

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



**ITEM: 2.16
(ID # 27575)**

MEETING DATE:
Tuesday, May 20, 2025

FROM : COUNTY COUNSEL

SUBJECT: COUNTY COUNSEL: Approval of a Conflict of Interest Code for Palm Springs Unified School District; District 4; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

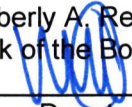
1. Approve the Conflict of Interest Code of the Palm Springs Unified School District; and
2. Direct the Clerk of the Board to notify the Palm Springs Unified School District of the action taken.

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Medina, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: May 20, 2025
xc: Co.Co., COB/AB

Kimberly A. Rector
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: [CEO use]

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 Palm Springs 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 Palm Springs Unified School District amended its Conflict of Interest Code on July 9, 2024, to revise language. The Board of Education for Palm Springs Unified School District has adopted Bylaw 9270, amending its Conflict of Interest Code. The Palm Springs 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 Palm Springs Unified School District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Palm Springs Unified School District is attached.

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

Impact on Residents and Businesses

N/A

Additional Fiscal Information

N/A

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Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: Bylaw 9270 Palm Springs Unified School District Conflict of
Interest Code

Bylaw 9270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 11/28/2006 | **Last Revised Date:** 07/09/2024

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by the Board member's, district employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the Board member's relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the

closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the district official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the district official, the district official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A district official makes a governmental decision when, within the authority of the office or position, the district official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before another district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a district official shall participate in the making of a contract in which the district official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Conflict of Interest from Campaign Contributions

To avoid improper influence over the Board's decision-making involving the issuance of a license, permit, or other entitlements for use, including a contract, district officers, which includes Board members or agency heads, shall comply with Government Code 84308, including the following: (Government Code 84308)

1. A district officer is prohibited from accepting, soliciting, or directing a contribution of more than \$250 from any party or participant to a proceeding involving a license, permit, or other entitlement for use, including a contract, or from that person's agent, while the proceeding is pending before the Board and for 12 months following the date a final decision is rendered in the proceeding, if the Board member knows or has reason to know that the party or participant has a financial interest in the Board's decision.
2. Any district officer who received a contribution of more than \$250 from a party or participant in the preceding 12 months shall disclose that fact on the record of the proceeding prior to the Board rendering a decision in the proceeding. If the district officer willfully or knowingly received the contribution and knows or has reason to know that the participant has a financial interest in the Board's decision, the district officer shall not make, participate in making, or in any way attempt to use the official position to influence the Board's decision.
3. A district officer who receives a contribution that would otherwise require disqualification as described in Item #2 above may participate in the proceeding if the contribution is returned within 30 days from the time the district officer knows or should have known about the contribution and the proceeding.
4. A district officer who unknowingly accepts, solicits, or directs a contribution of more than \$250 during the 12 months after the date of the Board's final decision on the proceeding may cure the violation by returning the contribution, or the portion exceeding \$250, within

14 days of accepting, soliciting, or directing the contribution, provided the district officer did not knowingly or willfully accept, solicit, or direct the prohibited contribution. The district officer shall maintain records of curing the violation.

The provisions in Government Code 84308 as specified above do not apply to labor contracts, competitively bid contracts, and personal employment contracts. (Government Code 84308)

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board member shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a

Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which the Board member's private or personal interest may conflict with official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

Gifts

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

The limitation on gifts does 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)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated

employees. (Government Code 89506)

Honoraria

Board 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 conference, convention, meeting, social event, meal, or like gathering. (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 district for donation into the general fund without being claimed as a deduction from income for tax purposes

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

Board of Education Members

Superintendent of Schools

1. Persons occupying the following positions are designated employees in Category 1:

Assistant Superintendent

Director - Purchasing

Designated persons in this category must report:

a. 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. 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 district

(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 district or

(3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in Category 2:

Director

Principal

Assistant Principal

Maintenance and Operations Director

Program Coordinator

Project Specialist

Supervisor

Dean of Students

Executive Director

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 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.

3. 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 CCR18701)

- 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 district to enter into, modify or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study or similar item
- g. 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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest
2 CCR 18722-18740	Disclosure of interests
2 CCR 18753-18756	Conflict of interest codes
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 1125-1129	Incompatible activities
Gov. Code 53234-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition; designated employee
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign Disclosure
Gov. Code 87100-87103.6	General prohibitions
Gov. Code 87200-87210	Disclosure

Gov. Code 87300-87313

Gov. Code 87500

Gov. Code 89501-89503

Gov. Code 89506

Gov. Code 91000-91014

Pen. Code 85-88

Pub. Cont. Code 6102

Rev. & Tax Code 203

Management Resources

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

Fair Political Practices Commission
Publication

[Conflict of interest code](#)

[Statement of economic interests](#)

[Honoraria and gifts](#)

[Ethics; travel](#)

[Enforcement](#)

[Bribes](#)

[Bribery of public official; voidable contract](#)

[Taxable and exempt property - colleges](#)

Description

105 Ops.Cal.Atty.Gen.69 (2022)

63 Ops.Cal.Atty.Gen. 868 (1980)

65 Ops.Cal.Atty.Gen. 606 (1982)

68 Ops.Cal.Atty.Gen. 171 (1985)

69 Ops.Cal.Atty.Gen. 255 (1986)

80 Ops.Cal.Atty.Gen. 320 (1997)

81 Ops.Cal.Atty.Gen. 327 (1998)

82 Ops.Cal.Atty.Gen. 83 (1999)

85 Ops.Cal.Atty.Gen. 60 (2002)

86 Ops.Cal.Atty.Gen. 138(2003)

89 Ops.Cal.Atty.Gen. 217 (2006)

92 Ops.Cal.Atty.Gen. 19 (2009)

92 Ops.Cal.Atty.Gen. 26 (2009)

Davis v. Fresno Unified School District (2015) 237
Cal.App.4th 261

Klistoff v. Superior Court (2007) 157 Cal.App.4th 469

Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th
511

McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247
Cal. App. 4th 235

Thorpe v. Long Beach Community College District (2000) 83
Cal.App.4th 655

Conflict of Interest: Overview of Key Issues for Governing
Board Members, Fact Sheet, July 2010

Can I Vote? A Basic Overview of Public Officials' Obligations
Under the Conflict-of-Interest Rules, 2005

Institute For Local Government
Publication

Institute for Local Government
Publication

Website

Website

Website

Website

State

2 CCR 18110-18997

2 CCR 18438.1-18438.8

2 CCR 18700-18760

2 CCR 18722-18740

2 CCR 18753-18756

Ed. Code 1006

Ed. Code 35107

Ed. Code 35230-35240

Ed. Code 35233

Ed. Code 41000-41003

Ed. Code 41015

Fam. Code 297.5

Gov. Code 1090-1099

Gov. Code 1125-1129

Gov. Code 52334-53235.2

Gov. Code 81000-91014

Gov. Code 82011

Gov. Code 82019

Gov. Code 82028

Gov. Code 82030

Gov. Code 82033

Gov. Code 82034

Gov. Code 84308

Gov. Code 87100-87103.6

Understanding the Basics of Public Service Ethics: Personal
Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics:
Transparency Laws, 2009

[CSBA District and County Office of Education Legal Services](#)

[Institute for Local Government](#)

[Fair Political Practices Commission](#)

[CSBA](#)

Description

[Regulations of the Fair Political Practices Commission](#)

Campaign contribution-based conflicts of interest

[Conflicts of Interest](#)

[Disclosure of interests](#)

[Conflict of interest codes](#)

[Prohibition against school district employees serving on
county board of education](#)

School district employees

Corrupt practices

Prohibitions applicable to members of governing boards

Moneys received by school districts

Investments

Rights, protections, and benefits of registered domestic
partners

Prohibitions applicable to specified officers

Incompatible activities

Ethics training

Political Reform Act of 1974

Code reviewing body

[Definition: designated employee](#)

Definition; gift

Definition; income

Definition; interest in real property

Definition; investment

Campaign disclosure

General prohibitions

Gov. Code 87200-87210
Gov. Code 87300-87313
Gov. Code 87500
Gov. Code 89501-89503
Gov. Code 89506
Gov. Code 91000-91014
Pen. Code 85-88
Public Contract Code 6102
Rev. & Tax Code 203

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Court Decision

CSBA Publication

Disclosure

[Conflict of interest code](#)

Statement of economic interests

Honoraria and gifts

Ethics; travel

Enforcement

Bribes

Awarding of contracts

Taxable and exempt property - colleges

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68 Ops.Cal.Atty.Gen. 171 (1985)

69 Ops.Cal.Atty.Gen. 255 (1986)

80 Ops.Cal.Atty.Gen. 320 (1997)

81 Ops.Cal.Atty.Gen. 327 (1998)

82 Ops.Cal.Atty.Gen. 83 (1999)

85 Ops.Cal.Atty.Gen. 60 (2002)

86 Ops.Cal.Atty.Gen. 138(2003)

89 Ops.Cal.Atty.Gen. 217 (2006)

92 Ops.Cal.Atty.Gen. 19 (2009)

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[Institute for Local Government](#)

[Fair Political Practices Commission](#)

[CSBA](#)

Cross References

Code

1340

1340

1700

3230

3230

3311

3311

3470

3600

4112.8

4117.2

4136

4212.8

4217.2

4236

4312.8

4317.2

4336

6161.1

6161.1

7140

Description

[Access To District Records](#)

[Access To District Records](#)

[Relations Between Private Industry And The Schools](#)

[Federal Grant Funds](#)

[Federal Grant Funds](#)

[Bids](#)

[Bids](#)

[Debt Issuance And Management](#)

[Consultants](#)

[Employment Of Relatives](#)

[Resignation](#)

[Nonschool Employment](#)

[Employment Of Relatives](#)

[Resignation](#)

[Nonschool Employment](#)

[Employment Of Relatives](#)

[Resignation](#)

[Nonschool Employment](#)

[Selection And Evaluation Of Instructional Materials](#)

[Selection And Evaluation Of Instructional Materials](#)

[Architectural And Engineering Services](#)

7140	<u>Architectural And Engineering Services</u>
7214	<u>General Obligation Bonds</u>
9000	<u>Role Of The Board</u>
9005	<u>Governance Standards</u>
9140	<u>Board Representatives</u>
9200	<u>Limits Of Board Member Authority</u>
9222	<u>Resignation</u>
9230	<u>Orientation</u>
9320	<u>Meetings And Notices</u>
9323	<u>Meeting Conduct</u>