



CONFLICT OF INTEREST CODE

Purpose

The Political Reform Act of 1974 (Government 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, Health Sciences High and Middle College is therefore required to adopt such a code.

The conflict of interest provisions set forth in Chapter 7 of the California Political Reform Act of 1974 (“Political Reform Act”) prohibit any public officer or employee from making, participating in making, or influencing any charter decision in which he/she has a financial interest. The Act also requires that certain officers and employees of the charter disclose their financial interests. The charter is required to adopt a conflict of interest code that has the force of law and contains the following provisions:

1. A designation of those positions within the charter which involve the making of or participation in the making of decisions that may foreseeably have a material effect on the financial interests of the person holding the position;
2. For each such position, the specific types of investments, business positions, interests in real property and sources of income which must be disclosed; and
3. The circumstances under which individual, or categories of, designated employees must disqualify themselves from making or participating in the making of any decision that may foreseeably have a material effect on the financial interest of the person holding the position.


Penalties for Violation of Code

This Conflict of Interest Code has the force of law. Any violation hereof may constitute a misdemeanor with specified penalties depending on the nature of the infraction. All provisions of the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (FPPC), specifically 2 California Code of Regulations (CCR) Section 18730, and any amendments to the Act or regulations, not otherwise modified into this conflict of interest code, are incorporated by reference into this conflict of interest code.

Designated Positions:

These are persons who make or participate in the making of decisions that may foreseeably have a material effect on financial interests. This includes public officials, employees and consultants of Health Sciences High and Middle College who make governmental decisions, manage Health Sciences High School and Middle College’s investments, and who, therefore, must disclose certain investments, interests in real property, sources of income and business positions, and disqualify themselves from making or participating in the making of governmental decisions affecting those interests. (Updated list in Exhibit A)

Disclosure Categories: The disclosure categories set forth in Exhibit (B) specify which kinds of financial interests are reportable by a Designated Employee. Each Designated Employee is required to disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned. The financial interests set forth in a designated employee’s disclosure categories are the kinds of financial interests that he/she foreseeably can affect materially through the conduct of his/her office.

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 10/25/22	Minute Order No. 13
By: 	Date: 11/2/22

The definitions, not otherwise modified in this conflict of interest code, contained in the Political Reform Act of 1974, regulations of the FPPC, and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Responsibilities:

Designated employees shall file disclosure statements and disqualify themselves from making decisions in accordance with the information below. Any management employee employing a consultant or establishing a committee shall determine whether the consultant or committee members will be required to file a statement of economic interest.

Designated employees set forth in Exhibit A shall file statements of economic interests (Form 700) with the Secretary of Health Sciences High and Middle College. Upon receipt of the statements of the members of the HSHMC Board, the Secretary shall make and retain copies and forward the original of these statements to the Clerk of the Board of Supervisors for the County of San Diego. Statements for all other designated employees shall be retained by the Secretary.

Time of Filing and Contents of Statements of Economic Interests

1. Initial statements - N/A
2. Assuming office statements
 - a. Members of the HSHMC Board and all persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming office or the designated positions.
 - b. Members of the HSHMC Board and all persons who assume a charter office or designated position within 30 days after leaving another charter office or designated position are not required to file an assuming office statement.
 - c. Statements shall disclose any reportable investments, interests in real property and positions held on the date of assuming office, and income received during the 12 months prior to the date of assuming office.
3. Annual statements
 - a. Members of the HSHMC Board and all designated employees shall file statements no later than April 1.
 - b. Members of the HSHMC Board and all persons assuming office between October 1 and December 31, and who have properly filed an assuming office statement, are not required to file the next annual statement, but will do so the following year.
 - c. Statements shall disclose any reportable investments, interest 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.
4. Leaving office statements
 - a. Members of the HSHMC Board and all designated employees who leave office or designated positions shall file statements within 30 days after leaving office.
 - b. Members of the HSHMC Board and all persons who leave a charter office or designated position only to assume another charter office or designated position within 30 days are not required to file a leaving office statement.
 - c. 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.

5. A person who is a candidate for election to the HSHMC Board shall file a statement of economic interests with the Registrar of Voters no later than the time of filing declaration of candidacy.

6. 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 to file an assuming office statement, is not deemed to have assumed office or left office, provided he or 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 person shall not file either an assuming or leaving office statement. Any person who resigns a position within 30 days of the date of a notice shall do both of the following:

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

7. A designated employee who is required to disclose any interest in real property shall file a supplementary statement disclosing any partially or wholly newly acquired or disposed of reportable interest in real property within 30 days of that acquisition or disposal.

Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the FPPC and supplied by the HSHMC Office. All statements shall include information concerning reportable investments, interests in real property, income and business positions held or received in accordance with 2 CCR Section 18730(b)(7).

Prohibition on Receipt of Honoraria

No member of the HSHMC Board or designated employee 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. Government Code Section 89501 shall apply to the prohibitions on receipt of honoraria. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Prohibition on Receipt of Gifts

No member of the HSHMC Board or designated employee shall accept gifts with a total value of more than the limit established each year pursuant to 2 CCR 18730 in a calendar year from any single source, if the member or designated employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. Government Code Section 89503 shall apply to the prohibitions on receipt of honoraria.

Loans to Members of the School Board

1. No member of the HSHMC Board shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any officer, employee, member or consultant of the charter.
2. No member of the HSHMC Board shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any person who has a contract with the charter. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the

indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the School Board member's official status.

3. No member of the HSHMC Board shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan of \$500.00 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
4. This section shall not apply to the following:
 - a. Loans made to the campaign committee of the member of the HSHMC Board or candidate for member of the HSHMC Board.
 - b. Loans made by a HSHMC Board member's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempt under this section.
 - c. Loans from a person, which, in the aggregate, do not exceed \$500.00 at any given time.
 - d. Loans made, or offered in writing, before January 1, 1998.
 - e. Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Personal Loans Received by Designated Employees

Personal loans received by designated employees may be considered gifts, under 2 CCR Section 18730(b)(8.4), for purposes of reporting them on the statement of economic interests.

Disqualification

No member of the HSHMC Board or designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any government decision that 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 member of the School Board or designated employee, or a member of his or her immediate family, or on:

1. Any business entity in which he or she has a direct or indirect investment worth \$2,000.00 or more.
2. Any real property in which he or she has a direct or indirect interest worth \$2,000.00 or more.
3. 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 \$500.00 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.
4. Any business entity in which he/she is a director, officer, partner, trustee, employee, or holds a position of management.
5. Any donor or, or any intermediary or agent for a donor of, a gift or gifts aggregating \$470.00 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Manner of Disqualification

1. Designated employees. A designated employee required to disqualify himself or herself shall notify his/her supervisor in writing. This notice shall be forwarded to the HSHMC Office, which shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall immediately reassign the matter to another employee.
2. Member of the HSHMC Board. In case of a designated employee who is a member of the board, notice of disqualification shall be given at the meeting during which consideration of the decision takes place and shall be made part of the official record of the board. The member then shall refrain from participating and shall attempt in no way to use his/her official position to influence any other person with respect to the matter.

Legally Required Participation

No member of the HSHMC Board or designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a member of the HSHMC Board or 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.

Assistance of the Commission

Any designated employee who is unsure of his/her duties under this code may request assistance from the FPPC pursuant to Government Code Section 83114.

Legal Reference:

Political Reform Act of 1974

California Government Code Sections 83000 et. seq., and 89000 et. seq.

2 CCR Section 18000 et. seq

APPENDIX A

DESIGNATED POSITIONS

Designated Position	Assigned Disclosure Category
Members of the HSHMC Board	1, 2, 3
Chief Education Officer	1, 2, 3
Chief Financial Officer	1, 2, 3
Business Manager	1, 2, 3
Consultants	*

*Consultants are 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 Chief Education Officer may determine in writing that a particular consultant, 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 duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Education Officer'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.

APPENDIX B

DISCLOSURE CATEGORIES

Category 1

Designated positions assigned to this category must report:

- a. Interests in real property which are located in whole or in part within the boundaries (and a two mile radius) of any county in which HSHMC operates.
- b. Investments in, income, including gifts, loans, and travel payments, from, and business positions in any business entity of the type which engages in the acquisition or disposal of real property or are engaged in building construction or design.

Category 2

Designated positions assigned to this category must report:

Investments in, income, including gifts, loans, and travel payments, from, and business positions in any business entity of the type which engages in the manufacture, sale, repair, rental or distribution of school supplies, books, materials, school furnishings or equipment to be utilized by HSHMC, its parents, teachers and students for educational purposes. This includes, but is not limited to, educational supplies, textbooks and items used for extra-curricular courses.

Category 3

Designated positions assigned to this category must report:

Investments in, income, including gifts, loans, and travel payments, from, sources which are engaged in the performance of work or services of the type to be utilized by HSHMC, its parents, teachers and students for educational purposes. This includes, but is not limited to, student services commonly provided in public schools such as speech therapists and counselors.