



County of Sonoma

State of California

Date: July 9, 2024

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving the Amendment to the Conflict of Interest Code for the Sonoma County Office of Education

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

Whereas, state law requires that local agencies amend its COIC when necessitated by changed circumstances;

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 Sonoma County Office of Education 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 Sonoma County Office of Education is approved as amended. The Clerk is directed to send a copy of this resolution to the Sonoma County Office of Education and County Counsel.

Supervisors:

Gorin:

Coursey:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

Exhibit 3270-E(1): Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 01/20/2015 | Last Revised Date: 04/12/2024 | Last Reviewed Date: 04/12/2024

Conflict of Interest Code of the Sonoma County Office of Education

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 Sonoma County Office of Education conflict of interest code.

Designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the County Office filing officer and/or, if so required, with the County Office code reviewing body. The County Office filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within County Office boundaries, or within two miles of district boundaries, or of any land owned or used by the County Office.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the County Office, 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 County Office, or manufacture or sell supplies, books, machinery, or equipment of the type used by the County Office.
2. Full Disclosure: Because it has been determined that the Sonoma County Superintendent of Schools "manage public investments," and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - a. Interests in real property located entirely or partly within County Office boundaries, or within two miles of County Office boundaries, or of any land owned or used by the County Office.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

Designated Position Disclosure Category

County Superintendent of Schools	1
Deputy County Superintendent	1
Assistant Superintendent	1
County Board of Education Trustees	1

Superintendent Policy 3270: Conflict Of Interest

Status: ADOPTED

Original Adopted Date: 01/20/2015 | **Last Revised Date:** 03/22/2023 | **Last Reviewed Date:** 03/22/2023

The Sonoma County Superintendent of Schools 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, designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

The County Superintendent shall adopt the conflict of interest code, the designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the County Leadership Team shall review the County Office's conflict of interest code and submit any changes to the code reviewing body.

When a change in the County Office 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. (Government Code 87306)

When reviewing and preparing the County Office conflict of interest code, the County 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)

(cf. 9320 - Meetings and Notices)

Designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the County Office conflict of interest code. A designated employee who leaves County Office employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving County Office employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

Conflict of Interest under the Political Reform Act

A designated employee 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 conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A designated employee makes a governmental decision when, acting within the authority of his/her position, he/she votes on a matter, appoints a person, obligates or commits the County Office to any course of action, or enters into any contractual agreement on behalf of the County Office. (2 CCR 18702.1)

A designated employee who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board

Additional Requirements for Designated Employees that Manage Public Investments

A designated employee who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. However, the designated employee may speak on the issue during the time that the general public speaks on the issue. He/she may listen to the public discussion of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the designated employee must recuse himself/herself from discussing or voting on that matter, but the designated employee is not required to leave the room during consideration of the consent calendar.

4. If the decision is made during closed session, the designated employee shall disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100.

(cf. 3430 - Investing)

Conflict of Interest under Government Code 1090

Designated employees, employees, or County Office consultants shall not be financially interested in any contract made by the County Superintendent on behalf of the County Office, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a designated employee has such a financial interest, the County Office is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

A designated employee shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a designated employee's spouse/registered domestic partner has been a County Office employee for at least one year prior to the designated employee's appointment. (Government Code 1091.5)

A designated employee shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a public meeting and noted in the official minutes.

Even if there is not a prohibited conflict of interest, a designated employee shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a designated employee 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 designated employee 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.

Common Law Doctrine Against Conflict of Interest

A designated employee shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a designated employee with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

Designated employees 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 designated employee duties as an employee of the County Office. (Government Code 1099, 1126)

Gifts

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)

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

A gift of travel does not include travel provided by the district for designated employees. (Government Code 89506)

Honoraria

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 gathering, in accordance with law. (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 County Office for donation into the general fund without being claimed as a deduction from income for tax purposes
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