



## MEMORANDUM

Ventura Unified School District  
Trudy Tuttle Arriaga Education Service Center  
255 W. Stanley Avenue, Ste. 100  
Ventura, CA 93001

**DATE:** September 23, 2016  
**To:** Ventura Unified School District Board of Education  
**FROM:** Dr. Michael Babb, Superintendent  
**RESOURCE:** Melinda Vasquez, Assistant to Legal Counsel, Anthony Ramos  
**SUBJECT:** Proposed Changes, Deletions, or Additions to Board Bylaw 9270

An action and consent item is being presented to the Board of Education meeting of September 27, 2016 requesting approval of Resolution #16-19 "Proposed Changes, Deletions, or Additions to Board Bylaw." On May 12, 2016 at its Board meeting, the Board of Education unanimously approved the recommendation of the Superintendent to establish a new classification: Deputy Superintendent/Business Services.

Pursuant to Government Code §87306.5, all Conflict of Interest Codes must be reviewed and amended as needed every even-numbered year by local agencies. In order to comply, we need to show the addition of the classification "Deputy Superintendent/Business Services to our Board Bylaw 9270 and Exhibit "A" to said Resolution -"Designated Positions and Filing Officers. Once the Resolution has been approved, the District is required to file these documents with the office of the Ventura County Clerk of the Board. This documentation must be filed with the Clerk's office by October 3, 2016.

**VENTURA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
RESOLUTION #16-19  
PROPOSED CHANGES, DELETIONS, OR ADDITIONS TO BOARD BYLAW 9270**

WHEREAS, the Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

WHEREAS, The terms of California Code of Regulations, Title 2, Section 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the VENTURA UNIFIED SCHOOL DISTRICT, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which sets forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the VENTURA UNIFIED SCHOOL DISTRICT. Persons holding positions designated in Exhibit A shall file Form 700 Statements of Economic Interests with the Filing Officer specified for that position in Exhibit A.

NOW, THEREFORE, BET IT RESOLVED, the Board of Education unanimously approved the recommendation of the superintendent to establish the new classification "Deputy Superintendent, Business Services. Said new classification is approved to be added to Board Bylaw 9270, Conflict of Interest under the heading "DESIGNATED POSITIONS/DISCLOSURE CATEGORIES" in order to comply with The Political Reform Act as stated above.

APPROVED AND ADOPTED this 27<sup>th</sup> day of September 2016

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President, Board of Education

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Member, Board of Education

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Member, Board of Education

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Member, Board of Education

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Member, Board of Education

ATTEST:

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Michael Babb, Ed.D  
Secretary to Governing Board

# EXHIBIT “A”

## VENTURA UNIFIED SCHOOL DISTRICT 2016 CONFLICT OF INTEREST CODE

### Exhibit A Designated Positions

# OF POSITION	POSITION TITLE	DISCLOSURE CATEGORY
5	Governing Board Members	1
1	Superintendent of Schools	1
1	Deputy Superintendent/Business Services	1
3	Associate/Assistant Superintendent	1
1	Purchasing Agent	1
3	Personnel Commission	1
1	General Counsel	1
25	All Directors (Certificated and Classified)	2
28	Principals	2
19	Assistant Principals	2
1	Project Coordinator	2
1	Project Specialist	2
8	Supervisor	2
0	Consultants	1 or 2*

\*Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee’s written determination shall include a description of the consultant’s duties and a statement of the extent of

disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

## **EXHIBIT “B”**

# **Ventura USD**

## **Board Bylaw**

### **Conflict Of Interest**

BB 9270

### **Board Bylaws**

#### Incompatible Activities

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

The district's conflict of interest code shall comprise of the terms of California Code of Regulations, Title 2, Section 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances

such as the creation of new designated positions, amendments or revisions shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

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)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

#### 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 his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further

that such interest is noted in its official records

6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has legal obligation to give particular consideration, and provided further that such interest is noted in its official records

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records

8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

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. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is no prohibited or remote interest, 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. "Relative" means an adult who is related to the person 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 the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is

widowed or divorced.

## 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 limitations on gifts do 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 prevailing gift limitation except as described in Government Code 89506.

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 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
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

## APPENDIX

### DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

#### Governing Board Members Superintendent of Schools

1. Persons occupying the following positions are designated employees in Category 1:

Assistant/Associate Superintendent  
**Deputy Superintendent/Business Services**

Purchasing Agent  
General Counsel

Designated persons in this category must report:

a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

b. Investments or business positions in or income from sources which:

(1) Are engaged in the acquisition or disposal of real property within the district

(2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or

(3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in Category 2:

All Directors (Certificated and Classified)

Principal

Assistant Principal

Project Coordinator

Project Specialist

Supervisor

Designated persons in this category must report investments or business positions in or income from sources which:

a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or

b. Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are



public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the district to enter into, modify or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study or similar item
- g. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

35239 Compensation for board members in districts under 70 ADA

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

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

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

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

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)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw VENTURA UNIFIED SCHOOL DISTRICT

adopted: November 14, 2006 Ventura, California



## MEMORANDUM

Ventura Unified School District  
Trudy Tuttle Arriaga Education Service Center  
255 W. Stanley Avenue, Ste. 100  
Ventura, CA 93001

**To:** Board of Education

**FROM:** Dr. Michael Babb, Superintendent

**DATE:** September 23, 2016

**RE:** Board Policy and Administrative Regulation  
Student Voter Registration

At the September 9, 2016 Board of Education meeting, the Governing Board recognized the importance of community engagement and civic participation in the education of students.

Ventura Unified School District does not have an adopted board policy or administrative regulation relating to student voter registration and reason presenting the attached draft for Board review and consideration.

# Ventura USD

## Board Policy

### Students

#### Student Voter Registration

BP 5149 (Pending CSBA # approval)

### STUDENT VOTER REGISTRATION

The Governing Board recognizes that community engagement and civic participation are important parts of a student's education. The Board also regards the right to vote as one of the most important rights of citizenship in a democratic country. The Board holds as a high priority the important role of all staff members in informing students of the importance of registering to vote and assisting students in this process. The Governing Board acknowledges the California Secretary of State's encouragement for school districts to participate in voter registration activities.

It is the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote. It is also the intent of the Legislature that every school does all in its power to ensure that students are provided the opportunity and means to apply to register to vote (California Elections Code 2146).

#### Legal Foundations

California state law allows 16-and 17-year olds to pre-register to vote with their voter registration coming into effect as soon as they turn 18.

Assembly Bill 1817 (Statutes of 2014) designates the last two full weeks in April and September as *High School Voter Education Weeks* and encourages school districts to conduct voter registration and education drives on campuses and in classrooms during these four weeks.

California Elections Code 2146 requires the Secretary of State to annually provide high schools with enough voter registration forms for all students who are of voting age or will be of voting age by the end of the year. As added by SB 854 (Ch. 481, Statutes of 2007), Elections Code 2148 requires every high school to designate a contact person and provide his/her address, telephone number, and email address to the Secretary of State to facilitate the distribution of voter registration materials.

#### Legal Reference:

Education Code 49040-49041 High School Voter Education Weeks and High School Voter Outreach Coordinators

California Elections Code

Section 2000(b), 2102(d), 2102(a), 2107, 2196 (West), 2009 Cal. Legis. Serv. Ch. 364

Section 2101-2102 High School Voter Outreach Coordinators

Section 2145-2148 Distribution of Voter Registration Forms

Senate Bill 854 (Statutes of 2007)

Assembly Bill 1817 (Statutes of 2014)

#### Web Sites:

California Secretary of State: <http://www.ss.ca.gov>

California Voter Foundation: <http://www.calvoter.org>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

CDE Student Voter Engagement: <http://cde.go/pd/ca/hs/stvote.asp>

State Superintendent of Public Instruction's Civic Education Initiative Web page

California Voter Bill of Rights: <http://elections.cdn.sos.ca.gov/voter-bill-of-rights/voter-bill-of-rights.pdf>

#### Documents:

*Empowering the Voters of Tomorrow--Developing a Winning High School Voter Registration Process: A Training Guide*, Third Edition, League of Women Voter Education Fund, 2015

**Ventura USD**  
ADMINISTRATIVE REGULATIONS  
Student Voter Registration  
STUDENTS

AR 5149 (Pending CSBA # approval)

STUDENT VOTER REGISTRATION

The following procedures are to be used in order to implement the intent of Board Policy 5148:

- A. To encourage students to participate in the elections process when they are eligible, the Superintendent or designee shall determine the most effective means of distributing voter registration forms provided by the Secretary of State.
- B. Under the direction of the Superintendent or designee, each high school will designate a staff contact person and provide his/her address, telephone number, and email address to the Secretary of State to facilitate the distribution of voter registration materials.
- C. Annually, during the *High School Voter Registration Weeks* (the last two full weeks of September and April), each high school will provide adequate time within its social science courses for teachers to assist age-appropriate students in the process of voter registration, which may be accomplished either on a paper form or online.
- D. Teachers shall provide a context for the voter registration activity as well as opportunity for age-appropriate students to register to vote. The Board believes that students who are given information on why voting is important and how to register are much more likely to register to vote than those who are simply handed a form.
- E. Teachers will encourage students to use the classroom opportunity to register to vote but will not advise, counsel, or suggest to students in any way how to vote on any particular ballot issue.
- F. Students' participation in the voter registration will be entirely voluntary on their part. No part of the students' course grades will be dependent upon their participation or lack of participation in the voter registration process.
- G. Instructors will announce during the days prior to the in-class voter registration process that students should come to class prepared with the last four digits of their social security number or with a California ID or driver's license, at least one of which they will need to complete the voter registration form, if they intend to participate in the voter registration process.
- H. Students will not be required to provide postage, mail or turn in voter registration forms on their own. Students will be given the opportunity to turn in completed voter registration forms to their instructors. At the end of *Voter Education Weeks*, all forms will be collected by each school and returned to the County Registrar by a procedure determined by the Superintendent or designee and in compliance with California law and the Elections Code.
- I. District staff may also invite nonpartisan community organizations to provide voter registration information and services to students on campus outside of students' social science courses.
- J. School principals, or their designees, may appoint one or more pupils who are enrolled at that high school to be a voter outreach coordinator. A voter outreach coordinator may coordinate voter registration activities on his or her high school campus that encourage age-appropriate students to vote. A voter outreach coordinator may, with the approval of the administrator of

the high school or his or her designee, coordinate election-related activities on his or her high school campus, including voter registration drives or other election-related pupil outreach activities.

- K. Principals or their designees will report to the Superintendent or designee the number of students who register to vote on campus and will provide input regarding best practices and any areas of concern or improvement which might be incorporated into the Administrative Regulations for this policy in the future.
- L. Student leadership/ASB groups will be encouraged to participate in an active manner in the student voter registration process on campus.
- M. School principals shall follow up with their staffs to remind Grade 12 students during senior class assemblies and graduation preparation of the importance to vote and the means to register to vote.
- N. The Superintendent or designee shall place a link to the Secretary of State's online voter registration application on the district website and each school's website (<http://registertovote.ca.gov>).

ADOPTED: XX/XX/2016