

ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

The following action was taken by the Alameda County Board of Supervisors on 01/26/2021

Approved as Recommended ☒

Other ☐

Unanimous ☒ Chan: ☐ Haubert: ☐ Miley: ☐ Valle: ☐ Carson: ☐ - ☒
Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. 30574
Item No. 23

Copies sent to:

Ruth Jones, Alameda County Office of Education, 313 West Winton Avenue, Hayward, CA 94544

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:
Clerk of the Board
Board of Supervisors

By:
Deputy



Alameda County Office of Education

L. Karen Monroe Superintendent of Schools

December 14, 2020

Alameda County Board of Supervisors
1221 Oak St # 536,
Oakland, CA 94612

RE: Updated Conflict of Interest Code for the Alameda County Office of Education

Dear Supervisors:

The purpose of this letter is to request approval of the Conflict of Interest Code (SP 4010) for the Alameda County Office of Education. The code has been updated to include an appendix that states the designated positions and disclosure categories as these elements were not included previously. I am including the following attachments for your review:

- A complete ACOE Conflict of Interest Code which includes:
 - Amended Superintendents Policy **SP 4010-Conflict of Interest** (designated positions and disclosure categories included)
 - Board Bylaw **BB 9270 Conflict of Interest**
 - Exhibit **E 9270 Conflict of Interest**
- ACOE Conflict of Interest Code Comparison
 - a strikeout/underscore version showing the amendments for **SP 4010**
- A copy of the minutes and appropriate attachments of the noticed public meeting at which the code was transitioned from a board policy to a superintendents policy
 - During the April 14, 2020 Alameda County Board of Education meeting, the Conflict of Interest policy (BP 2300) was transitioned from being a board policy to a superintendent's policy (SP 4010)

Please advise if any portion of the updated code needs further attention. Thank you.

Best,

Ruth Jones

Ruth Jones
Acting Chief of Staff
Alameda County Office of Education

Alameda COE (Amended)

Conflict Of Interest Code

SP 4010

Personnel

The Political Reform Act requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. (Gov Code 81000, et seq.) The Fair Political Practices Commission (FPPC) has adopted a regulation (2 CCR 18730) that contains the terms of a standard Conflict of Interest Code and which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendices, which designate positions and establish disclosure categories, shall constitute the Conflict of Interest Code of the Alameda County Office of Education.

Individuals holding designated positions shall file their statements of economic interest with the county office of education. The county office of education shall make the statements of economic interest available for public inspection and reproduction and shall forward a copy of the original statement to the code reviewing body as required by law. (Gov Code 81008, 2 CCR 18730(b)(4))

APPENDIX

DESIGNATED POSITIONS

Alameda County Superintendent of Schools
Associate Superintendent of Business Services
Chief of District Business and Advisory Services
Chief of Finance and Operations
Chief of People and Leadership
Chief of Learning and Accountability
Chief of Schools
Chief of Staff

DISCLOSURE CATEGORIES

These designated employees shall report his/her:

Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by the County Office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

Investments or business positions in or income from sources which:

a. Are engaged in the acquisition or disposal of real property within the County

- b. Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board and/or County Office
- c. Manufacture or sell supplies, books, machinery or equipment of the type used by the County Board and/or County Office

Legal Reference:

GOVERNMENT CODE

1090-1097 Prohibitions Applicable to Specified Officers

1125-1128 Incompatible Activities

82028 Definitions "Gift"

82030 Definitions "Income"

82033 Definitions "Interest in Real Property"

82034 Definitions "Investment"

87100-87500 Conflicts of Interest

87200-87210 Disclosure

87300-87313 Conflict of Interest Codes

91001-91015 Enforcement

Policy ALAMEDA COUNTY OFFICE OF EDUCATION

adopted: August 11, 1992 Hayward, California

revised: March 8, 2005

revised: February 10, 2009

revised: June 29, 2011

revised: November 8, 2016

revised: May 12, 2020

Alameda COE

Board Bylaw

Conflict Of Interest

BB 9270

Board Bylaws

The County Board of Education desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the county office of education (COE) and the public. In accordance with law, County Board members shall disclose any conflict of interest and, as necessary, shall abstain from participating in any decisions or discussions that could affect or be effected by those interests, especially, as prohibited by Government Code 1090, those interests related to contracts. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

The County Board shall adopt a resolution that specifies the terms of its conflict of interest code, designates any consultant positions required to complete conflict of interest reporting, and establishes disclosure categories required for each position. The conflict of interest code must be approved by the appropriate code reviewing body. Upon request by the code reviewing body, the County Board shall review the conflict of interest code and submit any changes to the code reviewing body.

When a change in the conflict of interest code is necessitated due to changed circumstances, such as the hiring of a new consultant in a position that is not already designated in the conflict of interest code or a change to an existing consultant's scope of work in a manner that changes the consultant's position to a designated position, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the conflict of interest code, the County Board shall provide members of the community, the County Superintendent of Schools, COE staff, and consultants of the County Board adequate notice and a fair opportunity to present their views. (Government Code 87311)

County Board members shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the conflict of interest code. A County Board member who leaves office shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office. (Government Code 87302, 87302.6)

Conflict of Interest under the Political Reform Act

A County Board member shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if

the decision will have a "reasonably foreseeable material financial effect" on one or more of the County Board member's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the County Board member's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A County Board member is involved in making a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the County Board to any course of action, or votes to enter into or approve any contractual agreement on behalf of the County Board. (2 CCR 18704)

A County Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the County Board shall abstain from voting on the matter. Although he/she may remain on the dais, if they do choose to stay their presence shall not be counted towards achieving a quorum for that matter. A County Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the County Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18700)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

County Board members shall not be financially interested in any contract made by the County Board and shall not be included in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids for such contracts. If a County Board member has such a financial interest, the County Board is barred from entering into the contract. (Government Code 1090; *Klistoff v. Superior Court*, (2007) 157 Cal.App. 4th 469)

A County Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5.

A County Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a County Board meeting and noted in the official County Board minutes. The affected County Board member shall not vote or debate on the matter or attempt to influence any other County Board member's vote. (Government Code 1091)

To avoid the appearance of impropriety, County Board members may decide not to participate in any discussion or action involving contracts where his/her interest is a "noninterest" or "remote interest" as described in Education Code 1091 and 1091.5.

Common Law Doctrine Against Conflict of Interest

A County Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties. The County Board shall consult legal counsel whenever an actual or potential conflict of interest arises.

County Board members shall abstain from voting on personnel matters that uniquely affect relatives. Relative means an adult who is related to the County Board member by blood, affinity, or adoptive relationship within the third degree.

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a County Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18705.

Incompatible Offices and Activities

County Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the County Board member's duties as an officer of the COE. (Government Code 1099, 1126)

Gifts

County Board members may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does 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 current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the County Board for its members. (Government Code 89506)

Honoraria

County Board members 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, in accordance with law. (Government Code 89501, 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 COE for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35230-35240 Corrupt practices, especially:

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82003 Agency definition

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, 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

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)
92 Ops.Cal.Atty.Gen. 19 (2009)
89 Ops.Cal.Atty.Gen. 217 (2006)
86 Ops.Cal.Atty.Gen. 138(2003)
85 Ops.Cal.Atty.Gen. 60 (2002)
82 Ops.Cal.Atty.Gen. 83 (1999)
81 Ops.Cal.Atty.Gen. 327 (1998)
80 Ops.Cal.Atty.Gen. 320 (1997)
69 Ops.Cal.Atty.Gen. 255 (1986)
68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw ALAMEDA COUNTY OFFICE OF EDUCATION

adopted: June 29, 2011 Hayward, California

revised: December 10, 2013

revised: November 8, 2016

Alameda COE

Exhibit

Conflict of Interest

E 9270

Board Bylaws

RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Alameda County Board of Education has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the County Board's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the County Board has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the County Board's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Alameda County Board of Education adopts the following Conflict of Interest Code including its Appendix of Designated Positions and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

Conflict of Interest Code of the
Alameda County Board of Education

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the County Board of Education's conflict of interest code.

County Board members and all other individuals in designated positions shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the appropriate code reviewing body. The County Board shall make the statements available for public review and inspection.

APPENDIX

Disclosure Categories

1. Category 1: A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within county boundaries, or within two miles of the county boundaries, or of any land owned or used by the County Board.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the county, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board, or manufacture or sell supplies, books, machinery, or equipment of the type used by the County Board.
2. Category 2: A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs.

Designated Positions

Designated Position	Disclosure Category
---------------------	---------------------

County Board Members	1
----------------------	---

Consultants to the County Board	2
---------------------------------	---

Disclosures for Consultants

Consultants who are hired pursuant to Education Code 1042 may be designated individuals who are required to disclose financial interests as determined on a case-by-case basis. The determination shall be in writing and include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the County Board, makes a governmental decision pursuant to 2 CCR 18700.3.

Bylaw ALAMEDA COUNTY OFFICE OF EDUCATION
adopted: November 8, 2016 Hayward, California

Alameda COE (Former)

Conflict Of Interest Code

SP 4010

Personnel

The Political Reform Act requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. (Gov Code 81000, et seq.) The Fair Political Practices Commission (FPPC) has adopted a regulation (2 CCR 18730) that contains the terms of a standard Conflict of Interest Code and which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendices, which designate positions and establish disclosure categories, shall constitute the Conflict of Interest Code of the Alameda County Office of Education.

Individuals holding designated positions shall file their statements of economic interest with the county office of education. The county office of education shall make the statements of economic interest available for public inspection and reproduction and shall forward a copy of the original statement to the code reviewing body as required by law. (Gov Code 81008, 2 CCR 18730(b)(4))

Policy ALAMEDA COUNTY OFFICE OF EDUCATION

Alameda COE (Updated)

Conflict Of Interest Code

SP 4010

Personnel

The Political Reform Act requires state and local government agencies to adopt and promulgate a Conflict of Interest Code. (Gov Code 81000, et seq.) The Fair Political Practices Commission (FPPC) has adopted a regulation (2 CCR 18730) that contains the terms of a standard Conflict of Interest Code and which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This regulation and the attached Appendices, which designate positions and establish disclosure categories, shall constitute the Conflict of Interest Code of the Alameda County Office of Education.

Individuals holding designated positions shall file their statements of economic interest with the county office of education. The county office of education shall make the statements of economic interest available for public inspection and reproduction and shall forward a copy of the original statement to the code reviewing body as required by law. (Gov Code 81008, 2 CCR 18730(b)(4))

APPENDIX

DESIGNATED POSITIONS

Alameda County Superintendent of Schools

adopted: August 11, 1992 Hayward, California
revised: March 8, 2005
revised: February 10, 2009
revised: June 29, 2011
revised: November 8, 2016
revised: May 12, 2020

Associate Superintendent of Business Services
Chief of District Business and Advisory Services
Chief of Finance and Operations
Chief of People and Leadership
Chief of Learning and Accountability
Chief of Schools
Chief of Staff

DISCLOSURE CATEGORIES

These designated employees shall report his/her:

Interests in real property located entirely or partly within county boundaries, or within two miles of county boundaries or of any land owned or used by the County Office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.

Investments or business positions in or income from sources which:

- a. Are engaged in the acquisition or disposal of real property within the County
- b. Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the County Board and/or County Office
- c. Manufacture or sell supplies, books, machinery or equipment of the type used by the County Board and/or County Office

Legal Reference:

GOVERNMENT CODE

- 1090-1097 Prohibitions Applicable to Specified Officers
- 1125-1128 Incompatible Activities
- 82028 Definitions "Gift"
- 82030 Definitions "Income"
- 82033 Definitions "Interest in Real Property"
- 82034 Definitions "Investment"
- 87100-87500 Conflicts of Interest
- 87200-87210 Disclosure

87300-87313 Conflict of Interest Codes
91001-91015 Enforcement

Policy ALAMEDA COUNTY OFFICE OF EDUCATION
adopted: August 11, 1992 Hayward, California
revised: March 8, 2005
revised: February 10, 2009
revised: June 29, 2011
revised: November 8, 2016
revised: May 12, 2020

ALAMEDA COUNTY BOARD OF EDUCATION

Meeting Location:

REMOTE ACCESS ONLY

<https://zoom.us/j/650262507>

Adopted Minutes of the Board Meeting of April 14, 2020

Vol. XXXIII No. 10

Presiding	President Rivera opened the meeting at 6:33 p.m.
Roll Call	<p>Conducted by Yosaira Espinoza, Administrative Secretary to the Board</p> <p>Trustees Present (5): Joaquin Rivera, Amber Childress, Aisha Knowles, Eileen McDonald, Yvonne Cerrato</p> <p>Trustees Absent (2): Ken Berrick, Fred Sims</p>
Recording Statement	<p>Read into the record by President Rivera</p> <p>This meeting is being recorded and/or broadcasted at the direction of the Board.</p>
<p>Item #1: Consent Agenda – General Matters</p> <p>A. Minutes of the March 10, 2020 Board Meeting</p> <p>B. Resolution: Foster Care Awareness Month (May)</p> <p>C. Resolution: Labor History Month (May)</p> <p>D. Resolution: Mental Health Awareness Month (May)</p> <p>E. Resolution: Safe Jobs for Youth Month (May)</p> <p>F. Resolution: Asian American and Pacific Islander Heritage Month (May)</p> <p>G. Williams Uniform Quarterly Report for January – March 2020</p>	<ul style="list-style-type: none"> • Trustee McDonald moved the Consent Agenda (A-G). • Trustee Knowles seconded. • The motion passed unanimously (5-0).
Item #3: Personnel Commissioner Update	<ul style="list-style-type: none"> • Personnel Commissioner Lorrie Owens provided the Board with an update on the work being done by the Personnel Commission.
Item #4: Policy and Legislation Committee Report	<ul style="list-style-type: none"> • President Rivera, Chair of the Policy and Legislation Committee, presented BP 5111, BP 6146.1, BP 6173.1, BP 6173.2, BP 6173.3, BP 6173.4, BP 6173.5, and BP 6174 for first reading. • Dan Bellino, Chief of Staff, presented a list of Board policies that are to be transitioned to Superintendent Policies, which included: BP 4000, BP 2300, BP 4020, BP 4030, BP 4030.1, BP 4031, BP 4040, BP 4050, BP 4111, BP 4211, BP 4311, BP 4111.2, BP 4211.2, BP 4311.2, BP 4112.2, BP 4112.61, BP 4212.61, BP 4312.61, BP 4112.8, BP 4212.8, BP 4312.8, BP 4117.1, BP 4217.1, BP 4317.1, BP 4117.14, BP 4317.4, BP 4117.2, BP 4217.2, BP 4317.2, BP 4119.11, BP 4219.11, BP 4319.11, BP 4119.23, BP 4219.23, BP 4319.23, BP 4119.25, BP 4219.25, BP 4319.25, BP 4119.41, BP 4219.41, BP 4319.41, BP 4126, BP 4132, BP 4232, BP 4332, BP 4133, BP 4233, BP 4333, BP 4135, BP 4235, BP 4335, BP 4143.1, BP 4243.1, BP 4156.2, BP 4256.2, BP 4356.2, BP 4157, BP 4257, BP 4357, BP 4158, BP 4258, BP 4358, BP 4222, and BP 4320. • Trustee McDonald moved to transition the Board Policies to Superintendent Policies.

	<ul style="list-style-type: none"> • Vice President Childress seconded. • The motion passed unanimously (5-0).
Item #2: Public Comments	<p>Trustee Berrick joined the meeting at 6:45 p.m.</p> <ul style="list-style-type: none"> • No comments.
Item #5: Resolution: County Offices of Education Excess Property Tax	<ul style="list-style-type: none"> • Ms. Leigh Ann Blessing, Chief of Finance and Operations, provided a presentation on County Offices of Education Excess Property Tax. • Trustee McDonald moved approve Resolution No 2220: County Offices of Education Excess Property Tax. • Trustee Knowles seconded. • The motion passed unanimously (6-0).
Item #6: BoardDocs Discussion	<ul style="list-style-type: none"> • The Board discussed changing the Board meeting platform to BoardDocs.
Item #7: Items from the Board	<ul style="list-style-type: none"> • No items were shared.
Item #8: President's Report	<ul style="list-style-type: none"> • No items were shared.
Item #9: Items from the Superintendent	<ul style="list-style-type: none"> • No items were shared.
Item #10: Adjournment	<p>The next Board meeting will be on May 12, 2020 at 6:30 p.m.</p> <p>President Rivera adjourned the meeting at 7:43 p.m. in memory Marshall Mitzman, who represented Area 1 on the Chabot-Las Positas Community College District Board of Trustees.</p> <p>_____ Joaquin Rivera, Board President</p> <p>_____ L. Karen Monroe, Board Secretary</p>



Alameda County Office of Education

L. Karen Monroe
Superintendent

BOARD OF EDUCATION

Joaquin Rivera
Trustee Area 1

Amber Childress
Trustee Area 2

Ken Berrick
Trustee Area 3

Aisha Knowles
Trustee Area 4

Fred Sims
Trustee Area 5

Eileen McDonald
Trustee Area 6

Yvonne Cerrato
Trustee Area 7

MEMORANDUM

Date: March 6, 2020

To: Policy and Legislation Committee

From: Dan Bellino, Chief of Staff

RE: Transition of ACOE Personnel-Related Board Policies to Superintendent Policies

Background:

Over approximately the past five years, the California County Superintendents Educational Services Association (CCSESA) has advised COEs to transition their personnel-related policies from board policies (BP) to superintendent policies (SP), if they had not already done so, in order to align COE policies with Education Code Sections 1293 and 1311 that establish the county superintendent as the employer of COE employees. Such a transition provides clarity to employees, bargaining units, and the public as it relates to personnel matters.

The Policy and Legislation Committee discussed the matter at its February 7 Committee meeting. Following the direction provided by the Committee at the February 7 meeting, attached is a comprehensive list of Board Policies to be removed and replaced with Superintendent Policies, with the exception of one BP that will remain.

313 W. Winton Ave.
Hayward, California
94544-1136

(510) 887-0152

www.acoe.org

Board Policy to be Removed	Superintendent Policy to be Added	Title	Summary
4000 Personnel	4000 Personnel	<u>Concepts and Roles</u>	Purpose of the personnel policies and regulations.
2300 Administration	4010 Personnel	<u>Conflict of Interest</u>	Employee conflict of interest codes and categories. BB 9270 is Board conflict policy.
4020 Personnel	4020 Personnel	<u>Drug-Free Workplace</u>	Prohibited drug-related activities and disciplinary actions that may follow.
4030 Personnel	4030 Personnel	<u>Nondiscrimination in Employment</u>	Description of discriminatory behavior that is prohibited.
4030.1 Personnel	4030.1 Personnel	<u>Language Use and Multiculturalism in The Workplace</u>	Promote and support multiculturalism and multilingualism in the workplace.
4031 Personnel	4031 Personnel	<u>Complaints Concerning Discrimination in Employment</u>	Procedures for complaints alleging discrimination or harassment.
4040 Personnel	4040 Personnel	<u>Employee Use of Technology</u>	Guidelines for the responsible use of technology.
4050 Personnel	4050 Personnel	<u>Incompatible Activities</u>	Prohibited activities that are incompatible with employment at ACOE.
4111, 4211, 4311 Personnel	4111, 4211, 4311 Personnel	<u>Recruitment and Selection</u>	Process for creating an equitable, fair, and transparent recruitment and selection processes.
4111.2, 4211.2, 4311.2 Personnel	4111.2, 4211.2, 4311.2 Personnel	<u>Legal Status Requirement</u>	Employment of those who are authorized to work in the U.S.
4112.2 Personnel	4112.2 Personnel	<u>Certification</u>	Outline the responsibilities of the employer to

			ensure certification, credential, and/or permit requirements are met when hiring for certificated positions.
4112.61, 4212.61, 4312.61 Personnel	4112.61, 4212.61, 4312.61 Personnel	<u>Employment References</u>	Guidelines for employment references from ACOE.
4112.8, 4212.8, 4312.8 Personnel	4112.8, 4212.8, 4312.8 Personnel	<u>Employment Of Relatives</u>	Prohibitions related to the employment of relatives of current staff.
4117.1, 4217.1, 4317.1 Personnel	4117.1, 4217.1, 4317.1 Personnel	<u>Retirement</u>	Retirement notifications to the employer and retirement options.
4117.14, 4317.4 Personnel	4117.14, 4317.4 Personnel	<u>Postretirement Employment</u>	Regulations for hiring retired employees
4117.2 4217.2, 4317.2 Personnel	4117.2 4217.2, 4317.2 Personnel	<u>Resignation</u>	Guidelines for resignation from employment.
4119.11, 4219.11, 4319.11 Personnel	4119.11, 4219.11, 4319.11 Personnel	<u>Sexual Harassment</u>	Sexual harassment notification and training requirements.
4119.23, 4219.23, 4319.23 Personnel	4119.23, 4219.23, 4319.23 Personnel	<u>Unauthorized Release of Confidential/Privileged Information</u>	Confidentiality of certain records and information. Includes disciplinary actions if confidentiality is broken.
4119.25, 4219.25, 4319.25 Personnel	4119.25, 4219.25, 4319.25 Personnel	<u>Political Activities of Employees</u>	Guidelines for employee participation in political activities.
4119.41, 4219.41, 4319.41 Personnel	4119.41, 4219.41, 4319.41 Personnel	<u>Employees with Infectious Disease</u>	Preventative measures and plans for addressing infectious disease outbreaks.
4126 Personnel	4126 Personnel	<u>Consultants</u>	Equal Opportunity in Consultant/Independent Expert Retention.

4132, 4232, 4332 Personnel	4132, 4232, 4332 Personnel	<u>Publication Or Creation Of Materials</u>	Proprietary rights and guidelines for materials published and created by ACOE employees.
4133, 4233, 4333 Personnel	4133, 4233, 4333 Personnel	<u>Travel: Reimbursements</u>	Reimbursement guidelines for travel, meetings, and conferences.
4135, 4235, 4335 Personnel	4135, 4235, 4335 Personnel	<u>Soliciting and Selling</u>	Rules for soliciting and selling goods in the workplace.
4143.1, 4243.1 Personnel	4143.1, 4243.1 Personnel	<u>Public Notice - Personnel Negotiations</u>	Procedure for posting personnel proposals to the public.
4156.2, 4256.2, 4356.2 Personnel	4156.2, 4256.2, 4356.2 Personnel	<u>Awards and Recognition</u>	Guidelines for recognition and awards for employee performance.
4157, 4257, 4357 Personnel	4157, 4257, 4357 Personnel	<u>Employee Safety</u>	Standards for creating safe workplace conditions for all employees.
4158, 4258, 4358 Personnel	4158, 4258, 4358 Personnel	<u>Employee Security</u>	Guidelines and procedures to secure a safe and orderly workplace for all employees.
4222 Personnel	4222 Personnel Exhibit 4222	<u>Teacher Aides/Paraprofessionals</u>	Education requirements for teacher aides/paraprofessionals.
4320 Personnel	4320 Personnel	<u>Staff Wellness</u>	Guidelines for creating a healthy workplace environment including encouraging mental and physical wellness for staff.

Board Policy to be Kept	Superintendent Policy to be Added	Title	Summary
4210.1 Personnel	N/A	<u>Personnel Commission</u>	Appointment and qualifications for members of the Personnel Commission.