

ALAMEDA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

The following was action taken by the Board of Supervisors on March 29, 2011

Approved as Recommended ☒ Other ☐

Unanimous ☐ Carson ☐ Chan ☐ Haggerty ☒ Lockyer ☐ Miley ☐ - 4

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

☐ Resolution (s) _____

☐ Ordinance(s) _____

☐ Contract(s) _____

File No. 26917

Item No. 51

Copies sent to:

Marie dela Cruz, Director of Business Services, Mission Valley ROP, 5019 Stevenson Blvd.,
Fremont, CA 94538-2449

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:

Crystal Hishida Graff, Clerk of the Board
Board of Supervisors

By: _____
Deputy



Mission Valley ROP

Career Technical Training Center

5019 Stevenson Blvd · Fremont, CA 94538-2449

(510) 657-1865 · Fax (510) 438-0378 · www.mvrop.org

March 7, 2011

Honorable Board of Supervisors
Administration Building
1221 Oak Street, Room 536
Oakland, CA 94612

Subject: Conflict of Interest Code of Mission Valley ROP/C

Dear Board Members,

Please find attached the Conflict of Interest Code of Mission Valley ROP/C for your approval.

This code has been approved at a public Board meeting of Mission Valley ROP/C; affected employees were given adequate notice to review and comment before District Board approval.

The minutes of the public meeting approving the amended code is attached as well.

Please contact me at 510-657-1865 x15145 or mdelacruz@mvrop.org with any questions.

Thank you.

Sincerely,

Marie dela Cruz
Director of Business Services

CONFLICT OF INTEREST

BP 4117.2

All employees and officers of the ROP shall perform their duties in an impartial manner, free from bias caused by their own interests.

No employee or officer of the ROP shall accept any money or other valuable thing or any inducement to directly or indirectly introduce, recommend, approve, or otherwise influence the adoption or purchase of any equipment, supplies, or material. Violation of this section will subject an employee to discipline. A violation of this section may also subject the employee to criminal sanctions for violating state law.

CONFLICT OF INTEREST CODE

The Conflict of Interest Code is promulgated under the authority of the Political Reform Act, Government Code Section 81000 et seq., which requires all state and local government agencies to adopt and promulgate a conflict of interest code. Regulation 2 Cal. Code of Regs., Section 18730, as adopted by the Fair Political Practices Commission contains the terms of a standard conflict of interest code; which may be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act.

Therefore, the terms of 2 Cal. Code of Regs., Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which positions are designated and disclosure categories are set forth constitute the Conflict of Interest Code of Mission Valley ROP.

Designated employees shall file their statements of economic interest with the ROP secretary, who will make the Statements available for public inspection and reproduction (Gov. Code Section 81008). The original statement of the Superintendent and each member of the school board shall be forwarded to the Clerk, Board of Supervisors and a copy retained by Mission Valley ROP.

FINANCIAL INTEREST

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

GIFTS

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89503)

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

HONORARIA

Board members and any designated employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89502)

The term "honorarium" does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

APPENDIX DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

DESIGNATED POSITIONS

Position	Disclosure Category
Board Members	1
Superintendent	1
Director, Business Services	1
Director, Educational Services	1
Coordinator	2
Information Technology Manager	2
Public Relations Officer/Administrative Assistant	2
Consultants	*

A consultant is an individual who, pursuant to a contract with the ROP, makes any of several specified governmental decisions or serves in a staff capacity with the ROP, performing the same or substantially the same duties for the ROP that would otherwise be performed by an individual holding a position specified in the ROP's conflict of interest code.

*Consultants 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 limitation:

The Superintendent 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 in this section. Such written determination shall include a description and a statement of the extent of disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

Category	Disclosure Required
1	Persons in this category must disclose all investments and business positions in business entities, sources of income and interests in real property, gifts and honoraria.
2	Persons in this category must disclose those investments and business positions in business entities, sources of income and interests in real property of the type utilized by the unit for which the designated employee is director, manager or responsible.

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office
35107 School district employees
35230-35240 Corrupt practices
35233 Prohibitions applicable to members of governing boards
60071 Prohibited offers to influence adoption or purchase of instructional materials
60072 School officials; acceptance of consideration or inducements; prohibition
60073 Penalty for violators; misdemeanor and removal from official position

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers
1125-1129 Incompatible activities
81000-91015 Political Reform Act of 1974, especially:
82011 Code reviewing body
82019 Definition of "designated employee"
82028 Definition of "gifts"
82030 Definition of "income"
82033 Definition of "interest in real property"
82034 Definition of "investment"
87100-87103.6 General prohibitions
87200-87210 Disclosure
87300-87313 Conflict of interest code
87500 Statements of economic interests
89501-89503 Honoraria and gifts
89506 Travel payments, advances and reimbursements
91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

18100-18730 Regulations of the Fair Political Practices Commission

Management Resources:

WEB SITES

FPPC: <http://www.fppc.ca.gov>

Policy Adopted: March 23, 2000

Revised Policy, First Reading: January 20, 2011

Revised Policy, Second and Final Reading: February 17, 2011

**Regular Meeting of the Governing Council
Mission Valley Regional Occupational Center/ Program
Thursday, February 17, 2011**

Member Sweeney called the meeting to order at 5:06pm.

Present:

Larry Sweeney, President
Jonas Dino, Clerk
Sarabjit Cheema, Alternate

Approval of Agenda:

Member Dino wanted the record to reflect the following amendments to the February 2011 agenda:

- B&F Item #3: should be listed as resolution #12-1011, Accept Donations to Mission Valley ROP
- C&I Item #1: the DECA Santa Clara fieldtrip is not noted on the agenda, but is included in the packet

Member Dino made a motion to approve all items on the February agenda, including the specified amendments. Member Sweeney made a second to approve the motion. Members voted 2-0 to approve all items on the February agenda, including the specified amendments.

Communication:

b. Oral Communication

None

a. Items from Staff:

Prop 1D Construction Update

The bids for the next phase of construction (Project 3/ Building 4) were placed at Fremont Unified School District on February 17, 2011. The award notice will be issued on February 28, 2011. Construction for this project is expected to be completed by June 30, 2011.

Superintendent Brown's Retirement Announcement

Superintendent Brown announced that he would be retiring as Superintendent of Mission Valley ROP effective July 1, 2011. He had made his initial announcement to the Mission Valley ROP employees at a recent staff meeting.

New MVROP Capstone Course

Superintendent Brown announced that MVROP would be piloting a new capstone Arts, Media and Entertainment course for the 2011-2012 school year. The course, titled *Game Design*, will have 15 available seats and will be located on the ROP Center Campus. Interested students will apply for enrollment consideration. A presentation was given at the recent MVROP Educator's Brunch regarding this exciting new course.

c. **Written Communication:**

Superintendent Brown and Allison Aldinger, MVROP PR Administrator, shared the following written communication items with the Board:

- *"Irvington Student Receives Tech Certification" Tri-City Voice, January 18, 2011*
- *"Skills Gap at Heart of America's Joblessness" Tapan Munroe, Bay Area News Group, January, 30, 2011*
- *"Harvard Report Questions Value of 'College for All'" Catherine Gewertz, Edweek.org, February 2, 2011.*

d. **Items from the Board:**

None

e. **Public Comment:**

None

Consent Calendar:

MVROP Staff answered subsequent Board inquiries regarding items within the Consent Calendar.

Member Dino made a motion to approve all items in the Consent Calendar. Member Sweeney made a second to approve the motion. Members voted 2-0 to approve all items in the Consent Calendar.

Business and Finance #1

Review Budget Modification Plan

Superintendent Brown and Marie dela Cruz, MVROP Business Services Director, reviewed Business and Finance Item #1 and answered subsequent Board inquiries regarding the Governor's Budget.

This item is information only.

Board of Education #1

Approve MVROP Conflict of Interest Policy

Marie dela Cruz, MVROP Business Services Director, reviewed Board of Education Item #1 and answered subsequent Board inquiries regarding the 2nd and Final Reading of the MVROP Conflict of Interest Policy.

Member Dino made a motion to approve the 2nd and Final Reading of the MVROP Conflict of Interest Policy. Member Sweeney made a second to approve the motion. Members voted 2-0 to approve the 2nd and Final Reading of the MVROP Conflict of Interest Policy.

Member Schaefer arrived at 5:37pm.

Board of Education #2**Review and Select Superintendent
Search Firm**

Superintendent Brown shared with the Board that two search firms have submitted proposals for contract consideration regarding the impending MVROP Superintendent search. Presentations were given by the following individuals: Larry Aceves, from Leadership Associates and Dr. Wendell Chun from Education Leadership Services. Both representatives answered subsequent Board inquiries regarding their firms' proposals.

The Board elected to take a five minute recess at 6:15pm.

Open Session was reconvened at 6:20pm.

No decision was made on the item. The Board requested to hold a Special Meeting on the following Thursday, February 24, 2011, at 5:30pm to continue the discussion regarding the final selection for the Superintendent Search Firm. The Board also requested to have any new information regarding the firms to be given to Allison Aldinger; the staff member who will serve as liaison during the search process. Ms. Aldinger will then provide this information to Board Members over the next week prior to the Special Meeting.

Adjourn to Closed Session at 6:31pm.

Open Session was reconvened at 6:51pm.

No announcements were made following Closed Session.

The meeting was adjourned at 6:51pm.

Larry Sweeney, President

Janice Schaefer, Vice President

Jonas Dino, Clerk