

**CONFLICT OF INTEREST CODE/ POLICY
BAYPOINT PREPARATORY ACADEMY**

COUNTY OF SAN DIEGO
2021 AUG 13 PM 4:27
CLERK OF THE BOARD
OF SUPERVISORS

1. Standard Code of FPPC

The Political Reform Act of 1974 (Gov. Code § 81000 *et seq.*) requires each state and local government agency to adopt and promulgate a conflict of interest code. As a local government agency, Baypoint Preparatory Academy, a California nonprofit public benefit corporation (“Corporation”), is therefore required to adopt such a code. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a model conflict of interest code, which can be incorporated by reference as an agency’s code. After public notice and hearing, the regulation may be amended by the FPPC to conform to amendments in the Political Reform Act.

2. Adoption of Standard Code of FPPC

The terms of 2 Cal. Code of Regs. § 18730 and any future amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference. This regulation and the Appendix attached hereto designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code/ Policy of Corporation (“Code”). This Code shall take effect when approved by the San Diego County Board of Supervisors, and shall thereupon supersede any and all prior codes adopted by Corporation.

3. Filing of Statements of Economic Interests

Pursuant to Section 4 of the model code set forth in 2 Cal. Code of Regs. § 18730(b), each designated employee set forth in the Appendix shall file a Statement of Economic Interests (“Form 700”) with the Secretary of the Corporation. Upon receipt of the statements for members of the Board of Directors, the Secretary shall make and retain copies and forward the originals to the Clerk of the San Diego County Board of Supervisors. Statements for all other designated employees shall be retained by the Secretary.

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: 10/5/21	Minute Order No. 16
By: 	Date: 10/8/21
Deputy Clerk of the Board Supervisors	

**APPENDIX TO
CONFLICT OF INTEREST CODE OF
BAYPOINT ACADEMY**

Preamble

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from legal counsel to Baypoint Preparatory Academy, a California nonprofit public benefit corporation (“Corporation”). (Gov. Code, § 83114; 2 Cal. Code of Regs. § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to him or her by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code, § 83114(a).)

Opinions rendered by legal counsel to Corporation do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party’s reliance on such legal counsel’s opinion as evidence of good faith. In addition, Corporation may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Corporation may bring against the requesting party under Government Code section 91003.5.

I.

Designated Employees

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Members of the Board of Directors	1, 2
President/Chief Executive Officer	1, 2
Treasurer/Chief Financial Officer	1, 2
Secretary	1, 2
Executive Director	1, 2
Business Manager	1, 2
Site Administrator	3
Consultants/ New Positions	*

*Consultants/ New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code, subject to the following limitation:

The President/Chief Executive Officer or designee may determine in writing that a particular consultant/ new position, 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 of the consultant’s/ new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The President/Chief Executive Officer’s or designee’s determination is a public record and shall be retained for public inspection in the same manner and location as this code. (Gov. Code, § 81008.)

II.

Disclosure Categories

Category 1

Designated positions assigned to this category must report:

All interests in real property which are located in whole or in part within two (2) miles of any facility utilized by a Corporation charter school, including any leasehold, beneficial, or ownership interest or option to acquire such interest in real property. Persons are not required to disclose property used primarily as their residence.

Category 2

Designated positions assigned to this category must report:

All investments and business positions in business entities or sources of income (including gifts, loans, and travel payments) that are from business entities engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment, of the type utilized by Corporation.

Category 3

Designated positions assigned to this category must report:

All investments and business positions in business entities or sources of income (including gifts, loans, and travel payments) that are from business entities engaged in the performance of work or services, or sources that manufacture, sell, repair, rent, or distribute school supplies, books, materials, school furnishings, or equipment, of the type utilized by the designated position’s department(s).

RESOLUTION NO. 08112021-1

**RESOLUTION OF THE BOARD OF DIRECTORS OF
BAYPOINT PREPARATORY ACADEMY APPROVING A
CONFLICT OF INTEREST CODE AND CERTAIN OTHER
ACTIONS RELATED THERETO**

WHEREAS, Baypoint Preparatory Academy, as a California nonprofit public benefit corporation that operates a public charter school in San Diego County, is required to adopt a Conflict of Interest Code pursuant to Government Code Section 87300;

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code Regs. § 18730) which is a model conflict of interest code and requires certain local agency officials, employees, and consultants to file FPPC Form 700s, Statement of Economic Interests; and

WHEREAS, Baypoint Preparatory Academy desires to adopt a Conflict of Interest Code adopting and incorporating the FPPC Model Code by reference.

NOW, THEREFORE, this Board of Directors of Baypoint Preparatory Academy does hereby find, resolve, and order as follows:

Section 1. A Conflict of Interest Code, in the form attached hereto as Exhibit A, is hereby adopted.

Section 2. The Executive Director or designee is directed to notify any individuals who will hold “designated positions” under the Conflict of Interest Code by providing them with a copy of the Code.

Section 3. After providing notice to individuals designated in the Conflict of Interest Code, the Executive Director or designee is directed and authorized to submit a copy thereof and any other required documents or information to the San Diego County Board of Supervisors, as the code reviewing body, for final approval.

Section 4. This resolution shall take effect immediately upon its adoption.

SECRETARY'S CERTIFICATE

I, Stephanie Long, Secretary of the Board of Directors of Baypoint Preparatory Academy, a California nonprofit public benefit corporation, County of San Diego, California, hereby certify as follows:

The attached is a full, true, and correct copy of the resolutions duly adopted at a meeting of the Board of Directors of Baypoint Preparatory Academy, which was duly held on the 12 day of August, 2021, at which meeting a quorum of the members of the Board of Directors was present; and at such meeting such resolutions were adopted by the following vote:

AYES: 4


NOES: 0

ABSTAIN: 0

ABSENT: 0

I have carefully compared the same with the original minutes of such meeting on file and of record in my office; the attached resolution is a full, true, and correct copy of the original resolution adopted at such meeting and entered in such minutes; and such resolution has not been amended, modified, or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 13 day of August, 2021.



Secretary, Baypoint Preparatory Academy

EXHIBIT A

[Conflict of Interest Code]



Baypoint Preparatory Academy

520 E. Carmel Street
San Marcos, CA 92078
www.baypointprep.org

August 12, 2021

VIA EMAIL (Leah.Botin@sdcounty.ca.gov)

Leah Botin
Clerk of the Board of Supervisors' Office
1600 Pacific Highway, Fourth Floor, Room 402
San Diego, CA 92101

Re: Conflict of Interest Code for Baypoint Preparatory Academy San Diego

Dear Ms. Botin:

Baypoint Preparatory Academy San Diego is a charter school located wholly within San Diego County. Baypoint Preparatory Academy San Diego is required to adopt a conflict of interest code in compliance with the Political Reform Act, and it is our understanding that the San Diego County Board of Supervisors is the school's code reviewing body.

Attached for the County's review and approval, please find a resolution of the Board of Directors of Baypoint Preparatory Academy San Diego approving the proposed conflict of interest code, with the proposed code attached as an exhibit to the resolution. We understand this is all you need for the County's review and approval, but please let me know if you have any questions or need anything else.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Ogwaro", is written over a horizontal line.

Frank Ogwaro
Chief Executive Officer
Baypoint Preparatory Academy San Diego