

**DEL MAR UNION SCHOOL DISTRICT
CITIZENS' OVERSIGHT COMMITTEE
(MEASURE MM)**

CONFLICTS OF INTEREST OVERVIEW

Citizens' Oversight Committee ("COC") members are subject to the Conflict of Interest Code in the Political Reform Act ("Act") and the Del Mar Union School District ("District") Conflict of Interest Code under the provisions of the Citizens' Oversight Committee Policy and Regulations adopted by the District's Board of Education. Under California law, COC members are expressly subject to certain Government Code sections that apply in this area. Together, the Act and the Regulations prohibit COC members from making, participating in, or using their official position to influence any governmental decision which will likely have a material impact on their economic interests.

1. COC members are public officials for purposes of the Act.

California law makes the Act applicable to public officials at State and local governmental levels. The Regulations define "public officials" to include the following:

- A. Officers and employees of school districts; and
- B. Members of school districts including, but not limited to, salaried or unsalaried members of boards or commissions with decision making authority (this includes COC members under the Regulations).

2. The District's Regulations and Education Code Section 15282 Prohibit Certain Conflicts of Interest for Appointees to the District's COC.

Education Code Section 15828 provides that:

- a. No employee or official of the District shall be appointed to the COC.
- b. No vendor, contractor, or consultant of the District shall be appointed to the COC.

COC members shall abide by the prohibitions contained in Government Code Section 1090, *et seq.*, which prohibits involvement in public agency contracts, sales and/or purchases in which one of the committee members has a financial interest. Government Code section 1090 provides that person subject to that code section shall "*not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall [COC members] be purchasers at any sale or vendors at any purchase made by them in their official capacity.*"

COC members must also abide by the prohibitions contained in Government Code Section 1125, *et seq.*, which prohibits incompatible public offices. In sum, a COC member shall not engage in any employment, activity or enterprise for compensation which is inconsistent,

incompatible, in conflict with, or contrary to his or her duties as a COC member or with the duties, functions, or responsibilities of the District. The COC member shall not perform any work, service, or counsel for compensation outside of his or her COC membership where any part of his or her efforts will be subject to approval by any officer, employee, board, or commission of the District.

3. **In the Event that a Conflict of Interest Exists, the COC Member Concerned Must Generally do the Following:**

- a. state the conflict for the record either as part of the District's official record or in writing to the COC member's supervisor;
- b. withdraw from discussion and participation on the matter (this should occur when the "give and take discussions" first start, not when the matter gets to the COC meeting);
- c. refrain from using his or her official position to influence the decision on the matter; and
- d. refrain from voting or otherwise participating in the governmental decision.

The foregoing information has been prepared by Atkinson, Andelson, Loya, Ruud & Romo, A Professional Law Corporation as an overview of the subjects discussed and should not be construed as individual legal advice. The applicability of the legal matters discussed may differ substantially in individual situations. In the event that you perceive that you are in a conflict situation, you should consult with appropriate legal counsel.