



OFFICE OF THE PRESIDENT

October 30, 2017

TO: President's Cabinet
President's Council
Administrative Council

FROM: Sandy Sandello

SUBJECT: CHAPTER 2 - REVISION OF ADMINISTRATIVE PROCEDURES

Attached are revisions to Chapter 2 Administrative Procedures with minor edits. I have included CCLC's suggested template (when there is one to include).

AP 2105	Election of Student Members
AP 2340	Agendas
AP 2360	Minutes
AP 2430	Delegation of Authority to the Superintendent/President
AP 2431	CEO Selection Process
AP 2435	Evaluation of CEO
AP 2710	Conflict of Interest
AP 2712	Conflict of Interest Code
AP 2735	Board member travel

Please forward any suggested revisions/additions. This will begin the review process.

ELECTION OF STUDENT MEMBERSAP No.
2105

Board Reviewed: 8/12/09; 11/14/12

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- I. The student member shall be elected by a plurality vote of those voting in a regular election of the student body. **A student may run for no more than one position per election.** All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the student member to take office on June 1.
- II. Districts are mandated to have procedures to recall student trustees and to declare and fill vacancies. The following are suggested as good practice, although other procedures may be used.
- III. The Student Member may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the Superintendent/President of a petition signed by at least 20 percent of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within 30 days of a regularly scheduled election for student member.
- IV. The office shall become vacant if the student member becomes ineligible for the office, resigns, is recalled, or dies. Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President shall arrange for a special election that provides for:
 - Notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
 - An application period for students to submit an application to become a candidate for the open position that will be open for at least 5 days on which classes are regularly held;
 - Following such application period, a period of time no less than 10 days upon which classes are regularly held for campaigning, and;
 - Voting for the special election to be concluded within 30 school days following the date upon which the position became vacant.
- V. No special election will be called if the vacancy occurs within 60 days of a regularly scheduled election for student member.
- VI. Reference:
Education Code Section 72023.5

AP 2105 Election of Student Member(s)

Reference:

Education Code Section 72023.5

NOTE: This procedure is **legally required**. Local practice may be inserted here.

The following paragraph is provided as language that complies with the requirement of the Education Code that all students enrolled be permitted to participate in the selection of the student member. (See 62 Ops. California Attorney General 126 (1979).) If Districts did not include similar language in Board Policy 2105, it is advised that it be included here:

The student member shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the student member to take office on [**insert date, either May 15 or June 1**].

Districts are mandated to have procedures to recall student trustees and to declare and fill vacancies. The following are suggested as good practice, although other procedures may be used. Similar language was provided in BP 2105 as an option. If Districts included the language in policy, then they do not need to repeat it in these Administrative Procedures.

The Student Member may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the [**CEO**] of a petition signed by at least [**indicate percentage, such as 20%**] of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within [**indicate number of days, such as 30**] days of a regularly scheduled election for student member.

The office shall become vacant if the student member becomes ineligible for the office, resigns, is recalled, or dies. If the seat of a student member becomes vacant during his/her term, the governing board may authorize the officers of student body associations established pursuant to Education Code Section 76060 at each community college in the District to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board.

[OR]

Upon notice to the [**CEO**] that a vacancy has occurred, the [**CEO**] or designee may arrange for a special election that provides for:

- Notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- An application period for students to submit an application to become a candidate for the open position that will be open for at least [*indicate number of days, such as 5*] days on which classes are regularly held;
- Following such application period, a period of time no less than [*indicate number of days, such as 5*] days upon which classes are regularly held for campaigning, and;
- Voting for the special election to be concluded within [*indicate number of days, such as 30*] days following the date upon which the position became vacant.

No special election will be called if the vacancy occurs within [*indicate number of days, such as 30*] days of a regularly scheduled election for student member.

Revised 3/12, 4/14

AGENDASAP No.
2340

Board Reviewed: 5/17/06; 10/9/13

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I. Agenda Development

A Board agenda will be developed by the Superintendent/President and reviewed at the ~~with~~ President's Council, ~~meeting and with the~~ Administrative Council, ~~and~~ ~~members of the Senate Exec.~~ (current practice). Once reviewed and revised by staff, the Superintendent/President will review the agenda with the President of the Board of Trustees.

Members of the Board of Trustees may request a matter directly related to the business of the District ~~be placed~~ as an item on the agenda. Board of Trustees must provide the item to the President of the Board eighteen (18) days prior to the regularly scheduled Board of Trustees meeting. The Board President will consult with the Superintendent/President to determine if the item may need advisory review by the shared governance process. If the item has potential funding and or policy implications, the Superintendent/President, in consultation with the Board President, will determine whether the item is agendized as an action or informational item. Failure to adhere to this policy may result in a violation of Code of Ethics/Standards of Practice (BP No. 2715).

Members of the public may request a matter directly related to the business of the District to be placed on an agenda for a regularly scheduled Board of Trustees meeting. If the item has potential funding and or policy implications, the Superintendent/President in consultation with the President of the Board will determine whether the item is agendized as an action or informational item. The written summary must be signed by the initiator. Agenda items submitted by members of the public must be received by the Office of the President eighteen (18) days prior to the regularly scheduled Board meeting.

II. Public Access to Agendas

The agenda will be posted in a public location on campus for review. Copies are also available in the College library as well as on the College Website. Copies of the agenda are distributed to the following public agencies:

- El Monte Library
- Whittier Central Public Library
- Los Angeles Times
- San Gabriel Valley Tribune
- Los Nietos Public Library
- El Monte Norwood Library
- Pico Rivera Public Library

AGENDAS

AP No. 2340

Board Reviewed: 5/17/06; 10/9/13

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- Rivera Public Library
- Santa Fe Springs City Library
- S. Whittier Public Library
- The Whittier Daily News
- Whittwood Branch Library

III. Copies of agendas are available in the President's Office, the College library, as well as on the College Website www.riohondo.edu.

AP 2340 Agendas

Reference:

Education Code Section 72121

Note: *It is legally advised to have this procedure.*

Local practice, if any, may be inserted here and should address:

- Agenda development
- Public access to agendas
- Fees to the public for such access

MINUTES

AP No. 2360

Board Reviewed: 5/17/06

Page 1 of 1

- I. Minutes shall be taken at Board meetings recording all actions taken by the **Board of Trustees** governing board. The minutes are public records and shall be available to the public **as well as posted on the college website**.
- II. The President's Office is responsible for maintaining minutes of Board meetings. The minutes shall be written to include only actions proposed and/or approved by the Board.
- III. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Reference: Education Code Section 72121(a)

AP 2360 Minutes

Reference:

Education Code Section 72121(a)

Note: *This procedure is **suggested as good practice**. Minutes must be taken, but local practice, if any, regarding the procedures for minutes can be inserted here.*

Procedures may address the:

- responsibility for minutes,
- format, and
- minimum information required in minutes.

**DELEGATION OF AUTHORITY TO THE SUPERINTENDENT/
PRESIDENT**AP No.
2430

Board Reviewed: NEW (CCLC)

Page 1 of 1

The Superintendent/President may delegate any powers and duties entrusted to him or her by the Board of Trustees (including the administration of colleges and centers), but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Superintendent/President shall be responsible for reasonable interpretation of board policy. In situations where there is no board policy direction, the Superintendent/President shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the Superintendent/President to inform the Board of such action and to recommend written board policy if one is required.

The Superintendent/President is expected to perform the duties contained in the Superintendent/President job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions.

The Superintendent/President shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

References / Sources: Education Code Section 70902;
ACCJC Accreditation Standards IV.B.5; IV.C.12/ and
IV.D.1 (formerly IV.b.1.j and IV.B.2)

AP 2430 Delegation of Authority to the [CEO]

References:

Education Code Section 70902;
ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1 (formerly IV.B.1.j
and IV.B.2)

NOTE: This procedure is **suggested as good practice**. Local practice, if any, may be inserted here. If language substantially similar to the following was **not** incorporated into BP 2430 titled Delegation of Authority, it is suggested that it be considered here.

The [CEO] may delegate any powers and duties entrusted to him or her by the Board (including the administration of colleges and centers), but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The [CEO] shall be responsible for reasonable interpretation of board policy. In situations where there is no board policy direction, the [CEO] shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the [CEO] to inform the Board of such action and to recommend written board policy if one is required.

The [CEO] is expected to perform the duties contained in the [CEO] job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions.

The [CEO] shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

For Multi-College districts:

The Chancellor delegates full responsibility and authority to the College Presidents to implement and administer delegated policies without interference and holds College Presidents accountable for the operation of the Colleges.

Revised 11/14

CEO SUPERINTENDENT/PRESIDENT SELECTION PROCESSAP No.
2431

Board Reviewed: 10/18/06; 10/3/09

Page 1 of 3

- I. The Board of Trustees is responsible for the hiring of the Superintendent/President. The Board will establish the calendar and approve the structure of the presidential hiring process. The Board of Trustees will communicate to all those that participate in the selection process to conduct themselves in the highest ethical standards throughout the entire selection process.
- II. The Board of Trustees will establish a selection process for the consultant that ensures the consultant selected reflects the Board's expectations and values.
- III. The Board of Trustees will craft and express a clear statement on the role of the consultant and ensure that this role is clearly communicated to all stakeholders so that this role is clearly understood by all.
- IV. The Board of Trustees will clearly communicate the Board's expectations and values with respect to the hiring process to the members of the search committee before the hiring process begins. All members of the search committee will be provided training prior to the selection process on how to best reach consensus.
- V. The Board of Trustees or designee oversees the development of the Presidential Search Brochure and approves its content.
- VI. The Board of Trustees or designee approves all advertising for the presidential position.
- VII. The Board of Trustees determines the number of representatives from each constituent group. The search consultant will serve as a non-voting chair of the committee.
- VIII. The current composition of the search committee, which is merely a description of what has been used in the past and can be changed by the Board in the future, is as follows:

Faculty
Classified
Management/Confidential
ASB President/Representative
Community Representatives

The following are not committee members, but serve specific functions in the selection process:

- The Human Resources Officer or designee shall review the composition of the applicant pool to determine if legal requirements relating to Title V, the District's Equal Opportunity Plan, and non-discrimination have been met.

CEO SUPERINTENDENT/PRESIDENT SELECTION PROCESSAP No.
2431

Board Reviewed: 10/18/06; 10/3/09

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- An EEO Monitor who is appointed by the Equal Employment/Staff Diversity Officer
- IX. Persons serving on the search committee participate in both the application review and search committee interview phases of the search process. Search committee responsibilities include evaluation of candidate applications, development of interview questions, determination of candidates to be interviewed by the search committee and recommendation of finalists to the Board of Trustees.
- X. The search committee will try to reach consensus on all committee decisions. If the search committee is unable to reach consensus after discussion of an issue, then the majority view of the committee shall prevail.
- XI. Committee members must be willing to give search committee responsibilities their highest priority. To assure equity in the process, attendance at all committee meetings is required.
- XII. The Board of Trustees requires four to six unranked finalists. Before the selection process begins, the Board will specify the minimum number of candidates to be advanced by the committee. The Board of Trustees interviews the finalists and selects and hires the new Superintendent/President.
- XIII. Before the selection process begins, the Board of Trustees will clearly articulate to the members of the committee what options are available to the Board if the number of finalist candidates submitted does not fulfill the required minimum number of candidates as determined above. These options can include:
- Option 1: Ask the committee to forward additional finalists from the pool of candidates already interviewed;
 - Option 2: Directly interview additional candidates from the candidate pool;
 - Option 3: Cease the process and begin a new search;
 - Option 4: Accept the candidate(s) that are forwarded as finalists and proceed; and
 - Option 5: Ask the committee to interview additional candidates from the applicant pool who could potentially become finalists
- XIV. The Board will provide an opportunity for the Search committee-chair to submit a list of candidates along with narratives to the Board which could include the search committee members' reasons for forwarding or not forwarding candidates and perceived strengths and weaknesses of each of the candidates.

CEO SUPERINTENDENT/PRESIDENT SELECTION PROCESS

AP No. 2431

Board Reviewed: 10/18/06; 10/3/09

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- XV. The Board of Trustees requires that a presidential forum be held for the finalists in conjunction with the Board of Trustees interviews. The Board of Trustees determines when the presidential forum is scheduled. The Board determines the structure and date(s) of the forum(s).
- XVI. The Board of Trustees determines the efficacy of a site visit(s) and, if necessary, determines the participants for the visiting team. The Board of Trustees also determines the structure and schedule for the site visit(s).
- XVII. The Board of Trustees will evaluate the effectiveness of the CEO **Superintendent/President** Selection Process and will provide an opportunity to the committee to submit an evaluation of the selection process.

EVALUATION OF SUPERINTENDENT/PRESIDENT CEOAP No.
2435

Board Reviewed: 5/17/06

Page 1 of 1

- I. The Board **of Trustees** evaluates the Superintendent/President annually. The evaluation process, agreed upon between the **Superintendent/President** CEO and the Board, consists of an evaluation instrument that includes input from staff, faculty, students and managers.
- II. The Board and the **Superintendent/President** CEO have established an annual timeline to complete the evaluation process of the **Superintendent/President** CEO to coincide with the conclusion of the CEO's **Superintendent/President's** contract year.
- III. As a part of the evaluation process, the **Superintendent/President** CEO and the Board shall mutually agree upon the goals and objectives to be considered for the following year.
- IV. The final evaluation will be based upon:
 1. Progress toward goals and objectives;
 2. The **Superintendent/President's** CEO's self evaluation; and
 3. A composite of the evaluation forms completed by members of the constituent groups.
- V. The Board, as a whole, will meet with the **Superintendent/President** CEO to discuss the final evaluation. A copy of the final evaluation shall be furnished to the **Superintendent/President** CEO prior to that meeting.
- VI. A final written summary evaluation shall be prepared by the Board President. A signed copy will be retained by the **Superintendent/President** CEO and one will be placed in the personnel file.
- VII. Reference / Sources:

ACCJC Accreditation Standard **IV.B. and IV.C.3 (formerly IV.A)** 10.A.4

AP 2435 Evaluation of the [CEO]

References:

ACCJC Accreditation Standards IV.B and IV.C.3 (formerly IV.A)

NOTE: *This procedure is required to meet accrediting standards and is good practice. Local practice may be inserted here. The provision that the [CEO] is evaluated should be contained in the [CEO] contract. Detailed descriptions of the evaluation process may be included as part of these Administrative Procedures or in a separate document.*

Revised 11/14

CONFLICT OF INTEREST

AP No. 2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11; 5/14/14

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I. Incompatible Activities (Government Code Sections 1126, 1099)

Members of the Board of Trustees and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's and employees' duties as officers of the District.

A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

II. Financial Interest (Government Code Section 1090 et seq.)

Board members and employees shall not have a financial interest in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Board member shall not be considered to have a financial interest in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to have a financial interest in a contract if he or she has only a remote interest in the contract and if the remote 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 member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

III. No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Board of Trustees unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part-time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

IV. Financial Interest in a Decision (Government Code Section 87100 et seq.)

CONFLICT OF INTEREST

AP No. 2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11; 5/14/14

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If a Board member or employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter:

1. Publicly identify the financial interest in detail sufficient to be understood by the public;
2. Recuse himself or herself from discussing and voting on the matter;
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

V. Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do 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.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506. A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments 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 gathering (Government Code Sections 89501, 89502).

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11; 5/14/14

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Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:

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 that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction for income tax purposes.

VI. Representation (Government Code 87406.3)

Elected officials and the Superintendent/President shall not, for a period of one year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

VII. **Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318(c)(1))**

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District.

VIII. Source/Reference:

Government Code Sections 87105, 87200-87210;
Title 2, Section 18700 et seq. and as listed above.



POLICY & PROCEDURE SERVICE

AP 2710 Conflict of Interest

References:

Government Code Sections 87105 and 87200-87210;
Title 2 Sections 18700 et seq.;
2 Code of Federal Regulations Part 200.318(c)(1); and
other citations as listed below

NOTE: *It is legally required that districts have this procedure.*

Incompatible Activities (Government Code Sections 1126 and 1099)

Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)

Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Board member shall not be considered to be financially interested in a contract if his/her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote 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 member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).



POLICY & PROCEDURE SERVICE

Financial Interest in a Decision (Government Code Sections 87100 et seq.)

If a Board member or employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do 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.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments 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 gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of



POLICY & PROCEDURE SERVICE

income or gifts from that source on his/her statement of economic interests. The term "honorarium" does not include:

- 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.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

Representation (Government Code Section 87406.3)

Elected officials and the [**CEO**] shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

NOTE: *The following is **legally required** under the U.S. Education Department General Administrative Regulations (EDGAR) Second Edition for any district that receives federal funds. Districts may set local standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. Districts should consult with legal counsel in developing these standards. Such standards should be included in the following section.*

Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318(c)(1))

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District.

Revised 2/03, 2/06, 2/11, 10/16

CONFLICT OF INTEREST AND DISCLOSURE CODEAP No.
2712

Board Reviewed: 5/17/06; 9/9/09; 12/14/11; 11/12/14; 4/13/16

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- I. The Political Reform Act (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of this District by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this District.
- II. Definitions - The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.
- III. Designated Employees - The persons holding positions listed in Section XXI are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.
- IV. Disclosure Categories - This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this District is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another District, if all of the following apply:
 - A. The geographical jurisdiction of this District is the same as or is wholly included within the jurisdiction of the other District;
 - B. The disclosure assigned in the code of the other District is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and
 - C. The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Section XXI specify which kinds

¹ Designated employees who are required to file statements of economic interests under any other District's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and district statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government code section 81004.

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of financial interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those financial interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in Section XXI. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he/she foreseeably can affect materially through the conduct of his/her office.

V. Statements of Economic Interests - Place of Filing.

All officials and employees required to submit a statement of economic interests shall file their statements with the Superintendent/President or his or her designee. The District shall make and retain a copy of statements filed by its Members of the Board of Trustees and the Superintendent/President and forward the originals of such statements to the Executive Officer of the Board of Supervisors of Los Angeles County. The District shall retain the originals of statements for all other Designated Positions named in the District's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

VI. Statements of Economic Interests - Time of Filing.

- A. **Initial Statements.** All designated employees employed by the District on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within thirty (30) days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within thirty (30) days after the effective date of the amendment.
- B. **Assuming Office Statements.** All persons assuming designated positions after the effective date of this code shall file statements within thirty (30) days after assuming the designated positions, or if subject to State Senate confirmation, thirty (30) days after being nominated or appointed.
- C. **Annual Statements.** All designated employees shall file statements no later than April 1.
- D. **Leaving Office Statements.** All persons who leave designated positions shall file statements within thirty (30) days after leaving office.

VII. Statements for Persons Who Resign Prior to Assuming Office - Any person who resigns within twelve (12) months of initial appointment, or within thirty (30) days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.

- A. Any person who resigns a position within thirty (30) days of the date of a notice from the filing officer shall do both of the following:

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1. File a written resignation with the appointing power; and
 2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in the making, or use the position to influence any decision of the District or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.
- VIII. Contents of and Period Covered by Statements of Economic Interests
- A. Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of the code and income received during the twelve (12) months prior to the effective date of the code.
 - B. Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property, and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the twelve (12) months prior to the date of assuming office, or the date of being appointed or nominated, respectively.
 - C. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income, and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
 - D. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income, and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.
- IX. Manner of Reporting - Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the District, and shall contain the following information:
- A. Investments and Real Property Disclosure. When an investment or an interest in real property² is required to be reported,³ the statement shall contain the following:
 1. A statement of the nature of the investment or interest;

² For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

³ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

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2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 3. The address or other precise location of the real property;
 4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).
- B. Personal Income Disclosure. When personal income is required to be reported,⁴ the statement shall contain:
1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 2. A statement whether the aggregate value of income from each source, or a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
 3. A description of the consideration, if any, for which the income was received;
 4. In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
 5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.
- C. Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁵ the statement shall contain:

⁴ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include a salary or reimbursement for expenses received from a state, local or federal government District.

⁵ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customer of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

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1. The name, address, and a general description of the business activity of the business entity;
 2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
- D. Business Position Disclosure - When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/ she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.
- E. Acquisition or Disposal during Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.
- X. Prohibition on Receipt of Honoraria
- A. No member of a state board or commission, and no designated employee of a state or local government District, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code section 89501 shall apply to the prohibitions in this section. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.
- B. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government code section 89506.
- XI. Prohibition on Receipt of Gifts in Excess of ~~\$440~~ **\$470**
- A. No member of a state board or commission, and no designated employee of a state or local government District, shall accept gifts with a total value of more than ~~\$440~~ **\$470** in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

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XII. Loans to Public Officials

- A. No elected officer of a state or local government District shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government District in which the elected officer holds office or over which the elected officer's District has direction and control.
- B. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government District in which the public official holds office or over which the public official's District has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- C. No elected officer of a state or local government District shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any person who has a contract with the state or local government District to which that elected officer has been elected or over which that elected officer's District has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- D. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any person who has a contract with the state or local government District to which that elected officer has been elected or over which that elected officer's District has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- E. This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office;
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such

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persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section;

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time;
4. Loans made, or offered in writing, before January 1, 1998.

XIII. Loan Terms

- A. Except as set forth in subdivision (B), no elected officer of a state or local government District shall, from the date of his/ her election to office through the date he/she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- B. This section shall not apply to the following types of loans:
 1. Loans made to the campaign committee of the elected officer;
 2. Loans made to the elected officer by his/her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section;
 3. Loans made, or offered in writing, before January 1, 1998.
- C. Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

XIV. Personal Loans

- A. Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
 1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired;
 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a) The date the loan was made;
 - b) The date the last payment of one hundred dollars (\$100) or more was made on the loan;
 - c) The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous twelve (12) months.
- B. This section shall not apply to the following types of loans:

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1. A loan made to the campaign committee of an elected officer or a candidate for elective office;
 2. A loan that would otherwise not be a gift as defined in this title;
 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due;
 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations;
 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.
- C. Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.
- XV. Disqualification - No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family, or on:
- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
 - B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
 - C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made;
 - D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
 - E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$440 or more provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.
- XVI. Legally Required Participation - No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.

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- XVII. Disqualification of State Officers and Employees - In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his/her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his/her immediate family has, within twelve 12 months prior to the time when the official action is to be taken:
- A. Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
 - B. Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.
- XVIII Disclosure of Disqualifying Interest - When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.
- XIX. Assistance of the Commission and Counsel - Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 or from the attorney for his/her District, provided that nothing in this section requires the attorney for the District to issue any formal or informal opinion.
- XX. Violations - This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.
- XXI. Designated Positions and Disclosure Requirements
- A. Public Officials Who Manage Public Investments - It has been determined that the positions shown below manage public investments and must make disclosure pursuant to Government Code Section 87200 et seq.:

Members of the Board of Trustees
 - B. Disclosure Categories: The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must **disclose** for each disclosure category to which he/she is assigned.
 - 1. Category 1:

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Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

2. Category 2:

Persons in this category shall disclose all investments and business positions.

3. Category 3:

Persons in this category shall disclose all income (including gifts, loans and travel payments) and business positions.

4. Category 4:

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans and travel payments) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the District and associated with the job assignment of designated positions assigned to this disclosure category.

5. Category 5:

Individuals who perform under contract the duties of any designated position shall be required to file Statement of Economic Interests disclosing reportable interest in the categories assigned to that designated position.

In addition, individuals who, under contract, participate in decisions which affect financial interests by providing information, advice, recommendation or counsel to the District which could affect financial interest shall be required to file Statements of Economic Interest, unless they fall within the Political Reform Act's exceptions to the definition of consultant. The level of disclosure shall be as determined by the Superintendent/President or his or her designee of the District.

Designated Positions, and the Disclosure Categories assigned to them, are as follows:

C. DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

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Vice President, Academic Affairs	2, 3
Vice President, Student Services	2, 3
Vice President, Finance and Business	1, 2, 3,
Dean, Institutional Research and Planning	2, 3
Dean, Student Affairs	2, 3
Dean, Public Safety	4
Associate Dean, Public Safety	4
Dean, Career Technical Education	4
Dean, Counseling and Student Success	4
Director, Human Resources	2, 3
Director, Community and Governmental Relations	4
Director, Student Life	2,3
Director, Financial Aid, Scholarship, and Veterans Services	2, 3
Director, Marketing and Communications	4
Director, Information & Technology Services	4
Director, Contract Management & Vendor Services	1, 2, 3
Director, Facilities Services	1, 4
Manager, Maintenance and Operations	4
Assistant Director, Facilities Services	1, 4
Director, Accounting	4,
Risk Manager	4
Consultants/New Positions*	5

*Consultants/New Positions are included in the list of designated positions and shall

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disclose pursuant to the broadest disclosure category in the code, subject to the following limitations: The Superintendent/President or his or her designee may determine in writing that a particular consultant or 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 disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based on that description, a statement of the extent of disclosure requirements. The Superintendent/President or his or her designee's, determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

XXII. Sources/References

Government Code Sections ~~81000, 81004, 81008, 83114, 87103(e), 87300-87302, 89501, 89502, and 89503~~ 87100, 87200, 87450, 89501, 89503, 89506, 91003
Title 2, Section ~~48100, 18730~~



AP 2712 Conflict of Interest Code

References:

Government Code Sections 87103(e), 87300-87302, 89501, 89502, and 89503;
Title 2 Section 18730

NOTE: *This procedure is **strongly legally advised**. This procedure is essentially verbatim from Title 2 Sections 18730 et seq. The number system reflects the system used in the code and includes gaps in numbering. The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act.*

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Section 13 below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code Sections 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regulations Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Disclaimer: *This document is provided as a benefit to Community College League of California's Policy & Procedure Service subscribers and cannot be shared outside of their entity. The information contained within is a sample only and is not designed to address each District's specific and unique issues, internal rules or practices, or governing documents that might be in place at each entity. Districts should always consult with local District legal counsel prior to implementation.*



POLICY & PROCEDURE SERVICE.

Section 2. Designated Employees

The persons holding positions listed in Section 13 are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code Section 87200; and
- (C) The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those economic interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she foreseeably can affect materially through the conduct of his/her office.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.



POLICY & PROCEDURE SERVICE.

Section 4. Statements of Economic Interests

Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

Section 5. Statements of Economic Interests

Time of Filing

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
 - 1. File a written resignation with the appointing power; and

² See Government Code Section 81010 and Title 2 Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.



POLICY & PROCEDURE SERVICE.

2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests

- (A) **Contents of Initial Statements.** Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
- (B) **Contents of Assuming Office Statements.** Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
- (C) **Contents of Annual Statements.** Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
- (D) **Contents of Leaving Office Statements.** Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

- (A) **Investments and Real Property Disclosure.** When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.



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1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) **Personal Income Disclosure.** When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) **Business Entity Income Disclosure.** When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of ten percent or greater.

⁵ A designated employee's income includes his/her community property interest in the income of his/her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.



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1. The name, address, and a general description of the business activity of the business entity;
 2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
- (D) **Business Position Disclosure.** When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.
- (E) **Acquisition or Disposal during Reporting Period.** In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.
- (B) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of \$470

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.



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than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials

- (A) No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer

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has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
 4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his/her election to office through the date he/she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

- (B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.
 2. Loans made to the elected officer by his/her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
 3. Loans made, or offered in writing, before January 1, 1998.



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(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.



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Section 9. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation

No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his/her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his/her immediate family has, within 12 months prior to the time when the official action is to be taken:



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- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

Section 10. Disclosure of Disqualifying Interest

When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel

Any designated employee who is unsure of his/her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his/her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000- 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

NOTE: *The following designated positions are intended to be representative only. The job titles of the individual institution should be used.*

Section 13. Designated Positions and Disclosure Requirements

1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:
 - Governing Board Members
 - Chief Executive Officer
 - Chief Business Officer



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2. Disclosure Categories: The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclosure for each disclosure category to which he/she is assigned.

Category 1: All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within in the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two miles outside, the boundaries of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Designated Positions, and the Disclosure Categories assigned to them, are as follows:

Accountant	Categories	4,5
Assistant Deans	Category	6
Assistant Directors	Category	6
Chief Human Resources Officer	Category	6
Chief Instructional Officer	Categories	5,6
Chief Student Services Officer	Categories	5,6

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Deans	Category	6
Director of Bookstore	Category	6
Director of Budget	Categories	4,5
Director of Food Services	Category	6
Director of Purchasing	Categories	1,4,5
Director of Facilities	Categories	1,2,3,4
Director of Maintenance & Operations	Category	2,3,6
General Counsel	Categories	1,2
Personnel Director (Merit Systems)	Category	6
Personnel Commission Members	Categories	1,2
Police Chief	Categories	5,6
Consultant	Categories	1,2,3,4,5,6

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The [**CEO or designee**] may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The [**CEO’s or designee’s**] determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Revised 2/06, 2/07, 2/11, 9/12, 4/14, 10/15, 4/16, 10/17

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BOARD MEMBER TRAVEL

AP No. 2735

Board Reviewed: 5/17/06

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- I. The governing board **Rio Hondo Community College District** shall provide for the payment of the **for** travel expenses of any representatives of the Board **of Trustees**. ~~when performing services directed by the Board.~~
- II. **The Board participates in local and** Outside of state and nationally recognized organizations (i.e., California Community College League, ~~and~~ American Association of Community Colleges, **and Association of Community and Junior Colleges**). ~~Requests for additional travel must be approved by the President of the Board.~~
- A. Staff in the President's Office will be responsible for making necessary travel arrangements for the Board. ~~and conference attendance, if any.~~
- III. Reference:
Education Code Section 72423

AP 2735 Board Member Travel

Reference:

Education Code Section 72423

Note: *This procedure is **suggested as good practice**.*

Local practice may be inserted here and any procedures should address:

- Processes for submitting claims for expense.
- Approval processes, if any.
- Expectations for board member travel and conference attendance, if any.
- Criteria and limits on travel and conference attendance, if any.