

# Adopted Minutes

August 9, 2016

Trustee Wharton called open session to order at 5:30 p.m. in the Shasta Learning Center Board Room and announced the Board would adjourn to closed session to discuss the following: 1) Public Employee Discipline/Dismissal/Release/Complaint (G.C. 54957) and 2) Conference with Labor Negotiator (G.C. 54957.6). Agency designated representatives: Jim Cloney – Superintendent, David Flores – Chief Business Official, Dana Reginato – Associate Superintendent/Human Resources and Milan Woollard – Associate Superintendent/Instructional Services. Employee Organizations: California School Employees Association (CSEA).

There were no requests from the audience to speak to any items on the closed session agenda.

The Board reconvened into open session at 6:29 p.m.

No action was taken on the items discussed in closed session.

Trustee Wharton led the Pledge of Allegiance.

ROLL CALL: Trustees Mike Wharton, Jr., Salvador Valdivia, Ron Zufall and James Schwerdt were present. Trustee Wharton presided. Also present: Jim Cloney – Superintendent, Milan Woollard – Associate Superintendent/Instructional Services, Dana Reginato – Associate Superintendent/Human Resources, David Flores – Chief Business Official, Elsbeth Prigmore – Principal, (Alternative Ed), Leo Perez – Principal (SHS), Ryan Johnson – Principal (EHS) and Steve Abbott – Principal (FHS).

RES. 16-163 That the Board approve the agenda, as presented. (Motion Valdivia, second Schwerdt, carried 4-0).

RES. 16-164 That the Board approve the consent agenda, as presented. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-165 That the Board approve the SUHSD Board Recognized Athletics and Organizational Clubs for 2016-17. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-166 That the Board adopt the following 2018-19 Calendars: School Calendar and ESP. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-167 That the Board approve resolution regarding the dual enrollment. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-168 That the Board ratify commercial warrants in the amount of \$1,967,729.52 and payroll distributions in the amount of \$761,901.65 for the period of 7/1/16-7/31/16. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-169 That the Board accept Quarterly Report of Investments. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-170 That the Board approve the signature cards update with Tri Counties Bank. (Motion Valdivia, second Zufall, carried 4-0).

RES. 16-171 That the Board approve the resolution designating the official representative and alternate representative to the Shasta-Trinity Schools Insurance Group Joint Powers Authority Board of Directors. (Motion Valdivia, second Zufall, carried 4-0).

- RES. 16-172 That the Board approve the Request to Declare Property as Surplus (Transportation 88 GMC Utility Truck and Cub Cadet Tractor). (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-173 That the Board approve the funding applications for the 2016-17 Agricultural CTE Incentive Grants for FHS and the District Farm. (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-174 That the Board approve 2016-17 Designation of CIF Representatives to League for EHS, SHS and the District. (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-175 That the Board approve updated registry of International Student Exchange Placement Organizations. (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-176 That the Board approve the Human Resources Action Report, as follows: *Certificated* – (Promotion): Leopoldo Perez, Principal (SHS), effective July 1, 21016; (New Hire): Kevin Strohmayer, Assistant Principal (EHS), effective July 1, 2016; Lauren Stroud, Assistant Principal (FHS), effective July 1, 2016; (New Hire – Temporary Contract): Tamara Hovland, 5/5 Teacher (FHS), effective August 11, 2016; Phong Soksoda, 5/5 Teacher (SHS), effective August 11, 2016; (Rehired Temporary Contract): Mike Williams, 5/5 Teacher (SHS), effective August 11, 2016; James Crocket, 3/5 Teacher (GTC), effective August 11, 2016; (Assignment Change): James Kunkel, 5/5 Physical Education, Teacher (SHS), effective August 11, 2016; (Resignation): Whitley Medley, Teacher (Farm), effective June 3, 2016. *Classified* – (Retired): James Helwig, Bus Driver, 8 hour/10 month (Trans), effective March 1, 2017; Cindy Pion, Instructional Paraprofessional, 6 hour/10 month (DO), effective June 2, 2016; Kristine Caldwell, School Support Secretary, 8 hour/238 days (EHS), effective August 5, 2016; (Resignation): Phong Soksoda, RSP Paraprofessional, 5.5 hour/10 month (SHS), effective June 2, 2016; Kurt Kuehl, At Risk Paraprofessional, 5.5 hour/10 month (Catalyst), effective June 2, 2016; (Replacement) Rhana Wagner, Health Clerk, 6 hour/201 days (EHS), effective August 3, 2016; (Increase Hours): Roxanne Loerzel, Central Kitchen Supervisor, from 8 hour/238 days to 8 hour/260 days, effective July 1, 2016; Andi Devenberg, Food & Beverage Manager, 8 hour/10 month (FHS), effective August 11, 2016. (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-177 That the Board approve the draft mandated and draft optional Board Policies and Administrative Regulations, as provided by CSBA (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-178 That the Board approve mandated and optional Board Policies, Administrative Regulations and Exhibits as provided by California SBA for 4111/4211/4311. (Motion Schwerdt, second Valdivia, carried 4-0).
- RES. 16-179 That the Board approve the recommendation for Board Policies, Administrative Regulations and Exhibits for 3515.2 and 3515.7. (Motion Zufall, second Schwerdt, carried 4-0).
- RES. 16-180 That the Board approve the revisions to the Local Control Accountability Plan. (LCAP) (Motion Schwerdt, second Valdivia, carried 4-0).
- RES. 16-181 That the Board approve the SUHSD Conflict of Interest Code and related Resolution, as required by the Political Reform Act. (Motion Schwerdt, second Zufall, carried 4-0).
- RES. 16-182 That the Board approve the minutes for the July 7, 2016 regular Board meeting with the exception of amending RES. 16-158 to reflect the following vote: Motion Valdivia, second Wharton, Noes: Pepple, carried 3-1. (Motion Zufall, second Valdivia, carried 4-0).
- RES. 16-183 That the Board excuse Trustee Schwerdt's absence at the July 7, 2016 regular Board meeting. (Motion Zufall, second Valdivia, carried 4-0).

- RES. 16-184 That the Board approve the revisions to the Facility Use Manual. (Motion Zufall, second Valdivia, carried 4-0).
- RES. 16-185 That the Board approve the transfer of ownership of SUHSD to Shasta-Trinity Regional Occupation Program (Portable Farm building). (Motion Schwerdt, second Valdivia, carried 4-0).
- RES. 16-186 That the Board approve the resolution for Reduction in Classified Service. (Motion Valdivia, second Zufall, carried 4-0).
- RES. 16-187 That the meeting adjourn. (Motion Wharton, second Valdivia, carried 4-0).

**CALL FOR REQUESTS FROM THE AUDIENCE TO SPEAK ON AGENDA ITEMS:**

There were no comments.

**PUBLIC COMMENTS:**

There were no comments.

**PRESENTATIONS:**

UPrep Annual Update: University Preparatory School (UPrep) Superintendent and Principal Shelle Peterson presented the Board with information on UPrep's academics, awards, budget, fine arts, athletics, community involvement, enrollment, staffing and plans for the 2016-2017 school year. Ms. Peterson noted UPrep's 80% pass rate on Advanced Placement (AP) exams is due largely to staff encouragement and student desire.

Mr. Zufall inquired about the benefits the District incurs from UPrep.

Ms. Peterson stated that one benefit is fiscal. UPrep pays the District 15% off the top. In addition, the District also receives Special Ed funding for services provided at UPrep.

2016 Summer School Report: Summer School Principal Kevin Greene provided an overview of this year's Summer School Program, including enrollment and student success pass rate information. Mr. Greene stated the number of credits being recovered has improved through the use PLATO and by adding direct instruction classes for Math 1 and English 1. He recommends the District continue to offer summer school at one comprehensive site and to consider adding a Math 2 direct instruction course. Mr. Greene commended the summer school staff on another great summer program.

SHS Principal Introduction: Jim Cloney introduced Leo Perez to the Board as the new Principal at SHS. Mr. Cloney commended Mr. Perez on his new position and stated that he has been Assistant Principal for ten years at SHS.

SHS Assistant Principal Introduction: Jim Cloney commended Shane Kikut as he introduced the former SHS English Teacher as the new Assistant Principal at SHS.

EHS Assistant Principal Introduction: Jim Cloney introduced Kevin Strohmayr to the Board as the new Assistant Principal at EHS. Mr. Strohmayr was previously the Assistant Principal at Central Valley High School, and he will be joining Principal Ryan Johnson and Assistant Principal Kevin Greene at EHS.

FHS Assistant Principal Introduction: Jim Cloney introduced Lauren Stroud to the Board as the new Assistant Principal at Foothill High School. The former Ag Teacher joins the District from Red Bluff High School.

Mr. Cloney stated that he is looking forward to a successful year and is confident in the new administrative teams.

#### **REPORTS FROM SHASTA UNION HIGH SCHOOL DISTRICT ORGANIZATIONS:**

SSEA President Garry Connolly welcomed the new administrators and invited the Board to attend the new employee luncheon at Cattlemens tomorrow at 11:30am. He reported that the top three focuses from last year were communication, leadership and benefits. Mr. Connolly stated there will be over ten vendors at the opening staff meeting to provide information to staff in regards to benefits and retirement planning. CTA State Council Representative Sean Ferguson attended the CTA conference over summer break and encouraged the Board to promote Prop 55 where if approved, the District will receive upwards of \$7,000,000. Mr. Connolly stated that he is looking forward to a great school year.

ESP President Deborah Bayley was not present and Mr. Connolly noted that she sends her best.

CSEA President David Martin was not present.

#### **REPORTS FROM PRINCIPALS:**

Alternative Education: Elsbeth Prigmore reported that with the closing of Pathways, Freedom Community Day School has behavior plans in place for their new students and will be fully staffed by the first day of school. She stated that the District's data from her Save Rate Presentation will be analyzed alongside other schools' data at Stanford University's Research Department. The Save Rate data is proving to be very significant and will help better serve students.

Shasta High School: Leo Perez reported that the new basketball hoops, gym floor and the main office AC have all been installed and that maintenance has done a great job painting over summer break. He is looking forward to their all staff meeting this Friday.

Enterprise High School: Ryan Johnson reported that they currently have 1256 students enrolled. Mr. Johnson, Kevin Greene and Kevin Strohmayer greeted 733 students and families at last week's orientation. His focus is on building relationships with staff and listening to their needs as educators.

Foothill High School: Steve Abbott commended the District on staffing and administrative support during his onboarding. He relayed recognition to the counseling department and the administration team. Mr. Abbott reported that orientation went great and FHS is ready to start the school year strong.

#### **REPORT FROM SUPERINTENDENT:**

Jim Cloney invited the Board to attend this Thursday's opening Staff Meeting and commended the Human Resources department and Maintenance department on all of their hard work over the summer in order to ensure a successful start to the school year. Mr. Cloney stated that he will be monitoring enrollment closely over the first eleven days of school and will update the Board accordingly. The Board voted in June to authorize the issuance of a \$57,000,000 bond aimed at fixing District wide facility needs and Mr. Cloney was pleased to announce that the District's bond will be Measure I on the November ballot.

#### **TRUSTEE COMMENTS AND LIAISON REPORTS:**

Trustee Schwerdt welcomed the new administrators and congratulated those who have been promoted. He thanked the Board and the District for all of their support over the past month with the loss of his brother.

Trustee Valdivia greeted the new administrators and encouraged them to work together as a team.

Trustee Wharton stated he was excited for the new leadership in the District and the impact they will have on our students.

#### **DISCUSSION:**

Board Fall Study Session: Jim Cloney suggested possible meeting dates in late October. As not all Board Members were present at this meeting, it was discussed that all of the Board Members will be contacted outside the meeting to determine which date will work best for everyone's calendar.

BP/AR 4111/4211/4311: After reviewing the current policies in regards to Recruitment and Selection, and after partnering with SSEA, Dana Reginato recommended the Board approve the most up-to-date version provided by CSBA.

**DISCUSSION (cont'd):**

BP/AR 3515.2 and BP/AR/E(1)-E(2) 3515.7: CSBA provided the District with sample policies in relation to SB707 which became effective January 1, 2016 which prohibits concealed weapons on campus. The Board and Jim Cloney have partnered with local law enforcement agencies, assessed other districts' actions and discussed the different policy options in depth. Based on these discussions, Mr. Cloney presented the Board with a modified policy outlining that the District will continue to not allow staff to have weapons on campus, whether they have their CCW or not. The general public who have a CCW will be allowed to carry on campus. Mr. Cloney noted that if an incident did occur, our insurance deductible would be \$150,000.

Trustee Zufall and Wharton recommended we move forward with approving the policy. In doing so, our policy would be similar prior to SB707, with the exception of the insurance deductible.

Local Control Accountability Plan: Jim Cloney stated that as part of an ongoing review of the District's LCAP, the Shasta County Office of Education has reviewed the 2016-17 LCAP and recommends revisions to the "Annual Update" portion and the third section regarding the "Use of Supplemental and Concentration Grant Fund and Proportionality." The draft presented incorporates these revisions.

Conflict of Interest Code: Mr. Cloney stated that per the Political Reform Act, the Board must biennially review the Conflict of Interest Code. After partnering with legal counsel, Mr. Cloney recommends the Board approve the presented modified version.

State Budget: David Flores reported that the District had budgeted a higher LCFF Gap Funding of 54.84%. The reduction in the one-time discretionary fund resulted in a \$95,841 loss in revenue. Mr. Flores stated that there is not an estimate for College Readiness or the Classified Teacher program and as more information is made available on these programs, he will verify to see if we qualify for the funding.

Facility Use Manual: Mr. Flores reported that the revisions in the Facility Use Manual reflect insurance language updates.

Trustee Zufall expressed that the District should pay for any fee associated with a student organization fundraiser.

Mr. Cloney stated that the District pays for majority of our student fundraisers and when fees are applied, it is typically due to custodial or maintenance fees. He recommended that we research establishing a potential advisory committee to decide on a case by case basis what is reasonable to be covered by the District.

Textbooks and Instructional Materials for 2016-17: At 8:04 p.m., Trustee Wharton declared the meeting open to Public Hearing to provide interested parties an opportunity to speak regarding the adequacy of textbooks and instructional materials for the 2016-17 school year. There were no comments and the public hearing was declared closed.

**ADJOURNMENT:**

The meeting adjourned at 8:05 p.m.

**DATE AND LOCATION OF NEXT REGULAR BOARD MEETING:**

September 13, 2016, 6:30 p.m. – Shasta Learning Center Board Room, 2200 Eureka Way – Redding

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Salvador Valdivia, Clerk  
Board of Trustees

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Jim Cloney, Executive Secretary  
Board of Trustees

Bd. Min. 8-09-16  
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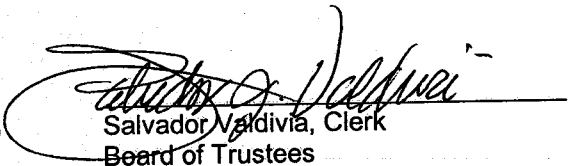
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Salvador Valdivia, Clerk  
Board of Trustees

  
Jim Cloney, Executive Secretary  
Board of Trustees

**CONFLICT OF INTEREST**

**RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE**

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

WHEREAS, the Governing Board of the Shasta Union High School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Shasta Union School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Shasta Union High School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of August, 2016 at a meeting, by the following vote:

AYES: Wharton, Valdivia, Zufall, Schwerdt

NOES: None

ABSENT: Pepple

Attest:

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Secretary/President

**CONFLICT OF INTEREST** (continued)

**Conflict of Interest Code of the  
Shasta Union High School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest 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**

1. **Category 1:** A person designated Category 1 shall disclose:
  - 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.
2. **Category 2:** A person designated Category 2 shall disclose:
  - 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 the purposes of this category, a principal's department is his/her entire school.



**CONFLICT OF INTEREST** (continued)

3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
- 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**

<u>Designated Position</u>	<u>Disclosure Category</u>
Board of Trustees Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Chief Business Official	1
Director of Categorical Programs	2
Director of Nutrition Services	2
Director of Special Education	2
Director of Transportation	2
Director of Technology	2
Principal	2
Assistant Principal	2

**Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as 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 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

**CONFLICT OF INTEREST** (continued)

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, subsections (a) and (b), 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)

**CONFLICT OF INTEREST**

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)*

## **CONFLICT OF INTEREST (continued)**

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 18700-18709)

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.

BB 9270(c)

#### **CONFLICT OF INTEREST (continued)**

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

BB 9270(d)

## **CONFLICT OF INTEREST (continued)**

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.

BB 9270(e)

### **CONFLICT OF INTEREST (continued)**

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 purposes

*Legal Reference: (see next page)*

**CONFLICT OF INTEREST (continued)**

*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 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*  
18750.1-18756 *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

*Legal Reference continued: (see next page)*

BB 9270(g)

**CONFLICT OF INTEREST (continued)**

*Legal Reference: (continued)*

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  
adopted: August 9, 2016

CSBA MANUAL MAINTENANCE SERVICE  
May 2016

**CONFLICT OF INTEREST**

**RESOLUTION ADOPTING A  
CONFLICT OF INTEREST CODE**

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

WHEREAS, the Governing Board of the Shasta Union High School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the Shasta Union High School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Shasta Union High School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

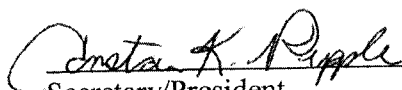
PASSED AND ADOPTED THIS 9<sup>th</sup> day of August, 2016 at a meeting, by the following vote:

AYES: Wharton, Valdivia, Zufall, Schwerdt

NOES: None

ABSENT: Pepple

Attest:

  
Secretary/President

**CONFLICT OF INTEREST (continued)****Conflict of Interest Code of the  
Shasta Union High School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest 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**

1. **Category 1:** A person designated Category 1 shall disclose:
  - 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.
2. **Category 2:** A person designated Category 2 shall disclose:
  - 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 the purposes of this category, a principal's department is his/her entire school.

**CONFLICT OF INTEREST (continued)**

3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
- 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**

<u>Designated Position</u>	<u>Disclosure Category</u>
Board of Trustees Members	1
Superintendent of Schools	1
Assistant/Associate Superintendent	1
Chief Business Official	1
Director of Categorical Programs	2
Director of Nutrition Services	2
Director of Special Education	2
Director of Transportation	2
Director of Technology	2
Principal	2
Assistant Principal	2

**Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as 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 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

**CONFLICT OF INTEREST (continued)**

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, subsections (a) and (b), 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)