
CONFLICT OF INTEREST

The Board of Directors (Board) desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the non-profit corporation that operates charter school(s) and the public. Accordingly, no Board member, non-profit corporation employee, or other person in a designated position shall participate in the making of any decision for the non-profit corporation when the decision will or may be affected or perceived as such by they/their financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect they/their relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which they/their relative belongs to. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

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.

The Board shall adopt for the non-profit corporation a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the non-profit corporation's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the non-profit corporation's code reviewing body 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 Board shall review the non-profit corporation's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect.

When a change in the non-profit corporation's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent.

When reviewing and preparing the non-profit corporation's conflict of interest code, the Director/CEO or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views.

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the non-profit corporation's conflict of interest code, the Director/CEO or designee shall provide officers,

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employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the non-profit corporation's conflict of interest code. A Board member who leaves office or a designated employee who leaves the non-profit corporation employment 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 of leaving office or non-profit corporation employment.

Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use they/their official position to influence a governmental decision in which he/she knows or has reason to know that he/she has 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 Board member, designated employee, or other person in a designated position, they/their immediate family, or any financial interest described in 2 CCR 18700.

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of they/their office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a non-profit corporation official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if they/their participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

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

Board members, employees, or non-profit corporation consultants shall not be financially interested in any contract made by the Board on behalf of the non-profit corporation, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void.

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the 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 or non-profit corporation official to enter into the contract.

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In addition, a Board member shall not be considered to be financially interested in a contract in which they/their interest is a "non-interest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for they/their actual and necessary expenses incurred in the performance of they/their official duties, in the employment of they/their spouse/registered domestic partner who has been a non-profit corporation employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which they/their private or personal interest may conflict with they/their official duties.

Incompatible Offices and Activities

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 Board member's duties as an officer of the non-profit corporation.

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals.

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when:

1. The travel is in connection with a speech given by a Board member or designated employee, 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.

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Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the non-profit corporation for Board members and designated employees.

Honoraria

Board members and designated employees 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 gathering.

The term honorarium does not include:

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 non-profit corporation for donation into the general fund without being claimed as a deduction from income for tax purposes