

**NOTICE OF INTENTION TO AMEND
THE CONFLICT OF INTEREST CODE OF THE
ALVORD UNIFIED SCHOOL DISTRICT**

NOTICE IS HEREBY GIVEN that the Alvord Unified School District (the “District”) intends to amend the District’s Conflict of Interest Code (the “Code”) pursuant to Government Code Section 87306.

The Code designates those employees, members, officers, and consultants who are subject to the District’s Code. The District’s proposed amendment includes new positions that must be designated, deletes positions that have been abolished and revises titles to existing positions.

The proposed amended Code will be considered by the Members of the Board of Education on April 21, 2022, at 7:00 p.m. at 9 KPC Parkway, Corona, California. Any interested person may be present and comment at the public meeting or may submit written comments concerning the proposed amendment. Any comments or inquiries should be directed to the attention of Anabel Nunez, Executive Assistant, Alvord Unified School District, 9 KPC Parkway, Corona, California, 92879; (951) 509-5009; anabel.nunez@alvordschools.org. Written comments must be submitted no later than April 21, 2022, at 7:00 p.m.

The proposed Amended Code may be reviewed at, and copies obtained from the office of the Executive Assistant during regular business hours.

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE
OF
ALVORD UNIFIED SCHOOL DISTRICT

CONFLICT OF INTEREST CODE OF ALVORD UNIFIED SCHOOL DISTRICT

(Amended ~~November 5, 2020~~ April 21, 2022)

The Political Reform Act of 1974 (Gov. Code § 81000, et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 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, Regulation 18730 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 incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the **Alvord Unified School District** (the "**District**").

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **Executive Assistant, Superintendent** as the District's Filing Officer. The **Executive Assistant, Superintendent** shall make and retain a copy of all statements filed by members of the Board of Education and the Superintendent of Schools, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. The **Executive Assistant, Superintendent** shall retain the original statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours. (Gov. Code § 81008.)

CONFLICT OF INTEREST CODE
OF THE
ALVORD UNIFIED SCHOOL DISTRICT
(Amended ~~November 5, 2020~~ April 21, 2022)

PART “A”
OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to the District’s Code, but must file disclosure statements under Government Code Section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members of the Board of Education
Superintendent of Schools
Chief Business Officer
Financial Consultants

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by §87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

DESIGNATED EMPLOYEES' TITLE OR FUNCTION

DISCLOSURE CATEGORIES ASSIGNED

Administrative Services Program Manager [Responsibilities are being taken over by new position - Purchasing & Contracts Manager]	2, 5
Assistant Director, Educational Technology	5
Assistant Director, Fiscal Services	5
Assistant Director, Special Education	5
Assistant Director, Student Services	5
Assistant Superintendent, Educational Services	5
Assistant Superintendent, Human Resources Development	5
Benefits Manager	5
Coordinator, Before & After School Students Programs	5
Coordinator, Family Engagement	5
Coordinator, Library/Instructional Support/Induction	5
Coordinator, Special Education	5
Coordinator, Mental Health	5
Director, Alt Ed & CTE	5
Director, Budget & Finance	4
Director, Child Nutrition Services	5
Director, Expanded Learning	5
Director, Elementary	5
Director, Elementary (PRE-K-5) Teaching, Learning & Professional Development	5

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Director, English Learner Teaching and Learning	5
<u>Director, Fiscal Services</u>	<u>5</u>
<u>Director, Equity & Access</u>	<u>5</u>
Director, Human Resources Development	5
Director, Integrated Technology Support Services	5
<u>Director, Research and Evaluation</u>	<u>5</u>
Director, School Accountability & Student Information	5
<u>Director, Secondary</u>	<u>5</u>
Director, Special Education Services	5
Director, Student Services	5
Executive Director, Administrative Services	2, 3, 4
<u>Executive Director, Pupil Services</u>	<u>5</u>
General Counsel	1, 2
Maintenance Manager	5
Network Manager	5
Nutrition Specialist	5
Operations Manager	5
<u>Payroll Manager</u>	<u>5</u>
Principals (ALL)	5
<u>Purchasing & Contracts Manager</u>	<u>5</u>
Supervisor, Operations (Child Nutrition Services)	5

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Consultant and New Positions²

² Individuals providing services as a Consultant defined in Regulation 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The District Superintendent may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The District Superintendent'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. (Gov. Code Sec. 81008.)

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ “Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income that are located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire property.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position’s department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency’s jurisdiction if the source does not have some connection with or bearing upon the functions or the duties of the position. (Reg. 18730.1)

ALVORD UNIFIED SCHOOL DISTRICT
STAFF REPORT

DATE:	APRIL 21, 2022
TO:	BOARD OF EDUCATION
FROM:	SUPERINTENDENT
SUBJECT:	Resolution Adopting an Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974

RECOMMENDATION

It is recommended that the District adopt Resolution No. 40 adopting the amended Conflict of Interest Code pursuant to the Political Reform Act of 1974 and directing submittal to the District's code-reviewing body for approval.

SUMMARY

Pursuant to Section 87306.5 of the Political Reform Act (the "Act"), the Riverside County Board of Supervisors directed the District to: (1) conduct a review of the District's Conflict of Interest Code ("Code") to determine if a change in the Code was necessary and (2) amend the District's Code pursuant to the Act, if necessary.

During the review process, staff found that updates and amendments to the District's Conflict of Interest Code are necessary. A redlined version of the proposed amended Code is attached.

BACKGROUND

The Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), requires all public agencies to adopt and maintain a Conflict of Interest Code. The Act further requires that agencies regularly review and update their Codes as necessary when directed by the code-reviewing body or when change is necessitated by changed circumstances (Sections 87306 and 87306.5). The Riverside County Board of Supervisors is the District's code-reviewing body and directed that the Code be reviewed as required under the Act. During the review process, staff found that amendments to the Code are necessary to designate new positions, revise titles of existing positions and delete positions that no longer exist .

Attached is a redlined version of the proposed amended Code showing the changes made to the District's Conflict of Interest Code.

Attachment: Legislative (redlined) version of proposed amended Conflict of Interest Code.

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ “Investment” means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income that are located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District, including any leasehold, beneficial or ownership interest or option to acquire property.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position’s department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency’s jurisdiction if the source does not have some connection with or bearing upon the functions or the duties of the position. (Reg. 18730.1)

Amend 2 Cal. Code Regs., Section 18730 to read:

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

1 (3) Section 3. Disclosure Categories.

2 This code does not establish any disclosure obligation for those designated employees
3 who are also specified in Section 87200 if they are designated in this code in that same capacity
4 or if the geographical jurisdiction of this agency is the same as or is wholly included within the
5 jurisdiction in which those persons must report their economic interests pursuant to article 2 of
6 chapter 7 of the Political Reform Act, Sections 87200, et seq.

7 In addition, this code does not establish any disclosure obligation for any designated employees
8 who are designated in a conflict of interest code for another agency, if all of the following apply:

9 (A) The geographical jurisdiction of this agency is the same as or is wholly included
10 within the jurisdiction of the other agency;

11 (B) The disclosure assigned in the code of the other agency is the same as that required
12 under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

13 (C) The filing officer is the same for both agencies. ¹

14 Such persons are covered by this code for disqualification purposes only. With respect to
15 all other designated employees, the disclosure categories set forth in the Appendix specify which
16 kinds of economic interests are reportable. Such a designated employee shall disclose in ~~his or~~
17 ~~her~~ the employee's statement of economic interests those economic interests ~~he or she~~ the
18 employee has which are of the kind described in the disclosure categories to which ~~he or she~~ the
19 employee is assigned in the Appendix. It has been determined that the economic interests set
20 forth in a designated employee's disclosure categories are the kinds of economic interests which
21 ~~he or she~~ the employee foreseeably can affect materially through the conduct of ~~his or her~~ the
22 employee's office.

23 (4) Section 4. Statements of Economic Interests: Place of Filing.

1 The code reviewing body shall instruct all designated employees within its code to file
2 statements of economic interests with the agency or with the code reviewing body, as provided
3 by the code reviewing body in the agency's conflict of interest code.²

4 (5) Section 5. Statements of Economic Interests: Time of Filing.

5 (A) Initial Statements. All designated employees employed by the agency on the effective
6 date of this code, as originally adopted, promulgated and approved by the code reviewing body,
7 shall file statements within 30 days after the effective date of this code. Thereafter, each person
8 already in a position when it is designated by an amendment to this code shall file an initial
9 statement within 30 days after the effective date of the amendment.

10 (B) Assuming Office Statements. All persons assuming designated positions after the
11 effective date of this code shall file statements within 30 days after assuming the designated
12 positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

13 (C) Annual Statements. All designated employees shall file statements no later than April

14 1. If a person reports for military service as defined in the Servicemember's Civil Relief
15 Act, the deadline for the annual statement of economic interests is 30 days following ~~his or her~~
16 the person's return to office, provided the person, or someone authorized to represent the
17 person's interests, notifies the filing officer in writing prior to the applicable filing deadline that
18 ~~he or she~~ the person is subject to that federal statute and is unable to meet the applicable
19 deadline, and provides the filing officer verification of ~~his or her~~ the person's military status.

20 (D) Leaving Office Statements. All persons who leave designated positions shall file
21 statements within 30 days after leaving office.

22 (5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

1 Any person who resigns within 12 months of initial appointment, or within 30 days of the date of
2 notice provided by the filing officer to file an assuming office statement, is not deemed to have
3 assumed office or left office, provided ~~he or she~~ the person did not make or participate in the
4 making of, or use ~~his or her~~ the person's position to influence any decision and did not receive or
5 become entitled to receive any form of payment as a result of ~~his or her~~ the person's
6 appointment. Such persons shall not file either an assuming or leaving office statement.

7 (A) Any person who resigns a position within 30 days of the date of a notice from the
8 filing officer shall do both of the following:

9 (1) File a written resignation with the appointing power; and

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

14 (6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

15 (A) Contents of Initial Statements.

16 Initial statements shall disclose any reportable investments, interests in real property and
17 business positions held on the effective date of the code and income received during the 12
18 months prior to the effective date of the code.

19 (B) Contents of Assuming Office Statements.

20 Assuming office statements shall disclose any reportable investments, interests in real
21 property and business positions held on the date of assuming office or, if subject to State Senate
22 confirmation or appointment, on the date of nomination, and income received during the 12

1 months prior to the date of assuming office or the date of being appointed or nominated,
2 respectively.

3 (C) Contents of Annual Statements. Annual statements shall disclose any reportable
4 investments, interests in real property, income and business positions held or received during the
5 previous calendar year provided, however, that the period covered by an employee's first annual
6 statement shall begin on the effective date of the code or the date of assuming office whichever
7 is later, or for a board or commission member subject to Section 87302.6, the day after the
8 closing date of the most recent statement filed by the member pursuant to Regulation 18754.

9 (D) Contents of Leaving Office Statements.
10 Leaving office statements shall disclose reportable investments, interests in real property, income
11 and business positions held or received during the period between the closing date of the last
12 statement filed and the date of leaving office.

13 (7) Section 7. Manner of Reporting.
14 Statements of economic interests shall be made on forms prescribed by the Fair Political
15 Practices Commission and supplied by the agency, and shall contain the following information:

16 (A) Investment and Real Property Disclosure.
17 When an investment or an interest in real property ³ is required to be reported, ⁴ the statement
18 shall contain the following:

- 19 1. A statement of the nature of the investment or interest;
- 20 2. The name of the business entity in which each investment is held, and a general
21 description of the business activity in which the business entity is engaged;
- 22 3. The address or other precise location of the real property;

1 4. A statement whether the fair market value of the investment or interest in real property
2 equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

3 (B) Personal Income Disclosure. When personal income is required to be reported, ⁵ the
4 statement shall contain:

5 1. The name and address of each source of income aggregating \$500 or more in value, or
6 \$50 or more in value if the income was a gift, and a general description of the business activity,
7 if any, of each source;

8 2. A statement whether the aggregate value of income from each source, or in the case of
9 a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater
10 than \$10,000, or greater than \$100,000;

11 3. A description of the consideration, if any, for which the income was received;

12 4. In the case of a gift, the name, address and business activity of the donor and any
13 intermediary through which the gift was made; a description of the gift; the amount or value of
14 the gift; and the date on which the gift was received;

15 5. In the case of a loan, the annual interest rate and the security, if any, given for the loan
16 and the term of the loan.

17 (C) Business Entity Income Disclosure. When income of a business entity, including
18 income of a sole proprietorship, is required to be reported, ⁶ the statement shall contain:

19 1. The name, address, and a general description of the business activity of the business
20 entity;

21 2. The name of every person from whom the business entity received payments if the
22 filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

1 (D) Business Position Disclosure. When business positions are required to be reported, a
2 designated employee shall list the name and address of each business entity in which ~~he or she~~
3 the employee is a director, officer, partner, trustee, employee, or in which ~~he or she~~ the employee
4 holds any position of management, a description of the business activity in which the business
5 entity is engaged, and the designated employee's position with the business entity.

6 (E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving
7 office statement, if an investment or an interest in real property was partially or wholly acquired
8 or disposed of during the period covered by the statement, the statement shall contain the date of
9 acquisition or disposal.

10 (8) Section 8. Prohibition on Receipt of Honoraria.

11 (A) No member of a state board or commission, and no designated employee of a state or
12 local government agency, shall accept any honorarium from any source, if the member or
13 employee would be required to report the receipt of income or gifts from that source on ~~his or her~~
14 the member's or employee's statement of economic interests.

15 (B) This section shall not apply to any part-time member of the governing board of any
16 public institution of higher education, unless the member is also an elected official.

17 (C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this
18 section.

19 (D) This section shall not limit or prohibit payments, advances, or reimbursements for
20 travel and related lodging and subsistence authorized by Section 89506.

21 (8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

22 (A) No member of a state board or commission, and no designated employee of a state or
23 local government agency, shall accept gifts with a total value of more than \$520 in a calendar

1 year from any single source, if the member or employee would be required to report the receipt
2 of income or gifts from that source on ~~his or her~~ the member's or employee's statement of
3 economic interests.

4 (B) This section shall not apply to any part-time member of the governing board of any
5 public institution of higher education, unless the member is also an elected official.

6 (C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this
7 section.

8 (8.2) Section 8.2. Loans to Public Officials.

9 (A) No elected officer of a state or local government agency shall, from the date of ~~his or~~
10 ~~her~~ the election to office through the date that ~~he or she~~ the officer vacates office, receive a
11 personal loan from any officer, employee, member, or consultant of the state or local government
12 agency in which the elected officer holds office or over which the elected officer's agency has
13 direction and control.

14 (B) No public official who is exempt from the state civil service system pursuant to
15 subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while
16 he or she holds office, receive a personal loan from any officer, employee, member, or consultant
17 of the state or local government agency in which the public official holds office or over which
18 the public official's agency has direction and control. This subdivision shall not apply to loans
19 made to a public official whose duties are solely secretarial, clerical, or manual.

20 (C) No elected officer of a state or local government agency shall, from the date of ~~his or~~
21 ~~her~~ the election to office through the date that ~~he or she~~ the officer vacates office, receive a
22 personal loan from any person who has a contract with the state or local government agency to
23 which that elected officer has been elected or over which that elected officer's agency has

1 direction and control. This subdivision shall not apply to loans made by banks or other financial
2 institutions or to any indebtedness created as part of a retail installment or credit card transaction,
3 if the loan is made or the indebtedness created in the lender's regular course of business on terms
4 available to members of the public without regard to the elected officer's official status.

5 (D) No public official who is exempt from the state civil service system pursuant to
6 subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while
7 ~~he or she~~ the official holds office, receive a personal loan from any person who has a contract
8 with the state or local government agency to which that elected officer has been elected or over
9 which that elected officer's agency has direction and control. This subdivision shall not apply to
10 loans made by banks or other financial institutions or to any indebtedness created as part of a
11 retail installment or credit card transaction, if the loan is made or the indebtedness created in the
12 lender's regular course of business on terms available to members of the public without regard to
13 the elected officer's official status. This subdivision shall not apply to loans made to a public
14 official whose duties are solely secretarial, clerical, or manual.

15 (E) This section shall not apply to the following:

16 1. Loans made to the campaign committee of an elected officer or candidate for elective
17 office.

18 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild,
19 brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first
20 cousin, or the spouse of any such persons, provided that the person making the loan is not acting
21 as an agent or intermediary for any person not otherwise exempted under this section.

22 3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

23 4. Loans made, or offered in writing, before January 1, 1998.

1 (8.3) Section 8.3. Loan Terms.

2 (A) Except as set forth in subdivision (B), no elected officer of a state or local
3 government agency shall, from the date of ~~his or her~~ the officer's election to office through the
4 date ~~he or she~~ the officer vacates office, receive a personal loan of \$500 or more, except when
5 the loan is in writing and clearly states the terms of the loan, including the parties to the loan
6 agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments
7 shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

8 (B) This section shall not apply to the following types of loans:

9 1. Loans made to the campaign committee of the elected officer.

10 2. Loans made to the elected officer by his or her spouse, child, parent, grandparent,
11 grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt,
12 uncle, or first cousin, or the spouse of any such person, provided that the person making the loan
13 is not acting as an agent or intermediary for any person not otherwise exempted under this
14 section.

15 3. Loans made, or offered in writing, before January 1, 1998.

16 (C) Nothing in this section shall exempt any person from any other provision of Title 9 of
17 the Government Code.

18 (8.4) Section 8.4. Personal Loans.

19 (A) Except as set forth in subdivision (B), a personal loan received by any designated
20 employee shall become a gift to the designated employee for the purposes of this section in the
21 following circumstances:

22 1. If the loan has a defined date or dates for repayment, when the statute of limitations for
23 filing an action for default has expired.

1 2. If the loan has no defined date or dates for repayment, when one year has elapsed from
2 the later of the following:

- 3 a. The date the loan was made.
- 4 b. The date the last payment of \$100 or more was made on the loan.
- 5 c. The date upon which the debtor has made payments on the loan aggregating to less
6 than \$250 during the previous 12 months.

7 (B) This section shall not apply to the following types of loans:

8 1. A loan made to the campaign committee of an elected officer or a candidate for
9 elective office.

10 2. A loan that would otherwise not be a gift as defined in this title.

11 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which
12 the creditor has taken reasonable action to collect the balance due.

13 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which
14 the creditor, based on reasonable business considerations, has not undertaken collection action.

15 Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this
16 paragraph has the burden of proving that the decision for not taking collection action was based
17 on reasonable business considerations.

18 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately
19 discharged in bankruptcy.

20 (C) Nothing in this section shall exempt any person from any other provisions of Title 9
21 of the Government Code.

22 (9) Section 9. Disqualification.

1 No designated employee shall make, participate in making, or in any way attempt to use
2 ~~his or her~~ the employee's official position to influence the making of any governmental decision
3 which ~~he or she~~ the employee knows or has reason to know will have a reasonably foreseeable
4 material financial effect, distinguishable from its effect on the public generally, on the official or
5 a member of ~~his or her~~ the official's immediate family or on:

6 (A) Any business entity in which the designated employee has a direct or indirect
7 investment worth \$2,000 or more;

8 (B) Any real property in which the designated employee has a direct or indirect interest
9 worth \$2,000 or more;

10 (C) Any source of income, other than gifts and other than loans by a commercial lending
11 institution in the regular course of business on terms available to the public without regard to
12 official status, aggregating \$500 or more in value provided to, received by or promised to the
13 designated employee within 12 months prior to the time when the decision is made;

14 (D) Any business entity in which the designated employee is a director, officer, partner,
15 trustee, employee, or holds any position of management; or

16 (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating
17 \$500 or more provided to, received by, or promised to the designated employee within 12
18 months prior to the time when the decision is made.

19 (9.3) Section 9.3. Legally Required Participation.

20 No designated employee shall be prevented from making or participating in the making
21 of any decision to the extent ~~his or her~~ the employee's participation is legally required for the
22 decision to be made. The fact that the vote of a designated employee who is on a voting body is

1 needed to break a tie does not make ~~his or her~~ the employees' participation legally required for
2 purposes of this section.

3 (9.5) Section 9.5. Disqualification of State Officers and Employees.

4 In addition to the general disqualification provisions of section 9, no state administrative
5 official shall make, participate in making, or use ~~his or her~~ the official's ~~official~~ position to
6 influence any governmental decision directly relating to any contract where the state
7 administrative official knows or has reason to know that any party to the contract is a person
8 with whom the state administrative official, or any member of ~~his or her~~ the official's immediate
9 family has, within 12 months prior to the time when the official action is to be taken:

10 (A) Engaged in a business transaction or transactions on terms not available to members
11 of the public, regarding any investment or interest in real property; or

12 (B) Engaged in a business transaction or transactions on terms not available to members
13 of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

14 (10) Section 10. Disclosure of Disqualifying Interest.

15 When a designated employee determines that ~~he or she~~ the employee should not make a
16 governmental decision because ~~he or she~~ the employee has a disqualifying interest in it, the
17 determination not to act may be accompanied by disclosure of the disqualifying interest.

18 (11) Section 11. Assistance of the Commission and Counsel.

19 Any designated employee who is unsure of ~~his or her~~ the duties under this code may request
20 assistance from the Fair Political Practices Commission pursuant to Section 83114 and
21 Regulations 18329 and 18329.5 or from the attorney for ~~his or her~~ the employee's agency,
22 provided that nothing in this section requires the attorney for the agency to issue any formal or
23 informal opinion.

1 (12) Section 12. Violations.

2 This code has the force and effect of law. Designated employees violating any provision
3 of this code are subject to the administrative, criminal and civil sanctions provided in the
4 Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a
5 violation of the disqualification provisions of this code or of Section 87100 or 87450 has
6 occurred may be set aside as void pursuant to Section 91003.

7 _____
8 ¹ Designated employees who are required to file statements of economic interests under
9 any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may
10 expand their statement of economic interests to cover reportable interests in both jurisdictions,
11 and file copies of this expanded statement with both entities in lieu of filing separate and distinct
12 statements, provided that each copy of such expanded statement filed in place of an original is
13 signed and verified by the designated employee as if it were an original. See Section 81004.

14 ² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in
15 agencies who make and retain copies of statements and forward the originals to the filing officer.

16 ³ For the purpose of disclosure only (not disqualification), an interest in real property
17 does not include the principal residence of the filer.

18 ⁴ Investments and interests in real property which have a fair market value of less than
19 \$2,000 are not investments and interests in real property within the meaning of the Political
20 Reform Act. However, investments or interests in real property of an individual include those
21 held by the individual's spouse and dependent children as well as a pro rata share of any
22 investment or interest in real property of any business entity or trust in which the individual,

1 spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10
2 percent or greater.

3 ⁵ A designated employee's income includes ~~his or her~~ the employee's community
4 property interest in the income of ~~his or her~~ the employee's spouse but does not include salary or
5 reimbursement for expenses received from a state, local or federal government agency.

6 ⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of
7 the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In
8 addition, the disclosure of persons who are clients or customers of a business entity is required
9 only if the clients or customers are within one of the disclosure categories of the filer.

10 Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-
11 87302, 89501, 89502 and 89503, Government Code.

Agency Report of:
New Positions

A Public Document

1. Agency Name (Also include, Division, Department, or Region (if applicable))		<input type="checkbox"/> Amendment
Agency Contact		Date of Original Filing: _____ (month, day, year)
Phone Number	Email	

2. New Position Information

Position Title/Classification and Job Summary	Assigned Category	OR Disclosure Requirement	Assuming/Start Date (Optional)
			Start ____/____/____ m / d / yr
			Start ____/____/____ m / d / yr
			Start ____/____/____ m / d / yr
			Start ____/____/____ m / d / yr
			Start ____/____/____ m / d / yr
			Start ____/____/____ m / d / yr
			Start ____/____/____ m / d / yr

3. Verification

I have read and understand FPPC Regulations 18700.3 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.

Signature	Name	Title	(month, day, year)
-----------	------	-------	--------------------

Comment: (Use this space or an attachment for any additional information.)

Agency Report of: New Positions

California
Form **804**

A Public Document

State and local government agencies may use this form to identify new positions that will make or participate in making governmental decisions on behalf of the agency. An individual in a newly created position must file a Statement of Economic Interests (Form 700) within 30 days of assuming office.

This form identifies the Statement of Economic Interests, Form 700, disclosure requirements for individuals serving in new positions. This form is for the agency's internal use and should be maintained by the agency in the same manner as the agency's conflict of interest code. For more information, refer to the FPPC website www.fppc.ca.gov and Regulations 18700.3 and 18734.

Disclosure Requirements

- Disclosure requirements should conform to the range of duties.
- Alternatively, the agency must require an individual to file under the broadest disclosure category in the agency's conflict of interest code or, if the agency does not have a conflict of interest code, full disclosure.

Full disclosure includes reporting all investments, business positions, and interests in real property held on the date of assuming office and income received during the 12 months immediately preceding assuming office.

When a new position is added, in addition to completing this form, the agency should begin the process to amend the conflict of interest code.

Examples:

An agency added a new data processing manager position. The individual will be assigned the same disclosure category that the agency's other IT staff are assigned.

An agency implemented a new licensing program and a new manager position was added. Because this was a new program, the agency provided a written description of the individual's disclosure requirements which included sources subject to the licensing procedures.

An agency reorganized and changed the duties of several positions listed in the conflict of interest code. This form is not required as positions are not new. The agency should begin to amend its conflict of interest code if the range of authority and types of decisions changed.

An agency changed the titles but not the duties and responsibilities of several positions. This form is not required. The agency must file an amendment to update the conflict of interest code.

Instructions

Part 1

Identify the agency, contact information, and provide the amendment explanation in the comment section when applicable.

Part 2

Identify the new position(s) and describe the position's duties. Identify the disclosure by:

- Assigning an existing category(s) in the agency's code, or
- Writing a disclosure requirement.

Complete if the agency knows the employment date.

Part 3

The agency's conflict of interest code should identify the position that is responsible for the verification.

Example

Agency Report of: New Positions		A Public Document		California Form 804
1. Agency Name (Also include, Division, Department, or Region (if applicable)) CA Joint Powers Authority			<input type="checkbox"/> Amendment	
Agency Contact Smith, Adam Executive Director			Date of Original Filing: _____ (month, day, year)	
Phone Number 555-555-5555		Email adam.smith@cjpa.ca.gov		
2. New Position Information				
Position Title/Classification and Job Summary	Assigned Category	OR	Disclosure Requirement	Assuming/Start Date (Optional)
Data Processing Manager (manages IT Dept)	3			Start 3 / 3 / xx m / d / yr
Licensing Director (duty statement attached)	3		All investments, business positions in business entities, and sources	Start 3 / 8 / xx m / d / yr
Licensing Director (duty statement attached)	3		of income, including gifts, loans, and travel payments, from entities	Start / / yr m / d / yr
Licensing Director (duty statement attached)	3		that are of the type subject to licensing by the Department or are subject	Start / / yr m / d / yr
Licensing Director (duty statement attached)	3		to regulation by the Department.	Start / / yr m / d / yr
Licensing Director (duty statement attached)	3		(Alternately, attach a written explanation.)	Start / / yr m / d / yr
				Start / / yr m / d / yr
3. Verification				
I have read and understand FPPC Regulations 18700.3 and 18734. I have verified that the disclosure assignment(s) set forth above, is in accordance with its provisions.				
Adam Smith	Adam Smith	Executive Director	3-10-XX	
Signature	Name	Title	(month, day, year)	
Comment: (Use this space or an attachment for any additional information.)				