

The Board of Trustees desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the District and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the District when the decision will or may be affected by his/her 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 his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. 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. (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.

The Political Reform Act, Government Code Sections 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 (2 Cal. Code of Regs. Section 18730), which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendix designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Anaheim Union High School District.

Designated employees shall file statements of economic interests with the Anaheim Union High School District's political reform act filing officer, the secretary to the Board of Trustees (superintendent), who will make the statements available for public inspection and reproduction (Government Code Section 82008).

Upon receipt of the statements of the Anaheim Union High School District, the filing officer shall make and retain a copy. The original statements of the board members, superintendent, deputy superintendent, assistant superintendents, executive director of human resources, and counsel will be forwarded to the clerk of the Orange County Board of Supervisors. Statements for all other designated employees will be retained by the filing officer.

#### **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 his/her 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, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district 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 his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

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

Any Board member who manages public investments pursuant to 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. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. 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.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board’s decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government

Code 87100. He/she 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 Board's decision.

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

Board members, employees, or District consultants shall not be financially interested in any contract made by the Board of Trustees on behalf of the District, 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 of Trustees, the contract is void. (Government Code 1090)

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 District official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a District 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.

District officers, employees, or agents who violate these standards of conduct are subject to disciplinary action. (2 CFR 200.318)

#### Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her 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 District. (Government Code 1099, 1126)

#### 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. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

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

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.

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 District for Board members and designated employees. (Government Code 89506)

#### 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 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 District for donation into the general fund without being claimed as a deduction from income for tax purposes.

**Legal Reference:****CODE OF FEDERAL REGULATIONS, TITLE 2**

200.318 General Procurement Standards

**EDUCATION CODE**

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

41015 Investments

**FAMILY CODE**

297.5 Rights, protections, and benefits of registered domestic partners

**GOVERNMENT CODE**

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Ethics; travel

91000-91014 Enforcement

**PENAL CODE**

85-88 Bribes

**REVENUE AND TAXATION CODE**

203 Taxable and exempt property - colleges

**CODE OF REGULATIONS, TITLE 2**

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18753-18756 Conflict of interest codes

**COURT DECISIONS**

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)  
Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261  
Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469  
Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655  
Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

**ATTORNEY GENERAL OPINIONS**

92 Ops.Cal.Atty.Gen. 26 (2009)  
92 Ops.Cal.Atty.Gen. 19 (2009)  
89 Ops.Cal.Atty.Gen. 217 (2006)  
86 Ops.Cal.Atty.Gen. 138(2003)  
85 Ops.Cal.Atty.Gen. 60 (2002)  
82 Ops.Cal.Atty.Gen. 83 (1999)  
81 Ops.Cal.Atty.Gen. 327 (1998)  
80 Ops.Cal.Atty.Gen. 320 (1997)  
69 Ops.Cal.Atty.Gen. 255 (1986)  
68 Ops.Cal.Atty.Gen. 171 (1985)  
65 Ops.Cal.Atty.Gen. 606 (1982)  
63 Ops.Cal.Atty.Gen. 868 (1980)

**Management Resources:****CSBA PUBLICATIONS**

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

**FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS**

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

**INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS**

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009  
Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

**WEB SITES**

CSBA: <http://www.csba.org>  
Fair Political Practices Commission: <http://www.fppc.ca.gov>  
Institute of Local Government: <http://www.ca-ilg.org>

Board of Trustees

June 23, 1978

Revised: April 19, 1990

Revised: June 18, 1992

Revised: August 1994  
Revised: March 1995  
Revised: October 1998  
Revised: January 2003  
Revised: November 2006  
Revised: August 2008  
Revised: November 2009  
Revised: November 2010  
Revised: September 2012  
Revised: November 2014  
Revised: May 2015  
Revised: December 2018  
Revised: December 2020  
Revised: August 2022  
Revised: November 2024

**Exhibit A  
Anaheim Union High School District**

**LIST OF DESIGNATED POSITIONS  
CONFLICT OF INTEREST CODE**

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>Disclosure Categories</u></b>
<b>Governing Board, Superintendent, and Public Information Officer</b>	
Members of the Board of Trustees	OC-01
Superintendent	OC-01
District Counsel	OC-01
Public Information Officer (PIO)	OC-02
<b>Personnel Commission and Staff:</b>	
Members of the Personnel Commission	OC-01
Executive Director, Classified Personnel	OC-01
<b>Educational Services:</b>	
Assistant Superintendent, Educational Services	OC-01
Chief Technology Officer	OC-01
Community Schools Manager	OC-01
Executive Director, Educational Services	OC-01
Director, Career Preparedness Systems Framework Implementation	OC-01
Director, Plurilingual Services	OC-01
Director, School Mental Health and Wellness	OC-01
Coordinator, Educational Related Mental Health Services	OC-01
Coordinator, Professional Learning	OC-01
Coordinator, Special Youth Services	OC-01
Director, Arts Education	OC-01
Director, Innovative Programs and Instructional Systems	OC-01
Director, Community Schools & Family and Community Engagement	OC-01
Director, Learning and Development	OC-01
Director, Special Youth Services	OC-01
Director, Student Support Services	OC-01
Coordinator, 21 <sup>st</sup> Century Career Readiness	OC-01
Program Administrator, International Student Relations and Services	OC-01
Program Administrator, Assessment and Evaluation	OC-01



**CONFLICT OF INTEREST CODE****6203.01 (9270)**

Program Administrator	OC-01
Program Administrator, Title IX	OC-01
Family and Community Engagement Manager	OC-01
<b>Business Services:</b>	
Accounting Manager	OC-01
Assistant Superintendent, Business Services	OC-01
Assistant Director, Food Services	OC-37
Assistant Director, Planning and Design	OC-05
Budget Manager	OC-01
Buyer	OC-05
Controller	OC-01
Executive Director, Fiscal Services	OC-01
Executive Director, Facilities, Maintenance and Operations	OC-01
Director, Food Services	OC-37
Director, Maintenance and Operations	OC-02
Director, Purchasing and Central Services	OC-08
Director, Transportation Services	OC-02
District and Community Use Manager	OC-02
Energy Manager	OC-05
Payroll Manager	OC-02
Procurement Contract Specialist	OC-02
Purchasing Clerk	OC-05
Project Manager	OC-05
Director, Risk Management and Insurance	OC-12
Supervisor, Warehouse	OC-02
Senior Warehouseman	OC-02
Warehouseman	OC-02
<b>Human Resources:</b>	
Assistant Superintendent, Human Resources	OC-01
Director, Human Resources	OC-01
<b>Consultants</b>	OC-30

**Exhibit B**  
**Anaheim Union High School District**

<b>Disclosure Category</b>	<b>Disclosure Description</b>
OC-01	All interests in real property in the district, as well as investments, business positions and sources of income (including gifts, loans, and travel payments).
OC-02	All investments, business positions, and sources of income (including gifts, loans, and travel payments).
OC-05	All investments, in business positions with and income (including gifts, loans, and travel payments) from sources that provide services, supplies, materials, machinery, and equipment (including training and consulting services) used by the department or district.
OC-08	All investments, in business positions with and income (including gifts, loans, and travel payments) from sources that develop or provide computer hardware/software, voice data communications, or data processing goods, supplies, equipment, or services (including training and consulting services) used by the department.
OC-12	All interests in real property in the district, as well as investments in, business positions with and income (including gifts, loans, and travel payments) from sources that invest funds or engage in the business of insurance including, but not limited to insurance companies, carriers, holding companies, underwriters, brokers, solicitors, agents, adjusters, claims managers, and actuaries; from financial institutions including, but not limited to, banks, savings and loan associations and credit unions or sources that have filed a claim, or have a claim pending, against Orange County.
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The department head, director, general manager, superintendent, etc. may determine that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the filing officer for public inspection.
OC-37	All investments in, business positions with and income (including gifts, loans, and travel payments) from sources that provide food services or supplies, which include, but are not limited to wholesale food, retail food, or restaurant equipment.