

## BYLAWS OF THE BOARD

### Conflict of Interest

Governing Board members and designated employees shall adhere to the District's Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300 (Exhibit A).

The District's Conflict of Interest Code shall comprise the terms of the California Code of Regulations, Title 2, 18730 and any amendments to it duly adopted by the Fair Political Practices Commission (available in the Superintendent's office for review), together with District attachments specifying designated positions and disclosure categories.

Board members and designated employees shall submit statements of economic interests to the District in accordance with the requirements of the Conflict of Interest Code (Exhibit A).

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract. A remote interest shall be any of those defined in Government Code 1091, including the interest of a parent in the earnings of his/her minor child.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have this disclosure 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 to enter into the contract.

A Board member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code 1091.5 apply.

A Board member shall not be deemed to be financially interested in a contract between the Board member's spouse and the District provided the contract concerns the same employment as that held by the employee when the employee's spouse became a Board member, and provided the Board member's spouse has been employed by the District in that same position for at least one year prior to the Board member's election or appointment.

Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District.

The following Conflict of Interest Code (Exhibit A and Appendices A and B) was approved by the Board of Supervisors on February 4, 1997.

(Exhibit A)

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, section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings 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 and, along with the attached Appendices A and B in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Fullerton School District.

Pursuant to section 4(A) of the standard code, designated employees shall file statements of economic interests with the District who will make the statements available for public inspection and reproduction (Government Code section 81009). Upon receipt of the statements of the Superintendent and Members of the Board of Trustees, the District shall make and retain a copy and forward the original of these statements to the Orange County Board of Supervisors. Statements for all other designated employees will be retained by the District.

## APPENDIX A

### Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in disclosure categories 1, 2 and 3:
  - A. Officials Who Manage Public Investments\*\*
  - B. District Superintendent
  - C. Assistant Superintendent of Educational Services
  - D. Assistant Superintendent of Personnel Services
  - E. Assistant Superintendent of Business Services
  
- II. Persons occupying the following positions are designated employees and must disclose financial interests in disclosure category 2 only:
  - A. Director of Classified Personnel Services
  - B. Director of Food Services
  - C. Director of Information Services
  - D. Director of Student Support Services
  - E. Director of Assessment & Accountability
  - F. Director of Child Care Services
  - G. Coordinators I, II, III and IV
  - H. Director of Transportation
  - I. Supervisor of Food Service Operations
  - J. Supervisor of Maintenance and Operations
  - K. Supervisor of Accounting
  - L. Supervisor of Purchasing and Stores
  - M. Principals
  
- III. Persons occupying the following positions are designated employees and must disclose financial interests in disclosure categories 2 and 3:
  - A. Director of Maintenance, Operations, and Facility Services
  - B. Assistant Director of Maintenance, Grounds & Facilities
  - C. Director of Fiscal Services

\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Superintendent may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. 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.

\*\*It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200:

Members of the Fullerton School District Board of Trustees.

## APPENDIX B

### Disclosure Categories

#### Category 1: Designated employees whose duties are broad and undefinable.

A designated employee in this category shall disclose:

Business positions or investments in business entities or income from sources of the type which plan to do business, are currently doing business, or have done business with the District within the previous two (2) years.

#### Category 2: Designated employees whose duties involve contracting or purchasing.

A designated employee in either of the two following subcategories shall disclose:

(a) Contracts or makes purchases for entire District or School:

Investments and business positions in business entities or income from sources of the type which plan to do business, are currently doing business, or have done business with the District or school within the previous two (2) years and which provide services, supplies, materials, machinery or equipment of the type utilized by the District or school.

(b) Contracts or makes purchases for specific department:

Investments and business positions in business entities or income from sources of the type which plan to do business, are currently doing business, or have done business with the District or school within the previous two (2) years and which provide services, supplies, materials, machinery or equipment of the type utilized by the designated employee's department or division.

#### Category 3: Designated employees whose decisions may affect real property interests.

Persons in this category shall report interest in real property in California.

Legal Reference: Education Code  
1006 Qualifications for holding office

Government Code  
1090-1097 Prohibitions applicable to specified officers  
1125-1128 Incompatible activities  
81000-91015 Political Reform Act of 1974, especially:  
82019 Definition of "Designated Employee"  
82028 Definition of "Gifts"  
82030 Definition of "Income"  
82033 Definition of "Interest in real property"  
82034 Definition of "Investment"  
87100-87103.5 Conflicts of interest  
87200 - 87210 Disclosure  
87300 - 87313 Conflict of interest code  
87500 Statement of economic interests  
9100 - 91015 Enforcement

Code of Regulations, Title 2  
18100 et seq. Regulations of the Fair Political Practices Commission  
69 OPS. CAL. ATTY. GEN. 255 (1986)

Adopted: November 25, 1986  
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