SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item# 11.1e

Meeting Date: October 15, 2020

Subject: Approve Revision of Board Bylaw (BB) 9270: Conflict of Interest

- ☐ Information Item Only
- ☒ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (_____)
- ☐ Conference/Action
- ☐ Action
- ☐ Public Hearing

Division: Legal Services

Recommendation: Approve revision to Board Bylaw 9270: Conflict of Interest.

Background/Rationale: The Political Reform Act requires every local government agency to review and revise if necessary, its conflict-of-interest bylaw biennially. As required, by October 1, 2020, the District submitted to the County Board of Supervisors a notice indicating that an amendment to the Bylaw is necessary. After a review of Board Bylaw 9270, it is apparent that updates to the Appendix are needed in order to align it with the District's changes to positions and overall organizational structure. Previous updates to Board Bylaw 9270 have occurred in 2018, and in every even year previous thereto.

Financial Considerations: None

Documents Attached:
1. BB 9270 Current
2. BB 9270 Red Lined
3. BB 9270 Revised
4. 2020 Biennial Notice

Estimated Time of Presentation: N/A
Submitted by: Raoul Bozio, In House Counsel
Approved by: Jorge A. Aguilar, Superintendent

Sacramento City USD

Board Bylaw

Conflict-Of-Interest

BB 9270
Board Bylaws

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict-of-interest and, as necessary, shall abstain from participating in the decision.

Conflict-of-Interest Code

The district's conflict-of-interest code shall be comprised of the terms of the 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with an Appendix specifying designated positions and the specific types of disclosure category required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict-of-interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict-of-interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict-of-interest code, the Superintendent or designee shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and the Superintendent shall annually file a Statement of Economic Interest/Form 700 electronically with the Sacramento County Clerk of the Board Office (COB) in accordance with the disclosure categories specified in the district's conflict-of-interest code. Other designated employees will file internally within the District. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500) A newly elected or appointed Board member or a newly hired employee in a designated position shall,

within 30 days, file an Assuming Office statement covering the 12 months prior to the date the assuming office or position date. The statements of Board members and the Superintendent shall be available through the Sacramento County Clerk of the Board Office for public inspection and reproduction. (Government Code 81008)

Upon receiving the statements from other designated employees, the district shall make and retain copies.

Financial Interest

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty

2. That of a recipient of public services generally provided by the public body or board of which s/he is a member, on the same terms and conditions as if he/she were not a member of the Board

3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

4. That of a spouse of an officer or employee of a public agency if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment

5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records

6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the district and its Board and provided further that such interest is noted in its official records

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the governmental

entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records

8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

Disqualification for Board Members Who Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict-of-interest and immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict 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. (Government Code 87105)

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR Section 18702.5)

3. 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. (Government Code 87105)

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR Section 18702.5)

A Board member who has recused himself/herself from participating in a matter may speak on the matter during the time that the general public speaks on the matter. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict-of-interest pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)

(cf. 3430 - Investing)

Incompatible Activities

Board members or employees shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district or with the employee's position in the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Non-school Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do 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. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

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 89501, 89502)

The term honorarium does not include: (Government Code 89501)

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

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

Category 1

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

Members of the Board of Education
Superintendent
Deputy Superintendent
Chief Academic Officer
Chief Business Officer
Chief Communications Officer
Chief Human Resources Officer
Chief Operations Officer
Chief Continuous Improvement and Accountability Officer Chief Information Officer

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 shall 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.

Category 2

Persons occupying the following positions are designated employees in Category 2:

Deputy Superintendent's Office

Assistant Superintendent Student Support Services
Director, Enrollment and Attendance Center
Director, Student Services and Alternative Education
Director, Strategy and Innovation
Director, Youth Development
Director, Behavior and Re-Entry
In-House Counsel
Legal Services Director
Safe Schools Director
Executive Community Director
Student Support & Health Services Director
State and Federal Programs Manager
Matriculation and Orientation Center Manager
Policy and Governance

Academic Office

Assistant Superintendent, Curriculum and Instruction
Instructional Assistant Superintendents
Director, Early Learning
Director, Multilingual Literacy
Director, Special Education
Director, Adult Education
Director, College/Career Readiness

Director, School Improvement, Innovation and Development

Director, Innovative Schools and Charter Oversite
Director, Social and Emotional Learning
Manager, Adult Education Skills Center

Business Services

Director, Accounting Services
Director, Budget Services
Director, Compensation and Benefits
Manager, Purchasing

Human Resource Services

Assistant Superintendent, Labor Relations
Director, Employee Relations
Director, Human Resource Services

Facilities Support Services

Director, Facilities Maintenance and Resource Management
Director, Facilities and Management Operations
Director, Distribution Services
Director, Nutrition Services
Manager, GIS/Facilities
Manager/Specialist, Nutrition Services
Manager, Facilities Projects
Manager, Energy (Prop 39)
Manager, Operations and Security Services
Manager, Facilities Maintenance

Continuous Improvement and Accountability

Director, Guidance and Counseling
Director, Analytics
Director, Master Schedule

Technology Services

Director, Student and Data Systems
Manager, Network Communications and Technology Services
Manager, Data Programmer

Communications

Manager, Community Engagement
Manager, Communications Officer

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.

Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis, as recommended by General Counsel to the Superintendent and the Board of Trustees. The determination shall be written and 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)

Legal Reference:
EDUCATION CODE
1006 Qualifications for holding office
35107 School district employees
35230-35240 Corrupt practices, especially:
35233 Prohibitions applicable to members of governing boards
41000-41003 Moneys received by school districts
41015 Investments
FAMILY CODE
297.5 Rights, protections, and benefits of registered domestic partners
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
1125-1129 Incompatible activities
81000-91014 Political Reform Act of 1974, especially:
82011 Code reviewing body
82019 Definition, designated employee
82028 Definition, gift
82030 Definition, income
82033 Definition, interest in real property
82034 Definition, investment
87100-87103.6 General prohibitions
87200-87210 Disclosure
87300-87313 Conflict of interest code
87500 Statements of economic interests
89501-89503 Honoraria and gifts
89506 Ethics; travel
91000-91014 Enforcement
PENAL CODE
85-88 Bribes
REVENUE AND TAXATION CODE
203 Taxable and exempt properties - colleges
CODE OF REGULATIONS, TITLE 2
18110-18997 Regulations of the Fair Political Practices Commission, especially:
18700-18707 General prohibitions
18722-18740 Disclosure of interests
18750.1-18756 Conflict of interest codes
COURT DECISIONS
McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)
Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
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
92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)
89 Ops.Cal.Atty.Gen. 217 (2006)
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)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:
CSBA PUBLICATIONS
Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS
Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
WEB SITES
CSBA: http://www.csba.org
Fair Political Practices Commission: http://www.fppc.ca.gov
Institute of Local Government: http://www.ca-ilg.org

Bylaw SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: November 16, 1998 Sacramento, California
revised: April 2, 2001
revised: March 3, 2005
revised: November 6, 2008
revised: December 10, 2009
revised: November 4, 2010
revised: December 20, 2012
revised: December 18, 2014
revised: December 8, 2016
revised: October, 2018
revised: November 26, 2018

Sacramento City USD

Board Bylaw

Conflict- Of- Interest

BB 9270
Board Bylaws

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. ~~In accordance with law,~~Accordingly, no Board ~~members and~~member, district employee, or other person in a designated ~~employees~~position shall ~~disclose any conflict-of-interest and, as necessary, shall abstain from participating~~participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if ~~Conflict-of-Interest Code~~

~~The district's~~ a prohibited conflict- of- interest ~~code shall be comprised of the terms of the 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with an Appendix specifying designated positions and the specific types of disclosure category required for each position.~~

~~Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)~~

~~When a change in the district's conflict-of-interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)~~

~~When reviewing and preparing the district's conflict-of-interest code, the Superintendent or designee shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)~~

~~(cf. 9320 - Meetings and Notices)~~

~~Board members and the Superintendent shall annually file a Statement of Economic Interest/Form 700 electronically with the Sacramento County Clerk of the Board Office (COB) in accordance with the disclosure categories specified in the district's conflict-of-interest code.~~

~~Other designated employees will file internally within the District. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500) A newly elected or appointed Board member or a newly hired employee in a designated position shall, within 30 days, file an Assuming Office statement covering the 12 months prior to the date the assuming office or position date. The statements of Board members and the Superintendent shall be available through the Sacramento County Clerk of the Board Office for public inspection and reproduction. (Government Code 81008)~~

~~Upon receiving the statements from other designated employees, the district shall make and retain copies.~~

~~Financial Interest~~

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~~A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5~~exist~~)~~

~~1.~~ ~~That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty~~

~~2. That of a recipient of public services generally provided by the public body or board of which s/he is a member, on the same terms and conditions as if he/she were not a member of the Board~~

~~3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091~~

~~4. That of a spouse of an officer or employee of a public agency if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment~~

~~5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records~~

~~6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of~~

~~its primary purposes, supports the functions of the district and its Board and provided further that such interest is noted in its official records~~

~~7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the governmental entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records~~

~~8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm~~

~~In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)~~

~~A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)~~

~~A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.~~

~~Even if there is no prohibited or remote interest~~, a Board member shall abstain from voting on personnel matters that uniquely affect ~~a relative of the Board member. A~~his/her relatives. However, a Board member may vote~~, however,~~ on collective bargaining agreements and personnel matters that affect a class of employees to which ~~the~~his/her relative belongs. ~~"~~Relative~~"~~ means an adult who is related to the ~~person~~Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. ~~(~~(Education Code 35107)

A relationship within the third degree includes ~~the~~an individual's parents, grandparents ~~and~~, great-grandparents, children, grandchildren ~~and~~, great-grandchildren, brothers, sisters, aunts ~~and~~, uncles, nieces ~~and~~, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions

of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4117.2/4217.2/4317.2 - Resignation)
(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Board member~~Disqualification for Board Members Who Manage Public Investments~~

~~A~~, designated employee, or other person in a designated position makes a governmental decision

when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify ~~the~~each financial interest that gives rise to the conflict 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. ~~(Government Code 87105)~~

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. ~~This~~The Board member shall not be counted toward achieving a quorum while the item is discussed. ~~(Government Code 87105; 2 CCR Section 18702.5)~~

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. 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. ~~(Government Code 87105)~~

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar. ~~(2 CCR Section 18702.5)~~

~~A Board member who has recused himself/herself from participating in a matter may speak on the matter during the time that the general public speaks on the matter. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)~~

4. If the Board's decision is made during closed session, ~~the public identification may be made~~ disclose his/her interest orally during the open session ~~before~~preceding the ~~Board goes into~~

closed session ~~and~~. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict ~~-~~ of ~~-~~ interest pursuant to Government Code 87100. ~~The Board member~~ He/she shall not be present when the ~~decision~~item is considered in closed session ~~or~~ and shall not knowingly obtain or review a recording or any other ~~non-public~~nonpublic information regarding the Board's decision. ~~(2 CCR 18702.5)~~

(cf. 3430 - Investing)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Board members ~~or employees~~ shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district ~~or with the employee's position in the district.~~ (Government Code 1099, 1126)

(cf. 4136/4236/4336 - ~~Non-school~~Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The ~~limitations~~limitation on gifts ~~do~~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. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the ~~prevailing~~current gift limitation, except ~~as described in~~ when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.

2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

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 conference, convention, meeting, social event, meal, or like gathering~~, in accordance with law~~. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

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~~purposesAPPENDIX

~~APPENDIX~~

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

Category 1

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

Members of the Board of Education
Superintendent
Deputy Superintendent
Chief Academic Officer
Chief Business Officer
Chief Communications Officer
Chief Human Resources Officer
~~Chief Operations Officer~~
Chief Continuous Improvement and Accountability Officer
Chief Information Officer

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 shall 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.

Category 2

Persons occupying the following positions are designated employees in Category 2:

Deputy Superintendent's Office

Assistant Superintendent Student Support Services
Director, Student Support & Health Services

Director, Enrollment and Attendance Center
Director, Student Services and Alternative Education
~~Director, Strategy and Innovation~~
Director, Youth Development
Director, Behavior and Re-Entry
In-House Counsel
~~Legal Services Director~~
Safe Schools Director
~~Executive Community Director~~
~~Student Support & Health Services Director~~
~~State and Federal Programs Manager~~
~~Matriculation and Orientation Center Manager~~
~~Policy and Governance~~

Academic Office

Instructional Assistant Superintendent
Assistant Superintendent, Curriculum and Instruction
~~Instructional Assistant Superintendents~~
Director, ~~Early~~Social & Emotional Learning
Director, Child Development
Director, Multilingual ~~Literacy~~ Education
Director, Multi-Tiered Systems of Support
~~Director, Special Education~~
Director, Adult Education
Director, ~~College/Career Readiness~~Career Readiness and Specialty Programs

Assistant Superintendent, Special Education, Innovation and Learning
Director, Special Education Local Plan Area (SELPA)
Administrator, Teaching and Learning

~~Director, School Improvement, Innovation and Development~~

~~Director, Innovative Schools~~ and Charter Oversite
~~Director, Social and Emotional Learning~~
~~Manager, Adult Education Skills Center~~

Business Services

Assistant Superintendent, Facility Support Services
Director, Nutrition
Director, Distribution Services
Director, Capital Projects, Facilities and Resource Management
Director, Facilities Management and Operations
Director, Accounting Services
Director, Budget and Fiscal Services

Director, Compensation and Benefits
~~Manager, Purchasing~~Manager, Purchasing

Human Resource Services

~~Assistant Superintendent, Labor Relations~~
Director, Employee Relations
Director, Human Resource Services (Departments)
Director, Human Resource Services (Elementary)
Director, Human Resource Services (Secondary)

~~Facilities Support Services~~

~~Director, Facilities Maintenance and Resource Management~~
~~Director, Facilities and Management Operations~~
~~Director, Distribution Services~~
~~Director, Nutrition~~ Services
~~Manager, GIS/Facilities~~
~~Manager/Specialist, Nutrition Services~~
~~Manager, Facilities Projects~~
~~Manager, Energy (Prop 39)~~
~~Manager, Operations and Security Services~~
~~Manager, Facilities Maintenance~~

Continuous Improvement and Accountability

Director, Strategy and Innovation
Director, Innovative Schools
Director, State and Federal
~~Director, Grants~~
Director, Guidance and Counseling
~~Director, Analytics~~
Director, Master Schedule

Technology Services

Director, Student and Data Systems
~~Manager, Network Communications and Technology Services~~
~~Manager, Data Programmer~~

Communications

Manager, Communications Office

~~Manager, Community Engagement~~
~~Manager, Communications Officer~~

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.

Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis, as recommended by General Counsel to the Superintendent and the Board of Trustees. The determination shall be written and 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)

Legal Reference:
EDUCATION CODE
1006 _Qualifications for holding office
35107 _School district employees
35230-35240 _Corrupt practices, especially:
35233 _Prohibitions applicable to members of governing boards
41000-41003 _Moneys received by school districts
41015 _Investments
FAMILY CODE
297.5_ Rights, protections, and benefits of registered domestic partners
GOVERNMENT CODE
1090-1099 _Prohibitions applicable to specified officers
1125-1129 _Incompatible activities
81000-91014 _Political Reform Act of 1974, especially:
82011 _Code reviewing body
82019 Definition, designated employee
82028 _Definition, gift
82030 _Definition, income
82033 _Definition, interest in real property
82034 _Definition, investment
87100-87103.6 _General prohibitions
87200-87210 _Disclosure
87300-87313 _Conflict of interest code
87500 _Statements of economic interests
89501-89503 Honoraria and gifts
89506 _Ethics; travel
91000-91014 _Enforcement
PENAL CODE
85-88 _Bribes
REVENUE AND TAXATION CODE
203 _Taxable and exempt ~~properties~~property - colleges
CODE OF REGULATIONS, TITLE 2
18110-18997 _Regulations of the Fair Political Practices Commission, especially:
18700-18707 _General prohibitions
18722-18740 _Disclosure of interests
~~18750.1~~18753-18756 _Conflict of interest codes
COURT DECISIONS
McGee v. Balfour Beatty Construction, LLC, et al.– (4/12/16, No. B262850)
Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
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92 Ops.Cal.Atty.Gen. 26 (2009)

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89 Ops.Cal.Atty.Gen. 217 (2006)
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)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:
CSBA PUBLICATIONS
Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS
Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
WEB SITES
CSBA: http://www.csba.org
Fair Political Practices Commission: http://www.fppc.ca.gov
Institute of Local Government: ~~http://www.ca-ilg.org~~http://www.ca-ilg.org

Bylaw SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: November 16, 1998 Sacramento, California
revised: April 2, 2001
revised: March 3, 2005
revised: November 6, 2008
revised: December 10, 2009
revised: November 4, 2010
revised: December 20, 2012
revised: December 18, 2014
revised: December 8, 2016
revised: October, 2018
revised: November 26, 2018
revised: TBD

Sacramento City USD

Board Bylaw

Conflict Of Interest

BB 9270
Board Bylaws

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or

designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4117.2/4217.2/4317.2 - Resignation)
(cf. 9222 - Resignation)

Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict 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.

2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. 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.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses

incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 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. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.

2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

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 conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

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 purposesAPPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

Category 1

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

Members of the Board of Education
Superintendent
Deputy Superintendent
Chief Academic Officer
Chief Business Officer
Chief Communications Officer
Chief Human Resources Officer
Chief Continuous Improvement and Accountability Officer
Chief Information Officer

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 shall 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.

Category 2

Persons occupying the following positions are designated employees in Category 2:

Deputy Superintendent's Office

Assistant Superintendent Student Support Services
Director, Student Support & Health Services
Director, Enrollment and Attendance Center
Director, Student Services and Alternative Education
Director, Youth Development
Director, Behavior and Re-Entry
In-House Counsel
Safe Schools Director

Academic Office

Instructional Assistant Superintendent
Assistant Superintendent, Curriculum and Instruction
Director, Social & Emotional Learning
Director, Child Development
Director, Multilingual Education
Director, Multi-Tiered Systems of Support
Director, Adult Education
Director, Career Readiness and Specialty Programs

Assistant Superintendent, Special Education, Innovation and Learning
Director, Special Education Local Plan Area (SELPA)
Administrator, Teaching and Learning

Business Services

Assistant Superintendent, Facility Support Services
Director, Nutrition
Director, Distribution Services
Director, Capital Projects, Facilities and Resource Management
Director, Facilities Management and Operations

Director, Accounting Services
Director, Budget and Fiscal Services
Director, Compensation and Benefits
Manager, Purchasing
Human Resource Services

Director, Employee Relations
Director, Human Resource Services (Departments)
Director, Human Resource Services (Elementary)
Director, Human Resource Services (Secondary)

Continuous Improvement and Accountability
Director, Strategy and Innovation
Director, Innovative Schools
Director, State and Federal
Director, Guidance and Counseling
Director, Master Schedule

Technology Services
Director, Student and Data Systems
Communications
Manager, Communications Office

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.

Consultants

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis, as recommended by General Counsel to the Superintendent and the Board of Trustees. The determination shall be written and 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)

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297.5 Rights, protections, and benefits of registered domestic partners
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82030 Definition, income
82033 Definition, interest in real property
82034 Definition, investment
87100-87103.6 General prohibitions
87200-87210 Disclosure

87300-87313 Conflict of interest code
87500 Statements of economic interests
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89506 Ethics; travel
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McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)
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69 Ops.Cal.Atty.Gen. 255 (1986)
68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:
CSBA PUBLICATIONS
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FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS
Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
WEB SITES
CSBA: http://www.csba.org

Fair Political Practices Commission: http://www.fppc.ca.gov
Institute of Local Government: http://www.ca-ilg.org

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revised: November 26, 2018
revised: TBD

Clerk of the Board of Supervisors
Florence H. Evans

Board of Supervisors
Phil Serna – District 1
Patrick Kennedy – District 2
Susan Peters – District 3
Sue Frost – District 4
Don Nottoli – District 5

County of Sacramento

June 30, 2020

Raoul Bozio, Filing Official
Sacramento City Unified School District
5735 47th Avenue
Sacramento, CA 95824

Subject: 2020 Biennial Notice for Conflict of Interest Codes

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions. Please review your conflict of interest code and complete this form by checking the applicable boxes below.

If amendment is required check all that apply below:

An amendment is required. The following amendments are necessary and reflected on this form as indicated below **and** reflected in the attached approved proposed code and red-line copy of the amendments:

☒Includes new positions
☒Revised disclosure categories
☒Revised the titles of existing positions
☒Deleted titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
☐Other *(describe)* _____
☐Attached is the agency approved proposed Conflict of Interest Code
☒Attached is the red-line copy of the amendments (required to attach)

If code is under review by the code reviewing body check box below:

☐The code is currently under review by the Sacramento County Board of Supervisors (code reviewing body). Date code was submitted for review _____.

If no amendment is required check box below:

☐No amendment is required. (Attach a copy of the code if five or more years old - amendments may be necessary).

Verification (MUST BE COMPLETED WITH OR WITHOUT AN AMENDMENT)

This agency's code accurately designates all positions that make or participate in

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the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

*Signature of Chief Executive Officer*_____

Date 9/28/20

All agencies must complete and return this notice regardless of how recent the code was approved or amended. **Please return this notice no later than October 1, 2020, attention Clarice Thomas, Clerk of the Board Department, 700 H Street, Suite 2450, Sacramento, California 95814**.

See the Quick Reference Work Flow Sheet for an overview of the biennial process. If you have any questions, please contact Clarice Thomas at (916) 876-9702 or Form700@saccounty.net.

Sincerely,

Clarice Thomas
Form 700 Coordinator
County of Sacramento

Attachment: Quick Reference Work Flow Sheet (following below)

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QUICK REFERENCE WORK FLOW SHEET
2020 BIENNIAL NOTICE – CONFLICT OF INTEREST CODE REVIEW

Amended code is submitted (see Steps 1 – 6)

Step 1:
Complete the 2020 Biennial Notice form and check the applicable box(es) under the section "An amendment is required". Obtain the signature of the agency chief executive officer/administrator and return the form and appropriate attachments to the Form 700 Coordinator. ***A copy of the proposed code and a copy of the red-line version must be attached.**

Step 2:
When the proposed amended code is received by the Form 700 Coordinator it is placed on the Board agenda as a communication received & referred item to the Clerk for processing.

Code is currently under review by Board of Supervisors (see Steps 3 – 6)

Step 3:
The proposed amended code is reviewed:

(a) if the amendments are clear and meets FPPC standards the code moves to Step 4 and is placed on the Board agenda as a consent item for approval.
– OR –
(b) if the amendments need further clarification or revisions it is returned to the agency for completion.

The code moves to Step 4 once the County completes the review and it meets FPPC standards.

Step 4:
The proposed amended code is placed on the Board agenda as a consent item for the Code Reviewing Body's review and approval *(Board of Supervisors is the code reviewing body)*.

Step 5:
After the Board approves the proposed code, the resolution is processed by the Clerk's office. The Form 700 Coordinator will enter the changes in the eDisclosure

system reflecting the amendments to the agency's code. Once the updates are completed in the system, the agency will be notified by email.

Step 6:
The Form 700 Coordinator will send a copy of the executed resolution and the adopted code to the agency by email confirming the updates that were made in the system and the effective date of the approved code.

As it relates to the County's 2020 Biennial Notice process no further action is required from the agency.

If no amendment is required to the code

Step 1:
Complete the 2020 Biennial Notice form and check the box "No amendment is required". Obtain the signature of the agency chief executive officer/administrator and return the form and appropriate attachments to the Form 700 Coordinator. **See Step 2 if the code is more than five years old.**

Step 2:
If the code is more than five years old, attach a copy of the existing approved code. **FPPC suggests codes that are five or more years old generally have amendments.*

As it relates to the County's 2020 Biennial Notice process no further action is required from the agency.

NON-RESPONDING AGENCIES WILL BE REPORTED TO THE CODE REVIEWING BODY & CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION (FPPC)