

**CONFLICT OF INTEREST (continued)**

**Conflict of Interest Code of the  
Morgan Hill 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. The full text of 2 CCR § 18730 may be found at <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>.

Governing Board members and designated employees shall file a Statement of Economic Interests/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interests shall be filed with the district's filing official. If statements are received in signed paper format, the district filing official shall make and retain a copy and forward the original of this statement to the filing officer, the Santa Clara County Clerk of the Board of Supervisors. If statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the Santa Clara County Clerk of the Board of Supervisors and the district's filing official will receive access to the e-filed statement simultaneously.

Statements will be retained by the district and are public records available for public inspection and reproduction pursuant to Government Code 81008.

**APPENDIX**

**Designated Positions**

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Member	1
Superintendent	1
<del>Assistant Superintendent, Business Services</del>	<del>1</del>
<del>Deputy Superintendent and Chief Financial Officer</del>	<del>1</del>
Assistant Superintendent, Educational Services	1
Assistant Superintendent, Human Resources	1
Buyer	1
Director of Construction and Modernization	1
Director of Facilities	1
Construction Project Planner	1
Director of Curriculum, Instruction and Assessment	2
Director of Special Education	2
Director of <del>Supplemental</del> <u>Equity</u> Programs	2
Director of Fiscal Services	2

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Director of Student Nutrition and Record Retention	2
Director of Technology <u>and Enrollment</u>	2
Director of Transportation	2
Principal	2
Communications Coordinator	2
<del>Coordinator of Equity Programs</del>	<del>2</del>
Coordinator of Student Support Services	2
<u>Information Technology Coordinator</u>	<u>2</u>
Supervisor of Fiscal Services	2
Supervisor of Student Nutrition	2
<u>Supervisor of Technology</u>	<u>2</u>
Supervisor of Transportation	2
Supervisor of Construction	2
Supervisor of Maintenance and Operations	2
Consultant	3
Newly Created Position	*

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the district's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Superintendent or designee may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The district'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. (Gov. Code Section 81008.)

As soon as the district has a newly created position that must file statements of economic interests, the district's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter position title of the newly created position into eDisclosure and the district's filing official shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the district shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County Board of Supervisors. (Gov. Code Section 87306.)

**Disclosure Categories**

1. **Category 1:** A person designated Category 1 shall disclose:
  - 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; and
  - b. Investments in, business positions in, and income (including gifts, loans, and travel payments) 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.
2. **Category 2:** A person designated Category 2 shall disclose:
  - a. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs; and
  - b. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which 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. **Category 3:** Disclosures for Consultants  

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the Broadest disclosure category in the district's conflict of interest code subject to the following limitation: The Superintendent or designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a 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 in the same manner and location as 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 18700.3)

1. Approve a rate, rule, or regulation

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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 18704 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 18700.3)

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