

**NOTICE OF INTENTION TO ADOPT A CONFLICT OF INTEREST CODE
FOR OPTIONS FOR YOUTH – SAN BERNARDINO, INC.**

NOTICE IS HEREBY GIVEN that Options for Youth – San Bernardino, Inc. (“Corporation”), a California nonprofit public benefit corporation, tentatively approved a Conflict of Interest Code (“Code”) pursuant to Government Code section 87300 at its meeting on November 6, 2019, and intends to finally adopt the Code. Pursuant to Government Code sections 87200 and 87302, the Code will designate public officials, employees, and consultants of Corporation who make governmental decisions and who, therefore, must disclose certain investments, interests in real property, sources of income, and business positions, and disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A public comment period has been established commencing on March 25, 2019, and terminating on May 9, 2019, (a 45-day period). Any interested person may present written comments concerning the proposed Code no later than May 9, 2019, to Corporation’s representative at the address listed below. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

Copies of the proposed Code are available for inspection and copying by interested persons by contacting Corporation’s representative at the address listed below. Any general inquiries concerning the proposed Code should be directed to Corporation’s representative listed below.

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Principal, Options for Youth – San Bernardino, Inc.
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OFY – SAN BERNARDINO CHARTER SCHOOL

CONFLICT OF INTEREST CODE

I. ADOPTION

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., Charter School hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members and all other designated employees of Charter School (“Charter School”), as specifically required by California Government Code Section 87300.

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 Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

III. DESIGNATED EMPLOYEES

Employees of this Charter School, 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 Interest (“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 or categories 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 A.”

Statements Filed with the Charter School. All Statements shall be supplied by the Charter School. All Statements shall be filed with the Charter School. The Charter School’s filing official shall make and retain the originals of all Statements

V. DISQUALIFICATION

No designated employee shall make, participate in making, or try to use his/her official position to influence any Charter School 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 a 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 Employees

The Charter School shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor shall the Charter School enter into any contract or transaction with any other corporation, firm, association, or other entity in which one or more of the Charter School’s directors are directors and have a material financial interest).

APPROVED AND ADOPTED by the Board of Directors of on the 8th day of October, 2018.



Chairperson, Board of Directors
OFY – San Bernardino

ATTEST:



Secretary to the Board of Directors
OFY – San Bernardino

**APPENDIX TO
CONFLICT OF INTEREST CODE OF
OFY – SAN BERNARDINO**

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from OFY – San Bernardino’s general counsel. (Gov. Code§ 83114; Title 2 Cal. Code of Regs. § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code§ 83114(a).)

Opinions rendered by general counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on general counsel's opinion as evidence of good faith. In addition, OFY – San Bernardino may consider whether such reliance should constitute a mitigating factor to any disciplinary action that OFY – San Bernardino may bring against the requesting party under Government Code§ 91003.5.

I.

Designated Employees

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of OFY – San Bernardino Board of Directors	1 through 3
Executive Director/President	1 through 3
Business and Operations Manager	1 through 3
CFO/Treasurer of OFY – Acton’s Board of Directors	1 through 3
Deputy/Assistant Superintendent	1 through 3
General Counsel	1 through 3
Consultants ¹	--

¹ With respect to consultants, the President may determine in writing that a particular consultant, although a “designated employee,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President's determination is a public record and shall be retained for public inspection by OFY – San Bernardino, in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

II.

Disclosure Categories

Category 1. Reportable Investments

A designated employee in this category shall report all reportable investments, as defined in Government Code § 82034, in business entities located in, doing business in, planning to do business in, or having done business in the previous two (2) years in San Bernardino County, which business entities operate or provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized the Corporation or its school.

Category 2. Reportable Interests in Real Property

A designated employee in this category shall disclose all interests in real property, as defined in Government Code §§ 82033 and 82035, that are within two (2) miles of any facility or real property owned or used by OFY – San Bernardino.

Category 3. Reportable Income

A designated employee in this category shall disclose all income as defined in Government Code § 82030 of the designated employee from business entities or other sources located in, doing business in, planning to do business in, or having done business in the previous two (2) years in San Bernardino County during the reporting period which business entities operate or provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized the Corporation or its school.