

**HUMBOLDT COUNTY OFFICE OF EDUCATION
Conflict Of Interest Code**

I. Adoption

In compliance with the Political Reform Act of 1974, California Government Code 81000, et seq., the Humboldt County Office of Education hereby adopts this Conflict of Interest Code, which shall apply to all County Board members and designated employees of this public agency, as specifically required by California Government Code 87300.

II. Designated Employees

Employees of the Humboldt County Office of Education, including board members, who hold positions which involve the making, or participation in the making, of decisions which may foreseeably have a material effect on any financial interest shall be designated employees. All persons who hold the positions specifically enumerated in Exhibit A are designated employees.

III. Disclosure Statement - Filing

- A. Each designated employee, including Board of Education members, shall file an annual statement at the time and manner prescribed in this Code disclosing investments in business entities, interests in real property and income which might foreseeably be affected materially by the operations of the Office. Statements shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the Humboldt County Office of Education.
- B. It has been determined that it is foreseeable that the types of investments, interest in real property, and income listed in the disclosure categories in Exhibit B may be affected materially by decisions made or participated in by the designated employee by virtue of his or her position. Such interests are reportable if held by the designated employee
- C. An initial statement shall be filed by each designated employee within 30 days after the effective date of this Conflict of Interest Code disclosing investments and interests in real property which were held on the effective date of the code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- D. Annual statements shall be filed during the month of February disclosing reportable investments, interests in real property and income during the preceding calendar year.

- E. Persons assuming designated positions after the effective date of this code shall file assuming office statements within 30 days after assuming the designated position.
- F. Within 30 days after leaving a position, a leaving office statement shall be filed by each person who leaves a designated position specified in Exhibit A, disclosing his or her reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing.
- G. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement. Such persons shall file a written resignation with the Humboldt County Superintendent of Schools and shall also file a written statement declaring that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.
- H. All disclosure statements shall be filed by designated employees with the Humboldt County Office of Education, which shall make and retain a copy. In addition, the Humboldt County Office of Education shall forward the statements of the Superintendent of Schools and members of the Board of Education to the Humboldt County Board of Supervisors.

IV. Contents of Disclosure Statements

A. Investments and Interests in Real Property

When an investment or interest in real property is required to be disclosed, the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).
5. If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

B. Personal Income

When personal income is required to be reported under this Code, the statement shall contain the following:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), ten thousand dollars (\$10,000), or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.
6. No designated employee shall accept any honorarium as defined in Government Code 89501.
7. No designated employee shall accept any gifts with a total value of more than three hundred ninety dollars (\$390) in a calendar year from any single source.

C. Business Entity Income

When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than then thousand dollars (\$10,000).

D. Business Positions

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

V. Disqualification

No designated employee shall make, participate in making or in any way attempt to use his or her official position to influence the making of any government decision which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public generally, on the official, or a member of his or her immediate family, or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- D. Any business entity in which a designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$390 or more in value provided to, received by or promised to

the designated employee within 12 months prior to the time when the decision is made.

VI. Definition of Terms

Except as otherwise provided, the definitions contained in the Political Reform Act of 1974, Government Code 82000 et seq., the Regulations to the Act and amendments to the Regulations, shall be incorporated into this Conflict of Interest Code.

EXHIBIT A

DESIGNATED POSITIONS

- I. Persons* occupying the following positions are designated employees and shall disclose financial interests on all categories defined in Exhibit B:

Members of the Board of Education
Superintendent of Schools
Assistant Superintendents
Directors

- II. Persons* occupying the following positions are designated employees and must disclose financial interests defined in categories 2 and 3 of Exhibit B:

Principals
Coordinators
Managers
Supervisors
Purchaser

** Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:*

The Superintendent may determine in writing that a particular consultant, 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 duties and, based upon that description, a statement of the extent of disclosure requirements. The 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.

EXHIBIT B

DISCLOSURE CATEGORIES

CATEGORY 1

- A. Interest in real property ¹, other than the employee's principal residence, which is located in whole or in part within Humboldt County, 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. Investments² and business positions in business entities or income from sources which engage in building construction or design within the County.
- C. Investments² and business positions in business entities or income from sources which engage in the acquisition or disposal of real property within the County.

CATEGORY 2

Investments and business positions in business entities or income from sources which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is director, principal, manager or coordinator.

CATEGORY 3

Investments and business positions in business entities or income from sources which are contractors or subcontractors engaged in the performance of work or services of the type utilized by the department for which the designated employee is director, principal, manager or coordinator.

Date Amended: August 9, 2006

Date Amended: August 13, 2008

¹ *Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.*

² *Investments include:*

1. Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest.

2. A pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, or beneficially, a ten percent interest or greater.