KERN COUNTY BOARD OF EDUCATION
KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE

CONFLICT OF INTEREST POLICY AND CODE

I. INCOMPATIBLE ACTIVITIES
(Government Code section 1126)

No member of the Kern County Board of Education nor the Kern County Superintendent of Schools shall engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as a member of the County Board of Education or County Superintendent of Schools.

II. FINANCIAL INTERESTS
(Government Code sections 1090 and following)

County Board of Education members shall not be financially interested in any contract made by the County Board of Education or in any contract they make in their capacity as County Board of Education members. No officers, employees or consultants of the County Superintendent of Schools shall be financially interested in any contract made by them in their official capacity (Government Code section 1090). If a County Board member has a financial interest in a contract which is not a "non-interest" or a "remote interest" as defined, the County Board is prohibited from entering into the contract. If the County Superintendent has a financial interest in a contract which is not a "non-interest" or a "remote interest" as defined, the County Superintendent is prohibited from entering into the contract. A contract may be considered to be made by an officer, employee or consultant when the officer, employee or consultant (or the person's spouse or registered domestic partner) participates in the decision-making process, negotiates or drafts the terms of the contract or the specifications for the product or service which is the subject of the contract, participates in the solicitations for bids, planning or reasoning, or renders advice concerning the contract to the official responsible for entering into the contract.

County Board of Education members and officers and employees of the County Superintendent of Schools shall not be considered to be financially interested in a contract if the interest is any of those interests described in Government Code section 1091.5 (non-interest).

In addition, County Board of Education members shall not be deemed to be financially interested in a contract if the interest in the contract is only "remote," the fact of the remote interest is disclosed and noted in the official records of the County Board and the contract was authorized, approved or ratified in good faith by a vote of the County Board of Education membership sufficient for the purpose without counting the vote of the County Board of Education member with the remote

interest. Remote interests are specified in Government Code section 1091(b) and they include, but are not limited to, the interest of a parent in the earnings of his/her minor child.

A County Board of Education member or an officer or employee of the County Superintendent of Schools may participate in a decision to enter into a contract where a financial interest exists if the "rule of necessity" or legally required participation applies.

III. CONFLICT OF INTEREST CODE

(Government Code sections 81000 and following)

A County Board member, County Superintendent, or designated employee of the County Superintendent shall not make, participate in the making, or in any way use or attempt to use his/her official position to influence a government decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the official's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the participation of the official is legally required.

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall identify the economic interest which gives rise to the conflict of interest, recuse him or herself, and abstain from the voting on the matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue (2 California Code of Regulations 18702.1 [CCR]).

The Political Reform Act, Government Code sections 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 CCR section 18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 CCR section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached appendices in which officials and employees are designated and disclosure categories are set forth, constitute the conflict of interest code ("Code") of the Kern County Board of Education and Kern County Superintendent of Schools Office.

Pursuant to Section 4 of the standard code, designated employees shall file statements of economic interests with their agency. Upon receipt of the statements of the Kern County Superintendent of Schools and members of the Kern County Board of Education, the agency shall make and retain a

copy and forward the original of these statements to the Kern County Board of Supervisors. Statements for all other designated employees will be retained by the agency.

Upon direction by the code reviewing body, the Kern County Board of Education and the Kern County Superintendent of Schools shall review the conflict of interest code in even–numbered years. If no change in the code is required, they 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, such as the creation of new designated positions, amendments or revisions, the amended code shall be submitted to the code reviewing body within 90 days. When reviewing and preparing conflict of interest codes, notice and an opportunity to present their views shall be provided to officers, employees, consultants and community members (Government Code sections 87306, 87306.5, 87311).

Statements of economic interest submitted to the Kern County Superintendent of Schools by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction (Government Code section 81008).

[Since the text of the regulation changes from time-to-time, it will be provided in a document separate from this policy and code.]

NOTE: If a conflict identified under the Political Reform Act is also a prohibited financial interest under Government Code section 1090, the County Board or County Superintendent may be prohibited from approving the transaction.

NOTE: Even where a County Board member or County Superintendent does not have a financial interest under Government Code section 1090 or the Political Reform Act, under the common law doctrine of conflict of interest, the official may be required to abstain from any official action in which the official's private or personal interest conflicts with his or her official duties.

IV. GIFTS AND HONORARIA

Members of the Kern County Board of Education, the Kern County Superintendent of Schools, and designated employees may accept gifts only under the conditions and limitations specified in Government Code section 89503 and 2 CCR section 18730. In addition, the following limitations apply: Officials and employees of the Kern County Superintendent of Schools may be subject to more restrictive limitations regarding acceptance of gifts as provided in office policy.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and similar occasions, provided the gifts exchanged are not substantially disproportionate in value. Gifts of travel and related lodging and subsistence shall be subject to the

prevailing gift limitation except as described in Government Code section 89506. A gift of travel does not include travel provided by the Board of Education or the Kern County Superintendent of Schools for Board members, officials and designated employees.

Members of the Kern County Board of Education and the Kern County Superintendent of Schools 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. Designated employees shall not accept any honorarium from any source if required to report receiving income or gifts from that source on the statement of economic interests. The term honorarium does not include:

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 agency for donation into the general fund without being claimed as a deduction from income for tax purposes.

LEGAL REFERENCE:
Authority cited:
Education Code sections 3523-35240;
Government Code sections 1090 and following;
Government Code sections 1125-1129;
Political Reform Act, Government Code sections 81000-91015;
Title 2, California Code of Regulations, sections 18110-18997.

Adopted 10/11/1988, Amended 10/13/1992, 3/9/1993, 2/8/1994, 7/11/1995, 2004, 11/10/2008, 1/23/2009 (KCSOS only), 10/6/2010 (KCSOS only), 11/13/2012, 4/9/2013, 3/17/2014, 9/13/2016, 8/16/2018 (KCSOS only), 9/30/20 (KCSOS only), 2/2/21 (KCSOS only)

APPENDIX A

1. Officials Who Manage Public Investments:

The following officials who manage public investments of the Kern County Superintendent of Schools shall file a full statement of economic interests pursuant to Government Code section 87200:

Superintendent
Associate Superintendent
Assistant Superintendent – Financial Services
Chief Executive Officer, Division of Insurance Services
Chief Financial Officer (SISC)

The required disclosure shall include:

a. Interests in real property located entirely or partly within the territory of the relevant county(ies) or within two miles of the boundaries of the relevant county(ies) or of any land owned or used by the County Board of Education; and,

b. All investments, business positions and income from: (a) sources which provide services, supplies, materials or equipment of the type utilized by the County Board of Education or County Superintendent, or (b) sources which do business within the relevant county(ies), plan to do business there, or have done business there during the two years prior to the time a statement is required to be filed under this section, as further defined in the Political Reform Act, Government Code Section 81000 and following. Gifts must be disclosed regardless of the source or location of the source.

2. Designated Employees:

The following persons shall make the financial disclosure in the disclosure categories indicated, as described in Appendix B.

DESIGNATED EMPLOYEES	**CATEGORIES**
Members of the Kern County Board of Education	1
Members of the Kern County Superintendent of Schools Personnel Commission	1
Members of the Kern County Committee on School District Organization	1
Assistant Superintendent*	1
Chief Academic Officer	1
Chief Deputy for Governmental Affairs	1
Chief Executive Officer*	1
Chief Financial Officer*	1
Chief Financial Operations Officer	1

Chief Information Systems Officer.....1
Chief of Staff.....1
Chief Operations Officer.....1
Chief Technology Officer.....1
Deputy Executive Officer.....1
Deputy Superintendent.....1
Director I Facilities.....2b
Director II, Self-Insured Schools of Kern.....2b
Director II, Transportation.....2b
District Fiscal Analyst (Internal).....2a
Division Administrator.....1
Director of Maintenance and Operations Services.....2b
Executive Director (SISC).....1
General Counsel, Schools Legal Service.....1
Manager, Food & Nutrition Services.....2b

*Unless also designated as officials who manage public investments under section 1.

APPENDIX B
DISCLOSURE CATEGORIES

KERN COUNTY BOARD OF EDUCATION
KERN COUNTY SUPERINTENDENT OF SCHOOLS OFFICE

1. Designated Employees Whose Duties are Broad and Indefinable. Designated persons in this category must report:

   a. All interests in real property located in the relevant county(ies) or within two miles outside the county boundaries, or within two miles of any land owned or used by the County Board of Education.

   b. All investments in business entities and sources of income or business positions (including director, officer, partner, trustee, employee or manager) held in entities which:

      - are or have been within the past two years engaged in work or services of the type used by the Kern County Board of Education or Kern County Superintendent of Schools, or an affiliated entity to which the person is assigned.
      - are affected by the decisions or regulatory authority of the County Board of Education or County Superintendent of Schools, or an affiliated entity to which the person is assigned.
      - engage in the acquisition, development or disposal of real property within the relevant county(ies), or
      - manufacture or sell supplies, books, machinery or equipment of the type used by the County Board of Education or the County Superintendent of Schools, or an affiliated entity to which the person is assigned.

   For purposes of this Appendix B, an "affiliated entity" includes the Fiscal Crisis & Management Assistance Team (FCMAT) and the California School Information Services (CSIS) for so long as the County Superintendent acts as administrative agent for those entities, and any joint powers entity administered by the County Superintendent of Schools, including, but not limited to Schools Legal Service and Self-Insured Schools of California.

   For the Superintendent and Associate Superintendent, and for any Deputy or Assistant Superintendent(s) or designated employee(s) in Category 1 or official who manages public investments assigned to FCMAT or CSIS, as applicable, "the relevant county(ies)" shall mean Kern, Sacramento and Sonoma for so long as the County Superintendent of Schools acts as the administrative agent for FCMAT, and shall mean Kern and Sacramento Counties for so long as the County Superintendent of Schools acts as administrative agent for CSIS.

For the Superintendent and Associate Superintendent and for any Deputy or Assistant Superintendent(s) or designated employee(s) in Category 1 or official who manages public investments assigned to a joint powers entity administered by the Kern County Superintendent of Schools, including, but not limited to Schools Legal Service and Self-Insured Schools of California, "the relevant county(ies)" shall mean any county in which member entities of the joint powers agency are located.

For all other designated employees in Category 1, the term "relevant county(ies)" shall mean Kern County.

2. Designated Employees Whose Duties Involve Contracting or Purchasing.

   a. Contracts for entire agency. Designated persons in this category must report investments or business positions in or income (including gifts, loans and travel payments) from sources which provide services, facilities, supplies, materials, machinery or equipment of the type used by the Kern County Board of Education or the Kern County Superintendent of Schools or an affiliated entity to which the person is assigned.

   b. Contracts for specific division or department. Designated persons in this category must report investments in business entities, business positions and income (including gifts, loans and travel payments) from sources which provide services, facilities, supplies, materials, machinery or equipment of the type used by the designated person's division or department within the Kern County Superintendent of Schools office, or an affiliated entity to which the person is assigned.

3. Consultants. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the County Superintendent or designee. The County 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 on 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, makes a governmental decision whether to (a) approve a rate, rule or regulation, (b) adopt or enforce a law, (c) issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization entitlement, (d) authorize the agency to enter into, modify or renew a contract that requires agency approval, (e) grant agency approval to a contract or contract specifications which require agency approval and in which the agency is a party, or (f) adopt or grant agency approval of policies, standards or guidelines. A consultant is also an individual who, pursuant to a contract with the agency, serves in a staff capacity with the agency and in that capacity

participates in making a governmental decision as defined in 2 CCR section 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in this Conflict of Interest Code. (2 CCR section 18701.)