

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

819  
A



**FROM:** County Counsel

**SUBMITTAL DATE:**  
January 8, 2015

**SUBJECT:** Approval of the Conflict of Interest Code of the Banning Unified School District

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Conflict of Interest Code submitted by Banning Unified School District; and
2. Direct the Clerk of the Board to notify Banning Unified 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 Concurrence

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	

<b>SOURCE OF FUNDS:</b> N/A	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> N/A

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

County Executive Office Signature

Denise C. Harden

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione and Ashley  
 Nays: None  
 Absent: Benoit  
 Date: January 27, 2015  
 xc: Co.Co., District, BB&K, COB<sub>cm</sub>

Kecia Harper-Ihem  
Clerk of the Board

By: Deputy

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

Prev. Agn. Ref.: 2/26/13; 2-12

District: 5

Agenda Number:

**2-16**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Banning Unified School District**

**DATE: January 8, 2015**

**PAGE: 2 of 2**

**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 Banning Unified School District.

Banning Unified School District recently amended its Conflict of Interest Code (appendix) and has submitted it for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised Conflict of Interest Code and has found that it complies with statutory requirements. A copy of Banning Unified School District's Conflict of Interest Code (appendix) as revised is attached.

It is recommended that the Board of Supervisors approve Banning Unified 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.

**CONFLICT OF INTEREST CODE**

**FOR THE**

**BANNING UNIFIED**

**SCHOOL DISTRICT**

FORM APPROVED COUNTY COUNSEL  
BY: *L. Alexandra Fong* *1/8/15*  
L. ALEXANDRA FONG DATE

**CONFLICT OF INTEREST CODE FOR THE**  
**BANNING UNIFIED SCHOOL DISTRICT**  
**(Amended December 11, 2014)**

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the **Banning Unified School District** (the "**District**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Executive Secretary** as the District's Filing Officer. The **Executive Secretary** shall make and retain a copy of all statements filed by Members of the Board of Education and the Superintendent, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Executive Secretary** shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

**APPENDIX**

**CONFLICT OF INTEREST CODE**

**OF THE**

**BANNING UNIFIED SCHOOL DISTRICT**

**(Amended December 11, 2014)**

**PART "A"**

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>1</sup>:

Members of the Board of Education

Superintendent

Chief Business Official

Financial Consultants

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<sup>1</sup> Individuals holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

**DESIGNATED POSITIONS**

**GOVERNED BY THE CONFLICT OF INTEREST CODE**

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Account Technician	4
Assistant Principal (ALL)	5
Dean (ALL)	5
Director, Education Services	5
Director, Facilities	2, 3, 5
Director, Fiscal Services	2, 3, 4
Director, Information Technology	5
Director, Maintenance, Operations & Transportation	5
Director, Nutrition Services	5
Director, Personnel Commission and Child, Welfare & Attendance	5
Director, Special Education/Student Services	5
Executive Secretary (ALL)	5
Principal (ALL)	5
Supervisor, Fiscal Services	2, 3, 4
Warehouseman	5
 <u>MEMBERS OF BOARDS,</u> <u>COMMITTEES &amp; COMMISSIONS</u>	
Citizens' Oversight Committee	1, 2

DESIGNATED POSITIONS'  
TITLE OR FUNCTION

DISCLOSURE CATEGORIES  
ASSIGNED

Consultant and New Positions<sup>2</sup>

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<sup>2</sup>

Individuals providing services as a Consultant defined in Regulation 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Superintendent may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

## PART "B"

### DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.<sup>3</sup> Such economic interests are reportable if they are either located in or doing business in the jurisdiction, are planning to do business in the jurisdiction, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

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<sup>3</sup> This Conflict of Interest Codes does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)



**RESOLUTION NO. #14-15-10**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
BANNING UNIFIED SCHOOL DISTRICT ADOPTING AN  
AMENDED CONFLICT OF INTEREST CODE PURSUANT  
TO THE POLITICAL REFORM ACT OF 1974**

**WHEREAS**, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Banning Unified School District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

**WHEREAS**, the Board of Education adopted a Conflict of Interest Code (the "Code") which was amended on August 23, 2012, in compliance with the Act; and

**WHEREAS**, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

**WHEREAS**, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and


**WHEREAS**, notice of the time and place of a public meeting on, and of consideration by the Board of Education of, the proposed amended Code was provided each affected designated position and publicly posted for review at the offices of the District; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Education on December 11, 2014, at which all present were given an opportunity to be heard on the proposed amended Code.

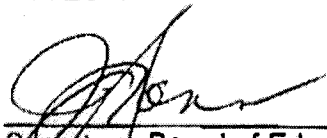
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the Banning Unified School District that the Board of Education does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Executive Secretary and available to the public for inspection and copying during regular business hours;

**BE IT FURTHER RESOLVED** that the said amended Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Code shall become effective immediately after the Board of Supervisors approves the proposed amended Code as submitted.

**APPROVED AND ADOPTED** this 11th day of December, 2014.

  
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President, Board of Education  
Banning Unified School District

**ATTEST:**

  
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Secretary, Board of Education  
Banning Unified School District