

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

405A



FROM: County Counsel

SUBMITTAL DATE: January 31, 2007

SUBJECT: Approval of the Conflict of Interest Code for the Palo Verde Unified School District

RECOMMENDED MOTION: That the Board of Supervisors approve the amended Conflict of Interest Code submitted by the Palo Verde Unified School District.

BACKGROUND: Government Code section 87306.5 requires that all local agencies review their Conflict of Interest Code, and the listing of designated positions for employees who must disclose along with the types of disclosure required, and make appropriate amendments to each as required.

The Palo Verde Unified School District recently revised Appendix Exhibits "A" and "B" of its Conflict of Interest Code and has submitted it for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the revised code and has found that it complies with statutory requirements. It is recommended that the Palo Verde Unified School District's new revised code be approved and that the Clerk of the Board notify the Agency of the action taken.


JOE S. RANK
County Counsel

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature



☐ Policy
☐ Poli

☒ Consent
☒ Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

RESOLUTION NO. 2006-38

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
PALO VERDE UNIFIED SCHOOL DISTRICT AMENDING
THE APPENDIX OF THE CONFLICT OF INTEREST CODE
PURSUANT TO THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Palo Verde Unified School District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Education adopted a Conflict of Interest Code (the "Code") which was amended on November 14, 2000, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Appendix of the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Education of, the proposed amended Appendix was provided each affected designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Board of Education on December 5, 2006, at which all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Palo Verde Unified School District that the Board of Education does hereby adopt the proposed amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Executive Assistant, and available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the said amended Appendix shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Appendix shall become effective 30 days after the Board of Supervisors approves the proposed amended Appendix as submitted.

APPROVED, SIGNED AND ADOPTED this 5th day of December, 2006, by the following vote:

AYES: - 5 -

NOES: - 0 -

ABSTAIN: - 0 -

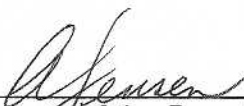
ABSENT: - 0 -

PALO VERDE UNIFIED SCHOOL DISTRICT



President, Board of Education
Palo Verde Unified School District

ATTEST:



Secretary of the Board of Education
Palo Verde Unified School District

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
PALO VERDE UNIFIED SCHOOL DISTRICT
(Amended December 5, 2006)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments³:

Members of the Board of Education

Superintendent

Financial Consultants

³ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Curriculum and Instruction	6
Assistant Superintendent - Personnel Services	6
Business Manager	1, 2
Director of Facilities and Special Projects	2, 3, 6
Director of Food Services	6
Director of Maintenance, Operations and Transportation	2, 6
Director of Special Services	6
General Counsel	1, 2
Principal	6
Program Coordinator	6
Supervisor of Transportation	6
Vice Principal	6
Consultant ⁴	

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Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Superintendent 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 fully comply with the disclosure requirements described 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 Superintendent'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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income that are located in do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
PALO VERDE UNIFIED SCHOOL DISTRICT
(Amended ~~November 14, 2000~~ December 5, 2006³)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments³⁴:

Members of the Board of Education

Superintendent

Financial Consultants

³ Titles updated as of October 15, 2004

⁴³ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Superintendent - Instruction/Pupil Personnel <u>Curriculum and Instruction</u>	Director of 6
Assistant Superintendent - Personnel Services	6
Business Manager	1, 2
<u>Director of Facilities and Special Projects</u>	<u>2, 3, 6</u>
Director of Fiscal Services	3, 4, 5
Director of Food Services	6
Director of Maintenance and <u>Operations and Transportation</u>	2, 6
<u>Director of Special Services</u>	<u>6</u>
General Counsel	1, 2
Principal	6
Program Coordinator	6
Supervisor of Transportation	6
Vice Principal	6
Consultant ⁴⁵	

⁴⁵ Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Superintendent 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 fully comply with the disclosure requirements described 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 Superintendent'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.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income from, ~~business entities that are located in~~ do business in or own real property within the jurisdiction of the District, ~~plan to do business or own real property within the jurisdiction of the District within the next year, or have done business or owned real property within the jurisdiction of the District within the past two (2) years.~~

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, ~~plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.~~

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.