

## **Conflict of Interest**

Yolo County Board of Education (“County Board”) members and designated employees shall adhere to the Yolo County Office of Education (“YCOE”) conflict of interest code adopted pursuant to the provisions of Government Code § 87300. County Board members shall disclose any conflict of interest and, as necessary, shall abstain from participating in decisions or discussions that could affect or be effected by those interests. The County Board shall consult with legal counsel whenever an actual or potential conflict of interest arises.

The YCOE conflict of interest code (E 9270) together with attachment (APPENDIX A) specifying designated positions and disclosure categories shall comprise the terms of the California Code of Regulations, Title 2, § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission.

County Board members and designated employees shall file statements of economic interests with YCOE. These statements shall be filed pursuant to Government Code § 87500.

County Board members shall not be financially interested in any contract made by the board nor in any contract they make in their capacity as board members, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a County Board member has such a financial interest, the YCOE is prevented from entering into that contract. (Government Code 1090)

A County Board member shall not be deemed to be financially interested in a contract between the County Board and the County Board member's minor child as long as the County Board member's interest in the contract is disclosed to the board and noted in the minutes of the County Board. The County Board member shall abstain from voting on the contract and shall not attempt to influence other members of the County Board to approve the contract.

The County Board member shall not be deemed to be financially interested in a contract between the County Board member's spouse and YCOE provided the contract concerns the same employment as that held by the employee when the employee's spouse became a County Board member, and provided the County Board member's spouse has been employed by YCOE in that same position for at least one year prior to the County Board member's election or appointment.

A County 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.

A County Board member who maintains a remote interest in any contract considered by the County Board shall disclose the interest during a County Board meeting and have the disclosure noted in the official County Board minutes. "Remote interests" shall be those defined in Government Code § 1091. 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.

County Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's duties as an officer of YCOE.

Even if there is not a prohibited conflict of interest, County Board members shall abstain from voting on personnel matters that uniquely affect their relatives. However, a County Board member may vote on personnel matters that affect the class of employees to which their relative belongs. *Relative* means an adult who is related to the County 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. (Education Code 35107)

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

### **Political Reform Act**

County Board members shall not make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board members' "economic interests," unless the effect is indistinguishable from the effect on the public in general or the County Board members' participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A County Board member makes a governmental decision when, acting with the authority of their office or position, they vote on a matter, appoint a person, obligate or commit the YCOE to any course of action, or enter into a contractual agreement on behalf of the YCOE.

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from discussing and voting on the matter. They may remain on the dais, but their presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a close session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

### **Rule of Necessity**

On a case-by-case basis and with the advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

### **Gifts**

County Board members 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. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the YCOE for County Board members and designated employees. (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 gathering, in accordance with law. (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<sup>2</sup>. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the YCOE for donation into the general fund without being claimed as a deduction from income for tax purposes

### **Legal References:**

Government Code, 1090-1097, 1125-1128, 82028, 82030, 82033, 82034, 87100-87103.5, 87200-87210, 87300-87313, 87500, 89501, 89502, 89506, 91000-91015

Code of Regulations, Title 2, 18700 et seq.

69 OPS.CAL.ATTY.GEN. 255 (1986)

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