

Exhibit 9270-E(1): Conflict Of Interest**Status:** ADOPTED

Original Adopted Date: 07/01/2010 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, require each public agency in California, including each school district, to adopt a conflict of interest code;

WHEREAS, a district is permitted to create its conflict of interest code by incorporating by reference the terms of 2 CCR 18730, along with a list of District Officials to whom the code applies and disclosure categories, in accordance with Government Code 87300 and 87306;

WHEREAS, the Governing Board of the **Caliente Union** School District ("District") has previously adopted a local conflict of interest code in this manner; and

WHEREAS, the District has recently reviewed its list of District Officials, and the duties of each, and has determined that **no changes** to the current conflict of interest code are necessary.

NOW THEREFORE BE IT RESOLVED, the Governing Board of the District adopts the following Conflict of Interest Code, including the accompanying Appendix of District Officials and Disclosure Categories, and

BE IT FURTHER RESOLVED, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code are hereby rescinded and superseded by this Resolution and Appendix.

[Add final resolution language template including date of passage, vote count, and requisite signatures]

Conflict of Interest Code ("Code") of the _____ School District ("District")

The Political Reform Act (PRA) (Government Code 81000-87505) requires the District to adopt a conflict of interest code. 2 CCR 18730 contains the terms of a conflict of interest code, which may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the PRA. Therefore, the terms of 2 CCR 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the district.

District Officials, defined as those positions listed herein, shall file a Form 700 (also known as a Statement of Economic Interest) in accordance with the disclosure categories listed in the attached

Appendix. The Form 700 shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

Category 1: A District Official designated "Category 1" shall disclose the following:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district
- b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, 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 manufacture or sell supplies, books, machinery, or equipment of the type used by the district

Category 2: A District Official designated "Category 2" shall disclose the following:

- a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs
- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs

For a principal in this category, the principal's department is the principal's entire school.

Category 3 (Applicable to positions that "manage public investments," as defined by Government Code 87200): A District Official designated "Category 3" shall disclose, in accordance with Government Code 87200-87210, the following:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments

Designated Positions

District Officials	Disclosure Category
Governing Board Members	1 or 3
Superintendent	1 or 3

Assistant/Associate Superintendent	1 or 3
Purchasing Agent	1
Director	2
Principal	2

Disclosures for Consultants

The Superintendent or designee shall annually determine, on a case-by-case basis, which district consultants, if any, shall constitute District Officials and who shall disclose financial interests. 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 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 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704 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 18700.3)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

2 CCR 18110-18997

Description

Regulations of the Fair Political Practices Commission

2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest
2 CCR 18722-18740	Disclosure of interests
2 CCR 18753-18756	Conflict of interest codes
2 CCR 18940.2	Gift limit amount
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 53234-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition; designated employee
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign Disclosure
Gov. Code 87100-87505	Political Reform Act; conflict of interest
Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes

Pub. Cont. Code 6102

[Bribery of public official; voidable contract](#)

Rev. & Tax Code 203

[Taxable and exempt property - colleges](#)

Management Resources

Description

Attorney General Opinion

105 Ops.Cal.Atty.Gen.69 (2022)

Attorney General Opinion

63 Ops.Cal.Atty.Gen. 868 (1980)

Attorney General Opinion

65 Ops.Cal.Atty.Gen. 606 (1982)

Attorney General Opinion

68 Ops.Cal.Atty.Gen. 171 (1985)

Attorney General Opinion

69 Ops.Cal.Atty.Gen. 255 (1986)

Attorney General Opinion

80 Ops.Cal.Atty.Gen. 320 (1997)

Attorney General Opinion

81 Ops.Cal.Atty.Gen. 327 (1998)

Attorney General Opinion

82 Ops.Cal.Atty.Gen. 83 (1999)

Attorney General Opinion

85 Ops.Cal.Atty.Gen. 60 (2002)

Attorney General Opinion

86 Ops.Cal.Atty.Gen. 138(2003)

Attorney General Opinion

89 Ops.Cal.Atty.Gen. 217 (2006)

Attorney General Opinion

92 Ops.Cal.Atty.Gen. 19 (2009)

Attorney General Opinion

92 Ops.Cal.Atty.Gen. 26 (2009)

Court Decision

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Court Decision

Klistoff v. Superior Court (2007) 157 Cal.App.4th 469

Court Decision

Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th 511

Court Decision

McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235

Court Decision

Thorpe v. Long Beach Community College District (2000) 83 Cal.App.4th 655

CSBA Publication

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

Fair Political Practices Commission Publication

Advice Letter: A-96-314 (December 18, 1996)

Fair Political Practices Commission Publication

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

Institute For Local Government Publication

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Institute for Local Government
Publication

Website

Website

Website

Website

Understanding the Basics of Public Service Ethics:
Transparency Laws, 2009

[CSBA District and County Office of Education Legal
Services](#)

[Institute for Local Government](#)

[Fair Political Practices Commission](#)

[CSBA](#)

Cross References

Code

1340

1340

1700

3230

3230

3300

3311

3311

3400

3400

3430

3430

3470

3600

4112.8

4117.2

4136

4212.8

4217.2

4236

4312.8

Description

[Access To District Records](#)

[Access To District Records](#)

[Relations Between Private Industry And The Schools](#)

[Federal Grant Funds](#)

[Federal Grant Funds](#)

[Expenditures And Purchases](#)

[Bids](#)

[Bids](#)

[Management Of District Assets/Accounts](#)

[Management Of District Assets/Accounts](#)

[Investing](#)

[Investing](#)

[Debt Issuance And Management](#)

[Consultants](#)

[Employment Of Relatives](#)

[Resignation](#)

[Nonschool Employment](#)

[Employment Of Relatives](#)

[Resignation](#)

[Nonschool Employment](#)

[Employment Of Relatives](#)

4317.2	<u>Resignation</u>
4336	<u>Nonschool Employment</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E(1)	<u>Selection And Evaluation Of Instructional Materials</u>
7140	<u>Architectural And Engineering Services</u>
7140	<u>Architectural And Engineering Services</u>
7214	<u>General Obligation Bonds</u>
7214	<u>General Obligation Bonds</u>
9000	<u>Role Of The Board</u>
9005	<u>Governance Standards</u>
9140	<u>Board Representatives</u>
9200	<u>Limits Of Board Member Authority</u>
9220	<u>Governing Board Elections</u>
9220-E(1)	<u>Governing Board Elections</u>
9222	<u>Resignation</u>
9230	<u>Orientation</u>
9240	<u>Board Training</u>
9320	<u>Meetings And Notices</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>
9323	<u>Meeting Conduct</u>