

LAKE COUNTY OFFICE OF EDUCATION
Office of Superintendent

Resolution No. 1516-11
Updating the Board's Conflict of Interest Code

ISSUE

The County of Lake has requested that the County Office of Education review and update, if required, our Conflict of Interest Code.

PREVIOUS ACTIVITY

The Conflict of Interest Code was last approved on November 9, 2005.

DISCUSSION

The attached Conflict of Interest Code was reviewed to make sure it aligned to the current practices of the Lake County Office of Education and Board Bylaw 9270 *Conflict of Interest*.

FISCAL, STAFFING AND FACILITIES ISSUES

None

RECOMMENDATION

The Lake County Superintendent of Schools recommends the County Board of Education approve the Conflict of Interest Code as presented.

Report prepared by Brock Falkenberg, County Superintendent of Schools

**RESOLUTION OF THE LAKE COUNTY BOARD OF EDUCATION
RESOLUTION NO. 1516-11**

UPDATING THE BOARD’S CONFLICT OF INTEREST CODE

WHEREAS, Government Code Section 87300, 87306, 87306.5, 82003, and 82041 require the Lake County Board of Education to adopt, and keep up to date, a Conflict of Interest Code.

WHEREAS, on August 9, 2000, the Lake County Board of Education adopted a Conflict of Interest Code; and amended said Code on November 9, 2005.

WHEREAS, the Lake County Board of Education now wishes to update its Conflict of Interest Code.

WHEREAS, Title 2 of the California Code of Regulations Section 18730 provides:

“(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. “

NOW THEREFORE BE IT RESOLVED that the Lake County Board of Education hereby readopts, updates, and amends, its Conflict of Interest Code by adopting the Conflict of Interest Code appended hereto, incorporating by reference the terms of Section 18730 of Title 2 of the California Code of Regulations, along with the designation of employees and the formulation of disclosure categories in the Appendix referred in Section 18730, and submitting its Conflict of Interest Code to the Lake County Board of Supervisors as required by Government Code Section 87306.

PASSED AND ADOPTED this 22nd day of June, 2016 at a regular meeting of the Lake County Board of Education.

David Browning:	Aye_____	Nay_____	Abstain_____	Absent_____
Mark Cooper:	Aye_____	Nay_____	Abstain_____	Absent_____
Patricia Hicks:	Aye_____	Nay_____	Abstain_____	Absent_____
Melissa Kinsel:	Aye_____	Nay_____	Abstain_____	Absent_____
Madelene Lyon:	Aye_____	Nay_____	Abstain_____	Absent_____

ATTEST: _____
Board President

APPROVED: _____
Brock Falkenberg
Lake County Superintendent of Schools

**CONFLICT OF INTEREST CODE FOR DESIGNATED EMPLOYEES
OF THE LAKE COUNTY OFFICE OF EDUCATION**

I. Designation of Employees Covered by this Code.

In order to determine which positions should be designated positions in this Conflict of Interest Code, the Board has undertaken to determine who makes or participates in the making of governmental decisions.

Making a governmental decision means the person:

- (1) Votes on a matter;
- (2) Appoints a person;
- (3) Obligates or commits his or her agency to any course of action; or
- (4) Enters into any contractual agreement on behalf of his or her agency.

Participating in the making of a decision, means the person:

- (1) Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or
- (2) Advises or makes recommendations to the decision-maker by conducting research or an investigation, preparing or presenting a report, analysis or opinion which requires the exercise of judgment on the part of the employee and the employee is attempting to influence the decision.

A designated employee is an officer, employee, member, or consultant of an agency whose position is designated in the code because the position entails the making or participation in the making of governmental decisions that may foreseeably have a material effect on any financial interest. (Government Code Section 82019.)

The Board has determined that the positions set forth below should be designated in this Conflict of Interest Code. The Board has determined that these persons make or participate in the making of decisions that may foreseeably have a material effect on economic interests.

Therefore, the employees in the following positions are required to file statements of economic interests covering the disclosure categories identified for the position that the employee holds:

1. Members of the Lake County Board of Education - Disclosure Categories A, B, C, D, E, F.
2. Lake County Superintendent of Schools - Disclosure Categories A, B, C, D, E, F.
3. Assistant Superintendents - Disclosure Categories A, B, C, D, E, F.
4. Director of Business Services - Disclosure Categories A, B, C, D, E, F.
5. Assistant Director of Business Services - Disclosure Categories A, B, C, D, E, F.
6. Directors of Programs - Disclosure Categories A, B, C, D, E, F.
7. Attorney - Disclosure Categories A, B, C, D, E, F.
8. Director of Human Resources - Disclosure Categories C, D, E, F.

9. Purchasing/Maintenance - Disclosure Categories A, C, D, E, F.

10. Consultants as defined in 2 CCR 18701(a)(2), and set forth below -- Disclosure Categories A, B, C, D, E, F.

II. Definition of Consultant.

The term "public official" includes consultants: "Public official at any level of state or local government' means a member, officer, employee, or consultant of a state or local government agency.' (2 Cal. Code of Regs. Section 18701 (a)).

Regulation 18701 (a)(2) defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
- (i) Approve a rate, rule, or regulation,
 - (ii) Adopt or enforce a law;
 - (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (vi) Grant agency approval to a plan, design, report, study, or similar item;
 - (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof;

-OR-

(B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by-an individual holding a position specified in the agency's Conflict of Interest Code."

III. Formulation of Disclosure Categories.

The Disclosure Categories are as set forth in the Fair Political Practices Commission Form 700 Statement of Economic Interests and are as follows:

- A Investments
- B Real Property.
- C Income and Business Positions (Income other than loans, gifts, and travel).
- D Income -- Loans.
- E Income -- Gifts.
- F Income -- Travel Payments.

IV. Time of Filing Statements of Economic Interests.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements

within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

V. Exceptions To Disclosure Categories

This code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.

VI. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

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

VII. Contents of and Period Covered by Statements of Economic Interests.

(A) **Contents of Initial Statements.** Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) **Contents of Assuming Office Statements.** Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) **Contents of Annual Statements.** Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the date of assuming office whichever is later.

(D) **Contents of Leaving Office Statements.** Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

VIII. What is the Manner of Reporting?

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission.

IX. Incorporation by Reference of 2 CCR Section 18730

The Lake County Board of Education hereby incorporates into this Conflict of Interest Code by reference, the provisions of Section 18730 of Title 2 of the California Code of Regulations, and any future amendments thereto, and the terms of Section 18730 are substituted for terms of the conflict of interest code already in effect.

ADOPTED at a public meeting by the Lake County Board of Education on June 22, 2016.

David Browning:	Aye_____	Nay_____	Abstain_____	Absent_____
Mark Cooper:	Aye_____	Nay_____	Abstain_____	Absent_____
Patricia Hicks:	Aye_____	Nay_____	Abstain_____	Absent_____
Melissa Kinsel:	Aye_____	Nay_____	Abstain_____	Absent_____
Madelene Lyon:	Aye_____	Nay_____	Abstain_____	Absent_____

ATTEST: _____
Board President

APPROVED: _____
Brock Falkenberg
Lake County Superintendent of Schools