

## **CONFLICT OF INTEREST CODE**

### **Adoption**

The Governing Board hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members, candidates for member of the board, and all other designated employees of the **Barona Indian Charter School** (“School”).

The Political Reform Act (Government Code section 8100, *et seq.*) requires 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 section 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 the amendments in the Political Reform Act. Therefore, the terms of 2 C.C.R. section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the School.

### **Definitions**

“Designated Persons” are board members, officers and employees of the School who hold positions that involve the making or participation in making decisions that may foreseeably have a material effect on any financial interest of that individual. Designated positions within the School are listed in Appendix A attached to this Code and incorporated herein by reference.

“Disclosure Categories” are the descriptions of the types of financial interests Designated Persons in one or more job classifications must disclose on their Form 700. The categories must be tailored to the financial interests affected, and must not require public officials to disclose private financial information that does not relate to their School employment. The Disclosure Categories are listed in Appendix B.

“Form 700” is the Statement of Economic Interest, Form 700 disclosing the reportable investments, interests in real property, business positions, & income required to be reported under the category or categories to which the Designated Person’s position is assigned in Appendix A.

### **Disclosure Statements**

Designated Persons designated positions shall file their Form 700 with the School, which will make the statements available for public inspection and reproduction. Upon receipt of the statements for designated members and employees, the School shall make and retain copies and forward the originals to the **County of San Diego Clerk of the Board of Supervisors**. All other statements will be retained by the School.

Adopted: October 18, 2021

Amended:

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APPENDIX A  
Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in Appendix B (i.e. categories 1, 2, and 3).
- A. Members of the Governing Board
  - B. Candidates for Member of the Governing Board
  - C. Members of Committees of the Governing Board<sup>1</sup>
  - D. Director of Charter School
  - E. Principal/Director
  - I. Consultants<sup>2</sup>
  - J. Other Employees<sup>3</sup>
- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 1 of Appendix B.
- A. Purchasing Manager
  - B. Assistant Business Officer
  - C. Other Employees<sup>4</sup>
- III. Persons occupying the following positions are designated employees and must disclose financial interests defined in Categories 2 and 3 of Appendix B.
- A. Information Systems Technician
  - B. Contractor
  - C. Other Employees<sup>5</sup>

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<sup>1</sup> This category must be included if the committee has members that are not otherwise covered by the other identified categories and the committee possesses decision making authority. Decision making authority is present when the committee: a. may make a final decision; b. may compel a governmental decision or it may prevent a decision either by reason of an exclusion power to initiate the decision or by reason of a veto that may not be overridden; or c. makes substantial recommendations that are, and over an extended period have been, regularly approved without significant amendment or modified by another designated employee.

<sup>2</sup> A consultant will occupy a “designated position” when he/she is contracting with the agency to do the following: 1) Make a governmental decision wither to, among other things, (a) authorize the agency to enter into, modify or renew a contract provided it is the type of contract that requires agency approval; (b) grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract; (c) grant agency approval to a plan, design, report, study or similar item; or (d) adopt or grant agency approval of, policies, standards or guidelines for the agency or for any subdivision thereof; or 2) Serve in a staff capacity with the agency and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a designated position.

<sup>3</sup> “Other Employees” include any employee occupying a position that requires the employee to make a governmental decision that foreseeably and materially affects a personal financial interest, source of income, or a business position in a business entity.

<sup>4</sup> “Other Employees” include any employee with authority to make purchases that may foreseeably and materially affect an investment and/or business position in business entities or who are in a position to influence a governmental decision that may foreseeably and materially affect an investment and/or business position in a business entity.

<sup>5</sup> “Other Employees include employees with authority to make purchases that may foreseeably and materially affect investments and business positions in business entities which provide services, supplies, materials, or equipment in which the employee has authority to purchase.

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APPENDIX B  
Disclosure Categories

**Category 1 Reporting:**

- A. Interest in real property which is located in whole or in part within the geographical service area of the School, including any leasehold, beneficial or ownership interests or option to acquire such interest in real property, if the fair market value of the interest is greater than \$2,000.

(Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.)

- B. Investments in or income from persons or business entities (including gifts, loans and travel payments) which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design within the geographical service area of the School.

- C. Investments in or income from persons or business entities engaged in the acquisition or disposal of real property within the geographical service area of the School.

(Investment includes any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership interest or other ownership interests.)

(Investments of any individual include a pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly or beneficially, a ten percent interest or greater.)

(Investment does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.)

(No investment or interest in real property is reportable unless its fair market value exceeds \$2,000. No source of income is reportable unless the income received by or promised to the public official aggregates \$500 or more in value or \$50 or more in value if the income was a gift during the preceding 12-month reporting period.)

**Category 2 Reporting:**

- A. Investments in or income from persons or business entities (including gifts, loans and travel payments) which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director. Investments include interests described in Category 1.

**Category 3 Reporting:**

- A. Investments in or income from persons or business entities (including gifts, loans and travel payments) which are contractors or sub-contractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director. Investments include the interests described in Category 1.
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