

Conflict of Interest Code for:

Carlsbad Unified School District

**2016 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM**

DUE DATE: OCTOBER 1, 2016

2016 OCT 4 4 44 PM 3300

CLERK OF THE BOARD
OF SUPERVISORS

Contact Person: Betty Bannigan Telephone Number: 760-331-5002

Name of Agency: Carlsbad Unified School District

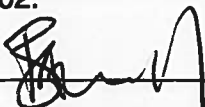
Mailing Address: 6225 El Camino Real, Carlsbad, CA 92009

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:  Date: 08/02/16

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2016 to:**

**Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101**

CONFLICT OF INTEREST (continued)

**APPENDIX
DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

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:

Board of Trustees Members
Superintendent of Schools
Deputy Superintendent

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

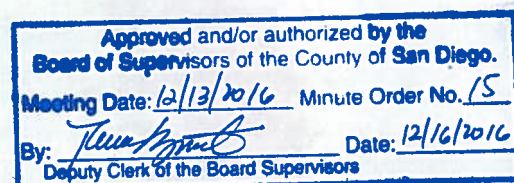
Assistant/Associate Superintendent
Purchasing Agent

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



CONFLICT OF INTEREST (continued)

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 a *governmental decision whether to: (2 CCR 18701)*

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

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)

CONFLICT OF INTEREST (continued)

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, 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

- 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

- 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

- 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)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw
adopted:

CARLSBAD UNIFIED SCHOOL DISTRICT
Carlsbad, California