

Bylaws of the Board

Conflict of Interest

Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. (Government Code § 1126)

Conflict of Interest Code

Governing Board members and designated employees shall adhere to the District's Conflict of Interest Code adopted pursuant to the provisions of Government Code § 87300. This code shall comprise the terms of the California Code of Regulations, Title 2, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, together with a District attachment specifying designated positions and the specific types of disclosure required for each position.

Board members and designated employees shall submit statements of economic interests to the District in accordance with requirements of the Conflict of Interest Code. These statements shall be available for public inspection and reproduction. (Government Code § 81008)

Upon receiving the statements of Board members and the Superintendent, the District shall make and retain copies and shall forward the originals to the code reviewing body. Statements for all other designated employees will be retained by the District.

When reviewing and preparing conflict of interest codes, the District shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code § 87311)

The Board shall review the District's conflict of interest code in even-numbered years and send the code reviewing body either an amended code, by October 1 of that year, or a statement to the effect that no change is necessary. (Government Code § 87306.5)

Financial Interest

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code § 1090)

A Board member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code § 1091.5 apply.

BB 9270(b)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. A remote interest shall be any of those defined in Government Code § 1091, including the interest of a parent in the earnings of his/her minor child. (Government Code § 1091)

A Board member shall not be deemed to be financially interested in a contract between the Board member's spouse and the District provided the contract concerns the same employment as that held by the spouse when the Board member was elected or appointed, and provided the spouse has been employed in that same position for at least one (1) year prior to the Board member's election or appointment. (Government Code § 1091.5(a) (6) and 69 Ops. Cal. Atty. Gen. 255)

If a Board member or designated employee determines that he/she has a financial interest in a decision, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (Code of Regulations, Title 2, Section 18700) Pursuant to Government Code § 87105, a Board member's disclosure of a financial interest must include detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. Additionally, the Board member must recuse himself or herself from discussing and voting on the matter and also leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

A Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. (E.C. § 35107)

Gifts/Honoraria

Except as reimbursement for actual travel expenses and reasonable related subsistence, Board members shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law. Designated employees shall not accept gifts from any single source in any calendar year in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of the gifts from that source on his/her statement of economic interests. (Government Code § 89503)

The above limitation does not apply to any gift from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of any such person unless the donor is acting as an agent or intermediary for a person not herein identified. (Code of Regulations, Title 2, Section 18942)

Board members, without regard to whether an honorarium is required to be reported, and designated employees, if required to report an honorarium on his/her statement of economic

interest, 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 gathering. This prohibition does not apply to 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. (Government Code §§ 89501, 89502)

Legal Reference:

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School District employees
- 35233 Prohibitions applicable to members of governing boards

GOVERNMENT CODE

- 1090-1098 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 81000-91015 Political Reform Act of 1974, especially:
 - 82019 Definition of "Designated Employee"
 - 82028 Definitions "Gifts"
 - 82030 Definitions "Income"
 - 82033 Definitions "Interest in real property"
 - 82034 Definitions "Investment"
- 87100-87103.6 General prohibitions
- 87200-87210 Disclosure
- 87300-87313 Conflict of interest code
- 87500 Statements of economic interests
- 89501-89505 Honoraria and gifts
- 91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

- 18100 et seq. Regulations of the Fair Political Practices Commission
 - 68 Ops. Cal. Atty. Gen. 171 (1985)
 - 65 Ops. Cal. Atty. Gen. 606 (1982)

Adopted: (7-88 10-92 7-96) 9-06

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California