

VISTA CHARTER PUBLIC SCHOOLS CONFLICT OF INTEREST BOARD POLICY

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 §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 into this Board Policy.

This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code for the VISTA CHARTER PUBLIC SCHOOLS (the "Charter School").

Individuals holding designated positions as defined herein shall file statements of economic interests with the Vista Charter Public Schools Business & HR Manager, which will make the statements available for public inspection and reproduction (Government Code § 81008). All statements will be retained by the Charter School.

Table of Contents

Policy Overview.....	2
General Duties and Responsibilities	2
Filers.....	2
Form 700 – Statement of Economic Interests	2
New or Changed Employee Positions	2
Review of Contractor / Consultant Positions	3
Reviewing, Reporting and Resolving Conflicts of Interest.....	3
APPENDIX A DESIGNATED POSITIONS	4

Policy Overview

In June 1974 California voters passed Proposition 9, known as the Political Reform Act. To administer, interpret and enforce its provisions a new, independent agency was created (Fair Political Practice Commission). The FPPC sets ethics rules for state and local government officials that impose strict limits on decisions or votes that would affect the official's financial interests.

The Political Reform Act, in regards to the Conflict of Interest Code, is designed to assure that:

- State and local government serve all citizens equally, without regard to status or wealth
- Public officials perform their duties impartially, without bias because of personal financial interests or the interests of financial supporters
- Public officials disclose income and assets that could be affected by official actions
- Public officials disqualify themselves from participating in decisions when they have conflicts of interest
- The activity of those who lobby the state legislature is regulated and finances disclosed to prevent improper influence on public officials
- Public officials and private citizens are given the means to enforce political reforms

The intent of this policy is to ensure adherence to the Political Reform Act, Government Codes and to the Charter School's Conflict of Interest Code.

General Duties and Responsibilities

Filers

All individuals holding a designated position (filers) shown in Appendix A are required to file a statement of economic interests (Form 700) pursuant to this Conflict of Interest Policy and the Charter School's Conflict of Interest Code annually and at the intervals otherwise required by law.

Form 700 – Statement of Economic Interests

The Form 700 is the Statement of Economic Interests form, required by the FPPC and used by public officials, to disclose certain assets and income which may affect their governmental decisions by affecting their "financial interests."

New or Changed Employee Positions

The Political Reform Act ("Act") requires that "every agency shall adopt and promulgate a conflict-of-interest code." (Section 87300.) Section 87302(a) provides that a conflict-of-interest code shall contain "specific enumeration of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest." The term "public official" is defined, in part, in Section 82048 as "... every member, officer, employee or consultant of a state or local government agency, but does not include judges and court commissioners in the judicial branch of government." With respect to each such position, a code is required to list the specific types of investments, interests in real property, and income that must be disclosed. The responsibility for determining if a code meets these specifications rests with the "code reviewing body." (Section 87303.)

Any time a position is added, reclassified, or removed, an evaluation must be performed in order to determine if the position (job classification) needs to be a designated filing position and as such, added, modified or removed from the list of positions found within Exhibit A.

The process of determining whether a position needs to be designated or not shall be determined by the Executive Director in consultation with the Charter School's counsel, who shall render a legal opinion accordingly.

[Review of Contractor / Consultant Positions](#)

Every contractor / consultant must be considered as a Form 700 filer. It is the responsibility of the department entering into the contract or hiring the consultant to consider the Form 700 filing needs. The Executive Director, with the aid of the Charter School's counsel, shall consider whether the contractor / consultant will make or participate in making governmental decisions on behalf of the agency.

[Reviewing, Reporting and Resolving Conflicts of Interest](#)

Conflicts may be reported by many different sources; the public, department head, employee, or co-worker. All possible conflicts shall be reviewed by the Charter School's Counsel, and any resolutions are to be logged and tracked accordingly.

APPENDIX A - DESIGNATED POSITIONS

Members of the Governing Board & Alternates
Candidates for Members of the Governing Board
Superintendent
Assistant Superintendent
Principals
Legal Counsel*
Consultants/New Positions**

*Note: The position of Legal Counsel is filled by outside consultants but acts in staff capacity.

**Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Chief Executive Officer or 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 the 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 Chief Executive Officer’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 (Government Code § 81008).

Designated positions assigned to this category must report:

- a. Interests in real property within the boundaries of the Charter School that are used by the Charter School or are of the type that could be acquired by the Charter School as well as real property within two miles of the property used or the potential site.
- b. Investments and business positions in business entities, and sources of income (including gifts, loans, and travel payments) of the type that engage in the purchase or sale of real property or are engaged in building construction or design.
- c. Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent or distribute school supplies, books, materials, school furnishings or equipment of the type to be utilized by the Charter School.
- d. Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent or distribute school supplies, books, materials, school furnishings or equipment of the type to be utilized by the designated position’s department. For purposes of this category, a principal’s department is his or her entire school.