

CONFLICT OF INTEREST

**RESOLUTION 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 Morgan Hill Unified School District 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 Morgan Hill Unified School District has recently reviewed its positions, and the duties of each position, and has determined that 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any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and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 Morgan Hill Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on October 6, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

SIGNED:

Carol Gittens, President
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on October 6, 2020 which resolution is on file in the office of said Board.

DATED:

SIGNED:

Steve Betando, Secretary

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
Deputy Superintendent and Chief Financial Officer	1
Assistant Superintendent, Educational Services	1
Assistant Superintendent, Human Resources	1
Buyer	1
Construction Project Planner	1
Director of Construction and Modernization	1
Director of Facilities	1
Director of Curriculum, Instruction and Assessment	2
Director of Equity Programs	2
Director of Fiscal Services	2

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Director of Special Education	2
Director of Student Nutrition and Record Retention	2
Director of Technology and Enrollment	2
Director of Transportation	2
Principal	2
Communications Coordinator	2
Coordinator of Student Support Services	2
Information Technology Coordinator	2
Supervisor of Construction	2
Supervisor of Fiscal Services	2
Supervisor of Maintenance and Operations	2
Supervisor of Student Nutrition	2
Supervisor of Technology	2
Supervisor of Transportation	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.)

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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 engaged in work or services of the type used by the district, or manufacture or sell supplies, goods, 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 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, goods, 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)

Initial adoption: January 17, 1977

Approved by the Santa Clara County Board of Supervisors on November 20, 2018

Biennial Review/Revision: First Read on September 15, 2020

Latest Revision: September 9, 2020 (MHUSD)

MORGAN HILL UNIFIED SCHOOL DISTRICT

Morgan Hill, California