

The Across The Bridge Foundation (DBA: Downtown College Prep)

CONFLICT OF INTEREST CODE

**I. ADOPTION**

In compliance with Political Reform Act of 1974, California Government Code Section 87100, et seq., THE ACROSS THE BRIDGE FOUNDATION (DBA: DOWNTOWN COLLEGE PREP) (hereinafter referred to as “DCP”) hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members, and all other designated employees of DCP as specifically required by California Government Code Section 87300, et seq.

The terms of the Model Conflict of Interest Code set forth in Title 2, Section 18730 of the California Code of Regulations, and any amendments to the Model Conflict of Interest Code subsequently adopted by the Fair Political Practices Commission, are hereby incorporated by reference. The incorporation pages, Regulation 18730, and the attached Appendices designating positions and establishing disclosure categories, shall collectively constitute the Conflict of Interest Code of DCP.

**II. DEFINITION OF TERMS**

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulation Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

**III. DESIGNATED EMPLOYEES**

Employees of DCP, including governing board members, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be “designated employees.” The designated positions are listed in “Exhibit A” attached to this policy and incorporated by reference herein.

**IV. STATEMENT OF ECONOMIC INTERESTS: FILING**

Each designated employee, including governing board members, shall file a Statement of Economic Interests (“Statement”) at the time and manner prescribed by California Code of Regulations, title 2, section 18730, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category to which the employee’s position is assigned in “Exhibit A.”

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participated in by the designated employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in “Exhibit B.”

Statements Filed With DCP. All Statements shall be filed with DCP. If a statement is received in signed paper format, DCP'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 DCP's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously.

Statements retained by DCP are public records available for public inspection and reproduction pursuant to Government Code section 81008.

## **V. DISQUALIFICATION**

No designated employee shall make, participate in making, or try to use his/her official position to influence any DCP decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or member of his or her immediate family.

## **VI. MANNER OF DISQUALIFICATION**

### **A. Non-Governing Board Member Designated Employees**

When a non-Governing Board member designated employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Executive Director, who shall record the employee's disqualification. In the case of a designated employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority.

### **B. Governing Board Member Designated Employee**

Governing Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record. Governing Board members shall comply with the disqualification provisions of the Political Reform Act. The Governing Board members shall also comply with all other applicable laws and adopted policies relating to potential conflicts of interest.

## EXHIBIT A

### Designated Positions

Persons occupying the following positions are designated employees and must disclose financial interests in the assigned category, as defined in “Exhibit B”.

<b>Designated Position</b>	<b>Disclosure Category</b>
● Member of the Governing Board	1
● Executive Director	1
● Director of Finance	2
● Director of Operations	2
● Principal of Charter School	2
● Assistant Principal of Charter School	2
● Director of Student Services	2
● Director of Special Education	2
● Director of Human Resources	2
● School Operations Manager	2
● Consultant	3
● Newly Created Position	*

#### **\* 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 DCP’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 Executive Director 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 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 school has a newly created position that must file statements of economic interests, DCP’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 DCP’s filing official shall ensure that the name of 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, DCP 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.)

## EXHIBIT B

### Disclosure Categories

#### Disclosure Category 1:

Persons in positions designated Category 1 must report:

- A. Interests in real property which are located in whole or in part either (1) within the boundaries of either San Jose Unified School District or Alum Rock School District or East Side Union High School District or (2) within two miles of the boundaries of any of these three Districts, or of any land owned or used by any of these three Districts, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- B. Investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which:
  - a. Are engaged in the performance of building construction or design within the Districts.
  - b. Are engaged in the acquisition or disposal of real property within the jurisdiction.
  - c. Manufacture or sell supplies, goods, machinery or equipment of the type utilized by the department for which the designated employee is responsible.
  - d. Are engaged in the performance of work or services of the type used by the department for which the designated employee is responsible.

#### Disclosure Category 2:

Persons in positions designated Category 2 must report investments in, business positions in, and income (including gifts, loans, and travel payments) from sources which:

- a. Are engaged in the performance of building construction or design within the Districts.
- b. Are engaged in the acquisition or disposal of real property within the jurisdiction.
- c. Manufacture or sell supplies, goods, machinery or equipment of the type utilized by the department for which the designated employee is responsible.
- d. Are engaged in the performance of work or services of the type used by the department for which the designated employee is responsible.

#### Disclosure Category 3:

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in DCP's conflict of interest code subject to the following limitation: The Executive Director 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 a state or local government agency, makes a governmental decision whether to:

- (i) Approve a rate, rule, or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
- (v) Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;
- (vi) Grant agency approval to a plan, design, report, study, or similar item;
- (vii) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or

A consultant is also an individual who, pursuant to a contract with the agency, serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in regulation 18704 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code section 87302.