

CLOVIS UNIFIED SCHOOL DISTRICT

FINANCIAL SERVICES *Revenue, Tuition, & Fees* CONFLICT OF INTEREST CODE

Conflict of Interest Code

The District's Conflict of Interest Code shall be comprised of the terms of the California Code of Regulations, Title 2, Section 18730, together with attachments specifying Designated Positions and the specific types of disclosure statements required for each position.

Review

Pursuant to law, upon direction of the Fresno County Board of Supervisors, the code reviewing body, the Governing Board shall review the Conflict of Interest Code in even-numbered years. If no change in the code is required, the District shall notify the code reviewing body by October 1 by submitting a written statement to that effect.

Revisions

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.

When reviewing and preparing conflict of interest codes, the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views.

Designated Positions

Unless otherwise required by law, the positions listed in Exhibit No. 4605 (1) shall be Designated Positions.

Disclosure Statement - Filing

1. Persons holding Designated Positions shall file the appropriate statement listed below disclosing investments, interests in real property, business positions, and income required to be reported under the category or categories assigned in Exhibit 4605 (1). An investment, interest in real property, business position, or income shall be reportable if the business entity in which the investment or business position is held, the interest in real property, or source of income may foreseeably be affected materially by any decision made or participated in by the person holding a Designated Position. The specific disclosure responsibilities assigned to each Designated Position are set forth in Exhibit 4605 (2).
2. An Initial Statement shall be filed by each person holding a Designated Position within 30 days after the effective date of this Conflict of Interest Code, disclosing investments, interests in real property, business positions, and income received in the (12) months prior to the effective date of this code.
3. Annual statements shall be filed by April 1 disclosing investments, interests in real property, business positions, and income during the preceding calendar year by persons holding

Approved and/or authorized by the Board of Supervisors of the County of Fresno	
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Meeting Date: 3-12-19	Agenda Item No. 19
By: <i>Jill Hanlock</i>	Date: 3-13-19
Deputy Clerk	

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Designated Positions.

4. An Assuming Office Statement shall be filed by persons elected, appointed, promoted or transferred to Designated Positions within 30 days after assuming the position.
5. The statements for Designated Positions, other than the members of the Governing Board and Superintendent of the District, shall be filed with the Superintendent. The members of the Governing Board and the Superintendent are to file their original statements directly with the Clerk of the Board for the Fresno County Board of Supervisors using the electronic filing system. If the statements are not filed electronically, the paper statement and waiver shall be filed with the Superintendent and, upon receipt of these paper statements with waivers, the Superintendent shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The Superintendent shall retain a copy of all electronically filed statements, a copy of all paper statements with waivers and the original statements of Designated Positions and shall make the statements available for public review, inspection, and reproduction. (Gov. Code section 81008.)

6. A Leaving Office Statement shall be filed by any person holding a Designated Position whose position with the District is terminated, voluntarily or involuntarily, within 30 days after termination, disclosing reportable investments, business positions, interests in real property and income held or received covering the period between the closing date of the previous Statement of Economic Interests and the termination date.
7. Any person who resigns from a Designated Position within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer of the person's filing obligation, whichever is earlier, is not deemed to "assume or leave office," provided that during the period between appointment and resignation, the person does not make, participate in making, or use the position to influence any decision of the District or to receive or become entitled to receive any form of payment as a result of his or her appointment.
 - a. Within 30 days of the date of a notice from the filing officer, the person 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 signed under penalty of perjury stating 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 District or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

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Disclosure Statements - Contents

Disclosure statements shall be made on forms (Form 700) prescribed by the California Fair Political Practices Commission (FPPC) and supplied by the District.

1. Contents of Investment and Interest in Real Property Reports

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

- a. A statement of the nature of the investment or interest.
- b. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.
- c. The address or other precise location of the real property.
- d. A statement whether the fair market value of the real property or investment equals or exceeds two thousand dollars (\$2,000), but does not exceed ten thousand dollars (\$10,000), exceeds ten thousand dollars (\$10,000), but does not exceed one hundred thousand dollars (\$100,000), exceeds one hundred thousand dollars (\$100,000), but does not exceed one million dollars (\$1,000,000), or exceeds one million dollars (\$1,000,000). This information need not be provided with respect to an interest in real property that is the filer's principal residence.
- e. If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- f. Other information required by the FPPC forms.

2. Contents of Income Reports

- a. When income is required to be reported under this Code, the statement shall contain the following:
 - (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value and a general description of the business activity, if any, of each source. (Persons holding Designated Positions are not required to report salary, reimbursement for expenses or per diem, social security, disability, or other similar benefit payments received from a federal, state, or local government agency, including sums received as compensation for serving as Board Members as provided in the Education Code.)
 - (2) A statement whether the aggregate value of income from each source or in the case of a loan reportable as income, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, was greater than one thousand dollars (\$1,000), was greater than ten thousand dollars (\$10,000), or was greater than one hundred thousand dollars (\$100,000).
 - (3) A description of the consideration, if any, for which the income was received.

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- (4) In the case of a gift valued at fifty dollars (\$50) or more, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.
 - (5) In the case of a loan reportable as income, the annual interest rate and the security, if any, given for the loan, and the term of the loan.
 - (6) Other information required by the FPPC forms.
- b. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business activity of the business entity.
 - (2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal or greater than ten thousand dollars (\$10,000) during a calendar year.
 - (3) Other information required by the FPPC forms.
3. Contents of Business Position Reports

When business positions are required to be reported, a person holding a Designated Position shall list the name and address of each business entity not specified above in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity, and any other information required by the FPPC forms.

Prohibition on Receipt of Honoraria

No person holding a Designated Position shall accept any honorarium from any source, if the person would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

Board members and persons holding Designated Positions may accept gifts only under the conditions and limitations specified in Government Code section 89503 and California Code of Regulations, Title 2, Section 18730. The applicable gift limit in effect from January 1, 2017 to December 31, 2018 is \$470.

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 as described in Government Code section 89503.

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

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A gift of travel does not include travel provided by the District for Board members and persons holding Designated Positions.

Loans to Public Officials

1. No member of the Governing Board of the District shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the District (including those of any public agency over which the District has direction and control).
2. No member of the Governing Board of the District shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the District (including those of any public agency over which the District has direction and control). This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
3. Paragraphs 1 and 2 above shall not apply to the following:
 - a. Loans made to the campaign committee of an elected officer or candidate for elective office,
 - b. Loans made by a Governing Board Member's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 - c. Loans from a person who is an officer, employee, member, or consultant of the District (including those of any public agency over which the District has direction and control), or who has a contract with the District (including those of any public agency over which the District has direction and control) that, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 - d. Loans made, or offered in writing, before January 1, 1998.
4. Loan Terms
 - a. Except as set forth in subdivision (4.b.), no Member of the Governing Board of the District shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more from a single lender, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
 - b. This section shall not apply to the following types of loans:
 - 1) Loans made to the campaign committee of the elected officer.
 - 2) Loans made by a Governing Board Member's spouse, child, parent, grandparent,

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grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under Government Code section 87460.

- 3) Loans made, or offered in writing, before January 1, 1998.
- 4) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code (the Political Reform Act of 1974).

5. Personal Loans

- a Except as set forth in subdivision 5.b., a personal loan received by any person holding a Designated Position shall become a gift to the designated employee for the purposes of this section in the following circumstances:
 - 1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 - 2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a) The date the loan was made.
 - b) The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.
- b This section shall not apply to the following types of loans:
 - 1) A loan made to the campaign committee of an elected officer or a candidate for elective office.
 - 2) A loan that would otherwise not be a gift as defined in Title 9 of the Government Code (the Political Reform Act of 1974).
 - 3) A loan that would otherwise be a gift as set forth under subdivision 5.a., but on which the creditor has taken reasonable action to collect the balance due.
 - 4) A loan that would otherwise be a gift as set forth under subdivision 5.a., but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 - 5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- c Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code (the Political Reform Act of 1974).

Disqualification

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1. Persons holding Designated Positions must disqualify themselves from making or participating in the making of any decisions or using their official positions to influence the making of any decision which will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally on the official or a member of his or her immediate family or on:
 - a Any business entity in which the designated person has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 - b Any real property in which the designated person has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 - c Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated person within 12 months prior to the time when the decision is made;
 - d Any business entity in which the designated person is a director, officer, partner, trustee, employee, or holds any position of management; or
 - e Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating exceeding the limitation specified in Government Code section 89503 and California Code of Regulations, Title 2, Section 18730, provided to, received by, or promised to the designated person within 12 months prior to the time when the decision is made. The applicable gift limit in effect from January 1, 2017 to December 31, 2018 is \$470.
2. No person holding a Designated Position shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated person who is on a voting body is needed to break a tie does not make his or her participating legally required for purposes of this section.

Definition of Terms

Except as otherwise provided, the definitions contained in the Political Reform Act of 1974, Government Code Section 81000, et seq., and any regulations adopted by the Fair Political Practices Commission pursuant to the Act, are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

Adopted: 12/08/76
Revised: 02/22/84
Revised: 11/21/94
Revised: 09/25/02
Revised: 03/24/04
Revised: 03/22/06
Revised: 09/24/08
Revised: 11/14/12
Revised: 08/27/14
Reviewed: 01/14/15
Reviewed: 08/31/16
Revised: 09/26/18
Revised: 02/06/19

*Government Code Sections 81000, et. seq., 89500, et seq.
California Code of Regulations, Title 2, Section 18730*

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**FINANCIAL SERVICES
Revenue, Tuition, & Fees
CONFLICT OF INTEREST CODE**

EXHIBIT I

<u>DESIGNATED POSITIONS</u>	<u>CATEGORIES</u>
Members of the Governing Board	1
Superintendent	1
Deputy Superintendent (s)	1
Associate Superintendents	1
Assistant Superintendents	2
Charter School Principal	3
Chief Technology Officer	3
Director Construction & Engineering.....	3
Director Campus Catering	3
Director Transportation.....	3
Director Plant Operations	3
Director Budget & Finance.....	3
Director Educational Technology	3
Director Information Technology.....	3
Director Purchasing	1
Legislative Analyst	1
General Legal Counsel.....	3
Administrator SELPA and Psych Services	3
Administrator, Facility Services.....	3
Director, Program Evaluation	3
Director, Special Education	3
Buyer(s).....	3
Consultants*	

* Consultants are designated individuals who must disclose financial interests if so determined on a case-by-case basis by the Superintendent or designee. 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. All such determinations are a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the District, makes a governmental decision whether to: (California Code of Regulations, Title 2, Section 18701)

1. Approve a rate, rule, or regulation.
2. Adopt or enforce a law.
3. Issue, deny, suspend, or revoke a 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 California Code of Regulations, Title 2, Section 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. (California Code of Regulations, Title 2, Section 18701)

Public Officials Who Manage Public Investments

It has been determined that positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200. These positions are listed for informational purposes only:

- None

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

<i>Adopted:</i>	<i>12/08/76</i>	<i>Revised:</i>	<i>10/17/03</i>	<i>Revised:</i>	<i>09/26/12</i>	<i>Revised:</i>	<i>08/27/14</i>	<i>Revised</i>	<i>02/06/19</i>
<i>Revised:</i>	<i>12/14/77</i>	<i>Revised:</i>	<i>03/22/06</i>	<i>Revised:</i>	<i>11/14/12</i>	<i>Revised:</i>	<i>01/14/15</i>		
<i>Revised:</i>	<i>02/22/84</i>	<i>Revised:</i>	<i>09/24/08</i>	<i>Revised:</i>	<i>03/22/13</i>	<i>Revised</i>	<i>05/11/16</i>		
<i>Revised:</i>	<i>11/21/94</i>	<i>Revised:</i>	<i>02/10/10</i>	<i>Revised:</i>	<i>02/04/14</i>	<i>Revised:</i>	<i>08/31/16</i>		
<i>Revised:</i>	<i>09/25/02</i>	<i>Revised:</i>	<i>09/22/10</i>	<i>Revised:</i>	<i>07/01/14</i>	<i>Revised:</i>	<i>10/24/18</i>		

**CLOVIS UNIFIED
SCHOOL DISTRICT****FINANCIAL SERVICES*****Revenue, Tuition, & Fees*****CONFLICT OF INTEREST CODE**EXHIBIT 2Designated Positions

Employees determined to hold positions subject to the Conflict of Interest Code will be organized into three categories. Reporting requirements will then be determined by the category into which a specific position has been designated.

The following three categories have been identified pursuant to law:

Category One: Positions that have authority to vote on a matter, appoint a person or obligate or commit the agency to a course of action, or authorized to bind the agency into a contractual agreement.

Category Two: Positions with significant authority to negotiate decisions on behalf of the agency with little review.

Category Three: Positions that advise or make recommendations to key decision-makers and conduct substantive research or investigation that requires the exercise of judgment on the part of the employee and that influences decisions on behalf of the agency without significant review.

Reportable Interests

An investment, interest in real property, business position, or income, is reportable if the business entity in which the investment or business position is held, the interest in real property or income or source of income may foreseeably be affected materially by any decision made or participated in by the person holding a Designated Position.

Designated Positions in Category One Must Report

1. Interests in real property located in whole or in part within or within two miles of the boundaries of the District including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is \$2,000 or more. "Interest in real property" includes interest held by an individual, a business entity, or a share or interest in real property of any business entity or trust in which a designated person or his or her immediate family owns directly, indirectly or beneficially, a ten percent interest or greater. Generally, a residence, such as a home or vacation cabin, used as a personal residence of the person holding the Designated Position, need not be reported. However, a residence for which the designated person claims a business deduction for income tax purposes may be reportable.
2. Investments in, business positions with, and income from the business entities which are contractors or subcontractors, which are engaged, foreseeably may be engaged, or have been engaged within the previous two-year period, in the performance of building, construction, and/or design with the District.

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3. Investments in, business positions with, and income from persons or business entities engaged in the acquisition or disposal of real property within the District.

“Investment” includes any financial interest in or security issued by a business entity, including, but not limited to, common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interest. Investments of any individual also include a pro rata share of investments of any business entity or trust in which a designated person or his or her immediate family owns directly, indirectly or beneficially a ten percent interest or greater.

“Investment” does not include bank accounts, savings accounts, and money market accounts, shares in a credit union, any insurance policy, annuities, retirement accounts invested in non-reportable interests, interest in a diversified mutual fund registered with the Securities Exchange Commission under the Investment Company Act of 1940 defined benefit pension plans and profit sharing plans qualified under Internal Revenue Code section 401(a), or any bond or other debt instrument issued by any government or governmental agency.

No investment or interest in real property is reportable unless its fair market value exceeds \$2,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$500 or more in value, or \$50 or more if a gift, during the preceding twelve (12) month reporting period.

Designated Positions in Category Two Must Report

Investments in, business positions with, and income from business entities which are doing business with the District, foreseeably may do business with the District, or have done business with the District at any time during the two years prior to the filing of the statement, which manufacture or sell materials, commodities, supplies, books, machinery, vehicles or equipment of the type utilized by the District. Investments include interests described in Category One.

Designated Positions in Category Three Must Report

Investments in, business positions with, and income from business entities which are doing business with the District, foreseeably may do business with the District, or have done business with the District at any time during the two years prior to the filing of the statement, which are contractors or subcontractors, engaged in the performance of work or services of the type utilized by the District. Investments include the interests described in Category One.

Adopted: 12/08/76
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Reviewed: 09/24/08
Revised: 09/22/10