

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



**ITEM: 2.15
(ID # 14755)**

MEETING DATE:
Tuesday, January 11, 2022

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Conflict of Interest Code of the ECS Corona-Norco, Districts 1 and 2 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code of ECS Corona-Norco; and
2. Direct the Clerk of the Board to notify ECS Corona-Norco of the action taken.

ACTION:Consent



Gregory H. Priamos, Director County Counsel 12/29/2021

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 11, 2022
xc: Co. Co., District 1 & 2, COB_{AB}

Kecia R. Harper
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:	No
			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 ECS Corona-Norco.

Government Code Sections 87300 and 87303 require newly created local government agencies to create and adopt a Conflict of Interest Code and submit a 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 ECS Corona-Norco was established June 15, 2017 and recently adopted its Conflict of Interest Code on December 2, 2021. ECS Corona-Norco has submitted its 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 ECS Corona-Norco and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of ECS Corona-Norco is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the ECS Corona-Norco, and direct the Clerk of the Board to notify ECS Corona-Norco of the action taken.

ATTACHMENTS

- ATTACHMENT A: MINUTES OF ECS CORONA-NORCO**
- ATTACHMENT B: CONFLICT OF INTEREST CODE FOR ECS CORONA-NORCO**

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



Gregory V. Priamos, Director County Counsel 12/29/2021



Book	ECS-CN Board Policies
Section	Board Governance
Title	CONFLICT OF INTEREST
Code	Code Pursuant to the Political Reform Act of 1974 (Gov.Code §§ 87100, ET SEQ.)
Status	Active
Adopted	September 12, 2019
Last Revised	December 2, 2021
Last Reviewed	September 16, 2021
Prior Revised Dates	9/10/2020

Incorporation

The Political Reform Act (Government Code Section 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 California Code of Regulations §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, the standard code 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.

I. Adoption

The Board of Directors ("Board") hereby adopts this Conflict of Interest Code ("Code"), which shall apply to all governing board members, candidates for member of the board, and all other designated employees of Excelsior Charter Schools Corona-Norco ("Excelsior").

II. Definitions

"Designated Employees" are employees of Excelsior, Board members and candidates, who hold positions that involve the making or participation in the making of decisions that may foresee ably have a material effect on any financial interest. The designated positions are listed in Exhibit "A" attached to this policy and incorporated herein by reference.

"Common Directors" are those Board members that sit on the Board of Directors of Excelsior and the board of directors of another corporation with which Excelsior is considering entering a contract or transaction.

"Interested Directors" are those Board members, or their family members, compensated by Excelsior for services rendered to it within the previous 12 months, whether as a full- or part- time employee, independent contractor or otherwise, excluding any reasonable compensation paid to a director as director.

III. Disclosure Statements

A. Statement of Economic Interest

Each designated employee, including governing board members and candidates, shall file a Statement of Economic Interest ("Statement") at the time and manner prescribed below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee's position is assigned in Exhibit A.

An investment, interest in real property or income shall be reportable if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or by participation in the decision by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in Exhibit B.

Contents of Statements

Initial Statements: Initial Statements shall disclose any reportable investments, interests in real property, business positions held on the effective date of the Code and income received during the twelve (12) months prior to the effective date of the Code.

Assuming Office Statements: Assuming Office Statements shall disclose any reportable investments, business positions, interests in real property held on, and income received during the 12 months before the date of assuming office or the date of being appointed or nominated.

Annual Statements: Annual Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year.

Leaving Office Statement: Leaving Office Statements shall disclose reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

Timing of Filings

An initial Statement shall be filed by each designated employee within 30 days after the effective date of the Code. Thereafter, each new designated employee shall file a Statement within 30 days after assuming office. Each designated employee shall file an annual Statement 30 days after the charter school's annual meeting. Every designated employee who leaves office shall file a Statement within 30 days of leaving office.

Statements Filed with the Charter School

All Statements shall be supplied by Excelsior on forms prescribed by the Fair Political Practices Commission. All Statements shall be filed with Excelsior. Excelsior's filing officer shall make and retain a copy and forward the original to the County Board of Supervisors.

B. Common Director Disclosure Statement

At the commencement of an individual's term with Excelsior and at the beginning of each fiscal year, each Board member shall complete a Common Director Disclosure Statement and provide it to Excelsior identifying all organizations for which he/she is a board member or committee member that are not otherwise disclosed in the Statement of Economic Interest.

IV. Disqualification

Designated Employees: No Designated Employee may make, participate in making, or in any way use or attempt to use his/her official position to influence any Excelsior decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the Designated Employee or a member of his or her immediate family on:

- Any business entity or real property in which the designated employee has a direct or indirect investment or interest worth two thousand dollars (\$2,000) or more.
- Any source of income totaling five hundred dollars (\$500) or more provided or promised to the designated employee within twelve months prior to the decision. (This category does not include gifts or loans made at regular rates by commercial lending institutions.)
- The designated employee's personal finances or those of his/her immediate family. A decision will have an effect on this economic interest if the decision will result in the personal expenses, income, assets or liabilities of the designated employee or his/her immediate family increasing or decreasing.
- Any business entity in which the designated employee is the director, officer, partner, trustee, employee, or any kind of manager.
- Any business entity that is a parent or subsidiary of, or is otherwise related to, a business entity in which the designated employee has an interest.
- Any donor, or intermediary or agent of a donor, of gifts totaling \$360 or more in value provided to, promised to, or received by the designated employee within twelve months prior to the time when the decision is made.

No Designated Employee shall be prevented from making or participating in any decision to the extent that his/her participation is legally required for the decision to be made. (The need to break a tie vote does not make the Designated Employee's participation legally required.)

Common Directors: No Common Director may make, participate in making, or in any way use or attempt to use his/her official position to influence any Excelsior decision which involves the Common Director's other directorship.

Interested Directors: Not more than 49 percent of the persons serving on the Board of Excelsior may be Interested Directors.

Manner of Disqualification

Designated Employees: When a designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Superintendent, who shall record the employee's disqualification. In the case of the Superintendent, this determination and disclosure shall be made in writing to the Board.

Board members shall orally disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made following the announcement of the agenda item, but before the discussion or vote commences. This disclosure shall be made part of the Board's official record. The disqualified Board member shall then refrain from participating in the decision in any way, but may remain seated if desired.

If the decision is made during a closed session, the member's disqualification may be made orally during the open session before the body goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest under Government Code section 87100. The declaration shall be made part of the official public record. The member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the decision.

The following must be confirmed in the affirmative prior to the Board's acceptance of a contract or transaction with a Designated Employee or Common Director:

- That the transaction is entered into for the benefit of Excelsior;
- That the transaction was fair and reasonable for Excelsior at the time it enters into the transaction;
- That after reasonable investigation under the circumstances, the Board determines, in good faith, that Excelsior could not have obtained a more advantageous arrangement with reasonable effort. Documentation of the results of the investigation shall be retained either in the Board minutes and/or in the school's financial files.

Disqualified Designated Employees and Common Directors shall not be counted toward achieving a quorum while the item is discussed.

EXHIBIT A
Designated Positions

I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Exhibit B (i.e. categories 1, 2, and 3).

- A. Members of the Board of Directors
- B. Candidates for Member of the Board of Directors
- C. Members of Committees of the Board of Directors
- D. Superintendent
- E. Deputy Superintendent
- F. Assistant Superintendents
- G. Chief Financial Officer
- H. Consultants
- A. School Site Administrators

II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Exhibit B.

III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Exhibit B.

Category 1 Reporting:

EXHIBIT B
Disclosure Categories

- A. Interest in real property which is located in whole or in part either (1) within the geographical service area of Excelsior, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property, if the fair market value of the interest is greater than \$2,000.

(Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or

beneficially, a ten percent interest or greater.)

B. Investments in or income from persons or business entities which are contractors or sub- contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the geographical service area of Excelsior.

C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the geographical service area of Excelsior.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

(No investment or interest in real property is reportable unless its fair market value exceeds \$2,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$500 or more in value or \$50 or more in value if the income was a gift during the preceding 12-month reporting period.

Category 2 Reporting:

A. Investments in or income from business entities which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director. Investments include interests described in Category 1.

Category 3 Reporting:

A. Investments in or income from business entities which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.

DRAFT MEETING MINUTES

SPECIAL Board Meeting - ECS Corona-Norco (via Online) (Thursday, December 2, 2021)

Generated by Jennifer Carroll on Friday, December 3, 2021

Members present

Navid McCarthy, Terrance Stone, Dave Schlesinger, Chris Mollenkamp

Meeting called to order at 4:05 PM

A. Opening of Meeting

Procedural: 1. Call to Order / Establishment of Quorum

Board President, Mrs. Navid McCarthy, called the meeting to order at 4:05 PM.
Board member, Mr. Guy Burnett, arrived late at 4:19 PM.

Procedural: 2. Pledge of Allegiance

Board President, Mrs. Navid McCarthy, led the audience in the Pledge of Allegiance.

Action: 3. Approval of Agenda

Motion to Approve Agenda as Presented

Motion by Dave Schlesinger, second by Chris Mollenkamp.

Final Resolution: Motion Carries

Aye: Navid McCarthy, Dave Schlesinger, Chris Mollenkamp

Not Present at Vote: Terrance Stone

Procedural: 4. Excelsior Values and Basics

The Excelsior Values and Basics were read.

Procedural: 5. Code of Ethics for Board Members

The Code of Ethics were read.

B. Public Comments

Information, Procedural: 1. Opportunity for Public Comment

No Community Comments.

C. Presentation

Information: 1. Educator Effectiveness Funds for ECSCN

Ms. Alicia Anderson, CFO, provided details regarding the Educator Effectiveness Funds for ECSCN.

D. Action Items

Action: 1. Resolution No. 2021-1202-038 Assembly Bill 361

Approve as Presented.

Motion by Dave Schlesinger, second by Terrance Stone.

Final Resolution: Motion Carries

Aye: Navid McCarthy, Terrance Stone, Dave Schlesinger, Chris Mollenkamp

Action: 2. Resolution # 2021-1202-039 Recognition Pay

Approve as Presented.

Motion by Chris Mollenkamp, second by Terrance Stone.

Final Resolution: Motion Carries

Aye: Navid McCarthy, Terrance Stone, Dave Schlesinger, Chris Mollenkamp

Action: 3. Conflict of Interest Policy

Approve as Presented.

Motion by Chris Mollenkamp, second by Terrance Stone.

Final Resolution: Motion Carries

Aye: Navid McCarthy, Terrance Stone, Dave Schlesinger, Chris Mollenkamp

E. Comments

Information: 1. Superintendent & Staff Comments

The Superintendent, Assistant Superintendent of Student Services and CFO discussed events and future activities significant to the Excelsior Charter Schools Corona-Norco Board of Directors.

Information: 2. Board Members' Comments

Individual Board members shared comments, concerns, and/or observations with other Board members and/or staff.

F. Adjournment

Information: 1. Announcement of Next Meeting

The next regular meeting of Excelsior Charter Schools Corona-Norco will be held on:

Date: Thursday, December 9, 2021

Time: 11:00 A.M.

Location: VIA ZOOM link

Action: 2. Adjournment

Board President, Mrs. Navid McCarthy, adjourned the meeting at 4:24 PM.

Motion to Adjourn Meeting

Motion by Dave Schlesinger, second by Chris Mollenkamp.

Final Resolution: Motion Carries

Aye: Navid McCarthy, Terrance Stone, Dave Schlesinger, Chris Mollenkamp

Board Secretary: _____

Superintendent: _____