

2008 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2008 JUL 3 PM 1 32

Contact Person: Kathy Presnell Telephone Number: THOMAS J. PASTUSZKA
Name of Agency: Solana Beach School District CLERK OF THE BOARD
Mailing Address: 309 N. Rios Ave., Solana Beach, CA 92075 OF SUPERVISORS

This agency has reviewed its conflict of interest code and has determined that:

Amendments are necessary: (Attach Amended Code)
(Check all that applies)

- Include new positions (including consultants) which must be designated
- Revise the titles of existing positions
- Delete titles of positions that have been abolished
- Delete positions that manage public investments
- Revise disclosure categories
- Other _____

No amendments are necessary. Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: *Doree Faussat* Date: 6/30/08

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than August 31, 2008 to:**

Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 10/28/08 Minute Order No. 14
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By *Nancy Wilson*
Deputy Clerk



Solana Beach School District
 COUNTY OF SAN DIEGO
 BOARD OF SUPERVISORS

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Number

2008 SEP 15 PM 2 26

Type	Board Bylaws	THOMAS J. PASTUSZKA	Adopted	00/00/00
Sub-Type	N/A	CLERK OF THE BOARD	Revised	10/04/08
Subject	CONFLICT OF INTEREST OF SUPERVISORS			
Department	Superintendent			

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 District's Conflict of Interest Code shall be comprised 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.

Designated Positions/Disclosure Categories

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

- A. Board members
- B. Superintendent
- C. Assistant Superintendent of Administrative Services
- D. Assistant Superintendent of Instructional Services
- E. Chief Fiscal Officer

Persons occupying the following positions are designated employees in Category 2:

- F. Director of Maintenance, Operations, and Transportation
- G. Director of Child Nutrition Services
- H. Director of Technology/New Facilities
- I. Director of Pupil Services
- J. Director of Special Projects
- K. Manager of Information Systems
- L. Principals
- M. CDC Program Director
- N. Consultants

Consultants shall be included in the list of designated employees (consultants that are actually filling in for an open personnel position within the District) and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

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

The Board shall review the District's Conflict of Interest Code in even-numbered years. If no change in the code is required, the District shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the District shall submit an amended code to the code reviewing body. *Government Code 87306.5*

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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*

Upon receiving the statements of employees designated in Category 1, the District shall make and retain copies and shall forward the originals to the code reviewing body. Statements for all other designated employees shall be retained by the District.

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*

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. *2 CCR 18700*

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 his/her interest is including, but not limited to, any of the following: *Government Code 1091.5*

1. That of an officer in being reimbursed for his/her 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 he/she is a member, on the same terms and conditions as if he or she 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 his/her 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 the District if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried 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 noncompensated 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 such 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 records
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 his/her sole interest is that of an officer, director, or

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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 if he/she has 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*

Even if there is no prohibited or remote interest, 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 unless the individual is widowed or divorced.

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 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 prevailing gift limitation 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 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*

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, if the employee would be required to report the receipt of income or gifts from that source on his/her 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
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

Cross Reference

Legal Reference

GOVERNMENT CODE
82019: Definition of "designated employee"
82028: Definition of "gifts"
87300-87313: Conflict of interest code
87500: Statements of economic interests
89501-89503: Honoraria and gifts