

**ENTERPRISE ELEMENTARY SCHOOL DISTRICT
BOARD BYLAW**

BYLAWS OF THE BOARD

BB 9270

CONFLICT OF INTEREST (continued)

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

1. Persons occupying the following positions are designated employees in Category 1:

Governing Board Members
Superintendent of Schools
Assistant/Associate Superintendent
Chief Business Official

Designated persons in this category 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. Persons occupying the following positions are designated employees in Category 2:

Director
Assistant Director
Principal
Assistant Principal
Coordinator
Supervisor
Manager

Designated persons in this category shall disclose investments or business positions in, or income from, sources which:

ENTERPRISE ELEMENTARY SCHOOL DISTRICT
**MINUTES OF THE AUGUST 3, 2016, REGULAR MEETING OF THE
GOVERNING BOARD**
1155 MISTLETOE LANE, FAMILY LITERACY CENTER

The Regular Meeting of the Enterprise Elementary School District Board of Education was called to order at 3:30 p.m., by Board President Weyand.

There were no comments from the public.

The meeting was adjourned to closed session at 3:31 p.m.

The meeting was reconvened to Open Session at 4:05 p.m.

BOARD MEMBERS

Gloria Valles – *Absent*

Scott Swendiman

Art Cuellar

Tiffany Weyand

Troy Wright

EETA REPRESENTATIVE

None.

CSEA Representative

None.

ADMINISTRATION

Brian N. Winstead, Superintendent

Dale Porter, Assistant Superintendent of Instructional Services

Philip Brown, Chief Business Official

Meagan Hawley-Stone, Assistant Director of Human Resources

Annie Payne, Director, Special Education Services

Darin Pust, Principal, Alta Mesa Elementary School

Tina Croes, Principal, Boulder Creek School

Caryn Emerson, Principal, Lassen View Elementary School

Heather Armelino, Principal, Mistletoe School

Terryl Hayes, Principal, PACE Academy

Tony Moebes, Principal, Parsons Junior High School

Chuck Seligman, Principal, Redding Collegiate Academy

Robert Shaw, Principal, Rother Elementary School

Scotti Gleason, Principal, Shasta Meadows Elementary School

Ryan Miller, Assistant Principal, Boulder Creek School

Nancy Walker, Assistant Principal, Boulder Creek School

Elise Towers, Assistant Principal, Mistletoe School and Parsons Junior High School

Brandie Stone, Assistant Principal, Parsons Junior High School

Ryan Johnson, Instructional Technology Coordinator

Shere DePaoli, District Site Literacy Coordinator

The Pledge of Allegiance was led by Board President Weyand.

On motion of Board Member Wright, seconded by Board Member Cuellar, the agenda order and the consent agenda items were approved. (YES: Wright, Swendiman, Cuellar, Weyand. ABSENT: Valles.)

There was no correspondence.

On consent motion of Board Member Wright, seconded by Board Member Cuellar, the minutes of the June 8, 2016, Regular Meeting of the Governing Board were approved. (YES: Cuellar, Wright, Swendiman, Weyand. ABSENT: Valles.)

1. Call to Order
2. Public Comment
3. Adjourn to Closed Session
4. Reconvene Open Session
5. Pledge of Allegiance
6. Agenda Order/Consent Agenda
MOTION #2016-001
7. Correspondence
8. Minutes of June 8, 2016, Board Meeting
MOTION #2016-002

MINUTES OF THE REGULAR MEETING OF THE GOVERNING BOARD
AUGUST 3, 2016

Rahna Wagner, CIA Aide at Boulder Creek School, and Ezra Smith, Counselor at Parsons Junior High School were recognized, *in absentia*, upon their resignation, for their years of service to the District.

There was no EETA report.

There was no CSEA report.

Superintendent Brian Winstead, Assistant Superintendent Dale Porter, Chief Business Official Philip Brown, and Assistant Director of Human Resources shared about the activities throughout the District over the summer in preparation for the upcoming school year.

There were no comments.

Assistant Director of Human Resources Meagan Hawley-Stone presented the following resignations:

- Emily Harris, CIA Aide, Alta Mesa Elementary School
- Rahna Wagner, CIA Aide, Boulder Creek School
- Alexa Chatman, CIA Aide, Boulder Creek School
- Beverly Risk, Accounting Clerk, District Office
- Jill Rouse, Clerk II, District Office
- Brittany Bailey, Payroll Specialist, District Office
- Tanisha Johnson, ACE Aide, Mistletoe School
- Michelle Kempley, Student Services Clerk, Mistletoe School
- Ezra Smith, Counselor, Parsons Junior High School
- Grace Lim, ELD Aide, Rother School
- Jeff Samice, Bus Driver, Transportation
- Mary Burnham, Bus Driver, Transportation

Assistant Superintendent of Instructional Services Dale Porter presented the Staff Development Plan for 2016-2017.

Mr. Porter introduced the Compensatory Education item. A public hearing was held. There were no comments.

Chief Business Official Philip Brown shared the Financial Report. He made mention that the Financial Report is reflective of the District's budget that was adopted in June.

He then went on to report in the State Budget Report that the Governor's budget, adopted by the California legislature on June 30, now reflects a \$90K loss in anticipated revenues for the year.

Superintendent Winstead presented revised Board Policy and Administrative Regulation #3320, Claims Against the District for adoption, noting that the changes reflect specific timelines for submission of claims and direct claimants to the District Office for appropriate forms. On motion of Board Member Swendiman, seconded by Board Member Wright, the Policy and Regulation were adopted. (YES: Swendiman, Cuellar, Wright, Weyand. ABSENT: Valles.)

Revised Board Bylaw 9270, Conflict of Interest was presented for adoption. This bylaw lists the positions/titles of district staff who are required to complete a Form 700 to disclose any potential conflicts of interest. On motion of Board Member Swendiman, seconded by Board Member Cuellar, the revised Board Bylaw was adopted. (YES: Wright, Cuellar, Swendiman, Weyand. ABSENT: Valles.)

9.1.1 Recognition

9.1.2 EETA Report

9.1.3 CSEA Report

9.1.4 Superintendent Report

9.2 Public Forum

9.3.1 Resignations

9.4.1 Staff Development Plan

9.4.2 Compensatory
Education - PH

9.5.1 Financial Report

9.5.2 State Budget Report

10.1.1 BP/AR 3320, Claims
Against the District
MOTION #2016-003

10.1.2 BB 9270, Conflict of
Interest
MOTION #2016-004

Superintendent Winstead introduced revised Board Policy #0410, Nondiscrimination in District Programs and Activities for adoption. This revision updates the legal references and provides guidance on addressing any impediments to accessing district programs and activities. On motion of Board Member Wright, seconded by Board Member Swendiman, the revised Board Policy 0410 was adopted. (YES: Swendiman, Wright, Cuellar, Weyand. ABSENT: Valles.)

10.1.3 BP 0410,
Nondiscrimination in
District Programs and
Activities
MOTION #2016-005

Revised to include current legal references and procedures, Board Policy and Administrative Regulation #6142.7, Physical Education, was presented for approval. This BP/AR replaces Board Policy 6036 of the same name. On motion of Board Member Swendiman, seconded by Board Member Cuellar, Board Policy #6142.7, Physical Education, was adopted as revised, and Board Policy 6036 will be removed from the master Board Policy file. (YES: Cuellar, Wright, Swendiman, Weyand. ABSENT: Valles.)

10.1.4 BP/AR 6142.7,
Physical Education
replaces BP 6036
MOTION #2016-006

Updated Board Policy and Administrative Regulation 1312.3, Uniform Complaint Procedures, was presented for Board approval. This policy is reviewed annually. The updated legal references and revisions are procedural in nature and mandated by CDE. On motion of Board Member Wright, seconded by Board Member Cuellar, Board Policy and Administrative Regulation #1312.3 was adopted. (YES: Wright, Swendiman, Cuellar, Weyand. ABSENT: Valles.)

10.1.5 BP/AR 1312.3,
Uniform Complaint
Procedures
MOTION #2016-007

The revisions to Board Policy and Exhibit #5145.6 incorporated the language from the associated Administrative Regulation, making it no longer necessary. This policy and exhibit form the basis of the District's Handbook for Parents, Guardians, and Students which is published at the start of each school year. On motion of Board Member Swendiman, seconded by Board Member Cuellar, Board Policy and Exhibit #5145.6, Parental Notifications is adopted as revised and the associated Administrative Regulation is suspended. (YES: Swendiman, Cuellar, Wright, Weyand. ABSENT: Valles.)

10.1.6 BP/E 5145.6, Parental
Notifications
MOTION #2016-008

Board Policy #5141.33, Head Lice, renames, renumbers, and revises former Board Policy 5120, Pediculosis. Language has been revised to align with Education Code and district procedures. On motion of Board Member Wright, seconded by Board Member Cuellar, Board Policy #5141.33, Head Lice, is adopted in place of Board Policy #5120 which is suspended. (YES: Swendiman, Cuellar, Wright, Weyand. ABSENT: Valles.)

10.1.7 BP 5141.33 Head Lice
in lieu of BP 5120
MOTION #2016-009

Assistant Director of Human Resources Meagan Hawley-Stone recommended the following persons for employment:

CM/Confidential • Abigail Vickery, Counselor, 1.0 FTE, Site TBD

Certificated • James Havlina, Teacher, 1.0 FTE, Alta Mesa

Classified • Heather Coulter, CIA Aide, 3.92 hours, Lassen View

• Denise Hart, promoted to Student Services Clerk, 8.0 hours, Mistletoe

• James Wesley, change to Utility Cook, 3.0 hours, Monte Vista

• Sarah Murillo, change to CIA Aide, 5.0 hours, Rother

On motion of Board Member Cuellar, seconded by Board Member Wright, the employment recommendations were approved. (YES: Cuellar, Wright, Swendiman, Weyand, ABSENT: Valles.)

10.2.1 Employment
MOTION #2016-010

Meagan Hawley-Stone reviewed the requests for Teaching Outside Credential Area. On motion of Board Member Swendiman, seconded by Board Member Cuellar, the Board approved the requests. (YES: Wright, Swendiman, Cuellar, Weyand. ABSENT: Valles.)

10.2.2 Teaching Outside
Credential Area
MOTION #2016-011

No trip requests were submitted for consideration.

10.3.1 Trip Requests

MINUTES OF THE REGULAR MEETING OF THE GOVERNING BOARD
AUGUST 3, 2016

On consent motion of Board Member Wright, seconded by Board Member Cuellar, the CONAPP submission was approved. (YES: Cuellar, Wright, Swendiman, Weyand. ABSENT: Valles.)

10.3.2 CONAPP Submission
MOTION #2016-012

On consent motion of Board Member Wright, seconded by Board Member Cuellar, the warrant listing was approved. (YES: Cuellar, Wright, Swendiman, Weyand. ABSENT: Valles.)

10.4.1 Warrant List
MOTION #2016-013

Phil Brown presented Resolution #1635, American Fidelity Contract for Section 125 Flexible Benefits Plan for adoption. He stated that American Fidelity will replace Aflac as the District's provider for Section 125 fringe benefits options. On motion of Board Member Swendiman, seconded by Board Member Wright, Resolution #1635, American Fidelity Contract for Section 125 Flexible Benefits Plan, was adopted. (YES: Swendiman, Cuellar, Wright, Weyand. ABSENT: Valles.)

10.4.2 Resolution #1635,
American Fidelity
MOTION #2016-014

There were no planning matters to report.

11. Planning Matters

There were no items from the floor.

12.1 Items from the Floor

The next regular meeting of the Governing Board will take place on at 5:30 p.m., on September 7, 2016 (Open Session).

12.2 Future Meeting Dates

No other important dates were mentioned.

12.3 Other Important Dates

At 4:45, the meeting was adjourned to Closed Session.

12.4 Adjournment to Closed
Session

At 5:03, the meeting was reconvened to Open Session.

13. Closed Session
14. Reconvene to Open
Session

The following action was taken in Closed Session:

The Board voted unanimously to approve the Classified Probationary Release of employee 491477. (YES: Cuellar, Wright, Swendiman, Weyand. ABSENT: Valles.)

14.1 Report of Action Taken
in Closed Session
MOTION #2016-015

The meeting was adjourned at 6:08 p.m.

15. Adjournment

TROY WRIGHT, CLERK
Enterprise Elementary Governing Board

Approved and entered into the records of the
Enterprise Elementary School District this 7th day of September, 2016.

BRIAN N. WINSTEAD, ED.D.
Secretary to the Governing Board



Thomas E. Gauthier
Attorney at Law

E-mail: tgauthier@lozanosmith.com

September 7, 2016

By Regular U.S. Mail

Lawrence G. Lees, Clerk of the Board
Shasta County Board of Supervisors
1450 Court Street, Room 308B
Redding, CA 96001

Re: Enterprise Elementary School District / 2016 Biennial Revision to Conflict of Interest Code

Dear Mr. Lees:

In response to your office's June 9, 2016 biennial notice regarding conflict of interest code updates, attached are documents enacted by the Enterprise Elementary School District on or about August 3 to update its code. Please be advised that as the District's legal counsel, we have reviewed the conflict of interest code and the updates for compliance with all applicable laws and are satisfied with same. This does not constitute legal advice to the County of Shasta or any of its bodies, and no waiver of confidentiality is intended by this advisement. Please do not hesitate to contact me with questions.

Sincerely,

LOZANO SMITH

A handwritten signature in black ink that reads 'Tom Gauthier'. The signature is written in a cursive, slightly slanted style.

Thomas E. Gauthier

TEG/jf

cc: (By Email) Carolyn Phelps, Assistant to the Superintendent

Limited Liability Partnership

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**ENTERPRISE ELEMENTARY SCHOOL DISTRICT
BOARD BYLAW**

BYLAWS OF THE BOARD

BB 9270

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. (EC 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. (GC 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. (GC 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. (GC 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. (GC 87311)

(cf. 9320 - Meetings and Notices)

**ENTERPRISE ELEMENTARY SCHOOL DISTRICT
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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.

(GC 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. (GC 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: (GC 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.

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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. (GC 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. (GC 1091)

**ENTERPRISE ELEMENTARY SCHOOL DISTRICT
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CONFLICT OF INTEREST (continued)

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 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. (GC 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. (GC 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (GC 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (GC 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.

**ENTERPRISE ELEMENTARY SCHOOL DISTRICT
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CONFLICT OF INTEREST (continued)

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.

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. (GC 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. (GC 89501, 89502)

The term honorarium does not include: (GC 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

**ENTERPRISE ELEMENTARY SCHOOL DISTRICT
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CONFLICT OF INTEREST (continued)

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

1. Persons occupying the following positions are designated employees in Category 1:

Governing Board Members
Superintendent of Schools
Assistant/Associate Superintendent
Chief Business Official

Designated persons in this category 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. Persons occupying the following positions are designated employees in Category 2:

Director
Assistant Director
Principal
Assistant Principal
Coordinator
Supervisor
Manager

Designated persons in this category shall disclose investments or business positions in, or income from, sources which:

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CONFLICT OF INTEREST (continued)

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs,
 - b. 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.
3. 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 18701)

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the District to enter into, modify or renew a contract that requires District approval
- e. Grant District approval to a contract or contract specifications which require District approval and in which the District is a party
- f. Grant District approval to a plan, design, report, study or similar item
- g. 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)

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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

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>

(7/10) 5/16

Date Adopted: September 6, 2000

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