

8-2011

August 19, 1976

76-249

Mr. Douglas A. Lewis
Attorney
Placer County Schools
1230 High Street
Auburn, California 95603

Dear Mr. Lewis:

Your letter of August 2, 1976, has been referred to me for response.

You ask specifically:

"Who is the Code reviewing body of a General Law County, Board of Education (Education Code §601, et seq.) that exercises the duties and functions of the Board of Supervisors in accordance with Education Code §§658 and 671 and exercise jurisdiction in more than one county?"

Several school districts including county boards of education have inquired whether the Commission is the appropriate code reviewing body for county boards of education when such boards have some supervisory responsibility over school districts which extend into more than one county.

The Commission has determined that pursuant to Government Code Section 82011, the Commission is the code reviewing body for school districts which cross county lines. Government Code Section 82011 states in pertinent part:

'Code reviewing body' means:

- (a) The Commission, with respect to the Conflict of Interest Code of a state agency, a county board of supervisors, a city council or any local government agency, other than a city agency, with jurisdiction in more than one county: . . .

(Emphasis added.)

.8-19-76

The Commission has further determined that county boards of education acting in a supervisory capacity over multi-county school districts pursuant to Education Code Sections 812.5 and 813, are not local government agencies with jurisdiction in more than one county, as defined in §82011 above; therefore the code reviewing body for a county board of education is the county board of supervisors.

Thank you for your request. For further assistance, please call Alfredo Flores, Conflicts of Interest Division 916/322-6444.

Sincerely,

Alfredo Flores
Staff Attorney, Conflicts
of Interest Division

AF:jhm

PLACER COUNTY SCHOOLS

Douglas A. Lewis, Schools' Attorney

250 High Street - Auburn, California 95603

916 - 823-4558

August 2, 1976

Fiar Political Practices Commission,
1100 K Street
Sacramento, California 95814

Re: Request for an Advisory Opinion
(Government Code §83114)

Gentlemen:

Pursuant to the provision of Government Code §83114, you are hereby requested to render your opinion upon the following question:

Who is the Code reviewing body of a General Law County, Board of Education (Education Code §601, et seq.) that exercises the duties and functions of the Board of Supervisors in accordance with Education Code §§658 and 671 and exercise jurisdiction in more than one county?

Since a County Board of Education is a county agency for some purposes; discharges some of the powers and duties of a Board of Supervisors (Education Code §§658 and 671); and is also a state agency under the control and supervision of the State Department of Education, a Board of Education fits the definition of both §82011 and §82041. Thus it is unclear as to who the proper Code reviewing body is.

Your views on this matter would be greatly appreciated.

Very truly yours,


DOUGLAS A. LEWIS

DAL/ve