


MEMORANDUM

TO: Members of the Independent Citizens' Oversight Committee

FROM: G. Johnson 

DATE: October 19, 2010

SUBJECT: **ETHICS AND CONFLICTS OF INTEREST REGARDING
ADVOCATING FOR INDIVIDUAL SCHOOLS OR PROJECTS**

One of the responsibilities of being a member of the ICOC is to ensure the best welfare of ALL of our children in the San Diego Unified School District. Advocating for individual schools sends the wrong message from the ICOC to the public as to whether the ICOC can be objective or not.

The ICOC was established per the requirements of the Strict Accountability in Local School Construction Bonds act of 2000. The stated intent of that legislation is to realize:

CA ED Code 15264

- "(a) Vigorous efforts are undertaken to ensure that the expenditure of bond measures, including those authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, are in strict conformity with the law.
- (b) Taxpayers directly participate in the oversight of bond expenditures.
- (c) The members of the oversight committees appointed pursuant to this chapter promptly alert the public to any waste or improper expenditure of school construction bond money.
- (d) That unauthorized expenditures of school construction bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures."

Section 5.E. of the ICOC Bylaws delineates specific ICOC membership requirements with regard to economic interest in any work overseen by the ICOC.

It is the purpose of the ICOC that when members are appointed that there are no conflicts of interest.

As stated in section E of the ICOC Bylaws, it states that "by accepting appointment to the Committee, each member agrees to comply with the Conflict of Interest provisions of Article 4 ...and Article 4.7...of Division 4 of Title 1 of the California Government Code, and the Political Reform Act of Title 9...of the government code, which includes the submitting of Form 700: Statement of Economic Interests with the District..."

It is imperative that the ICOC maintain an unbiased review process. Each member of the ICOC should be focused on insuring that the ICOC is perceived by the community as an impartial, assessable, and transparent committee that fully and equitably performs its oversight responsibilities.

Advocating for any individual school or project is not consistent with the purpose of the ICOC. Advocating for an individual school or project sends the wrong message to the public, and negatively affects the public's perception of the ICOC's performance.

GJ:lg:ac

c: Kevin Alvin, Gregg Cantor, John Gordon, Glenn Hillegas, Daniel Morales, Leonard Pinson, Kim Schoettle, Matt Spathas, Deanna Spehn, John W. Stump