



# FRESNO COUNTY OFFICE OF EDUCATION

## CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code section 81000, *et seq.*) requires local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted Title 2 of the California Code of Regulations, section 18730, which contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency's conflict of interest code. Therefore, the terms of 2 CCR section 18730 and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference in this code, and together with the attached appendices designating positions and establishing disclosure requirements shall constitute the Fresno County Office of Education's (FCOE) conflict of interest code.

The members of the Fresno County Board of Education (County Board), the Fresno County Superintendent of Schools (County Superintendent), and designated FCOE employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix B. The Statements of Economic Interest shall be filed with FCOE's filing officer, General Counsel. General Counsel shall forward the originals of the Statements filed by the County Board members and the County Superintendent to FCOE's code reviewing body, the Fresno County Board of Supervisors. General Counsel shall retain a copy of Board members and Superintendent's official Statements and the original Statements of designated filers and consultants in the FCOE Legal Services Department and shall make the Statements available for public review, inspection, and reproduction. (Gov. Code section 81008.)

The provisions of all Conflict of Interest Codes and amendments thereto previously adopted by the Fresno County Board of Education and the Fresno County Superintendent of Schools are hereby superseded.

Adopted by the Fresno County Superintendent of Schools and the Fresno County Board of Education on June 18, 2015.

ATTEST.

Jim A. Yovino, Fresno County Superintendent of Schools

Mike Robinson, President  
Fresno County Board of Education

Approved and/or authorized by the Board of Supervisors of the County of Fresno  
Meeting Date: 10.27.15 Agenda Item No. 310  
By: Susan Bishop, Date: 10.27.15  
Deputy Clerk

**APPENDIX A  
DESIGNATED POSITIONS**

<u>Title/Designated Position</u>	<u>Disclosure Category</u>
County Board Members	1
County Superintendent of Schools	1
Deputy Superintendent	1
Assistant Superintendent	1
General Counsel	1
Executive Assistant to the Superintendent	2
Executive Assistant to the Deputy Superintendent	2
Senior Administrator	2
Administrator	2
Senior Director	2
Director	2
Associate Director	2
Program Manager	2
Purchasing Agent	2
Newly Created Position	*
Third Party Consultants	*

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### **Disclosures for Third Party Consultants**

On a case-by-case basis, the County Superintendent or his/her designee shall determine if a third party consultant is a "designated employee" who must disclose financial interests. When so identified, the County Superintendent or designee shall, in writing, provide 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.

For purposes of this section and for compliance with the Political Reform Act and 2 CCR section 18701, a consultant is defined as "an individual who, pursuant to a contract with FCOE, makes a governmental decision whether to:

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 FCOE to enter into, modify, or renew a contract that requires County Board or County Superintendent approval;
5. Grant FCOE approval to a contract that requires County Board or County Superintendent approval and in which FCOE is a party, or to the specifications for such a contract;
6. Grant County Board or County Superintendent approval to a plan, design, report, study, or similar item; or
7. Adopt or grant County Board or County Superintendent approval of FCOE policies, standards, or guidelines."

A consultant also means an individual who, pursuant to a contract with FCOE, serves in a staff capacity with FCOE and in that capacity participates in making a governmental decision as defined in 2 CCR section 18702.2 or performs the same or substantially the same duties for FCOE that would otherwise be performed by an individual holding a position specified in this conflict of interest code. (2 CCR section 18701.)

### **Disclosures by Employees in Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in this conflict of interest code, is included in the list of

designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: the County Superintendent or designee may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. FCOE's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code section 81008.)

Within 90 days of creating the newly created position that must file a Statement of Economic Interest, FCOE shall update this conflict of interest code to add the actual position title in its list of designated positions and submit the amended conflict of interest code to the Fresno County Board of Supervisors, the code reviewing body of FCOE. (Gov. Code section 87306.)

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**APPENDIX B  
DISCLOSURE CATEGORIES**

1. Category 1. A person designated Category 1 shall disclose:

- a. Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by FCOE (such interests include any leasehold, beneficial or ownership interest, or option to acquire such interest in real property); and
- b. Investments, or business position, or income, including loans, gifts, and travel payments, from sources which are engaged in the disposal of real property within the county, are contractors or subcontractors which are or have been engaged in work or services of the type used by FCOE, or manufacture or sell supplies, books, machinery, or equipment of the type used by FCOE.

2. Category 2. A person designated Category 2 shall disclose:

- a. Investments, business positions, or income, including loans, gifts, and travel payments, from sources which 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 department or program that the employee manages, directs, or is assigned; and
- b. Investments, business positions, or income, including loans, gifts, and travel payments, from sources which manufacture or sell supplies, books, machinery or equipment of the type used by the department or program that the employee manages, directs, or is assigned.

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