

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



ITEM
2.4
(ID # 3193)

MEETING DATE:

Tuesday, February 7, 2017

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Riverside County Board of Education; District All [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

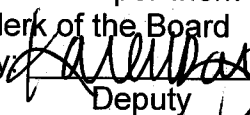
1. Approve the Conflicts of Interest Code submitted by the Riverside County Board of Education; and
2. Direct the Clerk of the Board to notify Riverside County Board of Education of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: None
Date: February 7, 2017
xc: Co.Co., District, COB_{cm}

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	N/A
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

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.

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 Riverside County Board of Education.

Riverside County Board of Education recently submitted its Conflict of Interest Code to the Board of Supervisors for approval from the code reviewing body.

This office has reviewed the Conflict of Interest Code and has found that it complies with statutory requirements. A copy of Riverside County Board of Education's Conflict of Interest Code is attached.

It is recommended that the Board of Supervisors approve Riverside County Board of Education's Code and that the Clerk of the Board notify the Agency of the action taken.

Impact on Residents and Businesses

N/A

SUPPLEMENTAL:

Additional Fiscal Information

N/A

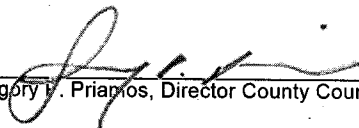
Contract History and Price Reasonableness

N/A

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

ATTACHMENTS:

ATTACHMENT A. RIVERSIDE COUNTY BOARD OF EDUCATION BYLAWS OF THE
BOARD FOR CONFLICTS OF INTEREST



Gregory V. Priamos, Director County Counsel 1/18/2017



RIVERSIDE COUNTY BOARD OF EDUCATION

County of Riverside, State of California

MINUTE ORDER

8. ACTION ITEMS

ACTION ITEM 8.5 SECOND READING – BOARD BYLAW 9270 – EXHIBIT A CONFLICT OF INTEREST

Bylaw 9270 requires the Board to review its Conflict of Interest bylaw in even-numbered years. The changes presented for the Board's consideration are only in additions and deletions to Designated Positions/Disclosure Categories to Exhibit A.

Proposed changes to the presented bylaw were reviewed by the Board at its October 5, 2016 meeting.


Motion: It was moved by Member Dennis and seconded by Member Curtis to adopt the Second Reading of BB 9270 Exhibit A as presented.

Vote: 7 Ayes: Members Corral, Curtis, Dennis, Hale, Rainey, Romero, and Tucker
Motion carried.

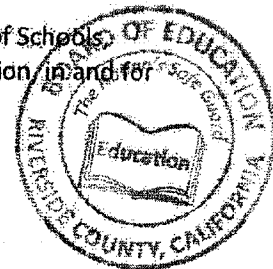
I hereby certify that the foregoing is a full, true and correct copy of an order made on November 2, 2016, and entered into the minutes of the Riverside County Board of Education.

WITNESS my hand and the seal of the County Board of Education.

Date: November 2, 2016

By: 

Kenneth M. Young, Riverside County Superintendent of Schools,
And Secretary to the Riverside County Board of Education, in and for
the County of Riverside, State of California.



BYLAWS OF THE BOARD

SUBJECT: Conflict of Interest Code

Incompatible Activities

County Board of Education members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the Riverside County Office of Education. (Government Code 1126)

Conflict of Interest Code

The Riverside County Office of Education's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with an attachment (Exhibit A) specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the County Board of Education shall review its conflict of interest code in even-numbered years. If no change is required, the County Office of Education shall submit by October 1 a written statement to that effect to the code reviewing body. If changing circumstances necessitates a change in the code, the County Office of Education shall submit an amended code to the reviewing body. (Government Code 87306.5)

When a change in the County Office of Education's conflict of interest code is necessitated by changing circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the County Office of Education shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a County Board of Education member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting on that decision unless his/her participation is legally required. (2CCR 18700)

Adopted: 1-16-80
revised: 1-83
revised: 3-15-89
revised: 9-18-96

revised: 6-16-99
revised: 1-16-02
revised: 1-19-05
revised: 3-14-07

FORM APPROVED COUNTY COUNSEL
BY Kristine Bell-Valdez 12/16/11
KRISTINE BELL-VALDEZ DATE

Statements of economic interests submitted to the County Superintendent of Schools by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Place and Time of Filing

- a. All designated employees required to submit a statement of financial interests shall file the original with the County Superintendent of Schools.
- b. The County Superintendent shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors of the County of Riverside.
- c. A designated employee required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.
- d. All employees appointed, promoted or transferred to designated positions shall file initial statements not less than 10 days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within 30 days thereafter.
- e. Annual statements shall be filed by all designated employees during the month of February disclosing reportable investments in business entities, interests in real property and income held or received in the period between the closing date of the employee's previously filed statement and January 31.
- f. Each person who leaves a designated position for a position not specified in Exhibit "A" shall file a leaving office statement within 30 days after leaving.
- g. A designated employee required to file a statement of financial interest with any other agency, which has the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

Financial Interest

County Board of Education members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 10890)

A County Board of Education member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

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revised: 1-83
revised: 3-15-89
revised: 9-18-96

revised: 6-16-99
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revised: 3-14-07

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty;
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board;
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any public corporation or special judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091;
4. That of a spouse of an officer or employee of the County Office of Education if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment;
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records;
6. That of a noncompensated officer of a nonprofit tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the County Board of Education has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records;
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the County Board of Education at the time of consideration of the contract, and provided further that such interest is noted in its official records;
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract

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and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm;

In addition, a County Board of Education member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A County Board of Education member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected County Board of Education member shall not vote or debate on the matter or attempt to influence any other County Board of Education member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A County Board of Education member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

A designated employee must disqualify himself or herself from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect of the public generally, or any reportable economic interest or upon any business entity in which the designated employee holds a position of management or is a director, officer, partner, trustee, or employee. No designated employee shall be prevented from making or participating in the making of a decision to the extent his or her participation is legally required for the decision to be made.

Gifts

County Board of Education members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do 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)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

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revised: 1-83
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revised: 9-18-96

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revised: 3-14-07

A gift of travel does not include travel provided by the County Office of Education for County Board of Education members and designated employees. (Government Code 89506)

Honoraria

County Board of Education 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 gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade, or profession is making speeches.
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the office for donation into the general fund without being claimed as a deduction from income for tax purposes.

APPENDIX

Exhibit A: Designated Positions/Disclosure Categories

Legal Reference:

2 CCR 18700 – General Prohibition Basic Rule: Guide to Conflict of Interest

2 CCR 18730 – Chapter 7, Conflicts of Interest Disclosure...

Government Code

1091 – Prohibitions Applicable to Specified Officers: Conflict of Interest

1091.5 - Prohibitions Applicable to Specified Officers: Conflict of Interest

1126 – Incompatible Activities; Public Officers and Employees

81000 et seq.- Political Reform Act of 1974

82041 - Definition: Local Government Agency

82048 - Definition: Public Official

87101 – Political Reform; Lobbyists; Conflict of Interest, General Prohibition

87103– Political Reform; Lobbyists; Conflict of Interest, General Prohibition

87300 - Agency; Adoption & Promulgation; Effect of Violation

87302 - Required Provisions

87306– Political Reform; Lobbyists; Conflict of Interest, Conflict of Interest Code

Adopted: 1-16-80

revised: 1-83

revised: 3-15-89

revised: 9-18-96

revised: 6-16-99

revised: 1-16-02

revised: 1-19-05

revised: 3-14-07

87306.5 Political Reform; Lobbyists; Conflict of Interest, Conflict of Interest Code
87311 - Political Reform; Lobbyists; Conflict of Interest, Conflict of Interest Code
89501 - Political Reform; Ethics; Honorarium
89502 - Political Reform; Ethics; Honorarium
89503 - Political Reform; Ethics; Honorarium
89506 - Political Reform; Ethics; Travel

Adopted: 1-16-80
revised: 1-83
revised: 3-15-89
revised: 9-18-96

revised: 6-16-99
revised: 1-16-02
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EXHIBIT A

Designated Positions/Disclosure Categories

I. Persons occupying the following positions are designated employees in Category I.

- Members of the Riverside County Board of Education
- County Superintendent of Schools
- Deputy Superintendent
- Associate Superintendent
- Assistant Superintendent
- Chief Personnel Officer
- Chief Academic Officer
- Chief Technology Officer
- Chief Business Official
- Executive Director, ORCSS

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within Riverside or Imperial County, or within two miles of county boundaries or of any land owned by or used by the office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
 - (1) Are engaged in the acquisition or disposal of real property within the two counties
 - (2) 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 office or
 - (3) Manufacture or sell supplies, books, machinery or equipment of the type used by the office.

II. Persons occupying the following positions are designated employees in Category II.

- Data Processing and Network Services Director
- Contracts and Acquisition Manager
- Contracts and Purchasing Manager
- Contracts and Purchasing Supervisor
- Contracts/Purchasing Technician
- Coordinator, Maintenance and Operations
- Director, (All Classes)
- Principal in Residence

revised: 8-87 revised: 3-89 revised: 9-28-00 revised: 1-19-05 revised: 11-2-16
revised: 3-94 revised: 2-96 revised: 4-7-03 revised: 9-26-06
revised: 9-18-96 revised: 6-16-99 revised: 9-28-04 revised: 10-10-12

- Senior Leadership Associate
- Supply Chain Manager
- Visiting Educator

Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- b. Manufacture or sell supplies, books, machinery or equipment or the type used by the department that the designated person manages or directs.

III. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the County Superintendent of Schools or designee. The County 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 office, 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 office to enter into, modify or renew a contract that requires office approval
- e. Grant office approval to a contact or contract specification that requires office approval and in which the office is a party
- f. Grant office approval to a plan, design, report, study or similar item
- g. Adopt or grant office approval of office policies, standards or guidelines.

A consultant is also an individual who, pursuant to a contact with the office, serves in a staff capacity with the office 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 office that would otherwise be performed by an individual holding a position specified in the office' Conflict of Interest Code (2 CCR 187801).