



**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: June 2, 2020 - REVISED

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: Approve Monarch River Academy Conflict of Interest Code.

REQUEST(S):

That the Board of Supervisors:

Approve the new Conflict of Interest Code adopted by Monarch River Academy.

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. These changes include 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 or Federal statute that has a separate legal status. According 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. It 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 of the code is to prevent such officials from engaging in government decision-

SUBJECT: Approve Monarch River Academy Conflict of Interest Code.

DATE: June 2, 2020

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 every year 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.

All local government agencies within Tulare County are required to adopt a Conflict of Interest Code as required by law. By law, the Board of Supervisors must approve all new Conflict of Interest Codes.

On January 23, 2020, the Monarch River Academy adopted their respective Conflict of Interest Codes and provided the County with the necessary supporting documents for review. These codes meet the requirements of the Political Reform Act and are recommended to this Board for approval. Attached for your review is the declaration by the representative of this special district confirming compliance with applicable requirements for amending the agency's code.

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 comply with the law.

ADMINISTRATIVE SIGN-OFF:



Melinda Benton, Chief Clerk
Clerk of the Board

cc: County Administrative Office

Attachment(s) Attachment A- Monarch River Academy Conflict of Interest Code

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

IN THE MATTER OF APPROVE)
MONARCH RIVER ACADEMY) 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 new Conflict of Interest Code adopted by Monarch River Academy.



Monarch River Academy
2293 East Crabtree Avenue, Porterville, CA 93257
Ph (559) 754-1442 | Fax (559) 335-4089

Dated: March 11, 2020

Jason T. Britt
Clerk of the Tulare County Board of Supervisors
2800 W. Burrel Avenue
Visalia, CA 93291
Clerkoftheboard@co.tulare.ca.us

Dear Mr. Britt,

Monarch River Academy is a nonprofit public benefit corporation that operates a public charter school, authorized by Alta Vista Elementary School District. After providing notice and an opportunity for public comment, the Monarch River Academy board has adopted the enclosed proposed Conflict of Interest Code pursuant to the Political Reform Act and requests approval of that code by the County Board of Supervisors.

Sincerely,

Dr. Laurie Goodman
Principal – Monarch River Academy

[Enclosures]

MONARCH RIVER ACADEMY

CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 California Code of Regulations §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 amendments in the Political Reform Act.

Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby adopted and incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code for Monarch River Academy. This code shall take effect when approved by the Tulare County Board of Supervisors, and shall thereupon supersede any and all prior such codes adopted by Monarch River Academy, but shall supplement any conflict of interest policies adopted in compliance with the laws governing nonprofit corporations.

Individuals holding designated positions shall file statements of economic interests with the Secretary of Monarch River Academy. Upon receipt of the statements of the members of the Board of Directors, the Secretary shall make and retain copies and forward the originals of these statements to the Clerk of the Tulare County Board of Supervisors. Original statements for all other designated employees shall be retained by the Secretary. All retained statements shall be available for public inspection and reproduction. (Government Code § 81008.)

APPENDIX A

<u>Designated Positions</u>	<u>Disclosure Category</u>
Members of the Governing Board	1, 2
President/CEO	1, 2
Principal/Superintendent	1,2
Assistant Director(s)	3
Verification Specialists	3
Teachers	3
Regional Coordinators	3
Senior Director of Special Education	3
Regional Director of Special Education	3
Assistant Director of Special Education	3

The Principal or designee may determine in writing that a particular consultant or newly created position as set forth in 2 Cal. Code Regs. § 18219, that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest is hired to perform a range of duties that is limited in scope and thus the broadest disclosure is not necessary. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Principal or designee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Government Code § 81008).

APPENDIX B

Disclosure Categories

Category 1 Reporting:

Designated positions assigned to this category must report:

Interests in real property located in whole or in part within two (2) miles of any facility owned or leased by Monarch River Academy.

Category 2 Reporting:

Designated positions assigned to this category must report:

Investments and business positions in business entities or sources of income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment of the type to be utilized by Monarch River Academy.

Category 3 Reporting:

Designated positions assigned to this category must report:

Investments and business positions in business entities or sources of income (including receipt of gifts, loans, and travel payments) from sources that are engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment of the type to be utilized by the designated person's department, including, for example, vendors providing such goods and services to be utilized in the instruction of students.

**DECLARATION OF THE PRINCIPAL
REGARDING APPROVAL OF
THE PROPOSED CONFLICT OF INTEREST CODE**

I, Laurie Goodman, hereby declare:

I am the Principal of Monarch River Academy, a public charter school operated by Monarch River Academy, a California nonprofit public benefit corporation (the "Charter School"), pursuant to a charter authorized by Alta Vista Elementary School District in Tulare County.

On November 20, 2019, the Board of Directors ("Board") of the Charter School tentatively adopted a proposed Conflict of Interest Code ("Code") at a public meeting. The Code designates the officers, employees, and consultants who make or participate in making governmental decisions at the Charter School.

Following the Board meeting, the Charter School posted a Notice of Intention to Adopt a Conflict of Interest Code ("Notice") on the Charter School's public website establishing a 45-day public comment period, and the Charter School notified each individual affected by the Code by either providing a copy of the Notice or by posting the Notice on the Charter School's employee bulletin board or the Charter School's intranet site.

The Charter School did not receive any comments or requests for a public hearing regarding the Code. After the expiration of the public comment period, final approval of the Code by the Board took place at a public meeting on January 23, 2020.

The Board has directed the Principal to submit the Code to the County Board of Supervisors for approval.

Dated: March 11, 2020



Laurie Goodman, Principal

**NOTICE OF INTENTION TO ADOPT
A CONFLICT OF INTEREST CODE
FOR MONARCH RIVER ACADEMY**

NOTICE IS HEREBY GIVEN that Monarch River Academy (the "School"), a California nonprofit public benefit corporation operating a charter school with the same name, tentatively approved a Conflict of Interest Code ("Code") pursuant to Government Code section 87300 at its meeting on November 20, 2019, and intends to finally adopt the Code. This Code supersedes all prior drafts previously presented to the School's governing board. Pursuant to Government Code Sections 87200 and 87302, the Code will designate public officials, employees, and consultants of the School who make governmental decisions and who, therefore, must disclose certain investments, interests in real property, sources of income, and business positions, and may disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A public comment period has been established commencing on December 2, 2019, and terminating on January 16, 2020 (a 45-day period). Any interested person may present written comments concerning the proposed Code no later than the last day of the public comment period, January 16, 2020, to the School's representative at the address listed below. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

Copies of the proposed Code are available for inspection and copying by interested persons by contacting the School's representative at the address listed below. Any general inquiries concerning the proposed Code should be directed to the School's representative listed below.

Dr. Laurie Goodman, Principal
Monarch River Academy

Address: 2293 East Crabtree Avenue
Porterville, CA 93257
Phone: 559-999-5030
Email: laurie@inspireschools.org