
CLOVIS UNIFIED SCHOOL DISTRICT

BOARD BYLAWS CONFLICT OF INTEREST CODE

A. Conflict of Interest Code

The District's Conflict of Interest Code shall be comprised of the terms of the California Code of Regulations, Title 2, Section 18730, together with attachments specifying designated positions and the specific types of disclosure statements required for each position. (Government Code 87303)

B. Review

Pursuant to law, upon direction of the Fresno County Board of Supervisors, the code reviewing body, the Board shall review the Conflict of Interest Code in even-numbered years. If no change in the code is required, the District shall notify the code reviewing body by October 1 by submitting a written statement to that effect. (Government Code 87306.5)

C. Revisions

When a change in the District's Conflict of Interest Code is necessitated by changed circumstances, such as the creation of new Designated Positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days of the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the District's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

D. Designated Positions

Unless otherwise required by law, the positions listed in Exhibit No. 9270(1) shall be Designated Positions.

E. Disclosure Statement – Filing

1. Persons holding Designated Positions shall file the appropriate statement listed below disclosing investments, interests in real property, business positions, and income required to be reported under the category or categories assigned in Exhibit 9270(1). An investment, interest in real property, business position, or income shall be reportable if the business entity in which the investment or business position is held, the interest in real property, or source of income may foreseeably be affected materially by any decision made or participated in by the person holding a Designated Position. The specific disclosure responsibilities assigned to each Designated Position are set forth in Exhibit 9270(2).

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2. An initial statement shall be filed by each person holding a Designated Position within 30 days after the effective date of this Conflict of Interest Code, disclosing investments, interests in real property, business positions, and income received in the 12 months prior to the effective date of this Conflict of Interest Code.
3. Annual statements shall be filed by April 1 disclosing investments, interests in real property, business positions, and income during the preceding calendar year by persons holding Designated Positions.
4. An Assuming Office Statement shall be filed by persons elected, appointed, promoted or transferred to Designated Positions within 30 days after assuming the position.
5. The statements for Designated Positions, other than the members of the Board and the Superintendent of the District, shall be filed with the Superintendent or designee. The members of the Board and the Superintendent are to file their original statements directly with the Clerk of the Board for the Fresno County Board of Supervisors (Board of Supervisors) using the electronic filing system. If the statements are not filed electronically, the paper statement and waiver shall be filed with the Superintendent or designee and, upon receipt of these paper statements with waivers, the Superintendent or designee shall make and retain a copy and forward the original to the Clerk of the Board of Supervisors.

The Superintendent or designee shall retain a copy of all electronically filed statements, a copy of all paper statements with waivers and the original statements of Designated Positions and shall make the statements available for public review, inspection, and reproduction. (Government Code 81008.)

6. A Leaving Office Statement shall be filed by any person holding a Designated Position whose position with the District is terminated, voluntarily or involuntarily, within 30 days after termination, disclosing reportable investments, business positions, interests in real property and income held or received covering the period between the closing date of the previous Statement of Economic Interests and the termination date.
7. Any person who resigns from a Designated Position within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer of the person's filing obligation, whichever is earlier, is not deemed to "assume or leave office," provided that during the period between appointment and resignation, the person does not make, participate in making, or use the position to influence any decision of the District or to receive or become entitled to receive any form of payment as a result of his or her appointment.
 - a. Within 30 days of the date of a notice from the filing officer, the person shall do both of the following:
 - (1) File a written resignation with the appointing power; and

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- (2) File a written statement with the filing officer signed under penalty of perjury stating that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the District or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

F. Disclosure Statements - Contents

Disclosure statements shall be made on forms (Form 700) prescribed by the California Fair Political Practices Commission (FPPC) and supplied by the District.

1. Contents of Investment and Interest in Real Property Reports

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

- a. A statement of the nature of the investment or interest.
- b. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged.
- c. The address or other precise location of the real property.
- d. A statement whether the fair market value of the real property or investment equals or exceeds two thousand dollars (\$2,000), but does not exceed ten thousand dollars (\$10,000), exceeds ten thousand dollars (\$10,000), but does not exceed one hundred thousand dollars (\$100,000), exceeds one hundred thousand dollars (\$100,000), but does not exceed one million dollars (\$1,000,000), or exceeds one million dollars (\$1,000,000). This information need not be provided with respect to an interest in real property that is the filer's principal residence.
- e. If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.
- f. Other information required by the FPPC (Fair Political Practices Commission) forms.

2. Contents of Income Reports

- a. When income is required to be reported under this Conflict of Interest Code, the statement shall contain the following:
 - (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value and a general description of the business activity, if any, of each source. (Persons holding Designated Positions are not required to report salary,

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- reimbursement for expenses or per diem, social security, disability, or other similar benefit payments received from a federal, state, or local government agency, including sums received as compensation for serving as Board Members as provided in the Education Code.)
- (2) A statement whether the aggregate value of income from each source or in the case of a loan reportable as income, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, was greater than one thousand dollars (\$1,000), was greater than ten thousand dollars (\$10,000), or was greater than one hundred thousand dollars (\$100,000).
 - (3) A description of the consideration, if any, for which the income was received.
 - (4) In the case of a gift valued at fifty dollars (\$50) or more, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.
 - (5) In the case of a loan reportable as income, the annual interest rate and the security, if any, given for the loan, and the term of the loan.
 - (6) Other information required by the FPPC forms.
- b. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business activity of the business entity.
 - (2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal or greater than ten thousand dollars (\$10,000) during a calendar year.
 - (3) Other information required by the FPPC forms.

3. Contents of Business Position Reports

When business positions are required to be reported, a person holding a Designated Position shall list the name and address of each business entity not specified above in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity, and any other information required by the FPPC forms.

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No person holding a Designated Position shall accept any honorarium from any source, if the person would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

Board members and persons holding Designated Positions may accept gifts only under the conditions and limitations specified in Government Code section 89503 and California Code of Regulations, Title 2, Section 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value as described in Government Code section 89503.

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 District for Board members and persons holding Designated Positions.

H. Loans to Public Officials

1. No member of the Board of the District shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the District (including those of any public agency over which the District has direction and control).
2. No member of the Board of the District shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the District (including those of any public agency over which the District has direction and control). This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
3. Paragraphs 1 and 2 above shall not apply to the following:
 - a. Loans made to the campaign committee of an elected officer or candidate for elective office,

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- b. Loans made by a Board Member's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
- c. Loans from a person who is an officer, employee, member, or consultant of the District (including those of any public agency over which the District has direction and control), or who has a contract with the District (including those of any public agency over which the District has direction and control) that, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
- d. Loans made, or offered in writing, before January 1, 1998.

4. Loan Terms

- a. Except as set forth in subdivision (4.b.), no Member of the Board of the District shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more from a single lender, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- b. This section shall not apply to the following types of loans:
 - 1) Loans made to the campaign committee of the elected officer.
 - 2) Loans made by a Board member's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under Government Code section 87460.
 - 3) Loans made, or offered in writing, before January 1, 1998.
 - 4) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code (the Political Reform Act of 1974).

5. Personal Loans

- a. Except as set forth in subdivision 5.b., a personal loan received by any person holding a Designated Position shall become a gift to the designated employee for the purposes of this section in the following circumstances:

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- 1) If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
- 2) If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a) The date the loan was made.
 - b) The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.
- b. This section shall not apply to the following types of loans:
 - 1) A loan made to the campaign committee of an elected officer or a candidate for elective office.
 - 2) A loan that would otherwise not be a gift as defined in Title 9 of the Government Code (the Political Reform Act of 1974).
 - 3) A loan that would otherwise be a gift as set forth under subdivision 5.a., but on which the creditor has taken reasonable action to collect the balance due.
 - 4) A loan that would otherwise be a gift as set forth under subdivision 5.a., but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 - 5) A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- c. Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code (the Political Reform Act of 1974).

I. Disqualification

1. Persons holding Designated Positions must disqualify themselves from making or participating in the making of any decisions or using their official positions to influence the making of any decision which will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally on the official or a member of his or her immediate family or on: (2 CCR 18730)

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- a. Any business entity in which the designated person has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 - b. Any real property in which the designated person has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 - c. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated person within 12 months prior to the time when the decision is made;
 - d. Any business entity in which the designated person is a director, officer, partner, trustee, employee, or holds any position of management; or
 - e. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating exceeding the limitation specified in Government Code section 89503 and California Code of Regulations, Title 2, section 18730, provided to, received by, or promised to the designated person within 12 months prior to the time when the decision is made.
2. No person holding a Designated Position shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated person who is on a voting body is needed to break a tie does not make his or her participating legally required for purposes of this section.

J. Definition of Terms

Except as otherwise provided, the definitions contained in the Political Reform Act of 1974, Government Code section 81000, et seq., and any regulations adopted by the Fair Political Practices Commission pursuant to the Act, are incorporated herein and this Conflict of Interest Code shall be interpreted in a manner consistent therewith.

Adopted: 12/08/1976

Reviewed: 01/14/2015, 08/31/2016, 06/08/2022

Amended: 02/22/1984, 11/21/1994, 09/25/2002, 03/24/2004, 03/22/2006, 09/24/2008,
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as BB 9270)

GOVERNMENT CODE
81000 – 91014 Political Reform Act of 1974

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CALIFORNIA CODE OF REGULATIONS, TITLE 2
18110-18997 Regulations of the Fair Political Practices Commission

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