



Darnall Charter School

Conflict of Interest Code

COUNTY OF SAN DIEGO
2020 SEP 28 AM 10:04
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE

I. ADOPTION

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., the Darnall Charter School (“Charter School”) hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all members of the Board of Directors (“Board”) and all other designated employees of the Charter School, as specifically required by California Government Code Section 87300. The Charter School will comply with Government Code Section 1090, et seq., and the Political Reform Act, as set forth in Education Code Section 47604.1.

II. DEFINITION OF TERMS

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

III. DESIGNATED EMPLOYEES

Employees of this Charter School, including members of the Board, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be “designated employees.” The designated positions are listed in “Exhibit A” attached to this policy and incorporated by reference herein.

IV. STATEMENT OF ECONOMIC INTERESTS: FILING

Each designated employee, including members of the Board, shall file a Statement of Economic Interest (“Statement”) at the time and manner prescribed by California Code of Regulations, title 2, section 18730, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee’s position is assigned in “Exhibit A.”

An investment, interest in real property, or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of their position. The specific disclosure responsibilities assigned to each position are set forth in “Exhibit B.”

Statements Filed with the Charter School. All Statements shall be supplied by the Charter School. All Statements shall be filed with the Charter School. The Charter School’s filing official shall make and retain a copy of the Statement and forward the original to the County Board of Supervisors.

Approved and/or authorized by the
Board of Supervisors of the County of San Diego.
Meeting Date: 1/26/2021 Minute Order No. 12
By: *[Signature]* Date: 2/16/2021
Deputy Clerk of the Board Supervisors



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V. DISQUALIFICATION

No designated employee shall make, participate in making, or try to use their official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family.

VI. MANNER OF DISQUALIFICATION

A. Non-Board Member Designated Employees

When a non-Board member designated employee determines that they should not make a decision because of a disqualifying interest, the designated employee shall submit a written disclosure of the disqualifying interest to the employee's immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Director, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency (the Director), this determination and disclosure shall be made in writing to their appointing authority (the Board).

B. Board Member Designated Employees

Financial interest in a contract: The Charter School shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor any other corporation, firm, association, or other entity in which one or more of the Corporation's directors are directors and have a material financial interest).

Where a member of the Board has a personal, material financial interest in a contract, the financial interest will be reviewed by legal counsel under Government Code Section 1090, to determine whether the remote or non-interest exceptions apply. Should the Board and counsel determine that no applicable remote or noninterest exceptions apply, the Board must either: (1) not enter into the contract, as Government Code Section 1090 prevents the entire Board from voting on the contract; or (2) prior to the Board's discussion of and/or taking any action on the contract at issue, the interested Board member must resign from the Board. The resignation shall be made part of the Board's official record.

All other financial interests: Board members shall disclose a disqualifying interest in writing to the Board of Directors and verbally at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record and be included in the meeting minutes. The interested Board member shall refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken) and comply with any applicable provisions of the Charter School Bylaws.



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EXHIBIT A

Designated Positions

<u>Designated Position</u>	<u>Assigned Disclosure Category</u>
Members of the Board of Directors	1, 2, 3
Director of Charter School	1, 2, 3
Associate Director	1, 2, 3
Assistant Director	1, 2, 3
Chief Business Officer	1, 2, 3
Director of Personnel Services	1, 2, 3
Assistant Director of Personnel Services	1, 2, 3
Members of Committees of the Governing Board*	1, 2, 3
Purchasing Manager	1
Assistant Business Officer	1
Information Systems Technician	2, 3
Consultants/New Positions **	

* This category must be included if the committee has members that are not otherwise covered by the other identified categories and the committee possesses decision making authority. Decision making authority is present when the committee: a) may make a final decision for the school; b) may compel a governmental decision or it may prevent a decision either by reason of an exclusion power to initiate the decision or by reason of a veto that may not be overridden; or c) makes substantial recommendations that are, and over an extended period have been, regularly approved without significant amendment or modified by another designated employee.

**Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Director may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. 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 Director’s determination is a public record



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and shall be retained for public inspection in the same manner and location as this conflict of interest code (Government Code § 81008).

EXHIBIT B

Disclosure Categories

Category 1

Designated positions assigned to this category must report:

- a. Interests in real property located in whole or in part within two (2) miles of any facility utilized by Darnall Charter School, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is greater than \$2,000.
- b. Investments and business positions in business entities, or sources of income (including receipt of gifts, loans, and travel payments) that engage in the purchase or sale of real property or are engaged in building construction or design.

Category 2

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 or sell supplies, instructional materials, machinery or equipment of the type to be utilized by Darnall Charter School.

Category 3

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 or sell supplies, instructional materials, machinery or equipment of the type to be utilized by the designated position's department.