

Santa Barbara County Special Education Local Plan Area

Administrative Regulation: Conflict of Interest

(AR 2005)

The SELPA JPA Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the Santa Barbara County SELPA and the public.

Accordingly, no "SELPA Official," defined as a SELPA JPA Board member or position designated in the Santa Barbara County SELPA's conflict of interest administrative regulation, shall participate in the making of any decision for the Santa Barbara County SELPA when the decision will or may be affected by the Santa Barbara County SELPA Official's financial, family, or other personal interest or consideration, as defined by law. This does not apply to the SELPA JPA Board member making a decision that that will or may affect the JPA Board member's local educational agency ("LEA") because all decisions made by the JPA Board affect all of the LEA members of the Santa Barbara SELPA.

Conflict of Interest under the Political Reform Act

A SELPA Official shall not make, participate in making, or in any way use or attempt to use an official position to influence a SELPA decision in which the SELPA Official knows or has reason to know that there is 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 SELPA Official's immediate family, or any financial interest described in 2 CCR 18700.

A SELPA Official makes a governmental decision when, acting within the authority of the office or position, the SELPA Official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before other SELPA Officials for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a SELPA Official is not prohibited from participating in the making of a contract in which the SELPA Official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Form 700

Each SELPA Official shall annually file a Statement of Economic Interest/Form 700. An individual who ceases to be a SELPA Official shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date the individual ceased to be a SELPA Official.

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

A SELPA Official shall not be financially interested in any contract made by the SELPA, including in the development, internal discussions, negotiations, modifications, planning, deliberation of issues, and specifications and solicitations for bids. If a SELPA Official has such a financial interest

in a contract made by the SELPA, the contract is void.

A JPA Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a JPA Board meeting and noted in the official JPA Board minutes. The affected JPA Board member shall not vote or debate on the matter or attempt to influence any other JPA Board member to enter into the contract.

A SELPA Official shall not be considered to be financially interested in a contract if the interest is reimbursement for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been a SELPA employee for at least one year prior to the JPA Board member's election or appointment, or in any other "noninterest" specified in Government Code 1091.5.

A SELPA Official shall abstain from any official action in which the SELPA Official's private or personal interest may conflict with official duties pursuant to the common law doctrine against conflict of interest.

Gifts

SELPA Officials may accept gifts only under the conditions and limitations specified in law including, but not limited to, Government Code 89503 and 2 CCR 18730.

Gifts of travel and related lodging and subsistence shall be subject to the current gift conditions and limitations, except when:

1. The travel is in connection with a speech given by a SELPA Official, 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 SELPA for SELPA Officials. (Government Code 89506)

Honoraria

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

SELPA Officials

For purposes of this administrative regulation, SELPA Officials shall be defined as all members of the SELPA JPA Board, the SELPA Executive Director, SELPA Coordinator, Chief Business Official, and Mental Health Manager.