

RICHGROVE SCHOOL DISTRICT
RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the California Political Reform Act, Government Code sections 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Richgrove School District has previously adopted a local conflict of interest code; and

WHEREAS, implementing regulations may require conforming amendments to be made to the District's conflict of interest code; and

WHEREAS, the Richgrove School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code shall be rescinded and superseded by this resolution, bylaw and Appendix.

NOW THEREFORE BE IT RESOLVED that the Richgrove School District Governing Board adopts the following "Amended 1819" Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 9th day of August, 2018, at a meeting, by the following vote:

AYES: Maricela Lopez, Paul Cervantes, Alexandra Guerrero, Hernan Hernandez, Yaneli V.Carrillo

NOES: -0-

ABSENT: -0-

Attest:



Signed; Hernan Hernandez

Board Clerk

Conflict of Interest

RICHGROVE SCHOOL DISTRICT

CONFLICT OF INTEREST CODE

The Political Reform Act of 1974 (Government Code section 81000, *et seq.*) requires state and local government agencies to promulgate and adopt conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (Title 2, California Code of Regulations section 18730) that contains certain terms that constitute conflicts of interest, which with any amendments to it and with the attached Appendix specifying designated positions and disclosure categories, are hereby incorporated by reference and shall constitute the Richgrove School District's ("District's") conflict of interest code.

Governing Board members and employees designated in the Appendix shall file a Statement of Economic Interest/FPPC Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the District and, if so required, with the District's code-reviewing body. For the Superintendent and the Governing Board members, the District shall make and retain a copy and forward the original Form 700s to the Clerk of the Tulare County Board of Supervisors. The District shall retain the disclosure statements for no less than seven (7) years and shall make the statements available for public inspection and reproduction upon request.

APPENDIX

DISCLOSURE CATEGORIES:

All disclosures are to include Tulare and Kern Counties as the District conducts frequent business with entities in both counties.

1. Disclosure Category 1: Persons designated for Category 1 shall disclose, in accordance with Government Code section 87200:
 - a. All 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 interests in real property.
 - b. All investments, business positions, ownership or income, including gifts, loans, and travel payments, 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. Disclosure Category 2: A person designated Category 2 shall disclose:
 - a. All interests, investments, business positions, ownership or income, including gifts, loans, and travel payments, from sources which: 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. Investments, business positions, ownership or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For purposes of this category, a principal's department is their entire school.
3. Full Disclosure: Because it has been determined that the District's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - 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.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

4. Disclosures for Consultants:

Consultants are the equivalent of designated employees who must disclose financial interests. Whether a consultant shall be designated as such shall be determined on a case-by-case basis by the Superintendent or designee in consultation with legal counsel. 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. Legal counsel shall review and issue a written opinion regarding the Superintendent's final determination. 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 or participates in the making of a governmental decision whether to:¹

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the District to enter into, modify, or renew a contract that requires District approval
5. Grant District approval to a contract that requires District approval and in which the District is a party, or to the specifications for such a contract
6. Grant District approval to a plan, design, report, study, or similar item
7. 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 C.C.R. section 18704, subsections (a) and (b), 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.

¹ 2 C.C.R. section 18700.3.

DESIGNATED POSITIONS

Designated Position and Disclosure Category:

Governing Board Members3
Superintendent3
Principal1
Vice Principal1
Chief Financial (Business) Officer1
Business Clerk2
Facilities Director2
Food Service Director2
Preschool Director/Site Supervisor2
Athletic Director2
Curriculum Director2
Technology Director1
Technology Staff2

RICHGROVE SCHOOL DISTRICT

Approved (amended doc): August 9, 2018 Richgrove, California

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