

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE
Resolution Number 08-03-12-25

WHEREAS, the Political Reform Act, Government Code sections 87300-87313, requires each public agency in California to adopt a conflict of interest code;

WHEREAS, the Governing Board of the Metropolitan Education District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code;

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code sections 87300 and 87306;

WHEREAS, the Metropolitan Education District has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary;

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the District's conflict of interest code shall be rescinded and superseded by this Resolution and Appendix;

NOW THEREFORE BE IT RESOLVED that the Metropolitan Education District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

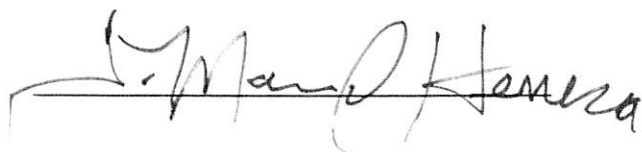
PASSED AND ADOPTED THIS 12 day of MARCH, 2025 at a meeting, by the following vote:

AYES: J. Manuel Herrera, Linda Goytia, Jim Canova, Katherine Tseng, Kelly Yip-Chuan, Carla Collins

NOES: n/a

ABSENT: n/a

Attest:



J. Manuel Herrera, President
Metropolitan Education District

APPROVED BY THE

MAR 12 2025

**MetroED
GOVERNING BOARD**

Metropolitan Education District

Exhibit

Conflict of Interest Code

E 9270(b)

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the District's conflict of interest code.

The full text of 2 CCR section 18730 may be found at: <https://www.fppc.ca.gov>.

Governing Board members and designated employees shall file statements of economic interests/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The statements of economic interests shall be filed with the District's filing official. If a statement is received in signed paper format, the District's filing official shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara's Form 700 e-filing system, both the District's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously.

The District shall make the statements available for public inspection and reproduction pursuant to Government Code section 81008.

APPENDIX

Designated Positions

Persons occupying the following positions are designated employees in the following categories:

<u>Designated Position</u>	<u>Disclosure Category</u>
Governing Board Member	Category 1
Superintendent	Category 1
Assistant Superintendent, Educational Services	Category 1
Director of Business Services /Chief Business Official	Category 1
Executive Council Member	Category 1
Facilities Manager	Category 1
Facilities Supervisor	Category 1
Instructional Council Member	Category 1
Assistant Principal	
Category 2	
CTE Coordinator/ Assistant Principal	Category 2
Director of Technology Innovation Services	Category 2
Director of Workforce Development & Grants	Category 2
Director, Silicon Valley Adult Education	Category 2
Executive Director of Human Resources and Communications	Category 2
Lead Administrator	Category 2

Principal
Consultant
Newly Created Position

Category 2
Category 3
*

E 9270(c)

***Newly Created Positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the District's conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Superintendent or designee may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The District'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. (Gov. Code Section 81008.)

As soon as the District has a newly created position that must file statements of economic interests, the District's filing official shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic Form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the District's filing official shall ensure that any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the District shall update this conflict-of-interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors. (Gov. Code Sec. 87306.)

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - 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; and
 - b. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources that are engaged in the acquisition or disposal of real property within the District, are engaged in work or services of the type used by the

District, or manufacture or sell supplies, goods, machinery, or equipment of the type used by the District.

E 9270(d)

2. Category 2: A person designated Category 2 shall disclose:

- a. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources that are engaged in work or services of the type used by the Department that the designated person manages or directs; and
- b. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources that manufacture or sell supplies, goods, machinery, or equipment of the type used by the Department that the designated person manages or directs. For the purposes of this category, a principal's Department is his/her entire school.

3. Category 3: Disclosures for Consultants

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the District's conflict of interest code subject to the following limitation: The Superintendent or designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest disclosure category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a 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 in the same manner and location as 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 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the District to enter into, modify, or renew a contract that requires district approval
5. Grant District approval to a contract that requires District approval and in which the District is a party, or to the specifications for such a contract

6. Grant District approval to a plan, design, report, study, or similar item

E 9270(e)

7. 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 18704 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 18700.3)

Exhibit
adopted:

METROPOLITAN EDUCATION DISTRICT
San Jose, California