**AMERICAN INDIAN MODEL SCHOOLS**

**CONFLICT OF INTEREST CODE**

**I. ADOPTION.**

In compliance with the Political Reform Act of 1974 (the "Act"), California Government Code section 87100 *et seq.*, and Government Code section 1090, American Indian Model Schools (“Schools”) hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all members of the Schools' Board of Directors ("Board") and all other designated employees of the Schools, as specifically required by Government Code section 87300.

**II. DEFINITION OF TERMS.**

As applicable to a California public charter school, the definitions contained in the Act, regulations of the Fair Political Practices Commission (specifically California Code of Regulations, Title 2, section 18730), and any amendments or modifications to the Act or regulations are incorporated by reference into this Code.

## III. DESIGNATED EMPLOYEES.

The persons holding the positions listed in Appendix A are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on the economic interests of such persons.

**IV. STATEMENTS OF ECONOMIC INTERESTS: MEANS OF FILING.**

The Board shall instruct all designated employees to file a Form 700 Statement of Economic Interests ("Statement"), to be supplied by the Schools, with the Schools' filing officer as described below, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the designated employee's position is assigned in Appendix A.

**V. STATEMENTS OF ECONOMIC INTERESTS: TIME OF FILING.**

(A) Initial Statements. All designated employees employed by the Schools on the effective date of this Code, as originally adopted, promulgated and approved by the Board, shall file Statements within 30 days after the effective date of this Code. Thereafter, each person already in a position when it is designated by an amendment to this Code shall file an Initial Statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming the position of a designated employee after the effective date of this Code shall file Statements within 30 days after assuming such position.

(C) Annual Statements. All designated employees shall file Statements no later than April 1.

(D) Leaving Office Statements. All persons who leave the position of a designated employee shall file Statements within 30 days after leaving office.

**VI. STATEMENTS OF PERSONS WHO RESIGN PRIOR TO ASSUMING OFFICE.**

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an Assuming Office Statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence, any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an Assuming Office Statement or Leaving Office Statement.

Any person who resigns a position within 30 days of the date of notice from the filing officer shall do both of the following:

(A) File a written resignation with the appointing power; and

(B) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making of, or use the position to influence, any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

**VII. CONTENTS OF AND PERIOD COVERED BY STATEMENTS OF ECONOMIC INTERESTS.**

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the Code, and income received during the 12 months prior to the effective date of the Code.

(B) Contents of Assuming Office Statements. Assuming Office Statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office, and income received during the 12 months prior to the date of assuming office.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first Annual Statement shall begin on the effective date of the Code or the date of assuming office, whichever is later.

(D) Contents of Leaving Office Statements. Leaving Office Statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last Statement filed and the date of leaving office.

## VIII. MANNER OF REPORTING.

Statements shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property[[1]](#footnote-1) is required to be reported,[[2]](#footnote-2) the Statement shall contain:

(1) A statement of the nature of the investment or interest;

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property; and

(4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars ($2,000), exceeds ten thousand dollars ($10,000), exceeds one hundred thousand dollars ($100,000), or exceeds one million dollars ($1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,[[3]](#footnote-3) the Statement shall contain:

(1) The name and address of each source of income aggregating five hundred dollars ($500) or more in value, or fifty dollars ($50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), greater than ten thousand dollars ($10,000), or greater than one hundred thousand dollars ($100,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received; and

(5) In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,[[4]](#footnote-4) the Statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity; and

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure**.** When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an Annual Statement or Leaving Office Statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the Statement, the Statement shall contain the date of acquisition or disposal.

**IX. DISQUALIFICATION.**

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or 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 on a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating four hundred sixty dollars ($460) or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

**X. MANNER OF DISQUALIFICATION.**

(A) Non-Board Member Designated Employees. When a non-Board member designated employee determines that he or she should not make a decision because of a disqualifying interest, he or she should submit a written disclosure of the disqualifying interest to his or her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure to the Superintendent, who shall record the employee’s disqualification. In the case of a designated employee who is the head of any agency, this determination and disclosure shall be made in writing to his or her appointing authority.

(B) Board Member Designated Employees.

**Financial Interest in a Contract**. Where a Board member has a personal, material financial interest in a contract, the financial interest will be reviewed under Government Code section 1090 to determine whether the remote or non-interest exceptions apply. Should the Board determine that no applicable remote or non-interest exceptions apply, the Board must either: (1) not enter into the contract, as Government Code section 1090 prevents the entire Board from voting on the contract; or (2) prior to the Board’s discussion of and/or taking any action on the contract at issue, the Board member must resign from the Board. The resignation shall be made part of the Board’s official record.

**All Other Financial Interests**. 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. The Board member shall then refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken) **and** comply with any applicable provisions of the Schools' bylaws.

## XI. ASSISTANCE OF THE COMMISSION AND COUNSEL.

Any designated employee who is unsure of his or her duties under this Code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the Schools' attorney, provided that nothing in this section requires the Schools' attorney to issue any formal or informal opinion.

## XII. VIOLATIONS.

This Code has the force and effect of law. Members of the Board and other designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act. In addition, a decision in relation to which a violation of the disqualification provisions of this Code, the Act (including Government Code section 87100), or Government Code section 1090 has occurred may be set aside as void (see, e.g., Government Code section 91003).

**CERTIFICATE OF SECRETARY**

I certify that I am the duly elected Secretary of American Indian Model Schools, a California nonprofit public benefit corporation; that this conflict of interest code is the conflict of interest code adopted by the Board of Directors on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020; and that this conflict of interest code has not been amended or modified since that date.

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**Date Adrien Abuyen, Secretary**

**APPENDIX A**

**Designated Employees and Assigned Disclosure Categories**

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| **POSITION** | **DISCLOSURE CATEGORIES**  **(See Appendix B)** |
| **Members of the Board of Directors** | **1** |
| **Superintendent** | **1** |
| **Chief Financial Officer** | **1** |
| **Heads of Schools** | **1** |
| **Deans** | **1** |
| **Operations Director** | **1** |
| **Executive Assistant to the Board of Directors** | **1** |
| **Consultants\*** | **1** |

\*Consultants defined by California Code of Regulations, Title 2, section 18701, subdivision (a)(2) shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code, subject to the following limitations:

The filing officer may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described. 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 filing officer's determination is a public record and shall be retained for public inspection in the same manner and location as the Code.

**APPENDIX B**

**Disclosure Categories**

1. All interests in real property as defined in Government Code section 82033; all investments as defined in Government Code section 82034; all income, as defined in Government Code section 82030, including gifts, loans and travel payments; and business positions as set forth in California Code of Regulations, Title 2, section 18730(b)(7)(D). The applicable jurisdiction is the State of California. Applicable schedules to be completed: A-1, A-2, B, C, E, F.

2. Investments and business positions in business entities and income, including gifts, loans and travel payments, from sources of the type which, within the previous two calendar years, have contracted with the Schools to supply goods or services to the Schools. Applicable schedules to be completed: A-1, A-2, C, E, F.

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1. For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer. [↑](#footnote-ref-1)
2. Investments and interests in real property which have a fair market value of less than $2,000 are not investments and interests in real property within the meaning of the Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children, as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater. [↑](#footnote-ref-2)
3. A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency. [↑](#footnote-ref-3)
4. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer. [↑](#footnote-ref-4)