

**RANCHO SANTA FE SCHOOL DISTRICT**

COUNTY OF SAN DIEGO  
2018 OCT 10 AM 7:09  
CLERK OF THE BOARD  
OF SUPERVISORS

**Board Bylaw No. 9011: CONFLICT OF INTEREST AND DISCLOSURE CODE**

**A. Unlawful Financial Interests In Contracts With The District**

The Board acknowledges that Government Code sections 1090-1097 covering unlawful financial interests in contracts with the District apply to Board members and employees. It shall be the policy of the District that these laws be complied with. Government Code section 1098 shall apply to any public officer or employee who willfully and knowingly discloses for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties, or uses any such information for the purpose of pecuniary gain.

**B. Unlawful Incompatible Activities**

The Board acknowledges that Government Code sections 1125-1129 covering unlawful incompatible activities apply to Board members and employees. It shall be the policy of the District that these laws are complied with.

The Board may determine at any time whether any outside activity is incompatible as long as such determination is consistent with Government Code sections 1125-1129.

The Board shall give written notice to any Board member or employee who is engaging in any incompatible activity that such activity has been determined by the Board to be prohibited. The Board member or employee has the right to appeal such determination to the Board, but such appeal must be filed in writing within twenty (20) days of receipt of the determination. Any appeal must state the specific grounds for the appeal and must be supported by proper evidence.

No Board member or employee shall be disciplined for engaging in any unlawful incompatible activity without prior written notice that such activity has been determined to be prohibited, and without prior written notice that discipline is proposed.

**C. Conflict Of Interest Code Required By Government Code Section 87300**

**Adoption**

In compliance with the Political Reform Act of 1974, Government Code sections 81000 et seq., the Board hereby adopts this Conflict of Interest Code pursuant to and required by Government Code section 87300, which shall apply to all Board members and designated employees of the District. It is the intent of this Conflict of Interest Code to ensure full compliance with all applicable law.

The District's Conflict of Interest Code shall comprise and incorporate by reference the terms of Government Code section 87300 and the terms of California Code of

Approved and/or authorized by the  
Board of Supervisors of the County of San Diego.  
Meeting Date: 12/11/2018 Minute Order No. 91  
By: [Signature] Date: 12/11/2018  
Deputy Clerk of the Board Supervisors

Regulations, Title 2, section 18730 and any amendments thereto adopted by the Fair Political Practices Commission, together with the attachments hereto to this Bylaw specifying designated positions and the specific types of disclosure statements required for each position.

### Designated Employees

Employees of the District and Board members who hold positions which involve the making, or participation in the making, of decisions which may have a foreseeable material effect on any financial interest, shall be designated employees. All persons who hold the positions specifically enumerated in Exhibit "A" are designated employees.

### Disclosure Statement Filing

1. Each designated employee and Board member shall file annual Statements of Economic Interests directly with the District in the manner prescribed in this Code and by the County Clerk, disclosing reportable interests in real property, investments in and business positions with business entities, and income which might foreseeably be affected materially by the operations of the District. It has been determined that it is foreseeable that the types of investments, interests in real property, and income listed in the disclosure categories in Exhibit "B" may be affected materially by decisions made or participated in by the designated employee by virtue of his/her position. Such interests are reportable if held by the designated employee. Upon receipt of the statements, the District shall make and retain copies and forward the originals to the County of San Diego Clerk of the Board of Supervisors.
2. Annual statements shall be filed on or before April 1 disclosing investments, business positions, interests in real property and income held or received in the period since the closing date of the employee's previously filed statement and December 31<sup>st</sup>.
3. Leaving office statements shall be filed by every person who leaves a designated position specified in Exhibit "A" within thirty (30) days after leaving the position, disclosing his/her reportable investments, business positions, interests in real property, and income during the period since the closing date of the previous statement filed and the date of termination. The statement shall include any investments in and position in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing. If an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.
4. Board members and the Superintendent shall file initial statements thirty (30) days before assuming office. All other employees appointed, promoted or transferred to designated positions shall file initial statements within thirty (30) days after the date of assuming the position.

5. The Superintendent is the designated filing officer regarding the filing of Statements of Economic Interest.

#### Disclosure Statement Contents

Disclosure statements shall be made on forms supplied by the County Clerk.

1. Contents of Investment and Interest in Real Property Reports (Government Code section 87206):

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

- a. A statement of the nature of the investment or interest
- b. The name of the business entity in which each investment is held and general description of the business activity.
- c. The address or other precise location of the real property.
- d. A statement of whether the fair market value of the investment or interest in real property exceeds Two Thousand Dollars (\$2,000) but does not exceed Ten Thousand Dollars (\$10,000), whether it exceeds Ten Thousand Dollars (\$10,000) but does not exceed One Hundred Thousand Dollars (\$100,000), or whether it exceeds One Hundred Thousand Dollars (\$100,000) but does not exceed one million dollars (\$ 1,000,000) or whether it exceeds one million dollars (\$1,000,000).
- e. In the case of an investment which constitutes fifty percent (50%) or more of the ownership interest in a business entity, disclosure of the investments and interests in real property of the business entity.
- f. If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal. Information need not be provided with respect to an interest in real property which is used principally as the residence of the filer or any other property used exclusively as the personal residence of the filer.

2. Contents Of Income Reports (Government Code section 87207):

- a. When income is required to be reported under this Code, the statement shall contain the following:
  - The name and address of each source of income aggregating Five Hundred Dollars (\$500) or more in value, or Fifty Dollars (\$50) or

more in value if the income was a gift, and a general description of the business activity, if any, of each source.

- A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least Five Hundred Dollars (\$500) but did not exceed One Thousand Dollars (\$1,000), whether it was in excess of One Thousand Dollars (\$1,000), but was not greater than Ten Thousand Dollars (\$10,000), or whether it was greater than Ten Thousand Dollars (\$10,000) but not greater than One Hundred Thousand Dollars (\$100,000).
  - A description of the consideration, if any, for which the income was received.
  - In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received, the name and address of the donor and the amount, and a description of the gift.
  - In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.
- b. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:
- The name, address, and a general description of the business activity of the business entity.
  - In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity, if the filer's pro rata share of fees from such person was greater than One Thousand Dollars (\$1,000).
  - In the case of a business entity not covered by the above subparagraph, the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than Ten Thousand Dollars (\$10,000) during the calendar year.

#### D. Disqualification

Designated employees must disqualify themselves pursuant to applicable law from making or participating in the making of any decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable financial interest of that employee except as allowable by law.

E. Manner of Disqualification

A designated employee required to disqualify him/herself shall notify his/her immediate superior in writing. This notice shall be forwarded to the Superintendent who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall immediately reassign the matter to another employee.

In the case of a member of the Board, notice shall be given immediately prior to the consideration of the matter at the meeting during which consideration of the decision takes place of the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. Such disclosure shall be made part of the official record of the Board. The member shall then refrain from discussion and voting on the matter or otherwise participating in any way and shall attempt in no way to use his/her official position to influence any other person with respect to the matter. The Board member must leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. The Board member may, however, speak on the issue only during the time that the general public speaks on the issue.

F. Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code sections 89501 and 89502.)

The term honorarium does not include:

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches.
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes. (Government Code section 89501.)

G. Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code section 89503 and California Code of Regulations, Title 2, CCR section 18730. The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate

in value. Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code section 89506. A gift of travel does not include travel provided by the District for Board members and designated employees.

Legal Reference: Government Code sections 1090-1098, 1125-1129, 81000 *et seq.*, 87300, 89502, 89503  
Title 2 C.C.R. section 18700 *et seq.*

Date Bylaw Adopted By The Board: September 6, 1990

Dates Bylaw Revised By The Board: February 9, 2000; August 18, 2004; June 5, 2008; March 1, 2012; October 4, 2018

**EXHIBIT A**

**DESIGNATED POSITIONS**

- A. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Exhibit B:

Members of the Board

Superintendent

Consultants as required by applicable law - Title 2, CCR section 18700

- B. Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 2 and 3 of Exhibit B.

Assistant Superintendent

Principals

Chief Business Officer

## **EXHIBIT B**

### **DISCLOSURE CATEGORIES**

(Not Intended To Conflict With Applicable Law)

#### Category 1

- a. Interests in real property which is located in whole or in part either (1) within the boundaries of the District, or (2) within two miles of the boundaries of the District, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments in or income from business entities which are contractors or sub-contractors which are or have been within the previous two year period engaged in the performance of building construction or design of the type utilized by the District.
- c. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the jurisdiction.

#### Category 2

Investments in or income from business entities which manufacture or sell supplies, books, machinery, or equipment of the type used by or purchased by the District. Investments include interests described in Category 1.

#### Category 3

Investments in or income from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type used by or purchased by the District. Investments include interests described in Category 1.





# Rancho Santa Fe School District

P.O. Box 809, Rancho Santa Fe, CA 92067 (858) 756-1141 Fax (858) 759-0912 <http://rsfschool.net>

### Board of Trustees

**President**  
Tyler Seltzer

**Vice-President**  
Scott Kahn

**Clerk**  
Sarah Neal

**Member**  
Tom Barton

**Interim Superintendent**  
Kim Pinkerton

October 9, 2018

**VIA FACSIMILE AND USPS FIRST CLASS MAIL**

David Hall  
Clerk of the Board of Supervisors  
County of San Diego  
1600 Pacific Highway, Room 402  
San Diego, CA 92101-2471  
Fax: (619) 338-8146

COUNTY OF SAN DIEGO  
2018 OCT 10 PM 3:27  
CLERK OF THE BOARD  
OF SUPERVISORS

**Re: Rancho Santa Fe School District Amended Conflict of Interest Code**

Dear Mr. Hall:

On October 4, 2018, the Rancho Santa Fe School District Governing Board adopted amended Board Bylaw 9011, "Conflict of Interest and Disclosure Code." In relevant part, this Board Bylaw was amended to revise the title of "Business Manager" to "Chief Business Officer." I have attached a copy of updated Board Bylaw 9001 for your records.

If you have any questions please do not hesitate to contact me.

Sincerely,

Kim Pinkerton  
Interim Superintendent

Attachments

(1) Board Bylaw 9011