, the Board of Directors ("Board") of AFCS tentatively adopted an amendment to AFCS's Conflict of Interest Code ("Code") at a public meeting, to become the final if no public comments received or hearing requested. The Code designates the officers, employees, and consultants who make or participate in making governmental decisions at AFCS.

Following the Board meeting, AFCS posted a Notice of Intention to Amend a Conflict of Interest Code ("Notice") on AFCS's public website establishing a 45-day public comment period, and AFCS notified each individual affected by the Code by either providing a copy of the Notice or by posting the Notice on AFCS's employee bulletin board or AFCS's intranet site.

AFCS did not receive any comments or requests for a public hearing regarding the Code. The Code adopted by the Board on August 19, 2019 is hereby approved by AFCS pursuant to *this action of its Executive Director in accordance with California Code of Regulations, Title 2, Section 18750(a)(7)*.

The Board directed its Executive Director to submit the approved Code to the San Diego County Board of Supervisors as the code-reviewing body.

Dated: October 7, 2019



Jan Perry, Executive Director
America's Finest Charter School



ATTACHMENT 4

NOTICE OF INTENTION TO AMEND CONFLICT OF INTEREST CODE

[see attached]

**NOTICE OF INTENTION TO AMEND
A CONFLICT OF INTEREST CODE
FOR AMERICA'S FINEST CHARTER SCHOOL**

NOTICE IS HEREBY GIVEN that America's Finest Charter School, a California nonprofit public benefit corporation ("AFCS"), tentatively approved an amended Conflict of Interest Code ("Code") pursuant to Government Code section 87300 at its meeting on August 19, 2019, and intends to finally adopt the Code. Pursuant to Government Code Sections 87200 and 87302, the Code will designate public officials, employees, and consultants of AFCS who make governmental decisions and who, therefore, must disclose certain investments, interests in real property, sources of income, and business positions, and may disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A public comment period has been established commencing on August 21, 2019, and terminating on October 5, 2019 (a 45-day period). Any interested person may present written comments concerning the proposed Code no later than October 5, 2019, to AFCS's representative at the address listed below. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

Copies of the proposed Code are available for inspection and copying by interested persons by contacting AFCS's representative at the address listed below. Any general inquiries concerning the proposed Code should be directed to AFCS's representative listed below.

Jan Perry, Executive Director
America's Finest Charter School

Address: 730 45th Street
San Diego, California 92102
Phone: (619) 694-4809
Email: jan@americasfinestcharterschool.org