

**TITLE: Conflict of Interest**

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| Approved by: <u>Tracy Bishop</u><br><i>Yuba County Board of Education, Board President</i> | Series: <b>9000</b><br>Version: <b>9</b><br>Effective Date: <b>09/09/2026</b><br>Previous Policy Date: <b>08/12/2020</b><br>Revised By: <b>Committee</b><br>Policy Number: <b>BB 9270</b> |
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The County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the County Office of Education (COE) and the public. Accordingly, no County Board member shall participate in the making of any decision for the COE when the decision will or may be affected by the County Board member's financial, family, or other personal interest or consideration, as defined by law.

Additionally, a County Board member shall abstain from voting on a matter that uniquely affects the County Board member's relatives except as permitted by law. Relative means an adult who is related to the County Board member by blood or affinity within the third degree, as determined by common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner, unless the individual is widowed or divorced.

#### Conflict of Interest Code

The County Board shall adopt a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the board of supervisors for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body.

Upon direction by the code reviewing body, the County Board shall review its conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the County Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the County Board's conflict of interest code is necessitated due to changed circumstances, the County Board shall amend the code, which shall then be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the County Board's conflict of interest code, officers, employees, consultants, and members of the community shall be provided with adequate notice and a fair opportunity to present their views. (Government Code 87311)

## Conflict of Interest under the Political Reform Act

A County Board member shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the County Board member knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the County Board member's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A County Board member makes a governmental decision when, acting within the authority of the office or position, the County Board member authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before the County Board for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a County Board member is not prohibited from participating in the making of a contract in which the County Board member has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

## Conflict of Interest from Campaign Contributions

Prior to the County Board rendering a decision in a proceeding involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, a County Board member whose campaign committee received a contribution of more than \$500 from any party or participant to the proceeding, or from an agent of such a party or participant, in the prior 12 months, and the party who made such a contribution, shall both publicly disclose that fact on the record of the proceeding. Additionally, if a County Board member willfully or knowingly received a contribution to the County Board member's campaign committee of more than \$500 from any party or participant to such a proceeding, or from an agent of a party or participant, in the prior 12 months, and knows or has reason to know that the participant has a financial interest in the County Board's decision, the County Board member shall not make, participate in making, or in any way attempt to use the County Board member's official position to influence the County Board's decision in the proceeding. However, a County Board member may make, participate in making, or attempt to use the County Board member's official position to influence the decision if the contribution is returned within 30 days after the decision was made or after the County Board member knows or should have known about the contribution and the proceeding, whichever is later.

All County Board members are prohibited from accepting, soliciting, or directing a contribution of more than \$500 to a candidate or ballot measure campaign committee from any party or participant to a proceeding before the County Board involving a contract, license, permit, or other entitlement for use, as defined by Government Code 84308, or from an agent of a party or participant, while the proceeding is pending before the County Board and for 12 months following the date the County Board renders a final decision in the proceeding, if the County Board member knows or has reason to know that the participant has a financial interest in the

decision. However, if a County Board member does accept, solicit, or direct such a contribution during those 12 months but did not do so knowingly or willingly, the County Board member may cure the violation by ensuring that the contribution, or the portion exceeding \$500, is returned within 30 days of accepting, soliciting, or directing the contribution. The County Board member shall maintain records of curing the violation. (Government Code 84308)

For a County Board member, a proceeding becomes "pending" when an item involving the contract, license, permit, or other entitlement for use, as defined by Government Code 84308, is placed on a County Board agenda for discussion or decision or when it is reasonably foreseeable that the proceeding will come before the County Board for a decision. For a party or participant, and the agent of a party or participant, a proceeding becomes "pending" when an application is filed with the COE, or, if the proceeding process does not require an application, when the proceeding is before the County Board for a decision or other action. (Government Code 84308)

The contributions disclosure requirements and restrictions above do not apply to contracts that are required to be competitively bid, personal employment contracts, contracts valued under \$50,000, contracts where no party receives financial compensation, or contracts with another governmental agency. (Government Code 84308)

#### Form 700

Each County Board member shall annually file a Form 700/Statement of Economic Interest in accordance with the disclosure categories specified in the County Board's conflict of interest code. An individual who ceases to be a County Board member shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date the individual ceased to be a County Board member. (Government Code 87302)

#### Additional Requirements for County Boards that Manage Public Investments

Any County Board member who manages public investments, as defined by Government Code 87200, and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required
2. Not discuss or vote on the matter, or otherwise act in violation of Government Code 87100

The County Board member shall not be counted toward achieving a quorum while the item is discussed.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded

However, the County Board member who manages public investments, as defined by Government Code 87200, may speak on the issue during the time that the general public speaks on it. Additionally, for a County Board member, if the matter has been placed on the consent calendar, the County Board member shall abstain from voting on the consent calendar or, if the County Board removes the item from the consent calendar, the County Board member shall abstain from voting on the item. In any event, the County Board member shall refrain from discussing or voting on the item. However, the County Board member is not required to leave the room during consideration of the consent calendar.

4. If a decision is made during closed session, disclose the interest orally during the open session preceding the closed session

This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The County Board member who manages public investments, as defined by Government Code 87200, shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the decision.

#### Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

A County Board member shall not be financially interested in any contract approved by the County Board, including in the development, internal discussions, negotiations, modifications, planning, deliberation of issues, and specifications and solicitations for bids. If a County Board member has such a financial interest in a contract approved by the County Board, the contract is void. (Government Code 1090)

#### Remote Interest Exception to Government Code 1090

A County Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member to enter into the contract. (Government Code 1091)

#### Noninterest Exception to Government Code 1090

A County Board member shall not be considered to be financially interested in a contract for any "noninterest" specified in Government Code 1091.5.

#### Common Law Doctrine Against Conflict of Interest

A County Board member shall abstain from any official action in which the County Board member's private or personal interest may conflict with official duties pursuant to the common law doctrine against conflict of interest.

#### Incompatible Offices and Activities

County 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 County Board member's official duties. (Government Code 1099, 1126)

## Gifts

County Board members may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503 and 2 CCR 18730.

Gifts of travel and related lodging and subsistence shall be subject to the current gift conditions and limitations, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a County Board member, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code. Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Form 700/Statement of Economic Interest as required by law.

A gift of travel does not include travel provided by the COE for County Board members. (Government Code 89506)

## Honoraria

County Board members shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
  2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the COE for donation into the general fund without being claimed as a deduction from income for tax purposes
- Advice

Any County Board member, who, in good faith, believes that they may be subject to the requirements of this Bylaw and has questions, is unclear, or is unsure regarding the application of the requirements of this Bylaw to any particular instance or situation, may seek advice from the County Board's legal counsel with the permission of the County Board President or majority

of the County Board.

## Training

Unless a County Board member's term expires prior to January 1, 2026, each County Board member shall complete ethics training in accordance with Government Code 53234-53235.2 by January 1, 2026, and at least once every two years thereafter as specified in County Board Bylaw 9240 - Board Training.

### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State Description

2 CCR 18110-18997 Regulations of the Fair Political Practices Commission

2 CCR 18438.1-18438.8 Campaign contribution-based conflicts of interest

2 CCR 18700-18760 Conflicts of Interest

2 CCR 18722-18740 Disclosure of interests

2 CCR 18753-18756 Conflict of interest codes

2 CCR 18940.2 Gift limit amount

Ed. Code 1006 Prohibition against school district employees serving on county board of education

Ed. Code 35107 School district employees

Ed. Code 35230-35240 Corrupt practices

Ed. Code 35233 Prohibitions applicable to members of governing boards

Ed. Code 41000-41003 Moneys received by school districts

Ed. Code 41015 Investments

Fam. Code 297.5 Rights, protections, and benefits of registered domestic partners

Gov. Code 1090-1099 Prohibitions applicable to specified officers

Gov. Code 1125-1129 Incompatible activities

Gov. Code 53234-53235.2 Ethics training

Gov. Code 81000-91014 Political Reform Act

Gov. Code 82011 Code reviewing body

Gov. Code 82019 Definition; designated employee

Gov. Code 82028 Definition; gift

Gov. Code 82030 Definition; income

Gov. Code 82033 Definition; interest in real property

Gov. Code 82034 Definition; investment

Gov. Code 84308 Campaign Disclosure

Gov. Code 87100-87505 Political Reform Act; conflict of interest

Gov. Code 89501-89503 Honoraria and gifts

Gov. Code 89506 Ethics; travel

Gov. Code 91000-91014 Enforcement

Pen. Code 85-88 Bribes

Pub. Cont. Code 6102 Bribery of public official; voidable contract

Rev. & Tax Code 203 Taxable and exempt property; colleges

Management Resources Description

Attorney General Opinion 105 Ops.Cal.Atty.Gen.69 (2022)

Attorney General Opinion 92 Ops.Cal.Atty.Gen. 26 (2009)

Attorney General Opinion 92 Ops.Cal.Atty.Gen. 19 (2009)

Attorney General Opinion 89 Ops.Cal.Atty.Gen. 217 (2006)

Attorney General Opinion 86 Ops.Cal.Atty.Gen. 138(2003)

Attorney General Opinion 85 Ops.Cal.Atty.Gen. 60 (2002)

Attorney General Opinion 82 Ops.Cal.Atty.Gen. 83 (1999)

Attorney General Opinion 81 Ops.Cal.Atty.Gen. 327 (1998)

Attorney General Opinion 80 Ops.Cal.Atty.Gen. 320 (1997)

Attorney General Opinion 69 Ops.Cal.Atty.Gen. 255 (1986)

Attorney General Opinion 68 Ops.Cal.Atty.Gen. 171 (1985)

Attorney General Opinion 65 Ops.Cal.Atty.Gen. 606 (1982)

Attorney General Opinion 63 Ops.Cal.Atty.Gen. 868 (1980)

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

Court Decision McGee v. Balfour Beatty Construction, LLC, et al. (2016) 247 Cal.App.4th 235

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

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

Court Decision Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

CSBA Publication Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

Fair Political Practices Commission Publication Advice Letter: A-96-314 (December 18, 1996)

Fair Political Practices Commission Publication      Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005  
 Institute For Local Government Publication    Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009  
 Institute for Local Government Publication    Understanding the Basics of Public Service Ethics: Transparency Laws, 2009  
 Website    CSBA District and County Office of Education Legal Services  
 Website    Institute for Local Government  
 Website    Fair Political Practices Commission  
 Website    CSBA

#### Cross References

| Code        | Description                                         |
|-------------|-----------------------------------------------------|
| 1340        | Access To County Office Records                     |
| 1340        | Access To County Office Records                     |
| 1700        | Relations Between Private Industry And The Schools  |
| 3230        | Federal Grant Funds                                 |
| 3230-E(1)   | Federal Grant Funds                                 |
| 3290        | Gifts, Grants And Bequests                          |
| 3300        | Expenditures And Purchases                          |
| 3311        | Bids                                                |
| 3311        | Bids                                                |
| 3400        | Management Of County Office Assets/Accounts         |
| 3400        | Management Of County Office Assets/Accounts         |
| 3430        | Investing                                           |
| 3430        | Investing                                           |
| 3470        | Debt Issuance And Management                        |
| 3512        | Equipment                                           |
| 3512-E(1)   | Equipment                                           |
| 3600        | Consultants                                         |
| 4112.8      | Employment Of Relatives                             |
| 4136        | Nonschool Employment                                |
| 4212.8      | Employment Of Relatives                             |
| 4236        | Nonschool Employment                                |
| 4312.8      | Employment Of Relatives                             |
| 4336        | Nonschool Employment                                |
| 6161.1      | Selection And Evaluation Of Instructional Materials |
| 6161.1      | Selection And Evaluation Of Instructional Materials |
| 6161.1-E(1) | Selection And Evaluation Of Instructional Materials |
| 7140        | Architectural And Engineering Services              |
| 7140        | Architectural And Engineering Services              |
| 7214        | General Obligation Bonds                            |
| 7214        | General Obligation Bonds                            |
| 9000        | Role Of The Board                                   |
| 9000-E(1)   | Role Of The Board                                   |
| 9005        | Governance Standards                                |
| 9140        | Board Representatives                               |
| 9200        | Limits Of Board Member Authority                    |
| 9220        | Governing Board Elections                           |
| 9220-E(1)   | Governing Board Elections                           |
| 9222        | Resignation                                         |
| 9230        | Orientation                                         |
| 9240        | Board Training                                      |
| 9320        | Meetings And Notices                                |
| 9321        | Closed Session                                      |
| 9321-E(1)   | Closed Session                                      |
| 9321-E(2)   | Closed Session                                      |
| 9323        | Meeting Conduct                                     |