

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

239
A



FROM: County Counsel

SUBMITTAL DATE:
October 30, 2014

SUBJECT: Approval of the Conflict of Interest Code of the Menifee Union School District

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code submitted by Menifee Union School District; and
2. Direct the Clerk of the Board to notify Menifee Union School District of the action taken.

BACKGROUND:

Summary

Government Code section 87306.5 requires that all local agencies review their Conflict of Interest Code, and the listings of designated positions for employees who must disclose along with the types of disclosure required, and make appropriate amendments to each as required.

Departmental Communication


GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Denise C. Harden

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 10/9/10; 2.8

District: 5

Agenda Number: -

2-9

BACKGROUND:

Summary (continued)

Government Code Section 82011 identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county. A local government agency, as defined by Government Code Section 82041, includes the Menifee Union School District.

Menifee Union School District recently amended the Appendix to its Conflict of Interest Code and has submitted it for approval by the Board of Supervisors as the code reviewing body.

~~This office has reviewed the revised appendix to the Conflict of Interest Code and has found that it complies with statutory requirements.~~

It is recommended that the Board of Supervisors approve Menifee Union School District's Code as revised and that the Clerk of the Board notify the Agency of the action taken.

Impact on Citizens and Businesses

N/A.

**MENIFEE UNION SCHOOL DISTRICT
RESOLUTION NO. 2015-42
ADOPTING A REVISED 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 Menifee Union 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 position 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 Menifee Union School District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current Conflict of Interest Code were necessary; and

WHEREAS, any earlier Resolution, Bylaws, and/or Appendices containing the District's Conflict of Interest Code shall be rescinded and superseded by this Resolution and Appendix;

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

ADOPTED THIS 22 DAY OF JULY, 2014, at a meeting by the following vote:

Ayes:

Noes:

Absent:


Secretary to the Governing Board

**Conflict of Interest Code of the
Menifee Union School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories,

FORM APPROVED COUNTY COUNSEL
BY: L. ALEXANDRA FONG 10/30/14
DATE

are incorporated by reference and shall constitute the District's Conflict of Interest Code. Governing Board Members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the District's filing officer and/or, if so required, with the District's Code reviewing body. The District's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

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.

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 entire school.

Designated Positions

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Members	1
Superintendent of Schools	1
Assistant Superintendent	1
<u>Purchasing Agent /Buyer</u>	<u>1</u>
Administrator	2
Assistant Principal	2
Director	2
Principal	2
Program Specialist	2
Supervisor	2

Disclosure 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, 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 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)

September 2010

Revised July 2014