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SCRMENT CINIFIED SHOOL DISCT BOAR OF EDUATION

Agenda Item# <u>10.5</u>	
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B19270, Ctóla

Information Item Only

Approval on Consent Agenda

Conference (for discussion only)

December 20, 2012

Conference/First Reading (Action Anticipated: _____

Conference/Action

Action Public Hearing

Dia Human Resource Services/Legal Services

Approve proposed revisions to Board Bylaw 9270, Conflict-of-Ē.

Interest.

The District must review its conflict-of-interest code biennially BAR in even-numbered years. In addition, the District underwent a departmental restructuring for the 2012-13 fiscal year that included updating and revising position descriptions, eliminating, and/or reclassifying positions. The position descriptions were reviewed to determine the need to include the position as a designated filer in the District's Conflict-of-Interest Code, Board Bylaw 9270. The proposed revisions have been reviewed by the Parent Advisory Committee (DAC) and the Student Advisory Committee (DAC), the Superintendent, Cabinet members, legal counsel, and Board members at the November 15, 2012 meeting. Incumbents in newly identified positions to be included as designated filers were provided a Notice of Intent and given the opportunity to comment at the November 15, 2012 Board meeting.

As required, the District notified its code reviewing body, the Sacramento County Board of Supervisors, that a revision of our conflict-of-interest code was needed. The revisions must be adopted by December 30, 2012.

: The District must comply with Government Code section FLCH 87300 et seq. and Fair Political Practice Commission (FPPC) regulations or face court action by the FPPC.

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^{2.} Proposed Revisions to BB 9270, Conflict of Interest.

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B)	: Jess Serna, CHRO/Susan Pointer, Legal Services
App	: Jonathan P. Raymond, Superintendent

^{1.} Board of Education Executive Summary

Board of Education Executive Summary

Human Resource Services/Legal Services Board Bylaw 9270,Conflict of Interest–Proposed Revisions December 20, 2012



I. OVERVIEW / HISTORY

The Political Reform Act requires every local government agency to review its conflictof-interest code biennially in even-numbered years. If amendments to an agency's conflict-of-interest code are necessary, the amended code must be forwarded to the agency's code reviewing Board (the Sacramento County Board of Supervisors) for approval. An agency's amended code is not effective until it has been approved by the Board of Supervisors.

In addition, since the last biannual review the District made changes to its organizational structure that included updating and revising position descriptions, eliminating, and/or reclassifying positions. The Political Reform Act requires public officials of governmental agencies (board/commission members, employees and consultants) to disclose assets and income which may be materially affected by their official actions. Designated positions generally make or participate in making decisions such as, voting on matters, negotiating contracts, or making recommendations on purchases without substantive review. The affected position descriptions were reviewed to determine the need to include the position as a designated filer in the District's conflict-of-interest code, Board Bylaw 9270.

II. DRIVING GOVERNANCE

The Political Reform Act of 1974 (Gov. Code sections 8100-9104) requires that each state and local government agency adopt and implement a separate conflict-of-interest code.

Conflict-of-interest codes must be reviewed every two years and when necessary to add or delete designated positions and disclosure categories. This is the biennial review of the District's conflict-of-interest code.

III. BUDGET

The District must comply with Government Code section 87300 et seq. and Fair Political Practice Commission (FPPC) regulations or face compliant action by the FPPC. Compliant action would most likely take the form of a fine.

IV. GOALS, OBJECTIVES, AND MEASURES

The District must keep its conflict-of-interest code accurate and up-to-date and review its code biennially in even-numbered years. There have been changes to the District's organizational structure and some of the designated filer positions already listed in the code have undergone name and/or responsibility changes and the code must reflect these changes.

Board of Education Executive Summary

Human Resource Services/Legal Services

Board Bylaw 9270,Conflict of Interest–Proposed Revisions December 20, 2012



V. MAJOR INITIATIVES

After the District adopts the proposed changes, the conflict-of-interest code must be presented to the Sacramento County Board of Supervisors for approval by that Board. This must be completed by December 30, 2012.

VI. RESULTS

The proposed revisions have been reviewed by the District Advisory Committee, the Student Advisory Committee, the Superintendent, Cabinet members, Legal Counsel, and Board members. Incumbents in newly identified positions to be included as designated filers were provided a Notice of Intent and given the opportunity to comment at the November 15, 2012 Board meeting. Additional revisions were suggested by Board members at the November 15, 2012 Board meeting and those revisions have been included in the proposed revisions.

VII. LESSONS LEARNED / NEXT STEPS

Continue to monitor Board Bylaw 9270, Conflict-of-Interest for necessary revisions.

Next Steps: Submit approved BB 9270, Conflict-of-Interest, to the County Board of Supervisors for approval by December 30, 2012.

Sacramento City USD Propos

Proposed Revisions

Board Bylaw

Conflict Of InterestConflict-of-Interest

BB 9270 Board Bylaws

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. In accordance with law, Board members and designated employees shall disclose any conflict-of-interest and, as necessary, shall abstain from participating in the decision.

Incompatible Activities

Governing Board members or employees 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 or with the employee's position in the district. (Government Code 1126)

Conflict of InterestConflict-of-Interest Code

The district's <u>conflict of interest conflict-of-interest</u> code shall be comprised of the terms of the 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with an <u>district attachmentAppendix</u> specifying designated positions and the specific types of disclosure <u>statements category</u> required for each position. This Bylaw is to work in concert with GC-8, which also addresses Board members' <u>conflict of interest conflict-of-interest</u> concerns.

Upon direction by the code reviewing body, the Board shall review the district's conflict ofinterestconflict-of-interest Board members and designated employees shall

provided further that such interest is noted in its official records

- 6. 6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the district and its Board and provided further that such interest is noted in its official records
- 7. 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 governmental entity that employs the officer or employee, provided that such interest is

individual is widowed or divorced.

Disqualification for Board Members Who Manage Public Investments

A Board member 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<u>conflict-of-interest</u> and immediately prior to the consideration of the matter, do all of the following:

- 1. —Publicly identify the financial interest that gives rise to the conflict or potential <u>conflict of interestconflict-of-interest</u> in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. (Government Code 87105)
- 2. —Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR Section 18702.5)
- 3. 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. (Government Code 87105)

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR –Section 18702.5)

(cf. 3430 - Investing)

A Board member who has recused himself/herself from participating in a matter may speak on the matter during the time that the general public speaks on the matter. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a <u>conflict of interestconflict-of-interest</u> pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)

(cf. 3430 - Investing)

Incompatible Activities

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Members of the Board of Education Superintendent Chief Academic Officer Chief Accountability Officer Chief Business Officer Chief Communications Officer Chief Family and Community Engagement Officer Chief Human Resources Officer

—Designated persons in this category must report:

- A. a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests shall include any leasehold, beneficial or ownership interest or option to acquire such interest in real property;
- B. b. Investments or business positions in or income from sources which:
 - 1) (1)-Are engaged in the acquisition or disposal of real property within the district;
 - 2) (2) 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 district; or
 - 3) (3) -Manufacture or sell supplies, books, machinery or equipment of the type used by ← the district.

<u>——Category 2</u>

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

Chief of Staff Director, 501(c)3 Assistant Superintendent, Curriculum and Instruction Director, Child Development **Director**, Multilingual Literacy **Director, Special Education** Director, Linked Learning Director, Technology Area Assistant Superintendent Director, Adult Education **Director Assessment, Research and Evaluation** Director, Student Services/Alternative Education **Director, Human Resource Services Director, Budget Services** Director, Compensation and Benefits Director, Accounting Services/Internal Audit

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Director, School, Family and Community Partnerships Director, Youth Development Director, Integrated Support Services Director, Health Services Director, Capitol Asset Management Services Director, Operations and Planning Director, Facilities and Maintenance Director, Distribution Services Manager, Purchasing and Warehouse

Superintendent's Office

Chief of Staff

Director, 501(c)3

Academic Office

Assistant Superintendent, Curriculum and Instruction

Director, Child Development

Director, Multilingual Literacy

Director, Special Education

- Director, Linked Learning High School Reform Initiatives
- Coordinator, State and Federal Programs

Accountability Office

Area Assistant Superintendent

Assistant Superintendent, Information Education Technology

Director, Adult Education

Director Assessment, Research and Evaluation

Director, Attendance, Dropout Prevention and Recovery

Director, Enrollment Center

Director, Technology Network, Telecommunications and Technology Support

Director, Student Services/Alternative Education

Administrative Services

Director, Accounting Services

Director, Budget Services

Director, Compensation and Benefits

Director, Distribution Services

Manager, Nutrition Services

Manager, Purchasing and Warehouse

Capital Asset Management Services

Family and Community Engagement

- <u>— Director, Health Services</u>
- Director, Integrated Support Services
- Director, School, Family and Community Partnerships
 - Director, Youth Development

g. g. Adopt or grant district approval of district policies, standards or guidelines a contract with the district, serves in a staff capacity with the district and in that capacity pa

81 Ops.Cal.Atty.Gen. 327 (1998) 80 Ops.Cal.Atty.Gen. 320 (1997) 69 Ops.Cal.Atty.Gen. 255 (1986) 68 Ops.Cal.Atty.Gen. 171 (1985) 65 Ops.Cal.Atty.Gen. 606 (1982) 63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources: CSBA PUBLICATIONS Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010 FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005 INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009 Understanding the Basics of Public Service Ethics: Transparency Laws, 2009 WEB SITES CSBA: http://www.csba.org Fair Political Practices Commission: http://www.fppc.ca.gov Institute of Local Government: http://www.ca-ilg.org

Bylaw SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted:	November 16, 1998	Sacramento, California
revised:	April 2, 2001	
revised:	March 3, 2005	
revised:	November 6, 2008	
revised:	December 10, 2009	
revised:	November 4, 2010	
revised:	December, 2012	