

# ALAMEDA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

*The following action was taken by the Alameda County Board of Supervisors on 01/07/2025*

Approved as Recommended ☒

Other ☐

Unanimous ☒ Tam: ☐ Haubert: ☐ Miley: ☐ Márquez: ☐ Fortunato Bas: ☐ - ☒ 5

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

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. 31396

Item No. 57

Copies sent to:

Gabriela Juarez, Eden Area ROP, 26316 Hesperian Blvd., Hayward, CA 94545

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

December 13, 2024

Honorable Board of Supervisors  
Alameda County Clerk  
1221 Oak Street, Room 536  
Oakland, CA 94612

RE: Request Approval of Amended Conflict of Interest Code of the Eden Area ROP

Dear Board Members,

We respectfully request that the Board approve the amended Conflict of Interest Code and accompanying resolution for the Eden Area Regional Occupational Program (Eden Area ROP/EAROP).

The amendment includes the following:

Document	EAROP Board Approval Date
Board Bylaw (BB) 9270: Conflict of Interest Code	Thursday, May 4, 2023
Resolution 5-24/25: Conflict of Interest Code (E1 9270)	Thursday, December 12, 2024

If you have any questions, please feel free to contact me at (510) 293-2971 or via email at [gjuarez@edenrop.org](mailto:gjuarez@edenrop.org).

Thank you for your attention to this matter.

Best regards,



Gabriela Juarez  
Executive Assistant to the Superintendent

**Bylaw 9270: Conflict Of Interest**

Status: ADOPTED

Original Adopted Date: 06/05/2020 | Last Revised Date: 05/04/2023 | Last Reviewed Date: 05/04/2023

The Governing Board commits to maintaining the highest ethical standards and help ensure that decisions are made in the best interest of the Eden Area Regional Occupational Program (Eden Area ROP) and the public. Accordingly, no Board member, Eden Area ROP employee, or other person in a designated position shall participate in the making of any decision for the Eden Area ROP when the decision will or may be affected by the Board member's, Eden Area ROP employee's, or other designated persons financial, family, or other personal interest or consideration.

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect the Board member's relatives. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

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.

The Board shall adopt for the Eden Area ROP a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the Eden Area ROP's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the Eden Area ROP's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the Eden Area ROP's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the Eden Area ROP's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the Eden Area ROP's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the Eden Area ROP's conflict of interest code. A Board member who leaves office or a designated employee who leaves Eden Area ROP employment 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 or Eden Area ROP employment. (Government Code 87302, 87302.6)

**Conflict of Interest under the Political Reform Act**

A district official, including a Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use an official position to influence a governmental decision in which the Eden Area ROP official knows or has reason to know that there is a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Eden Area ROP official, the Eden Area ROP official's immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18707)

A Eden Area ROP official makes a governmental decision when, within the authority of the office or position, the Eden Area ROP official authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before another Eden Area ROP official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, an Eden Area ROP official shall participate in the making of a contract in which the Eden Area ROP official has a financial interest if such participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

## **Additional Requirements for Boards that Manage Public Investments**

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Not discuss or vote on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. The Board member may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member shall either make a motion to remove the item from the consent calendar or the Board member shall abstain from voting on the consent calendar. In any event, the Board shall refrain from discussing or voting on the item. However, the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose the interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that the recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

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

Board members, employees, or Eden Area ROP consultants shall not be financially interested in any contract made by the Board on behalf of the Eden Area ROP, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which there is only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or Eden Area ROP official to enter into the contract. (Government Code 1091)

In addition, a Board member shall not be considered to be financially interested in a contract in which the interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for actual and necessary expenses incurred in the performance of official duties, in the employment of a spouse/registered domestic partner who has been an Eden Area ROP employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

## **Common Law Doctrine Against Conflict of Interest**

A Board member shall abstain from any official action in which the Board member's private or personal interest may conflict with official duties.

## **Incompatible Offices and Activities**

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 Board member's duties as an officer of the Eden Area ROP. (Government Code 1099, 1126)

## **Gifts**

Board members and designated employees 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)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in Items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

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

### **Honoraria**

Board members and designated employees 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 conference, convention, meeting, social event, meal, or like gathering. (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 Eden Area ROP for donation into the general fund without being claimed as a deduction from income for tax purposes
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# EdenAreaROP

## RESOLUTION NO. 5-24/25

### Conflict of Interest Code (E1 9270)

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**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 Governing Board of the Eden Area Regional Occupational Program (Eden Area ROP) 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 Eden Area ROP 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 Eden Area ROP has recently reviewed its positions, and the duties of each position, and has determined that changes to the current conflict of interest code are necessary; and

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

**NOW THEREFORE BE IT RESOLVED** that the Eden Area ROP Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

**PASSED AND ADOPTED** by the Governing Board of the Eden Area ROP on this 12<sup>th</sup> day of December 2024, by the following vote:

AYES:	4 (Aguilar, Howard, Oquenda, Peck)
NOES:	0
ABSTENTIONS:	0
ABSENT:	0



Blaine Torpey  
ROP Governing Board Clerk, Eden Area ROP  
Alameda County, State of California



## **Conflict of Interest Code of the Eden Area Regional Occupational Program (Eden Area ROP)**

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 Eden Area ROP's conflict of interest code.

Governing Board members and designated employees 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 Eden Area ROP's filing officer and/or, if so required, with the Eden Area ROP's code reviewing body. The Eden Area ROP's filing officer 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 district boundaries, or within two miles of district boundaries, or of any land owned or used by the Eden Area ROP.
  - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, 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 Eden Area ROP, or manufacture or sell supplies, books, machinery, or equipment of the type used by the Eden Area ROP.
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.
3. Full Disclosure: Because it has been determined that the Eden Area ROP's Governing Board members and/or Superintendent "manage public investments,"

they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the Eden Area ROP.
- b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

#### Designated Positions

##### Designated Position Disclosure Category

Governing Board Members	1
Superintendent	1
Director of Adult Programs and Apprenticeships	2
Principal	2
Assistant Principals	2
Fiscal Services Administrator	1
Human Resources Administrator	2

#### **Disclosures for Consultants**

Consultants are designated employees who must disclose financial interests as determined on a case- by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall 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 Eden Area ROP, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the Eden Area ROP to enter into, modify, or renew a contract that requires Eden Area ROP approval



5. Grant Eden Area ROP approval to a contract that requires Eden Area ROP approval and in which the Eden Area ROP is a party, or to the specifications for such a contract
6. Grant Eden Area ROP approval to a plan, design, report, study, or similar item
7. Adopt or grant Eden Area ROP approval of Eden Area ROP policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the Eden Area ROP, serves in a staff capacity with the Eden Area ROP and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the Eden Area ROP that would otherwise be performed by an individual holding a position specified in the Eden Area ROP's conflict of interest code. (2 CCR 18700.3)