

**CONFLICT OF INTEREST CODE/ POLICY  
BAYPOINT PREPARATORY ACADEMY**

COUNTY OF SAN DIEGO  
2021 AUG 13 PM 4:27  
CLERK OF THE BOARD  
OF SUPERVISORS

1. Standard Code of FPPC

The Political Reform Act of 1974 (Gov. Code § 81000 *et seq.*) requires each state and local government agency to adopt and promulgate a conflict of interest code. As a local government agency, Baypoint Preparatory Academy, a California nonprofit public benefit corporation (“Corporation”), is therefore required to adopt such a code. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a model conflict of interest code, 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.

2. Adoption of Standard Code of FPPC

The terms of 2 Cal. Code of Regs. § 18730 and any future amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference. This regulation and the Appendix attached hereto designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code/ Policy of Corporation (“Code”). This Code shall take effect when approved by the San Diego County Board of Supervisors, and shall thereupon supersede any and all prior codes adopted by Corporation.

3. Filing of Statements of Economic Interests

Pursuant to Section 4 of the model code set forth in 2 Cal. Code of Regs. § 18730(b), each designated employee set forth in the Appendix shall file a Statement of Economic Interests (“Form 700”) with the Secretary of the Corporation. Upon receipt of the statements for members of the Board of Directors, the Secretary shall make and retain copies and forward the originals to the Clerk of the San Diego County Board of Supervisors. Statements for all other designated employees shall be retained by the Secretary.

|   |                            |
|---|----------------------------|
| Approved and/or authorized by the<br>Board of Supervisors of the County of San Diego. |                            |
| Meeting Date: <u>10/5/21</u>  | Minute Order No. <u>16</u> |
| By: <u>[Signature]</u>  | Date: <u>10/8/21</u>       |
| Deputy Clerk of the Board Supervisors   |                            |

**APPENDIX TO  
CONFLICT OF INTEREST CODE OF  
BAYPOINT ACADEMY**

**Preamble**

Any person designated in Section I of this Appendix 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 legal counsel to Baypoint Preparatory Academy, a California nonprofit public benefit corporation (“Corporation”). (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 legal counsel to Corporation 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, Corporation may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Corporation may bring against the requesting party under Government Code section 91003.5.

**I.**

**Designated Employees**

| <u>Designated Positions</u>       | <u>Disclosure Categories</u> |
|-----------------------------------|------------------------------|
| Members of the Board of Directors | 1, 2                         |
| President/Chief Executive Officer | 1, 2                         |
| Treasurer/Chief Financial Officer | 1, 2                         |
| Secretary                         | 1, 2                         |
| Executive Director                | 1, 2                         |
| Business Manager                  | 1, 2                         |
| Site Administrator                | 3                            |
| Consultants/ New Positions        | *                            |

\*Consultants/ New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code, subject to the following limitation:

The President/Chief Executive Officer or designee may determine in writing that a particular consultant/ new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s/ new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The President/Chief Executive Officer’s or designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this code. (Gov. Code, § 81008.)

## II.

### Disclosure Categories

#### Category 1

Designated positions assigned to this category must report:

All interests in real property which are located in whole or in part within two (2) miles of any facility utilized by a Corporation charter school, including any leasehold, beneficial, or ownership interest or option to acquire such interest in real property. Persons are not required to disclose property used primarily as their residence.

#### Category 2

Designated positions assigned to this category must report:

All investments and business positions in business entities or sources of income (including gifts, loans, and travel payments) that are from business entities engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment, of the type utilized by Corporation.

#### Category 3

Designated positions assigned to this category must report:

All investments and business positions in business entities or sources of income (including gifts, loans, and travel payments) that are from business entities engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment, of the type utilized by the designated position’s department(s).