



**Clerk of the Board
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: March 26, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Melinda Benton PHONE: 636-5000

SUBJECT: Approval of Richgrove School District Conflict of Interest Code

REQUEST(S):
That the Board of Supervisors:
Approve the amended Conflict of Interest Code adopted by Richgrove School District

SUMMARY:
The Political Reform Act, Administered by the State Fair Political Practice Commission (FPPC), requires local governmental agencies to adopt a Conflict of Interest Code and update it from time-to-time to reflect changes in decision-making positions within the Agency. This includes newly added positions, deleted positions, or changes in the title or decision-making duties assigned to positions. This also includes changes in disclosure categories for designated positions.

In addition, a local government agency is required to conduct a review of its Conflict of Interest Code every even numbered year. A local government agency includes a special district of any kind, school districts, or any local board, committee, commission or agency established by State of Federal statute that has a separate legal status. Pursuant to the Act, the Tulare County Board of Supervisors is the code-reviewing body for all local government agencies whose territorial boundaries are wholly in Tulare County, and has the responsibility to see that such agencies meet conflict of interest code requirements.

A Conflict of Interest Code is designated to cover members of boards, commissions, committees, districts and similar bodies, and administrative employees that make, or participate in making government decisions. The purpose

SUBJECT: Approval of Richgrove School District Conflict of Interest Code

DATE: March 26, 2019

of the Code is to prevent such officials from engaging in government decision-making in which the official may have a personal financial interest. Officials designated in an agency's code are required to file a Form 700-Statement of Economic Interests upon appointment to a designated position, upon leaving the position and on a yearly basis while performing the official functions of that position. For this reason, positions designated in the local agency's code must also be assigned a disclosure category. Disclosure categories describe the types of personal financial interests that the official must disclose in his or her Form 700-Statement of Economic Interests.

In July 2018, written notices were sent to all local government agencies within Tulare County of their obligation to conduct a Biennial Review of the agency's Conflict of Interest Code as required by law. By law, the Board of Supervisors must approve all amended or new Conflict of Interest Codes.

The Richgrove School District responded that they have amended their respective Conflict of Interest Codes since 2016 and have provided the County with the necessary supporting documents for review. These amended codes meet the requirements of the Political Reform Act and can be recommended to this Board for approval. Declaration by the representative of this special district confirming compliance with applicable requirements for amending the agency's code are attached for your review.


FISCAL IMPACT/FINANCING:

There is no County cost associated with this request.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The approval of the Conflict of Interest Codes helps fulfill the Organization Performance initiative by ensuring that the County and the local agencies are in compliance with the law.

ADMINISTRATIVE SIGN-OFF:



Melinda Benton, Chief Clerk
Clerk of the Board

cc: County Administrative Office

Attachment(s) Attachment A- Richgrove School District Conflict of Interest Code

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVAL OF)
RICHGROVE SCHOOL DISTRICT) Resolution No. _____
CONFLICT OF INTEREST CODE)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved the amended Conflict of Interest Code adopted by Richgrove School
District

2018 Local Agency Biennial Notice

Name of Agency: Richgrove Elementary School District

Mailing Address: PO Box 540 (20908 Grove Drive), Richgrove, CA 93261-0540

Contact Person: Mario Millan Phone No. 661-725-2427

Email: marion@richgrove.org Alternate Email: rc@richgrove.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

An amendment is required. The following amendments are necessary:

(Check all that apply.)

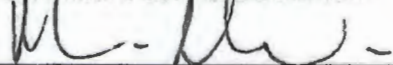
- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (describe) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

12/5/18
Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **September 14, 2018**, or by the date specified by your agency, if earlier, to:

**Clerk of the Board of Supervisors
Attn: Melinda Benton
2800 W. Burrel Avenue
Visalia, CA 93291**

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

RICHGROVE SCHOOL DISTRICT
RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

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

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

WHEREAS, implementing regulations may require conforming amendments to be made to the District's conflict of interest code; and

WHEREAS, the Richgrove School District has recently reviewed its positions, and the duties of each position, and has determined that 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, bylaw and Appendix.

NOW THEREFORE BE IT RESOLVED that the Richgrove School District Governing Board adopts the following "Amended 1819" Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS 9th day of August, 2018, at a meeting, by the following vote:

AYES: Maricela Lopez, Paul Cervantes, Alexandra Guerrero, Hernan Hernandez, Yaneli V.Carrillo

NOES: -0-

ABSENT: -0-

Attest:



Signed; Hernan Hernandez

Board Clerk

Conflict of Interest

RICHGROVE SCHOOL DISTRICT

CONFLICT OF INTEREST CODE

The Political Reform Act of 1974 (Government Code section 81000, *et seq.*) requires state and local government agencies to promulgate and adopt conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (Title 2, California Code of Regulations section 18730) that contains certain terms that constitute conflicts of interest, which with any amendments to it and with the attached Appendix specifying designated positions and disclosure categories, are hereby incorporated by reference and shall constitute the Richgrove School District's ("District's") conflict of interest code.

Governing Board members and employees designated in the Appendix shall file a Statement of Economic Interest/FPPC Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the District and, if so required, with the District's code-reviewing body. For the Superintendent and the Governing Board members, the District shall make and retain a copy and forward the original Form 700s to the Clerk of the Tulare County Board of Supervisors. The District shall retain the disclosure statements for no less than seven (7) years and shall make the statements available for public inspection and reproduction upon request.

APPENDIX

DISCLOSURE CATEGORIES:

All disclosures are to include Tulare and Kern Counties as the District conducts frequent business with entities in both counties.

1. Disclosure Category 1: Persons designated for Category 1 shall disclose, in accordance with Government Code section 87200:
 - a. All 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 include any leasehold, beneficial or ownership interest, or option to acquire such interests in real property.
 - b. All investments, business positions, ownership or income, including gifts, loans, and travel payments, from sources which:
 - (1) Are engaged in the acquisition or disposal of real property within the district,
 - (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) Manufacture or sell supplies, books, machinery, or equipment of the type used by the District.
2. Disclosure Category 2: A person designated Category 2 shall disclose:
 - a. All interests, investments, business positions, ownership or income, including gifts, loans, and travel payments, 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; or
 - b. Investments, business positions, ownership 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 purposes of this category, a principal's department is their entire school.
3. Full Disclosure: Because it has been determined that the District's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - 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.

4. Disclosures for Consultants:

Consultants are the equivalent of designated employees who must disclose financial interests. Whether a consultant shall be designated as such shall be determined on a case-by-case basis by the Superintendent or designee in consultation with legal counsel. 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. Legal counsel shall review and issue a written opinion regarding the Superintendent's final determination. 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 or participates in the making of a governmental decision whether to:¹

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 C.C.R. section 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.

¹ 2 C.C.R. section 18700.3.

DESIGNATED POSITIONS

Designated Position and Disclosure Category:

Governing Board Members3
Superintendent3
Principal1
Vice Principal1
Chief Financial (Business) Officer1
Business Clerk2
Facilities Director2
Food Service Director2
Preschool Director/Site Supervisor2
Athletic Director2
Curriculum Director2
Technology Director1
Technology Staff2

RICHGROVE SCHOOL DISTRICT

Approved (amended doc): August 9, 2018 Richgrove, California

[500713]

RICHGROVE SCHOOL DISTRICT



PO Box 540 • 20908 Grove Drive
Richgrove, CA 93261-0540
P; 661-725-2427 • F; 661-725-5772
www.richgrove.org

BOARD OF EDUCATION

Alexandra Guerrero, President
Heman Hernandez, Clerk
Yanell V. Carrillo, Member
Paul Cervantes, Member
Marisela Lopez, Member

DISTRICT ADMINISTRATION

Mario Millan, Superintendent/Principal
Mary Lou Muñoz-Gómez, Vice Principal
Shaunta Morris, Curriculum Director
Doris O'Shaughnessy, Business Manager

November 29, 2018

Clerk of the Board of Supervisors
Attn: Melinda Benton
2800 W. Burrel Avenue
Visalia, CA 93291

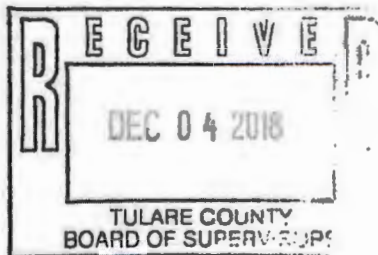
Dear Ms. Benton:

Enclosed please find the amended Conflict of Interest Disclosure Categories. We have revised the personnel titles of existing positions and deleted titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

Should you have any questions, please contact our District Office.

Thank you,

Aracelia B. Cardenas
Superintendent's Assistant



In accordance with Federal law and U.S. Department of Agriculture Policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY). USDA is an equal opportunity provider and employer.

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