

COUNTY OF SAN DIEGO

Evangeline Roberts Institute of Learning Charter School  
6785 Imperial Ave  
San Diego, CA 92114

2014 MAY 21 AM 9 20

CLERK OF THE BOARD  
OF SUPERVISORS

**CONFLICT OF INTEREST CODE**  
Evangeline Roberts Institute of Learning Charter School  
May 15, 2014

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 Evangeline Roberts Institute of Learning Charter School.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the Directors, 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.

Celia Walker / Board President  
(Name/Title of Head of Agency)

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 12/13/2016	Minute Order No. 15
By: <u>[Signature]</u>	Date: 12/16/2016
Deputy Clerk of the Board Supervisors	

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 7/8/14	Minute Order No. 11
By: <u>[Signature]</u>	Date: 7/14/14
Deputy Clerk of the Board Supervisors	

# **APPENDIX**

## **CONFLICT OF INTEREST CODE**

### **OF THE**

#### **Evangeline Roberts Institute of Learning Charter School**

### **EXHIBIT "A"**

#### **OFFICIALS WHO MANAGE INVESTMENTS**

Agency Officials who manage public investments as defined by 2 CCR 18701(b) are NOT subject to the Agencies Code but are subject to the disclosure requirements of the Political Reform Act (Government Code Section 87200 et seq). These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments:

Members of the Board of Directors:

Celia Walker

Michael Gold

Patricia Turner

CaSundra Perry

Ricky Williamson

Principal: Shelia Malveaux

Director of Finance<sup>1</sup>: Shelia Malveaux

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<sup>1</sup> Individuals holding one of the above listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by Government Code Section 87200.

## **DESIGNATED POSITIONS**

### **GOVERNED BY THE CONFLICT OF INTEREST CODE**

<b><u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u></b>	<b><u>DISCLOSURE SCHEDULES</u></b>
Assistant Manager	A-1, A-2, B, C, D, E, F
Chief of Operations	A-1, A-2, B, C, D
Engineer	A-1, A-2, B, C,
General Counsel	A-1, A-2, B, C, D, E, F
Personnel Officer	A-1, A-2, B, C, D, E, F
Purchasing Agent	A-1, A-2, B, C, D

Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Principal may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based on that description, a statement of the extent of disclosure requirements. The Principal's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure for designated employees pursuant to Schedule E, Gifts, shall be limited to gifts with a value of \$50 or more received from persons doing business with the Evangeline Roberts Institute of Learning Charter School.

# Evangeline Robert Institute of Learning

## Conflict of Interest Policy

### Purpose:

The purpose of the conflict of interest policy is to protect Evangeline Roberts Institute of Learning interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of Evangeline Roberts Institute of Learning might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

COURTY OF SAN DIEGO  
BOARD OF SUPERVISORS  
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THOMAS J. STURZENEGGER  
CLERK OF THE BOARD  
OF SUPERVISORS

### Definitions:

#### 1. Interested Person-

Any director, principal officer, key employee or member of a committee with board of director delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

#### 2. Financial Interest-

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which Evangeline Roberts Institute of Learning has a transaction or arrangement.
- b. A compensation arrangement with Evangeline Roberts Institute of Learning or with any entity or individual with which Evangeline Roberts Institute of Learning has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with any entity or individual with which Evangeline Roberts Institute of Learning is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

### Procedures:

#### 1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees considering the proposed transaction or arrangement.

## 2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board of Directors meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board members shall decide if a conflict of interest exists.

## 3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation at the governing board meeting but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the board of directors shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the board of directors shall determine whether Evangeline Roberts Institute of Learning can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in Evangeline Roberts Institute of Learning best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

## 4. Violations of the Conflicts of Interest Policy

- a. If the governing board of directors has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board of directors determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action and/or up to immediate termination.

## **Records of Proceeding:**

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present

and the governing board of director's decision as to whether a conflict of interest in fact existed.

- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

### **Annual Statements:**

Each board member, executive director, and member of a committee with governing board-delegated powers shall annually sign a statement that affirms such person

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands Evangeline Roberts Institute of Learning is a non profit and in order to maintain its federal tax exemption, it must engage primarily in activities that accomplish one or more of its tax-exempt purposes.

### **Periodic Reviews:**

To ensure Evangeline Roberts Institute of Learning operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews, shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to Evangeline Roberts Institute of Learning written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in impermissible private benefit.

When conducting the periodic reviews as provided for in Article VII, Evangeline Roberts Institute of Learning may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the board of directors of its responsibility for ensuring periodic reviews are conducted.

**Evangeline Roberts Institute of Learning: Conflict of Interest**  
**Verification/Signature**

I, \_\_\_\_\_, Board Member/Director/Officer of Evangeline Roberts Institute of Learning hereby certify that as of the date that this certification is made and except as fully described in the signed statement attached hereto:

1. That I do not have and am aware that it is impermissible for me to have a financially beneficial relationship resulting in excess benefit transaction with any competitor, client, supplier or subordinate of Evangeline Roberts Institute of Learning which impairs my ability to exercise good judgment on behalf of Evangeline Roberts Institute of Learning, creating an actual or potential conflict of interest. I understand this includes family relationship by virtue of blood (i.e. grandparents, parents, brothers, sisters and children), marriage (including common-law marriage, if recognized by the State), or adoption with any officer, director, board member or partner.
2. That I have not and will not receive any compensation from the parties mentioned above for any services as an officer, board member or authorized agent or otherwise.
3. That if any of the types of relationships or situations described above should arise, I will immediately and fully disclose (not to exceed 10 business days) the relevant circumstances to an immediate supervisor or any other appropriate supervisor, for a determination as to whether a potential or actual conflict exists.
4. That if an actual or potential conflict is determined, Evangeline Roberts Institute of Learning may take whatever corrective action appears appropriate according to the circumstances and that failure to disclose facts shall constitute grounds for disciplinary action and/or up to termination.
5. That I have received and fully read Evangeline Roberts Institute of Learning Conflict of Interest Policy. I understand Evangeline Roberts Institute of Learning Conflict of Interest Policy and accept and agree to comply with the information contained within Evangeline Roberts Institute of Learning Conflict of Interest Policy
6. I understand Evangeline Roberts Institute of Learning is a non profit organization and in order to maintain its federal tax exemption, it must engage primarily in activities that accomplish on or more of its tax exempt purposes.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sign Name and Date

## Document Retention/Destruction Policy

This policy specifies how important documents (hardcopy, online or other media) should be retained, protected and eligible for destruction. The policy also ensures that documents are promptly provided to authorities in the course of legal investigations or lawsuits.

### Document Retention Schedule

The following types of documents will be retained for the following periods of time. At least one copy of each document will be retained according to the following schedule.

#### Corporate Records

Article of Incorporation to apply for corporate status	Permanent
IRS Form 1023 (in the USA) to file for tax-exempt and/or charitable status:	Permanent
By Laws	Permanent
Letter of Determination (for example, from the IRS in the USA) granting tax exempt and/or charitable status	Permanent
Board Policies	Permanent
Resolutions	Permanent
Board Meeting Minutes	Permanent
Sales Tax Exemption Documents	Permanent
Tax or employee ID Number Designation	Permanent
Annual Corporate Filings	Permanent

#### Financial Records

Chart of Accounts	Permanent
Fiscal Policies and Procedures	Permanent
Audits	Permanent
Financial Statements	Permanent
General Ledger	Permanent
Check Registers/Books	7 years
Business Expenses Docs	7 years
Bank Deposit Slips	7 years
Cancelled Checks	7 years
Invoices	7 years
Investment Records(deposit, earning, withdrawals)	7 years
Property/asset inventories	7 years
Petty cash receipts /documents	3 years
Credit card receipts	3 years

## Tax Records

Annual Tax Filing for the organization(IRS Form 990 in the USA)	Permanent
Payroll Registers	Permanent
Filings of fees paid to professionals (IRS Form 1099 in the USA)	7 years
Payroll tax withholdings	7 years
Earnings records	7 years
Payroll tax returns	7 years
W-2 statements	7 years

## Personnel Records

Employee Offer Letters	Permanent
Confirmation of Employment Letters	
Benefits Descriptions Per Employee	Permanent
Pension Records	Permanent
Employee Application and Resumes	7 years after termination
Promotions, demotions, letter of reprimand, termination	7 years after termination
Job Descriptions, performance goals	7 years after terminations
Workers' Compensation Records	5 years
I-9 Forms	5 years after termination
Time Reports	3 years after termination

## Insurance Records

Property Insurance Policy	Permanent
Directors and Officers Insurance Policy	Permanent
Workers' Compensation Insurance Policy	Permanent
General Liability Insurance Policy	Permanent
Insurance Claims Applications	Permanent
Insurance Dispersements/ Denials	Permanent

## Contracts

All insurance Contracts	Permanent
Employee Contracts	Permanent
Construction Contracts	Permanent
Legal Correspondence	Permanent
Loan/mortgage Contracts	Permanent
Leases/Deeds	Permanent
Vendor Contracts	7 years
Warranties	7 years

## Donations / Funder Records

Grant Dispersal Contract	Permanent
Donor Lists	7 years
Grant Applications	7 years
Donor Acknowledgments	7 years

## Management Plans and Procedures

Strategic Plan	7 years
Staffing, programs, marketing, finance, fundraising and evaluation plans	7 years
Vendor Contracts	7 years
Disaster Recovery Plan	7 years

## Pupil Records

Individual Student Record ( <i>original or copy</i> )	Permanent*
(A) Legal name of pupil	
(B) Date of birth	
(C) Method of verification of birth	
(D) Sex of pupil	
(E) Place of birth	
(F) Name and address of parent of minor pupil	
1. Address of minor pupil if different than above.	
2. An annual verification of the name and address of the parent and the residence of the pupil.	
(G) Entering and leaving date of each school year and for any summer session or other extra session.	
(H) Subjects taken during the each year, half-year, summer session, or quarter.	
(I) If marks or credit are given, the mark or number of credits toward graduation allows for work taken.	
(J) Verification of or exemption from required immunizations.	
(K) Date of high school graduation or equivalent.	
Individual Student Injury Record for which a claim was filed.	1 year after the claim has been settled or after the statute of limitations has run.
	<i>*Option to microfilm and destroy original.</i>

### **Document Protection**

Documents (hardcopy, online or other media) will be stored in the following manner by Evangeline Roberts Institute of Learning (Best practice is to have both on-site and off-site storage)

### **Document Destruction**

Hardcopy of documents will be destroyed by shredding after they have been retained until the end of the Document Retention Schedule. Online copies will be destroyed by proven means to destroy such media after they have been retained until the end of the Document Retention Schedule.

### **Provision of Documentation for Investigations or Litigation**

Documents requested and subpoenaed by legally authorized personnel will be provided within 5 business days. The Board Chair and Executive Director will authorize provision. No documents will be concealed, altered or destroyed with the intent to obstruct the investigation or litigation.