

# Maria Montessori Charter Academy

## ***CHARTER COUNCIL CONFLICT OF INTEREST PROVISIONS***

### **Introduction**

The Charter Coordinating Council shall establish a conflict of interest advisory body/committee to review this proposed conflict of interest policy and further recommend modification of this policy.

### **1. CONFLICT OF INTERESTS**

Charter School Governing Board/Council members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with, or inimical to the Charter School Governing Board/Council member's duties of the Charter School. This conflict of interest policy (as set forth herein) shall not be interpreted as requiring a higher level of responsibility or obligation than the statutory conflict of interest provisions.

#### **a. Financial Interest**

Charter School Governing Board/Council members shall abstain from voting on any contract or decision in which he/she has a material financial interest. The affected Charter School Governing Board/Council member shall not vote or debate on the matter or attempt to influence any Charter School Governing Board/Council member to enter into this interest.

If a Charter School Governing Board/Council member determines that he or she has a financial interest in a decision, this determination shall be disclosed and made part of the Charter School Governing Board/Council's official minutes.

A Charter School Governing Board/Council member shall not be considered to be financially interested in a contract if his or her interest in including, but not limited to, any of the following:

1. That of an officer or employee being reimbursed for his or her actual and necessary expenses incurred in the performance of an official duty.
2. That of a recipient of public services generally provided by the Charter School Governing Board/Council of which he or she is a member, on the same terms and conditions as if he or she were not a member of the Charter School Governing Board/Council.
3. That a landlord or tenant of the contracting party is such contracting party is the federal government or any federal department or agency, this State or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or public district of this state or an adjoining state.
4. That of a spouse of an officer or employee of the Charter School, if his or her spouse's employment or office holding has existed for at least one year prior to his election or appointment to the Charter School Governing Board/Council.
5. That of a non-salaried member of a nonprofit corporation (other than the charter school), provided that such interest is disclosed to the Charter School Governing

Board/Council at the time of the first consideration of the contract, and provided further that such interest is noted in its official records.

6. That of a non-compensated officer of a nonprofit (other than the charter school), tax-exempt corporation which, as one of its primary purposes, supports the functions of the Charter School Governing Board/Council or to which the Charter School Governing Board/Council has legal obligation to give a particular consideration, and provided further that such interest is noted in its official records.
7. That of compensation for employment with a governmental agency, other than the governmental agency that employs the officer of employee, provided that the interest is disclosed to the Charter School Governing Board/Council at the time of consideration of the contract, and provided further that the interest is noted in its official records.
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than ten percent in the law practice or firm, stock brokerage firm, insurance firm, or real estate firm.

In addition, a Charter School Governing Board/Council member shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by the Service Center if his or her sole interest is that of an officer or director or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

A Charter School Governing Board/Council member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in a contract and if the remote interest is disclosed during Charter School Governing Board/Council meeting and noted in the official Charter School Governing Board/Council minutes. The affected Charter School Governing Board/Council member shall not vote or debate on the matter or attempt to influence any Charter School Governing Board/Council member to enter into the contract. Remote interests are specified in government Code Section 1091(b).