



## Conflict of Interest Code

Oakland School for the Arts

November 28, 2018



## Conflict of Interest Code

### Oakland School for the Arts

The Political Reform Act (Government Code Section 81000, *et seq.*) requires that state and local government agencies, including charter schools, adopt a conflict of interest code describing who must disclose financial interests and specifying the appropriate level of disclosure. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulation Section 18730) which can be incorporated by reference in an agency's code. Therefore, the terms of 2 California Code of Regulations Section 18730 (the "Regulation") and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference herein. The Regulation and the attached Appendix designating those officials and employees with disclosure obligations and establishing the appropriate disclosure category, shall constitute the Conflict of Interest Code for the Oakland School for the Arts.

Designated employees shall file their disclosure statements directly with Oakland School for the Arts, who will make the disclosure statements available for public inspection and reproduction, as required by Government Code Section 81008. Disclosure statements for all designated employees will be retained by Oakland School for the Arts for a period of not less than seven (7) years.



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Oakland School for the Arts

### I - Terms

Board Members – individuals appointed by the Board to serve as a member for a given term

Board Committees – a committee consisting of two or more directors who serve at the pleasure of the board.

Employee - an individual under contract with OSA, on regular payroll and identified in Section II, Designated Positions

Designated positions are the following:

- Board members who can vote on a matter
- Board members or employees who can obligate or commit OSA to a course of action or enter into a contractual agreement on behalf of OSA
- Employees who have the authority to negotiate decisions on behalf of OSA without significant substantive review

### II - Designated Positions

### Disclosure Category

Board Member	1
Employees:	
Executive Director	1
Principal	1
Director of Operations	1
Director of Special Education	1

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding his or her filing obligations if he/she believes that the position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Section 87200.



### III - Disclosure Category

#### Category 1

Investment, business positions in business entities and source of income of the type which:

Are engaged in building construction, design or repairs utilized by the school;

Perform work or services utilized by the school or which manufacture or sell supplies, books, machinery or equipment utilized by the school.

Interests in real property located in whole or in part within two miles of OSA or any real property owned by OSA.

### IV - Procedures

#### 1. Duty to Disclose

In connection with any actual or possible conflict of interest, anyone in a Designated Position must disclose the existence of a financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

#### 2. Determining Whether a Conflict of Interest Exists

A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists. After disclosure of the financial interest and all material facts, and after any discussion with the person in a Designated Position, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

#### 3. Addressing a Conflict of Interest

A person in a Designated Position may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.



The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

After exercising due diligence, the governing board or committee shall determine whether OSA can obtain with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in OSA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

#### 4. Violations of the Conflicts of Interest Policy

If the governing board or committee has reasonable cause to believe a person in a Designated Position has failed to disclose actual or possible conflicts of interest, it shall inform them of the basis for such belief and afford them an opportunity to explain the alleged failure to disclose.

If, after hearing the response and after making further investigation as warranted by the circumstances, the governing board or committee determines there was a failure to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

#### V - Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:

- The name of the Designated Position who disclosed or otherwise was found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
- The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.