



# County of Sonoma

## State of California

Date: January 28, 2025

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

4/5 Vote Required

### **Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving the Conflict of Interest Code for the Fort Ross Elementary School District**

**Whereas**, the Political Reform Act, Government Code section 81000 et seq. requires state and local government agencies to adopt conflict of interest codes; and

**Whereas**, state law requires that every two years agencies review their conflict of interest codes and make such changes as are necessary to keep the codes current; and

**Whereas**, the Board of Supervisors is the code reviewing body for agencies within the geographic jurisdiction of the County, and charged with the responsibility of ensuring that the amended codes comply with law; and

**Whereas**, the Fort Ross Elementary School District has proposed an amendment to update its code to comply with state law; and

**Whereas**, County Counsel has reviewed the amended code and determined that it complies with the Political Reform Act; and

**Now, Therefore, Be It Resolved**, that the conflict of interest code of the Fort Ross Elementary School District is approved as amended. The Clerk is directed to send a copy of this resolution to the Fort Ross Elementary School District and County Counsel.

#### **Supervisors:**

Hermosillo:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**

CONFLICT OF INTEREST

RESOLUTION NO. 2024-2025-02

Dated: August 19, 2024

RESOLUTION OF THE FORT ROSS ELEMENTARY SCHOOL DISTRICT, STATE OF CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt conflict of interest codes, and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code and which can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform Act, and

WHEREAS, the District wishes to adopt this standard code and designate which officers and employees should disclose financial interests and describe which interests must be disclosed, and

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The terms of 2 Cal. Code of Regs. 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 Appendix A and Appendix B, in which members and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the Fort Ross Elementary School District, and
- 2. Pursuant to Section 4 of the standard code, board members shall file statements of economic interest with the district clerk, who shall retain a copy and forward the original for filing with the Clerk of the Sonoma County Board of Supervisors. Designated employees shall file statements with the District clerk who shall retain them at the main place of business of the District. Any District board member or other designated employee already required to submit a disclosure statement (Form 700) pursuant to Government Code section 87203 may submit a copy of that statement in lieu of any filing required by this code provided that no additional disclosure would be required by this code.

Adopted this 19th day of the month of August in 2024 at a regular meeting of the Fort Ross Elementary School District Board of Trustees.

Ayes: 3 Noes: 0 Absent: 0

I hereby certify the foregoing to be a full, true, correct and duly adopted resolution.

*Jennifer Dudley*  
Jennifer Dudley  
Superintendent & Secretary to the Board

*Michael Smullen*  
Michael Smullen  
Clerk of the Board

8-19-2024  
Date

**CONFLICT OF INTEREST CODE**

**Conflict of Interest Code  
of the**

**FORT ROSS ELEMENTARY SCHOOL DISTRICT**

Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730)  
by Reference

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 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it 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 into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

**Place of Filing of Statements of Economic Interests**

District Board Members required to submit a statement of economic interests shall file their statements district clerk, who shall retain a copy and forward the original for filing with the Clerk of the Sonoma County Board of Supervisors.

Designated employees shall file statements with the district clerk who shall retain them at the main place of business of the District. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008). Any District board member or other designated employee already required to submit a disclosure statement (Form 700) pursuant to Government Code section 87203 may submit a copy of that statement in lieu of any filing required by this code provided that no additional disclosure would be required by this code.

**CONFLICT OF INTEREST** (continued)

**FORT ROSS ELEMENTARY SCHOOL DISTRICT**

**APPENDIX B**

**DISCLOSURE CATEGORIES\***

**CATEGORY 1**

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

**CATEGORY 2**

Persons in this category shall disclose all investments, business positions, and income, including gifts, loans and travel payments, from sources that provide goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the District.

\* Only investments in and sources of income from business entities, and sources of income, which do business in the geographic area of the Fort Ross Elementary School District, or real property interests located in the District, need to be reported.

**CONFLICT OF INTEREST** (continued)

**FORT ROSS ELEMENTARY SCHOOL DISTRICT**

**APPENDIX A**

<b>Designated Positions</b>	<b>Disclosure Categories</b>
Governing Board Member	1
Superintendent / Principal	1
Business Manager	1
Consultants	*

**CONFLICT OF INTEREST** (continued)

**FORT ROSS ELEMENTARY SCHOOL DISTRICT**

\*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Superintendent or his or her designee may determine in writing that a particular consultant or new position, 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 disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Superintendent or his or her designee'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.)

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

**CONFLICT OF INTEREST**

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 his/her 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 his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her 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** (continued)**Conflict of Interest under the Political Reform Act**

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 his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has 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 Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

**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 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 he/she has 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 his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual necessary expenses incurred in the performance of his/her official duties, in the employment of his/her 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.



## **CONFLICT OF INTEREST (continued)**

### **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her 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)

**CONFLICT OF INTEREST** (continued)**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

**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.

<b><u>State References</u></b>	<b><u>Description</u></b>
2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
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	Qualifications for holding office, 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 81000-91014	Political Reform Act of 1974
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 87100-87103.6	General prohibitions
Gov. Code 87200-87210	Disclosure
Gov. Code 87300-87313	Conflict of interest code
Gov. Code 87500	Statement of economic interests
Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel

**CONFLICT OF INTEREST (continued)**

Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
Rev. & Tax Code 203	Taxable and exempt property – colleges

**Management Resources References**

**Description**

Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138 (2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4 <sup>th</sup> 261
Court Decision	Klistoff v. Superior Court, (2007) 157 Cal.App.4 <sup>th</sup> 469
Court Decision	Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4 <sup>th</sup> 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16. No. B262850)
Court Decision	Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4 <sup>th</sup> 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission	Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Institute For Local Government	Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Institute for Local Government	Understanding the Basics of Public Service Ethics; Transparency Laws, 2009
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	CSBA

**Cross References**

**Description**

1340	Access To District Records
1700	Relations Between Private Industry And The Schools
3230	Federal Grant Funds
3300	Expenditures And Purchases
3311	Bids
3430	Investing
3470	Debt Issuance And Management
3600	Consultants
4112.8	Employment Of Relatives
4117.2	Resignation
4136	Nonschool Employment
4212.8	Employment Of Relatives
4217.2	Resignation
4236	Nonschool Employment

**CONFLICT OF INTEREST (continued)**

4312.8	Employment Of Relatives
4317.2	Resignation
4336	Nonschool Employment
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
7140	Architectural And Engineering Services
7214	General Obligation Bonds
9000	Role Of The Board
9005	Governance Standards
9140	Board Representatives
9200	Limits Of Board Member Authority
9220	Governing Board Elections
9222	Resignation
9230	Orientation
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9323	Meeting Conduct

Bylaw Adopted:  
10-7-2002

Bylaw Revised  
12-13-2012, 8-15-2022

FORT ROSS ELEMENTARY SCHOOL DISTRICT