

# **West Side Education Authority**

## **Conflict of Interest Code**

Approved: 06/28/2022

## **CONFLICT OF INTEREST CODE OF THE WEST SIDE EDUCATION AUTHORITY**

### Introduction

The Political Reform Act (Gov. Code, § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (Cal. Code of Regs., tit. 2, §18730), which contains the terms of a standard conflict of interest code ("Code Regulation"). After public notice and hearing, the Code Regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of the Code Regulation, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into this conflict of interest code by reference.

The complete text of the Code Regulation can be found on the Fair Political Practices Commission website at <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>

West Side Education Authority ("Authority") is a duly constituted Joint Powers Agency formed in accordance with Government Code section 6500 et seq. and pursuant to a Joint Exercise of Powers Agreement entered into by and between three public agencies: Cupertino Union School District, Fremont Union High School District, and Sunnyvale School District. For purposes of this conflict of interest code and the disclosure requirements of filers, "Authority" means the West Side Education Authority, but does not include the individual member school districts that formed the Authority.

The Code Regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories for the Authority shall constitute the conflict of interest code of the Authority.

All officials required to submit a statement of economic interests shall file their statements with the designated filing official at the Fremont Union High School District, the entity that acts as the Lead District for the Authority. If Statements are received in signed paper format, the filing official shall make and retain a copy and forward the original Statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara's Form 700 e-filing system, both the filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed Statements simultaneously.

All retained statements, original or copied, shall be available for public inspection and reproduction subject to Government Code section 81008.

## **Exhibit "A"**

| <u>Designated Position</u>                  | <u>Disclosure Category</u> |
|---------------------------------------------|----------------------------|
| Board Member                                | 1                          |
| Lead Agency Representative to the Authority | 1                          |
| Consultant                                  | 3                          |
| Newly Created Position                      | *                          |

### **\*Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the Authority's conflict of interest code is 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 Lead Agency Representative to the Authority

may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Authority'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 Section 81008.)

As soon as the Authority has a newly created position that must file statements of economic interests, the Authority's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the Authority's filing official shall ensure that any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the Authority shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

## **Exhibit "B"**

### Disclosure Categories:

#### **Category 1**

Persons in this category shall disclose:

- a. Interests in real property located entirely or partly within the Authority boundaries, or within two miles of Authority boundaries, or of any land owned or used by the Authority; and
- b. all investments, business positions in, and income (including gifts, loans, and travel payments) from sources which (1) are or have been within the past two years engaged in work or services of the type used by the Authority; (2) manufacture or sell supplies, goods, machinery or equipment of the type used by the Authority, or (3) are engaged in the acquisition or disposal of real property within the jurisdiction of the Authority.

#### **Category 2**

Persons in this category shall disclose interests in real property located entirely or partly within the Authority boundaries, or within two miles of the Authority boundaries, or of any land owned or used by the Authority.

#### **Category 3**

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the Authority's conflict of interest code subject to the following limitation: The Lead District's Representative to the Authority may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection in the same manner and location as this conflict of interest code.