

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

ALEXANDER BOWIE*
JOAN C. ARNESON
WENDY H. WILES*
PATRICIA B. GIANNONE
ROBERT E. ANSLOW
BRIAN W. SMITH
PAULA A. SCHAEFER
JEFFREY A. HOSKINSON
DAVID J. KING

4920 CAMPUS DRIVE
NEWPORT BEACH, CALIFORNIA 92660
(949) 851-1300

(800) 649-0997
FAX (949) 851-2014

REF. OUR FILE

*A PROFESSIONAL CORPORATION

PERRIS UNION HIGH SCHOOL DISTRICT CITIZENS' OVERSIGHT COMMITTEE

CONFLICTS OF INTEREST OVERVIEW

Citizens' Oversight Committee ("COC") members are subject to the Conflict of Interest Code in the Political Reform Act ("Act") and the Perris Union High School District ("District") Conflict of Interest Code under the provisions of the Citizens' Oversight Committee Policy and Regulations adopted by the District's Board of Trustees of the District ("Regulations"). Under California law, COC members are expressly subject to certain Government Code sections that apply in this area. Together, the Act and the Regulations prohibit COC members from making, participating in, or using their official position to influence any governmental decision which will likely have a material impact on their economic interests.

1. COC members are public officials for purposes of the Act.

California law makes the Act applicable to public officials at State and local governmental levels. The Regulations define "public officials" to include the following:

- A. Officers and employees of school districts; and
- B. Members of school districts including, but not limited to, salaried or unsalaried members of boards or commissions with decision making authority (this includes COC members under the Regulations).

2. The District's Regulations and Education Code Section 15282 Prohibit Certain Conflicts of Interest for Appointees to the District's COC.

Education Code Section 15282 provides that:

- a. No employee or official of the District shall be appointed to the COC.

- b. No vendor, contractor, or consultant of the District shall be appointed to the COC.

COC members shall abide by the prohibitions contained in Government Code Section 1090, *et seq.*, which prohibits involvement in public agency contracts, sales and/or purchases in which one of the committee members has a financial interest. Government Code section 1090 provides that person subject to that code section shall "*not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall [COC members] be purchasers at any sale or vendors at any purchase made by them in their official capacity.*"

COC members must also abide by the prohibitions contained in Government Code Section 1125, *et seq.*, which prohibits incompatible public offices. In sum, a COC member shall not engage in any employment, activity or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a COC member or with the duties, functions, or responsibilities of the District. The COC member shall not perform any work, service, or counsel for compensation outside of his or her COC membership where any part of his or her efforts will be subject to approval by any officer, employee, board, or commission of the District.

3. The District has directed that its COC members file Conflict of Interest Forms ("Form 700").

The Act requires many state and local elected and appointed public officials and employees to disclose certain personal financial holdings by using the Fair Political Practices Commission's ("FPPC") Form 700 to file their statements of economic interests.

Filers must sign the Form 700 under penalty of perjury. Once filed, Form 700 is a public document and must be made available to the public on request. Public officials are generally not required to list their home addresses or home telephone numbers on the form. The forms alert public officials about their own economic interests and potential areas of conflict in relation to their duties, and provide information to members of the public who may monitor official actions for any conflicts.

In the present case, COC members should file their Form 700 with the filing officer at the District. The filing official will act as an intermediary and, after making a copy, will forward the original statement to the FPPC or to a county filing officer. A sample of Form 700 is attached to this paper. The form is also available in an interactive version on the FPPC web site at <http://www.fppc.ca.gov/index.html?id=36>.

Since COC members are appointed, a Form 700 should be filed 30 days after assuming office. Thereafter, annual statements must be filed by April 1, of each year.

4. In the Event that a Conflict of Interest Exists, the COC Member Concerned Must Generally do the Following:

- a. state the conflict for the record either as part of the District's official record or in writing to the COC member's supervisor;
- b. withdraw from discussion and participation on the matter (this should occur when the "give and take discussions" first start, not when the matter gets to the COC meeting);
- c. refrain from using his or her official position to influence the decision on the matter; and
- d. refrain from voting or otherwise participating in the governmental decision.

This summary is not intended to be an inclusive discussion of all of the restrictions relating to the Act. The foregoing information has been prepared by Bowie, Arneson, Wiles & Giannone as an overview of the subjects discussed and should not be construed as individual legal advice. The applicability of the legal matters discussed may differ substantially in individual situations.