Dr. Jason Reimann, Superintendent
24411 Amador Street, Hayward, CA 94544 T 510.784.2600

September 12, 2024

Alameda County Board of Supervisors
1221 Oak Street, Suite 536
Oakland, CA 94612

Honorable Board of Supervisors,

Thank you for receiving our agenda request. It has come to our attention that our district needs to formally request an item to be placed on your board agenda by way of this letter in order to seek approval of our Biennial Board Bylaw 9270 Conflict of Interest Update.

Please consider for approval:

- 09/11/2024 Review and update of Hayward USD Board Bylaw 9270, Resolution 2425-08

attachment (33 pages)

Thank you,

Jenna Rodrigues
Administrative Assistant to the Superintendent and Board of Education
Hayward Unified School District
jrodrigues@husd.k12.ca.us, (510) 784-2688

HUSD 09/11/2024 Board of Education Meeting
09/11/2024 05:00 PM
Join Zoom Webinar 99101937071
24411 Amador St. Hayward, CA 94544 and Online
Call to Order 5:00 p.m./Closed Session/ Open Session 6:30 p.m.

Printed : 9/12/2024 2:23 PM PT

ITEM : E.4. Biennially Reviewed Conflict of Interest Code (BB/E 9270) and Related Resolution 2425-08 (v) (Office of the Superintendent)

History/Background

The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act (PRA). Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of designated positions and disclosure categories. Board members and designated employees must annually file a Statement of Economic Interest/Form 700 pursuant to the disclosure requirements of the district's conflict of interest code. Government Code 87303 requires a district's conflict of interest code to be approved by a code reviewing body. For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located.

The Resolution, including the Appendix found within the Board Bylaw 9270 itself, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In addition to the biennial review, districts should modify the Appendix and submit it, and the resolution if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of new designated positions or a change of duties assigned to existing positions.

Consistent with current board policy review procedures, the Equity Oversight Committee reviewed the draft policy on September 1, 2022. The Board Policy Subcommittee reviewed the draft policy on September 8, 2022, all prior to the last formal update and adoption on September 28, 2022. Since then, CSBA updated the Board Bylaw and Exhibit 9270 samples on March 1, 2024, which did not include any changes to positions or duties, and the board approved the update for Hayward USD adoption on May 22, 2024.

Purpose

To present to the Board of Education for review, comment, and adoption of Resolution 2425-08, the Conflict of Interest Code Board Bylaw and Exhibit as provided for biennial review pursuant to California Government Code §81000 et seq.

Implementation

2425-08, 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 Hayward Unified 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 Hayward Unified School District has recently reviewed its positions, and the duties of each position, and has determined that no 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, THE BOARD OF EDUCATION OF THE HAYWARD UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS: that the Hayward Unified School District Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

ADOPTED, SIGNED and APPROVED by the Board of Education of the Hayward Unified School District on the 11th of September 2024, by the following vote:

VOTE:

_____

Clerk, Board of Education
Hayward Unified School District
Alameda County, State of California

Recommendation

Adopt Resolution 2425-08, the Conflict of Interest Code Board Bylaw and Exhibit as provided for biennial review pursuant to California Government Code §81000 et seq.

Goals

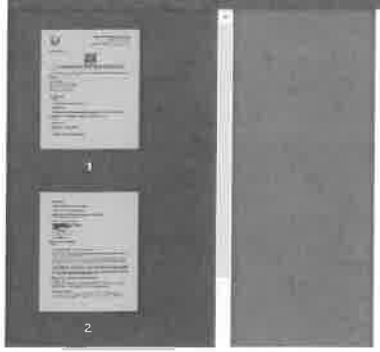
BOARD GOVERNANCE

Policies

Board Policy Manual

Bylaw 9270: Conflict Of Interest
Policy 9270: Conflict Of Interest

Created on 8/8/2024 at 11:21 AM PT by Jenna Rodrigues
Last Modified on 9/12/2024 at 2:18 PM PT by Jenna Rodrigues



4. Biennially Reviewed Conflict of Interest Code (BB/E 9270) and Related Resolution 2425-08 (v) (Office of the Superintendent)

7:21pm - 7:27pm
7:26pm public comment 1. Maria Del Carmen - Campaign manager, isn't that conflict of interest.

Motion made by: Dr. April Oquenda
Motion seconded by: Mrs. Sara Prada
Voting:
Mr. Peter Bufete - Yes
Mrs. Sara Prada - Yes
Dr. April Oquenda - Yes
Mr. Ken Rawdon - Yes
Mr. Joe Ramos - Yes

Made in Hayward

2425-08, 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 Hayward Unified 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 Hayward Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no 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, THE BOARD OF EDUCATION OF THE HAYWARD UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS: that the Hayward Unified School District Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

ADOPTED, SIGNED and APPROVED by the Board of Education of the Hayward Unified School District on the 11th of September 2024, by the following vote:

VOTE: 5-0

Clerk, Board of Education
Hayward Unified School District
Alameda County, State of California

Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 11/18/1991 | **Last Revised Date:** 09/11/2024 | **Last Reviewed Date:** 09/11/2024

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 the Board member's, district employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's 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)

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)

Conflict of Interest under the Political Reform Act

A district official, including 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 an official position to influence a governmental decision in which the district official knows or has reason to know that there is 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 district official, the district official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A district official makes a governmental decision when, within the authority of the office or position, the district official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before another district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a district official shall participate in the making of a contract in which the district official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Conflict of Interest from Campaign Contributions

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than $250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.

2. Any district officer who received a contribution of more than $250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.

3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.

4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than $250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding $250, within 14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

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.

2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

3. 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. The Board member may listen to the

public discussion and deliberations of the matter with members of the public.

4. 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.

5. If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

6. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member 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

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 there is 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 the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a 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 the Board member's private or personal interest may conflict with 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)

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.

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

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.

Resolution Adopting A Conflict of Interest Code - (Attachment)

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 Hayward Unified 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 Hayward Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no 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 Hayward Unified School District Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS day of, at a meeting, by the following vote:

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with this 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 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/their entire school.

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

The Senior Executive Assistant to the Assistant Superintendent of Human Resources shall receive and maintain the statements of economic interests for:

Designated Position	Disclosure Category
Board Members	Full Disclosure
Superintendent	Full Disclosure
Assistant Superintendent, Business Services	Full Disclosure

Designated Position	Disclosure Category
Associate Superintendent, Student & Family Services	1
Assistant Superintendent, Human Resources	1
Assistant Superintendent, Educational Services	1

Designated Position	Disclosure Category
Business Services Director II	1
Facilities, Maintenance, Operations, & Transportation Director-III	1
Manager of Purchasing	1

Designated Position	Disclosure Category
Director(s)	2
Principal(s)	2
Assistant Principal(s)	2
Coordinator(s)	2
Manager(s)	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
3. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
4. Authorize the district to enter into, modify or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study or similar item
7. Adopt or grant district approval of district policies, standards 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) or (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)

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 18701)

1. Approve a rate, rule or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization

or entitlement

4. Authorize the district to enter into, modify or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study or similar item
7. Adopt or grant district approval of district policies, standards 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 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)

Supporting Documents

2425-08 Conflict of Interest Resolution

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 References	Description
2 CCR 18110-18997	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
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

State References	Description
Gov. Code 87100-87103.6	General prohibitions
Gov. Code 87200-87210	Disclosure
Gov. Code 87300-87313	Conflict of interest code
Gov. Code 87500	Statement of economic interests
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 References	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	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	Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
Website	CSBA District and County Office of Education Legal Services
Website	Institute for Local Government
Website	Fair Political Practices Commission

Management Resources References	Description
Website	CSBA

Cross References	Description
1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3300	Expenditures And Purchases
3300	Expenditures And Purchases
3311	Bids
3311	Bids
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3430	Investing
3430	Investing
3470	Debt Issuance And Management
3600	Consultants
3600	Consultants
4112.8	Employment Of Relatives
4117.2	Resignation
4136	Nonschool Employment
4212.8	Employment Of Relatives
4217.2	Resignation
4236	Nonschool Employment
4312.8	Employment Of Relatives
4317.2	Resignation
4336	Nonschool Employment
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials
7140	Architectural And Engineering Services
7140	Architectural And Engineering Services
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board
9005	Governance Standards
9140	Board Representatives
9200	Limits Of Board Member Authority
9220	Governing Board Elections
9222	Resignation
9230	Orientation
9320	Meetings And Notices

Cross References	Description
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9321	Closed Session
9323-E PDF(1)	Meeting Conduct
9323	Meeting Conduct

Made in Hayward

2425-08, 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 Hayward Unified 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 Hayward Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no 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, THE BOARD OF EDUCATION OF THE HAYWARD UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE AS FOLLOWS: that the Hayward Unified School District Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

ADOPTED, SIGNED and APPROVED by the Board of Education of the Hayward Unified School District on the 11th of September 2024, by the following vote:

VOTE: 5-0

Clerk, Board of Education
Hayward Unified School District
Alameda County, State of California

HUSD 05/22/24 Board of Education Meeting
05/22/2024 05:00 PM
Join Zoom Webinar 95535090375
24411 Amador St. Hayward, CA 94544 and Online
Call to Order 5:00 p.m./Closed Session/ Open Session 6:30 p.m.

Printed : 10/11/2024 3:25 PM PT

ITEM : I.4. Policy Adoptions - Pathway 2 (v) (All Divisions)

History/Background

Pathway 2 Board Approval

This approval process is to ensure that published policies adhere to the minimum legal/legislative compliance.

1. A comparison draft shows the changes tracked, commonly referred to as "red-line version" when presented to the board, that distinguishes existing policy from the recommended CSBA update language, and
2. Staff ensures a cursory review/edit for pronouns and otherwise inclusive language,
3. Staff, Equity Oversight Committee (EOC), and the Board Policy (BP) Subcommittee trustees view the listing of policies drafted for the Pathway 2 Board Approval process method prior to submitting to the board for approval.

The other approval pathways continue to include:

Pathway 1 Board Approval

Pathway 1 involves the work of developing, rewriting, and/or updating a new or existing policy. Those draft policies are sent to the Equity Oversight Committee (EOC) to examine for anti-racist, anti-bias and equitable outcomes. Followed by the EOC review, a Board Policy Subcommittee review ensures board direction relating to the subject-matter is representative in the text. Thereafter, an outside legal review of the draft policy occurs to ensure the legal feasibility of the policy. The final draft policy is added to the board agenda for approval.

Pathway 3 Board Approval

Pathway 3 is for those policies that have been through the updating process previously and are being presented to the board only as statutorily required, annually or biennially. Examples include: BB 9270 Conflict of Interest Code, BP 5116.1 Open Enrollment Intra-district Transfer, BP 6145 Extracurricular and Co-curricular Activities (now separated uniquely by Hayward USD as BP 6145.03 and BP 6145.04 respectively).

Purpose

To present 12 policies for adoption to adhere to the minimum legal/legislative compliance update as provided by California School Boards Association (CSBA) sample database.

Implementation

Division	Policy	Title
ED/BUS	BP 0420.4	Charter School Authorization
ED/SFS	BP 6173	Education For Homeless Children
ED/SFS	BP 6173.1	Education for Foster Youth

ED	BP 6177	Summer Learning Programs
BOE	BB 9270	Conflict of Interest
PIO / SUP	BP 1113	District and School Websites
HR	BP 4112.2	Certification
SFS	BP 5117	Interdistrict Attendance
SFS	BP 5141.5	Mental Health *Add policy
SFS	BP 5145.6	Parent / Guardian Notifications
SFS	BP 6159.2	Nonpublic, Nonsectarian School and Agency Services for Special Education
BOE	BB 9322	Agenda Meeting / Materials

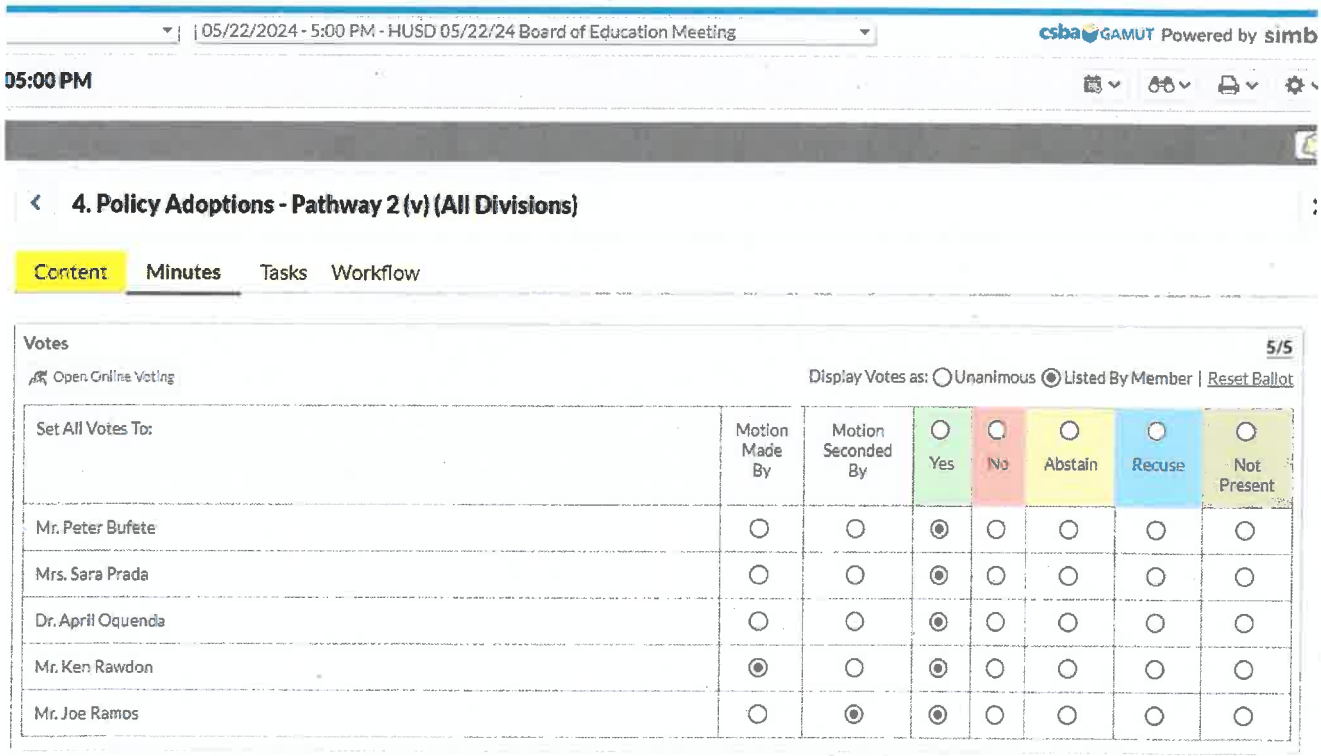
Recommendation

Waive second reading and approve the 12 policies as presented.

Goals

BOARD GOVERNANCE

Created on 5/9/2024 at 4:27 PM PT by Jenna Rodrigues
Last Modified on 5/10/2024 at 2:26 PM PT by Jenna Rodrigues



~~Policy~~Bylaw 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. ~~In accordance with law~~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/their~~the Board member's, district employee's, or other designated persons financial, family, or other personal interest or consideration.¶

¶

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/their~~the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which ~~his/her/their~~the Board member's 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.¶

~~Conflict of Interest Code~~¶

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 ~~by~~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 ~~codes~~code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community ~~with~~ adequate notice and a fair opportunity to present their views. (Government Code 87311)¶

¶

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)¶

Conflict of Interest ~~Under~~under the Political Reform Act¶

~~A Board member or~~

A district official, including a Board member, designated employee, or other person in a designated ~~employee~~position shall not make, participate in making, or in any way use or attempt to use ~~his/her/their~~an official position to influence a governmental decision in which ~~he/she/they~~the district official knows or has reason to know that ~~he/she/they has~~there is 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/their~~district official, the district official's 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~~ 18700-18707)

A district official makes a governmental decision when, ~~acting~~ within the authority of ~~His/her/their~~the office or position, ~~he/she/they~~the district official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before ~~a~~another district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704. ~~(2 CCR 18704)~~¶

¶

However, a ~~Board member~~district official shall participate in the making of a contract in which ~~he/she/they~~the district official has a financial interest if ~~his/her/their~~such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.¶

Conflict of Interest from Campaign Contributions

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than $250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.

2. Any district officer who received a contribution of more than $250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.

3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.

4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than $250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding $250, within 14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

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)
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.¶

¶

~~1. Recuse himself/herself/them-self from discussing and voting~~

Not discuss or vote on the matter, or otherwise ~~acting~~act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.¶

¶

~~2.~~

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/They~~The Board member may listen to the public discussion and deliberations of the matter with members of the public.

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/themselves~~shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board member shall refrain from discussing or voting on ~~that matter, but~~the item. However, the Board member is not required to leave the room during consideration of the consent calendar.¶

~~3.~~

4. If the Board's decision is made during closed session, disclose ~~his/her/their~~the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that ~~his/her/their~~the recusal is because of a conflict of interest pursuant to Government Code 87100. ~~He/She/They~~The Board member 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.

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract¶

~~Board members and designated employees~~

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 ~~if he/she/they has~~in which there is only a "remote interest," ~~in the contract~~ as specified in Government Code 1091 ~~and~~, if the ~~remote~~ 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)¶

¶

~~A~~

In addition, a Board member shall not be considered to be financially interested in a contract ~~if his/her/their~~in which the interest is a "noninterest" as defined in Government Code 1091.5. ~~One such noninterest is when a Board member's~~Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a 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/their~~the Board member's private or personal interest may conflict with ~~his/her/their official duties.~~¶

~~Incompatible Activities~~¶

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~~ and 1126~~)¶

~~Gifts~~¶

, 1126)

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 above limitations~~

The limitation on gifts ~~do~~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)
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.¶

~~1.~~

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~~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~~¶

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"~~honorarium does not include: - (Government Code 89501)
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¶

~~1.~~

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

Resolution Adopting A Conflict of Interest Code - (Attachment)

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 Hayward Unified 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 Hayward Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no 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 Hayward Unified School District Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS day of, at a meeting, by the following vote:

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with this 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 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:

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.

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:

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.

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/their entire school.

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:

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.

Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

The Senior Executive Assistant to the Assistant Superintendent of Human Resources shall receive and maintain the statements of economic interests for:

Designated Position	Disclosure Category
Board Members	Full Disclosure
Superintendent	Full Disclosure
Assistant Superintendent, Business Services	Full Disclosure

Designated Position	Disclosure Category
Associate Superintendent, Student & Family Services	1
Assistant Superintendent, Human Resources	1
Assistant Superintendent, Educational Services	1
Business Services Director II	1
Facilities, Maintenance, Operations, & Transportation Director-III	1
Manager of Purchasing	1

Designated Position	Disclosure Category
Director(s)	2
Principal(s)	2
Assistant Principal(s)	2
Coordinator(s)	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)

Approve a rate, rule or regulation

Adopt or enforce a law

Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement

Authorize the district to enter into, modify or renew a contract that requires district approval

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

Grant district approval to a plan, design, report, study or similar item

Adopt or grant district approval of district policies, standards 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) or (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)

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 18701)

Approve a rate, rule or regulation

Adopt or enforce a law

Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement

Authorize the district to enter into, modify or renew a contract that requires district approval

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

Grant district approval to a plan, design, report, study or similar item

Adopt or grant district approval of district policies, standards guidelines

2. 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 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18701)