

Exhibit 9270-E(1): Conflict Of Interest

Status: DRAFT

Original Adopted Date: 04/16/2013 | Last Revised Date: 06/19/2018 | Last Reviewed Date: 06/19/2018

**RESOLUTION ADOPTING A
CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires ~~require~~ each public agency in California, ~~including each school district,~~ to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Azusa Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, ~~past and future amendments~~ **WHEREAS, a district is permitted** to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation ~~create its conflict of interest code by incorporating~~ by reference of the terms of that regulation **2 CCR 18730**, along with an agency-specific appendix designating positions and **a list of District Officials to whom the code applies and** disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with ~~,~~ **in accordance with** Government Code 87300 and 87306; and

WHEREAS, the **Governing Board of the** Azusa Unified School District ("**District**") **has previously adopted a local conflict of interest code in this manner; and**

WHEREAS, the District has recently reviewed its ~~positions~~ **list of District Officials**, and the duties of each position, and has determined that (changed/no changes) to the current conflict of interest code are necessary; and,

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Azusa Unified School District, ~~the~~ **Governing Board of the District** adopts the following Conflict of Interest Code, including its ~~the accompanying~~ **Appendix of Designated Employees District Officials** and Disclosure Categories; **and**

BE IT FURTHER RESOLVED, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code are hereby rescinded and superseded by this Resolution and Appendix.

PASSED AND ADOPTED by the Board of Education of the Azusa Unified School District, this _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

I, _____, Clerk of the Board of Education, hereby certify that the foregoing is a full, true, and correct copy of a resolution duly passed and adopted by said Board of Education at a regularly called and conducted Board of Education meeting held on said date.

Clerk of the Board of Education

**Conflict of interest Code ("Code") of the
Azusa Unified School District ("District")**

The provisions **Political Reform Act (PRA) (Government Code 81000-87505)** requires the District to adopt a conflict of interest code. **2 CCR 18730 contains the terms of a conflict of interest code, which may be amended by the Fair Political Practices Commission (FPPC) to conform to amendments in the PRA. Therefore, the terms of 2 CCR 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are FPPC are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the district's conflict of interest code. Governing Board members and designated employees of the district.**

District Officials, defined as those positions listed herein, shall file a Form 700 (also known as a Statement of Economic Interest/Form 700) in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest Form 700 shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1.—Category 1: A person District Official designated "Category 1" shall disclose: the following:

- 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:
- b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, 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 manufacture or sell supplies, books, machinery, or equipment of the type used by the district:

2.—Category 2: A person District Official designated "Category 2" shall disclose: the following:

- a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs:
- b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs.

For the purposes of a principal in this category, at the principal's department is his/her the principal's entire school.

Category 3.—Full Disclosure: Because it has been determined (Applicable to positions that the district's Board members and/or Superintendent "manage public investments," they and other persons as defined by Government Code 87200): A District Official designated for "full disclosure" Category 3 shall disclose, in accordance with Government Code 87200:-87210, the following:

- 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:
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments:

Designated Positions

Designated Positions District Officials	Disclosure Category
Governing Board Members	1 or 3
Superintendent of Schools	1 or 3
Assistant Superintendent	1 or 3
Director of Fiscal Services	1
Director of Maintenance and Operations	1
Employee's with Contractor's License	1
Administrator	2

Assistant Director	2
Director	2
Principal	2
Assitant Principal	2
Coordinator	2
Program Specialist	2
Supervisor	2

Disclosures for Consultants

Consultants are designated employees ~~The Superintendent or designee shall annually determine, on a case-by-case basis, which district consultants, if any, shall constitute District Officials and who must~~ shall disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b); or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 18110-18997	Regulations of the Fair Political Practices Commission
2 CCR 18438.1-18438.8	Campaign contribution-based conflicts of interest
2 CCR 18700-18760	Conflicts of Interest
2 CCR 18722-18740	Disclosure of interests
2 CCR 18753-18756	Conflict of interest codes
2 CCR 18940.2	Gift limit amount
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 35107	School district employees
Ed. Code 35230-35240	Corrupt practices
Ed. Code 35233	Prohibitions applicable to members of governing boards
Ed. Code 41000-41003	Moneys received by school districts
Ed. Code 41015	Investments
Fam. Code 297.5	Rights, protections, and benefits of registered domestic partners
Gov. Code 1090-1099	Prohibitions applicable to specified officers

State

Gov. Code 1125-1129	Incompatible activities
Gov. Code 53234-53235.2	Ethics training
Gov. Code 81000-91014	Political Reform Act
Gov. Code 82011	Code reviewing body
Gov. Code 82019	Definition; designated employee
Gov. Code 82028	Definition; gift
Gov. Code 82030	Definition; income
Gov. Code 82033	Definition; interest in real property
Gov. Code 82034	Definition; investment
Gov. Code 84308	Campaign Disclosure
Gov. Code 87100-87505	Political Reform Act; conflict of interest
Gov. Code 89501-89503	Honoraria and gifts
Gov. Code 89506	Ethics; travel
Gov. Code 91000-91014	Enforcement
Pen. Code 85-88	Bribes
Pub. Cont. Code 6102	Bribery of public official; voidable contract
Rev. & Tax Code 203	Taxable and exempt property - colleges

Description**Management Resources**

Attorney General Opinion	105 Ops.Cal.Atty.Gen.69 (2022)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 868 (1980)
Attorney General Opinion	65 Ops.Cal.Atty.Gen. 606 (1982)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 171 (1985)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 255 (1986)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 320 (1997)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 327 (1998)
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 83 (1999)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 60 (2002)
Attorney General Opinion	86 Ops.Cal.Atty.Gen. 138(2003)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 217 (2006)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 19 (2009)
Attorney General Opinion	92 Ops.Cal.Atty.Gen. 26 (2009)
Court Decision	Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261
Court Decision	Klistoff v. Superior Court (2007) 157 Cal.App.4th 469
Court Decision	Kunec v. Brea Redevelopment Agency (1997) 55 Cal.App.4th 511
Court Decision	McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal. App. 4th 235
Court Decision	Thorpe v. Long Beach Community College District (2000) 83 Cal.App.4th 655
CSBA Publication	Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010
Fair Political Practices Commission Publication	Advice Letter: A-96-314 (December 18, 1996)

Description

Management Resources

Fair Political Practices Commission Publication
Institute For Local Government Publication
Institute for Local Government Publication
Website
Website
Website
Website

Description

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005
Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009
[CSBA District and County Office of Education Legal Services](#)
[Institute for Local Government](#)
[Fair Political Practices Commission](#)
[CSBA](#)

Cross References

1340
1340
1700
3230
3230
3300
3311
3311
3400
3400
3430
3430
3470
3600
4112.8
4117.2
4136
4212.8
4217.2
4236
4312.8
4317.2
4336
6161.1
6161.1
6161.1-E(1)
7140
7140
7214
7214

Description

[Access To District Records](#)
[Access To District Records](#)
[Relations Between Private Industry And The Schools](#)
[Federal Grant Funds](#)
[Federal Grant Funds](#)
[Expenditures And Purchases](#)
[Bids](#)
[Bids](#)
[Management Of District Assets/Accounts](#)
[Management Of District Assets/Accounts](#)
[Investing](#)
[Investing](#)
[Debt Issuance And Management](#)
[Consultants](#)
[Employment Of Relatives](#)
[Resignation](#)
[Nonschool Employment](#)
[Employment Of Relatives](#)
[Resignation](#)
[Nonschool Employment](#)
[Employment Of Relatives](#)
[Resignation](#)
[Nonschool Employment](#)
[Selection And Evaluation Of Instructional Materials](#)
[Selection And Evaluation Of Instructional Materials](#)
[Selection And Evaluation Of Instructional Materials](#)
[Architectural And Engineering Services](#)
[Architectural And Engineering Services](#)
[General Obligation Bonds](#)
[General Obligation Bonds](#)

Cross References

9000

9005

9140

9200

9220

9220-E(1)

9222

9230

9240

9320

9321

9321-E(1)

9321-E(2)

9323

Description[Role Of The Board](#)[Governance Standards](#)[Board Representatives](#)[Limits Of Board Member Authority](#)[Governing Board Elections](#)[Governing Board Elections](#)[Resignation](#)[Orientation](#)[Board Training](#)[Meetings And Notices](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)[Meeting Conduct](#)