

# ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

*The following action was taken by the Alameda County Board of Supervisors on 05/09/2023*

Approved as Recommended ☒

Other ☐

Unanimous ☐ Tam: ☐ Haubert: ☐ Miley: ☒ Márquez: ☐ Carson: ☐ - ☒  
Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. 30950  
Item No. 97

Copies sent to:

M. Patty Sandoval, Fremont Unified School District, 4210 Technology Drive, Fremont, CA 94538

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:  
Clerk of the Board  
Board of Supervisors

By:   
Deputy



# FREMONT UNIFIED SCHOOL DISTRICT

4210 Technology Drive  
P.O. Box 5008  
Fremont, CA 94538  
(510) 657-2350  
[www.fremont.k12.ca.us](http://www.fremont.k12.ca.us)

VIA EMAIL

May 2, 2023

Cheryl Perkins  
Clerk of the Board  
Alameda County Board of Supervisors  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Dear Ms. Perkins,

This letter is in response to the 2020 Biennial Notice and Review of the Fremont Unified School District (FUSD) Conflict of Interest Code.

At its November 12 and December 16, 2020, Board of Education meetings, district staff reviewed the current conflict of interest code which was last revised by the Board in 2016. Working with counsel, District staff identified several amendments to the conflict of interest code. These amendments include making the disclosure requirements consistent for Board members, the Superintendent, the Associate Superintendent, the Assistant Superintendent, and the Director of Purchasing. These amendments also eliminate the disclosure requirement for positions which no longer exist or which do not exercise independent contracting authority. Finally, the amendments also include the addition of an "incorporation" statement at the beginning of the Policy which incorporates the Fair Political Practices Commission's recommended conflict of interest code provisions.

I am enclosing copies of the requested documents for placement at an upcoming Alameda County Board of Supervisors Board meeting and cordially request your approval.

If there are any questions or concerns, please feel free to contact me.

Sincerely yours,

*M. Patty Sandoval*  
M. Patty Sandoval  
Administrative Assistant to the Superintendent  
& Board of Education

Board of Education  
Vivek Prasad  
Yajing Zhang  
Larry Sweeney  
Dianne Jones  
Sharon Coco

Superintendent  
CJ Cammack  
(510) 659-2542  
Associate Superintendent  
Daniel Hillman  
(510) 659-2572

Assistant Superintendent, Instruction  
Leticia Salinas  
(510) 659-2583  
Assistant Superintendent, Human Resources  
Zack Larson  
(510) 659-2556



Conflict of Interest

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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. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

No employee of the district may use their position for personal financial gain. Under California law, there exists a conflict of interest when an employee, consultant, or Board member has financial interest in a decision or action which the employee is expected to make as part of their role in Fremont Unified School District. To avoid a conflict of interest the person shall disclose the interest to a supervisor in writing and disqualify themselves from any participation in the decision. Participating in a decision includes taking part in discussion, advising on, making recommendations or otherwise influencing or attempting to influence other decision-makers on matters where an individual has a financial interest.

All employees and Board members must comply with the requirements of Government Code Sections 87200-87313. The California Supreme Court has ruled that it is an individual public servant's *personal responsibility* to ensure that they avoid participating in any governmental decision-making involving their financial interests.

Each Board member and designated employee shall file an annual statement of investments, interest in real property, and income if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of the position.

Conflict of interest Statements shall be filed as of April 1 of each calendar year.

**Incompatible Activities**

Governing 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. (Government Code 1126)

**Conflict of Interest Code**

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) 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. This policy and the attached Appendix, designating positions and



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establishing disclosure categories, shall constitute the conflict of interest code of the Fremont Unified School District.

When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

The Board shall review the appropriate district conflict of interest code in even-numbered years and send the code reviewing body either an amended code or, by October 1 of that year, a statement to the effect that no change is necessary. (Government Code 87306.5)

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

Designated employees of the district, including Board members, shall adhere to the financial disclosure requirements of the district's conflict of interest code adopted pursuant to the provisions of Government Code 87300.

Upon receiving the statements of employees designated in Category 1 of the district's Appendix, the Superintendent or designee shall make and retain copies in the district office.

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

**Financial Interest**

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if their interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for their actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which they are a member, on the same terms and conditions as if they were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any



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department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even their interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

4. That of a spouse of an officer or employee of a public agency if their spouse's employment or office holding has existed for at least one year prior to their election or appointment
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the Board or to which the Board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that the interest is disclosed to the Board at the time of consideration of the contract, and provided further that the interest is noted in its official record
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if their sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract they have only a remote interest in the contract and if the remote 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 to enter into the contract. Remote



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interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

If a Board member or designated employee determines that they have a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (2 CCR 18700)

A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person 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 the individual's parents, grandparents and great-grandparents, children, grandchildren, and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse/registered domestic partner, unless the individual is widowed or divorced.

**Gifts**

Board members and designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law, if the employee would be required to report the receipt of income or gifts from that source on their statement of economic interests. (Government Code 89503 & 2CCR18730)

The limitations on gifts do 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)

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code 89506.

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 who manage public investments 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 gathering, if the employee would be required to report the receipt of income or gifts from that source on their statement of economic interests. (Government Code 89502)



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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  
FREMONT UNIFIED SCHOOL DISTRICT  
CONFLICT OF INTEREST CODE

Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed below.

**DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

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

Members of the Board of Education  
Superintendent  
Associate Superintendent  
Assistant Superintendent  
Director of 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 in **Category 2:**

Director  
Assistant Director  
Principal  
Chief Technology Officer  
Preschool Program Manager  
Consultants on Investments, Finance, Bonds, Real Property, School Construction, and Legal Matters

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



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- 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 their 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 any of several specified governmental decisions or serves in a staff capacity with the district, performing the same or substantially 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. Consultants are individuals who decide whether to: (2 CCR 18700)

- 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

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities



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81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of "designated employee"

82028 Definition of "gifts"

82030 Definition of "income"

82033 Definition of "interest in real property"

82034 Definition of "investment"

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Travel payments, advances and reimbursements

91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100-18730 Regulations of the Fair Political Practices Commission

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

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

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

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

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

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

Management Resources:

WEB SITES

FPPC: <http://www.fppc.ca.gov>

Policy Adopted: August 9, 2000

Policy Revised: March 23, 2016

Policy Revised: December 16, 2020



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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. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

No employee of the district may use their position for personal financial gain. Under California law, there exists a conflict of interest when an employee, consultant, or Board member has financial interest in a decision or action which the employee is expected to make as part of their role in Fremont Unified School District. To avoid a conflict of interest the person shall disclose the interest to a supervisor in writing and disqualify themselves from any participation in the decision. Participating in a decision includes taking part in discussion, advising on, making recommendations or otherwise influencing or attempting to influence other decision-makers on matters where an individual has a financial interest.

All employees and Board members must comply with the requirements of Government Code Sections 87200-87313. The California Supreme Court has ruled that it is an individual public servant's *personal responsibility* to ensure that they avoid participating in any governmental decision-making involving their financial interests.

**Incompatible Activities**

Governing 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. (Government Code 1126)

**Conflict of Interest Code**

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) 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. This policy and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Fremont Unified School District.

~~The district's conflict of interest code shall comprise of the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.~~



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When a change in the district's conflict of interest code is necessitated by changed circumstances such as the creation of new positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

The Board shall review the appropriate district conflict of interest code in even-numbered years and send the code reviewing body either an amended code or, by October 1 of that year, a statement to the effect that no change is necessary. (Government Code 87306.5)

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

Designated employees of the district, including Board members, shall adhere to the financial disclosure requirements of the district's conflict of interest code adopted pursuant to the provisions of Government Code 87300.

Upon receiving the statements of employees designated in Category 1 of the district's Appendix, the Superintendent or designee shall make and retain copies in the district office.

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

**Financial Interest**

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if their interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for their actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which they are a member, on the same terms and conditions as if they were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even their



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interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091

4. That of a spouse of an officer or employee of a public agency if their spouse's employment or office holding has existed for at least one year prior to their election or appointment
5. That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the Board or to which the Board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that the interest is disclosed to the Board at the time of consideration of the contract, and provided further that the interest is noted in its official record
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if their sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract they have only a remote interest in the contract and if the remote 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 to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

If a Board member or designated employee determines that they have a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed and



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made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (2 CCR 18700)

A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person 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 the individual's parents, grandparents and great-grandparents, children, grandchildren, and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse/registered domestic partner, unless the individual is widowed or divorced.

**Gifts**

Board members and designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law, if the employee would be required to report the receipt of income or gifts from that source on their statement of economic interests. (Government Code 89503 & 2CCR18730)

The limitations on gifts do 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)

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code 89506.

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 any designated employees who manage public investments 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 gathering, if the employee would be required to report the receipt of income or gifts from that source on their statement of economic interests. (Government Code 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



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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

FREMONT UNIFIED SCHOOL DISTRICT

CONFLICT OF INTEREST CODE

Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed below.

**DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

~~Each Board member and designated employee shall file an annual statement of investments, interest in real property, and income if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of the position:~~

~~Conflict of interest Statements shall be filed as of April 1 of each calendar year.~~

~~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:~~

~~Associate Superintendent~~

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

Members of the Board of Education

Superintendent

Associate Superintendent

Assistant Superintendent

Director of 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



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- 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:**

~~Members of the Board of Education~~  
~~Assistant Superintendent~~  
~~Director~~  
~~Assistant Director~~  
~~Maintenance and Operations Director~~  
~~Principal~~  
~~Assistant Principal~~  
~~Chief Technology Officer~~  
~~Program Coordinator~~  
~~Preschool Program Manager~~  
~~Project Specialist~~  
~~Supervisor~~  
Consultants on Investments, Finance, Bonds, Real Property, School Construction,  
and Legal Matters

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~~ their 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 any of several specified governmental decisions or serves in a staff capacity with the district, performing the same or substantially 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. Consultants are individuals who decide whether to: (2 CCR 18700)

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law



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- 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

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office  
35107 School district employees  
35230-35240 Corrupt practices  
35233 Prohibitions applicable to members of governing boards

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers  
1125-1129 Incompatible activities  
81000-91015 Political Reform Act of 1974, especially:  
82011 Code reviewing body  
82019 Definition of "designated employee"  
82028 Definition of "gifts"  
82030 Definition of "income"  
82033 Definition of "interest in real property"  
82034 Definition of "investment"  
87100-87103.6 General prohibitions  
87200-87210 Disclosure  
87300-87313 Conflict of interest code  
87500 Statements of economic interests  
89501-89503 Honoraria and gifts  
89506 Travel payments, advances and reimbursements  
91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100-18730 Regulations of the Fair Political Practices Commission

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 83 (1999)  
81 Ops.Cal.Atty.Gen. 327 (1998)  
80 Ops.Cal.Atty.Gen. 320 (1997)  
69 Ops.Cal.Atty.Gen. 255 (1986)  
68 Ops.Cal.Atty.Gen. 171 (1985)



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

Management Resources:

WEB SITES

FPPC: <http://www.fppc.ca.gov>

Policy Adopted: August 9, 2000  
Policy Revised: March 23, 2016  
December 16, 2020

**Legend**

**Removed**

**Regulatory Language (from Fair Political Practices Commission)**

**Added by FUSD**



Item Number	Description	Time stamps	Vote (By District)	Board Action
50 A. B. C.	CAO Introduction of CDA Item	41:23	B/A	N/A
50 C. (heard out of order)	Fair Chance Ordinance	55:03 - 3:17:30  3:12:38 (Motion)  3:13:01 (Counsel Clarified Motion)  3:15:01 (Roll Call)	32451 A	Item 50C read title, for the introduction and adoption and first reading of the <u>FairFirst</u> Chance Ordinance; amending Section 3 to read, "this ordinance shall not be effective until 60 days after the expiration of the local state of emergency declared by the County of Alameda, or its authorized officer, relating to COVID-19, including the public health officer, <u>B</u> But no sooner than 30 days after its passage, and before the expiration of 15 days after its passage, it shall be published once with the names of the members voting for and against the same in the <u>Inter-CityInner City eExpress</u> , a newspaper published in the county of Alameda; and move to waive to read the balance of the first reading of the ordinance in its entirety and continued to Tuesday, 1/10/23 for a second reading
50 C. (second motion)	Fair Chance Ordinance	3:15:04 – 3:17:22  3:16:05 (Motion)  3:16:55 (Roll Call)	43125 N	Item 50C, the <u>FairFirst</u> Chance Ordinance will return to the Board of Supervisors for a review of its effectiveness, both positive and negative, any unattended consequence, any concern with it so the Board can take a look at it and review it in two years after its implementation
50 A.	Rental Housing Registration Ordinance	3:17:25 – 4:35:00  4:11:50 (Motion)  4:33:40 (Roll Call)  4:34:00 (Motion Amended)  4:34:44 (second call for vote)	23514  AA	Item 50A read title, waived the <u>full</u> reading of the Ordinance in its entirety and continued to Tuesday, 1/10/23 for a second reading
50 B.	Just Cause Ordinance	4:35:02 – 6:37:00  6:09:40 (Motion)  6:24:40 (Motion Withdrawn)  6:24:49 (Motion) 6:33:55 (Roll Call)	32145 AA	Item 50B read title, move approval of the introduction and adoption of the Just Cause Ordinance, with the following amendments: in Section 3.70.120 Subsection A, strike the word "substantially", in Section 3.70.040, strike Section B.2., in Section 3.70.060, strike Subsections F. and G., and in Section 3.70.060, strike the words "plus an increase of up to the amount required to provide the owner a reasonable rate of return" in Subsection M.2.; and move to waive <u>the to-reading of</u> the balance of the first reading of the ordinance in its



				entirety and continued to Tuesday, 1/10/23 for a second reading
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