

American Indian Model Schools
171 12th Street
Oakland, California
(510) 893-8701, (510) 452-3200, Fax

Amended Conflict of Interest Code

1. Standard Code of FPPC

The Political Reform Act of 1974 (Gov. Code, § 81000 et seq.) requires each state and local government agency to adopt and promulgate a conflict of interest code. As a local government agency, American Indian Model Schools, a California nonprofit public benefit corporation (“Corporation”) operating American Indian Public Charter School, American Indian Public Charter School II, and American Indian Public High School, California public charter schools, is therefore required to adopt such a code. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (Cal. Code of Regs., tit. 2, § 18730) that contains the terms of a model conflict of interest code (“Model Code”), which can be incorporated by reference as an agency’s code. After public notice and hearing, the regulation may be amended by the FPPC to conform to amendments in the Political Reform Act.

2. Adoption of Standard Code of FPPC

The terms of California Code of Regulations, title 2, section 18730 and any future amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference. This regulation and the Appendix attached hereto designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code (the “Code”) of Corporation. This Code shall take effect when approved by the Alameda County Board of Supervisors, and shall thereupon supersede any and all prior conflict of interest codes adopted by Corporation.

3. Filing of Statements of Economic Interests

Pursuant to Section 4 of the Model Code set forth in California Code of Regulations, title 2, section 18730, subdivision (b), each person designated set forth in the Appendix shall file a Statement of Economic Interests (“Form 700”) with the Secretary of Corporation, which will make the statements available for public inspection and reproduction. Upon receipt of the statements of the designated employees, the Secretary shall retain the originals of these statements, and forward copies to the Clerk of the Alameda County Board of Supervisors upon request.

**APPENDIX TO
AMENDED CONFLICT OF INTEREST CODE
OF AMERICAN INDIAN MODEL SCHOOLS**

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this conflict of interest code (“Code”) may request a formal opinion or letter of advice from the Fair Political Practices Commission (“FPPC”) or an opinion from legal counsel to American Indian Model Schools, a California nonprofit public benefit corporation (“Corporation”). (Gov. Code, § 83114; Cal. Code of Regs., tit. 2, § 18730, subd. (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, subd. (a).)

Opinions rendered by legal counsel to Corporation do not provide a 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 such legal counsel’s opinion as evidence of good faith. In addition, Corporation may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Corporation may bring against the requesting party under Government Code section 91003.5.

I.

Persons Designated

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Board Members	1 through 6
Superintendent	1 through 6
Finance Officer	1 through 6
Head of School	1 through 6
Academic Manager	4 through 6
Dean of Operations	1 through 6
Secretary to the Board of Directors	1 through 6

Consultants, as that term is defined under California Code of Regulations, title 2, section 18700.3, and any employee in a newly created position, as that term is defined under California Code of Regulations, title 2, section 18219, shall comply with California Code of Regulations, title 2, section 18734, regarding the filing of interim disclosure. The Superintendent may determine that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. This determination shall include a description

of the position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection by the Corporation in the same manner as this Code. Nothing herein excuses any such consultants or new employees, as defined above in this paragraph, from any other provision of this Code.

II.

Disclosure Categories

Category 1. Reportable Investments

A person designated in this category shall report all reportable investments, as defined in Government Code section 82034, in business entities located in, doing business in, known to be planning to do business in, or having done business in the previous two (2) years within Alameda County where the Corporation's schools are located, which business entities operate or provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized by Corporation or its schools.

Category 2. Reportable Interests in Real Property

A person designated in this category shall disclose all interests in real property, as defined in Government Code sections 82033 and 82035 that are within two (2) miles of any of the facilities utilized by the Corporation's schools and that are of the type and legal description that can be utilized for public school use.

Category 3. Reportable Income

A person designated in this category shall disclose all income as defined in Government Code section 82030 received by the designated employee during the reporting period from business entities or other sources located in, doing business in, known to be planning to do business in, or having done business in the previous two (2) years within Alameda County where the Corporation's school is located, which business entities or sources operate or provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized by Corporation or its schools.

Category 4. Less-Inclusive Reportable Investments

A person designated in this category shall disclose only investments as defined in Government Code section 82034 in any business entity which, within the previous two (2) years, has contracted with or in the future foreseeably may contract with Corporation or the schools to provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services to Corporation or the schools, of the type utilized by Corporation or the schools, and (a) is located in or doing business Alameda County where the Corporation's schools are located, and (b) is associated with the job assignment or position of the designated employee.

Category 5. Less-Inclusive Reportable Income

A person designated in this category shall disclose only that reportable income as defined in Government Code section 82030 which is derived from a business entity or other source which, within the previous two (2) years, has contracted with Corporation or the schools or in the future foreseeably may contract with Corporation or the schools to provide facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services to Corporation or the schools, of the type utilized by Corporation or the schools, and (a) is located in or doing business in Alameda County where the Corporation's schools are located, and (b) is associated with the job assignment or position of the designated employee.

Category 6. Business Positions

A person designated in this category shall disclose the information described below by completing Form 700, Schedule C, with respect to any business entity that provides facilities, goods, supplies, equipment and/or machinery, vehicles, personnel or services of a type utilized by Corporation or the schools. A person designated shall list (a) the name and address of each such 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; (b) a description of the business activity in which each such business entity is engaged; and (c) the person's designated position with each such business entity.