

**Board Packet for South Sutter Charter School's
Adoption of a Conflict of Interest Code**

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RESOLUTION NO. 2020-02-12

RESOLUTION OF THE BOARD OF DIRECTORS OF SOUTH SUTTER CHARTER SCHOOL TENTATIVELY ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, South Sutter Charter School (“SSCS”) is a California nonprofit public benefit corporation that operates a public charter school by the same name;

WHEREAS, SSCS is required to adopt a Conflict of Interest Code that complies with the Political Reform Act (Government Code Section 81000, *et seq.*) as “a charter school and an entity managing a charter school” pursuant to Education Code Section 47604.1;

WHEREAS, SSCS seeks to adopt a Conflict of Interest Code for submittal to the Sutter County Board of Supervisors as the code reviewing body for local agencies within the county; and

WHEREAS, the Board seeks to adopt the Fair Political Practices Commission’s model Conflict of Interest Code as set forth in California Code of Regulations, Title 2, Section 18730.

NOW, THEREFORE, the Board hereby finds, resolves, and orders as follows:

Section 1. The Conflict of Interest Code, in the form attached as Attachment A, is tentatively adopted and promulgated.

Section 2. The President or designee is directed to open a 45-day public comment period in accordance with California Code of Regulations, Title 2, Section 18750 by posting a Notice of Intention to Adopt a Conflict of Interest Code, in the form attached as Attachment B, on SSCS’s website and notifying each individual affected by the proposed Conflict of Interest Code by providing a copy of the Notice to each individual, or directing them to the website, or posting on employee notice bulletin boards otherwise required by statute.

Section 3. The Conflict of Interest Code shall become effective upon:

- a. Final approval by the Board or the Board President following the public comment period and after a public hearing, if requested; and
- b. After submission by the Board President or designee, approval by the Sutter County Board of Supervisors as the code reviewing body.

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SECRETARY'S CERTIFICATE

I, Brenda Christensen, Secretary of the Board of Directors of South Sutter Charter School, a California nonprofit public benefit corporation, County of Sutter, California, hereby certify as follows:

The attached is a full, true, and correct copy of the resolutions duly adopted at a regular meeting of the Board of Directors of South Sutter Charter School, which was held on February 19, 2020, at which all the members of the Board of Directors had due notice and at which a quorum was present; and at such meeting such resolutions were adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

WITNESS my hand this ____ day of February, 2020.

Secretary, South Sutter Charter School

ATTACHMENT A
CONFLICT OF INTEREST CODE AND APPENDICES
OF SOUTH SUTTER CHARTER SCHOOL

[See Attached]

SOUTH SUTTER CHARTER SCHOOL CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. South Sutter Charter School (“SSCS”) is a California nonprofit public benefit corporation that operates a public charter school. SSCS is required to adopt a conflict of interest code as “a charter school and an entity managing a charter school” pursuant to Education Code Section 47604.1.

The Fair Political Practices Commission (“FPPC”) adopted a regulation (2 Cal. Code Regs. § 18730) with the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments in the Political Reform Act. The terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it duly adopted by the FPPC are hereby adopted and incorporated by reference. This regulation and the attached appendices shall constitute the SSCS Conflict of Interest Code. SSCS’s designated positions are identified in Appendix A.

This code shall take effect when approved by the Sutter County Board of Supervisors, and shall thereupon supersede any and all prior such codes adopted by SSCS, and it shall supplement any conflict of interest policies adopted in compliance with the laws governing nonprofit corporations.

Individuals holding designated positions shall file their statements of economic interests with the Secretary of SSCS in accordance with the disclosure categories in Appendix B. Upon receipt of the statements of the members of the Board of Directors, the Secretary shall make and retain copies and forward the originals of these statements to the Clerk of the Sutter County Board of Supervisors. Original statements for all other designated employees shall be retained by the Secretary. All retained statements shall be available for public inspection and reproduction (Gov. Code § 81008).

APPENDIX A
DESIGNATED POSITIONS

| DESIGNATED POSITION | DISCLOSURE CATEGORY |
|-----------------------------------|---------------------|
| Members of the Board of Directors | 1, 2 |
| Consultant/ New Position | * |

* A consultant or new position is not required to report under the disclosure categories unless the Board President determines in writing that the consultant or new position is a “designated position”. Such written determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Board President’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX A
DESCRIPTION OF DESIGNATED POSITIONS

Members of the Board of Directors

The members of the Board of Directors (“Board”) of South Sutter Charter School (“SSCS”) formulate general policies and programs of SSCS, and negotiate a services contract with Innovative Education Management or other administrative services provider. The Board is responsible for assuring that all aspects of the financial and programmatic accountability systems are consistent with the school’s charter, and delegates implementation of policy to the contracted services provider, such as Innovative Education Management. The Board has responsibility to ensure that its administration and staff fulfill SSCS’s obligations to its charter authorizer and the California Department of Education. The Board is responsible for approving major contracts on behalf of SSCS, including the purchase, sale, lease, or transfer of real property, and approves the annual financial audit by an independent auditor.

The Board does not direct the investment of public moneys, formulate or approve investment policies, approve or establish guidelines for asset allocations, or approve investment transactions. Consequently, members of the Board are not “other officials who manage public investments” within the meaning of Government Code Section 87200, or as defined in California Code of Regulations, Title 2, Section 18701; members of the Board are instead designated under SSCS’s Conflict of Interest Code.

APPENDIX B
DISCLOSURE CATEGORIES

CATEGORY 1 – Designated positions assigned to this category must report:

Interests in real property which are located in whole or in part within two (2) miles of any facility utilized by SCS, including any leasehold, beneficial, or ownership interest or option to acquire such interest in real property.

CATEGORY 2 – Designated positions assigned to this category must report:

Investments and business positions in business entities and sources of income (including gifts, loans and travel payments) that are from business entities engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment, of the type utilized by SCS.

ATTACHMENT B

NOTICE OF INTENTION TO ADOPT A CONFLICT OF INTEREST CODE

[See Attached]

**NOTICE OF INTENTION TO ADOPT
A CONFLICT OF INTEREST CODE FOR
SOUTH SUTTER CHARTER SCHOOL**

NOTICE IS HEREBY GIVEN that South Sutter Charter School (“SSCS”) tentatively approved a Conflict of Interest Code (“Code”) pursuant to Government Code Section 87300 at its meeting on February 19, 2020 and intends to finally adopt the Code. Pursuant to Government Code Sections 87200 and 87302, the Code will designate officials, employees and consultants of SSCS who make governmental decisions and who, therefore, must disclose certain investments, interests in real property, sources of income, and business positions, and may disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A public comment period has been established commencing on March 4, 2020, and terminating on April 17, 2020 (a 45-day period). Any interested person may present written comments concerning the proposed Code no later than April 17, 2020, to SSCS’s representative at the address listed below. No public hearing on this matter will be held unless an interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

Copies of the proposed Code are available for inspection and copying by interested persons by contacting SSCS’s representative at the address listed below. Any general inquiries concerning the proposed Code should be directed to SSCS’s representative listed below.

South Sutter Charter School
ATTN: Administration

Address: 4535 Missouri Flat Road, Suite 1A
Placerville, CA 95667
Phone: (800) 979-4436
Email: bchristensen@ieminc.org