

Cutten Elementary School District

Board Bylaws

BB 9270

CONFLICT OF INTEREST

The Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the Cutten School District and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in related decisions.

Board members shall not be financially interested in any contract made by the Board or any contract made acting in their capacity as Board members.

A Board member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code 1091.5 apply to the Board member.

A Board member who maintains a remote interest in a contract considered by the Board as defined in Government Code 1091 shall disclose the interest in a meeting of the Board and have the disclosure noted in the official minutes of the Board. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties.

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700. A Board member who leaves office, or a designated employee who leaves Cutten Elementary School District employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or employment.

No spouse or dependent of a Board member shall enter into employment with the Cutten School District except as provided below:

1. A Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's minor child as long as the Board member's interest in the contract is disclosed to the Board, noted in the minutes of the Board, and thereafter the Board authorizes, approves or ratifies the contract by a vote sufficient for the purpose. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract.
2. A Board member shall not be deemed to be interested financially in a contract between the board member's spouse and the Cutten School District provided the Board member's spouse has been employed there for at least one year prior to the Board member's selection or appointment.

Board members shall adhere to the Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300, et seq., and to the California Code of Regulations, Title 2, 18100, et seq. (Regulations of the Fair Political Practices Commission).

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Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental 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 Board member's or designated employee's "economic interests," unless the effect is indistinguishable for the effect on the public generally or the Board member's or designated employee's participation is legally required.

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the Cutten School District to any course of action, or enters into any contractual agreement on behalf of the Cutten Elementary School District.

A 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 abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue.

Conflict of Interest under Government Code 1090

Board members and designated employees shall not be financially interested in any contract made by the Board or Superintendent on behalf of the Cutten School District, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member or designated employee has such a financial interest, the Cutten School District is barred from entering into the contract.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the Cutten School District.

The Board shall review its Conflict of Interest Code biennially in even numbered years and report to the Humboldt County Board of Supervisors by October 1 of that year if amendments are to be made to its Code or if no amendments are necessary.

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

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1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

91000-91014 *Enforcement*

PENAL CODE

85-88 *Bribes*

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18702.5 *Public identification of a conflict of interest for Section 87200 filers*

COURT DECISIONS

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 *Ops.Cal.Atty.Gen. 26 (2009)*

92 *Ops.Cal.Atty.Gen. 19 (2009)*

89 *Ops.Cal.Atty.Gen. 217 (2006)*

86 *Ops.Cal.Atty.Gen. 138(2003)*

85 *Ops.Cal.Atty.Gen. 60 (2002)*

82 *Ops.Cal.Atty.Gen. 83 (1999)*

81 *Ops.Cal.Atty.Gen. 327 (1998)*

80 *Ops.Cal.Atty.Gen. 320 (1997)*

69 *Ops.Cal.Atty.Gen. 255 (1986)*

68 *Ops.Cal.Atty.Gen. 171 (1985)*

65 *Ops.Cal.Atty.Gen. 606 (1982)*

63 *Ops.Cal.Atty.Gen. 868 (1980)*

Adopted: October 2014

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