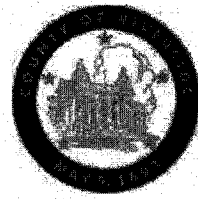


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
2.8
(ID # 8480)

MEETING DATE:

Tuesday, December 4, 2018

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the Hemet Unified School District, District 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

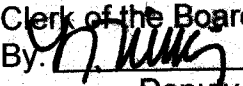
1. Approve the Conflict of Interest Code of the Hemet Unified School District; and
2. Direct the Clerk of the Board to notify the Hemet Unified School District of the action taken.

ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: December 4, 2018
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	N/A	N/A	N/A	N/A
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

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the Hemet Unified School District.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The Governing Board of the Hemet Unified School District recently adopted Resolution No. 2585 amending its Conflict of Interest Code on October 16, 2018 to revise disclosure categories, revise the titles of existing positions, and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. The Hemet Unified School District has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the Conflict of Interest Code of the Hemet Unified School District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Hemet Unified School District is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Hemet Unified School District, and direct the Clerk of the Board to notify the Hemet Unified School District of the action taken.

ATTACHMENTS:

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

Attachment A: RESOLUTION NO. 2585

Attachment B: CONFLICT OF INTEREST CODE OF THE HEMET UNIFIED SCHOOL
DISTRICT


Melissa Noone, Associate Management Analyst 11/20/2018


Gregory V. Prietas, Director County Counsel 11/9/2018

**RESOLUTION OF THE HEMET UNIFIED SCHOOL DISTRICT
GOVERNING BOARD**

**RESOLUTION NO. 2585
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 Hemet 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 Hemet 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 Hemet Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 16 day of October, 2018 at a regular meeting, by the following vote:

AYES: 7 **NOES:** 0 **ABSENT:** 0

Attest:

Christi Barrett
Christi Barrett, Secretary of the Governing Board
of Hemet Unified School District of
Riverside County, CA

Conflict of Interest Code of the
Hemet Unified 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, 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

1. Category 1: A person designated Category 1 shall disclose:
 - a. All investments and 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.
 - b. Interests in real property which are located in whole or in part either (1) within the boundaries of the district, or (2) within two miles of the boundaries of the district, or of any land owned or used by the district.
2. Category 2: A person designated Category 2 shall disclose:
 - a. All investments and business positions in, and sources of income from, all business entities that provide services, supplies, materials, machinery, or equipment of a type used by the department which the designated person manages or directs. . For the purpose of this category, a principal's department is his/her entire school.
 - b. All investments and business positions in, and sources of income from, all business entities that are contractors or subcontractors engaged in the performance of work or services of the type used by the department for which the designated manages or directs.

Designated Positions

Persons occupying the following positions are designated employees and must disclose financial interests in Category 1, Appendix:

Members of the Governing Board
Superintendent
Assistant Superintendents

FORM APPROVED COUNTY COUNSEL
BY:  11/8/18
DANIELLE D. MALAND DATE

Director, Fiscal Services
Assistant Director, Fiscal Services
Director, Facilities
Director of Purchasing
Members of the Western Center Academy Governing Council
Consultants filling any of the above positions

Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2, Appendix:

Director, Child Nutrition Services
Director, Maintenance and Operations
Director, Transportation, Internal and External
Facilities Planner
Chief Technology Officer
Director, Safety, Benefits and Risk Management
Energy Manager
Consultants filling any of the above positions

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, 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)

ExhibitHEMET UNIFIED SCHOOL DISTRICT

version: December 15, 1992 Hemet, California

revised: April 20, 2004

revised: August 17, 2010

revised: November 2, 2010

revised: August 16, 2016

revised: September 4, 2018

Conflict of Interest Code of the Hemet Unified 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, 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

1. Category 1: A person designated Category 1 shall disclose:

a. All investments and 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. ~~and sources of income from, all business entities that do business or own real property in the district, plan to do business or own real property in the district within the next year, or have done business or owned real property in the district within the past two years.~~

b. Interests in real property which are located in whole or in part either (1) within the boundaries of the district, or (2) within two miles of the boundaries of the district, or of any land owned or used by the district. ~~including any leasehold, beneficial, or ownership interest or option to acquire such interest, if the fair market value of the interest is greater than \$1000.~~

2. Category 2: A person designated Category 2 shall disclose:

a. All investments and business positions in, and sources of income from, all business entities that provide services, supplies, materials, machinery, or equipment of a type used by the department which ~~or administered by~~ the designated person manages or directs. ~~employee or consultant's department.~~ For the purpose of this category, a principal's department is his/her entire school.

b. All investments and business positions in, and sources of income from, all business entities that are contractors or subcontractors engaged in the performance of work ~~of~~ or services of the type used by the department for which the designated ~~employee works~~ manages or directs.

Designated Positions

Persons occupying the following positions are designated employees and must disclose financial interests in Category 1, Appendix:

Members of the Governing Board

Superintendent

~~Assistant Superintendents, Educational Services~~

~~Assistant Superintendent, Business Services~~

~~Deputy Superintendent, Human Resources~~

Director, Fiscal Services

Assistant Director, Fiscal Services

Director, Facilities

Director of Purchasing

Members of the Western Center Academy Governing Council

Consultants filling any of the above positions

Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 2, Appendix:

Director, Child Nutrition Services

Director, Maintenance and Operations

Director, Transportation, Internal and External

~~Director, Transportation~~

~~Assistant Director, Facilities~~

Facilities Planner

~~Director, Technology~~ Chief Technology Officer

Director, Safety, Benefits and Risk Management

~~Benefits Manager~~

Energy Manager

Consultants filling any of the above positions

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, 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)

Exhibit HEMET UNIFIED SCHOOL DISTRICT

version: December 15, 1992 Hemet, California

revised: April 20, 2004

revised: August 17, 2010

revised: November 2, 2010

revised: August 16, 2016

revised: August 21, 2018