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COLLEGE ATTORNEY
Effective: 1/24/90

CP No.
1000

Except for emergencies, all staff requests for opinions or other work products of the college attorney shall be directed to the college attorney via the Superintendent/President.

I. Definition of Substantive Matters

Such issues as board policies, institutional goals and objectives, organizational proposals, programs, major facilities, salaries and fringe benefits, federal and state funding projects, are among those matters that could be considered substantive and applicable to this procedure. Where the nature of the proposal to the Board of Trustees does not lend itself to this entire procedure, as many of the steps as possible should be followed.

II. Preliminary Proposal

A preliminary proposal shall be submitted to the Board of Trustees for consideration and in sufficient time prior to the implementation date of the proposal to afford the Board sufficient time for consideration. Each proposal, unless the nature of the proposal dictates to the contrary, will contain a list of elements herein described. The following elements will contain information pertinent and sufficient to permit the Board to enhance their decision-making responsibility.

1. Need, Problem or Issue

A description of the need, problem or issue to which the proposal will respond must be clearly stated.

2. Institutional Goals

A description of how the proposal would contribute to the established or new goals and objectives of the institution or administrative unit.

3. Length of the Program

A time line, including the life span of the proposal is essential.

4. Alternatives

Except for a few situations where it is not possible, alternatives will be presented showing ways of dealing with the needs, problems or issues including the following elements:

A. Proposal Description

A description of the plan or proposed elements proposed to meet the need, solve the problem or deal with the issues stated.

B. Resources

A complete list of required physical and human resources.

C. Administrative Units Involved

A list and description of the administrative units involved.

D. Funding - Budget

Funding required, sources of funding, and preliminary budget.

E. Evaluation

A system of evaluation and reporting shall be included.

III. Proposal Approval

After due consideration by the Board, the staff shall revise the preliminary proposal as required and re-submit it to the Board for approval.

The enactment of the Political Reform Act of 1974 (Proposition 9, January 1974) and previous legislation established requirements, prohibitions, penalties, etc., on all officers and employees of Rio Hondo College. The Political Reform Act of 1974 also requires a "Conflict of Interest Code" specifically for designated employees, including Board members. Employees involved are individually informed. Designated employees are: Superintendent-President; Vice President, Administrative Affairs; and the Purchasing Agent.

James W. Briggs, Chief, Schools Division, Los Angeles County Counsel, has supplied us with the Government Code sections that apply to all officers and employees of Rio Hondo College.

These Government Code sections are listed here for compliance by all officers and employees of Rio Hondo Community College District.

Article 4, Chapter 1, Division 4, Title 1:

#1090 Being interested in contract, or purchaser at sale, or vendor at purchase, made in official capacity, prohibited

Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

#1091 When officer not deemed to be interested in contract: "Remote interest": Time of employment with contracting party: Persons regarded as having real or ultimate ownership: Punishment for failure to reveal interest: Validity of contract

(a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:
1. That of a nonsalaried member or officer of a nonprofit corporation;

2. That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office;

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this sub-section, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

3. That of a parent in the earnings of his minor child for personal services;
4. That of a landlord or tenant of the contracting party;
5. That of an attorney of the contracting party; or
6. That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water;
7. That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office;
8. That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.
9. That of an officer, director, or employee of a bank, bank holding company, or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

- (c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.
- (d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract, however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

#1091.5

- 1. An officer or employee shall not be deemed to be interested in a contract if his interest is:
 - (a) The ownership of less than 3% of the shares of a corporation for profit, provided the total annual income to him from dividends, from the corporation does not exceed 5% of his total annual income;
 - (b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;
 - (c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board;
 - (d) That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which event his interest shall be deemed a remote interest within the meaning and subject to the provisions of Section 1091.
 - (e) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which he serves as a member of the board of commissioners of the authority or of a community development commission created pursuant to Part 1.7 (commencing with Section 34100) of Division 24 of the Health and Safety Code;

(f) That of a spouse of an officer or employee of a public agency in his spouse's employment or officeholding if his spouse's employment or officeholding has existed for at least one year prior to his election or appointment.

2. An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

#1092 Avoidance of contract made in violation of #1090

Every contract made in violation of any of the provisions of Section 1090 may be avoided at the instance of any party except the officer interested therein. No such contract may be avoided because of the interest of an officer therein unless such contract is made in the official capacity of such officer, or by a board or body of which he is a member.

#1096 Suspension of settlement or payment and causing prosecution for violation: Procedure upon judgment for defendant

Upon the officer charged with the disbursement of public monies being informed by affidavit that any officer, whose account is about to be settled, audited, or paid by him, has violated any of the provisions of this article, the disbursing officer shall suspend such settlement or payment, and cause the district attorney to prosecute the officer for such violation. If judgment is rendered for the defendant upon such prosecution, the disbursing officer may proceed to settle, audit, or pay the account as if no affidavit had been filed.

#1097 Penalty for violation of prohibitions

Every officer or person prohibited by the laws of this State from making or being interested in contracts, or from becoming a vendor or purchaser at sales, or from purchasing scrip, or other evidences of indebtedness, including any member of the governing board of a school district, who willfully violates any of the provisions of such laws, is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison for not more than five years, and is forever disqualified from holding any office in this State.

Article 1. General Prohibition:

#87100 Public officials; state and local; financial interest

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. (Added by Initiative Measure approved by the electors June 4, 1974, effective January 7, 1975.)

#87101 Participation in legal governmental action or decision

Section 87100 does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section. (Added by Initiative Measure approved by the electors June 4, 1974, effective January 7, 1975).

#87102 Additional requirements; remedies

The requirements of Section 87100 are in addition to the requirements of Articles 2 and 3 of this chapter and any Conflict of Interest Code adopted thereunder. No provision of Chapter 11 of this title is applicable to this article except the provisions of Section 91003. The remedies provided in that section may be sought against any public official other than an elected state officer, and those remedies are the exclusive remedies for a violation of Section 87100. (Effective 1-7-75).

#87103 Financial interest; material effect; indirect investment or interest

An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material effect, distinguishable from its effect on the public generally, on:

- (a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars (\$1,000);
- (b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars (\$1,000);
- (c) Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the public official within twelve months prior to the time when the decision is made; or

- (d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, by any business entity controlled by the public official or by a trust in which he has a substantial interest. A business entity is controlled by a public official if the public official, his agents, spouse and dependent children hold more than fifty percent of the ownership interest in the entity. A public official has a substantial interest in a trust when the official, his spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000). (Added by Initiative Measure approved by the electors 6-4-74, effective 1-7-75).

COLLEGE PLANNING AND FISCAL MANAGEMENT**CP No.
1055**

Effective: 2/14/96; 2/11/98

This procedure implements Board Policy 1055, College Planning and fiscal management.

- I. Oversight for the college planning and fiscal management processes shall be the responsibility of the Superintendent/President.
- II. The Planning Council shall be responsible for developing and presenting planning, budget and other recommendations to the Superintendent/President.
- III. The Planning Council shall consist of the following members:
 - A. The Deputy Superintendent/Vice-President of Student Learning & Success, Assistant Superintendent/Vice President of Economic and Community Development, Executive Dean, Institutional Planning and Effectiveness and the Chief Financial Officer;
 - B. The members of the Executive Committee of the Rio Hondo College Academic Senate;
 - C. The president of the Rio Hondo College CSEA chapter and two additional classified employees designated by the local CSEA;
 - D. The president of the Associated Student Body and two additional students designated by the ASB;
 - E. Three additional faculty members (designated by Academic Senate);
 - F. A Dean from the Student Learning and Success area.
- IV. The co-chairs of the Planning Council shall be the Deputy Superintendent/Vice President of Student Learning and Success and the President of the Academic Senate.
- V. The following members of the Planning Council shall have the following responsibilities:
 - A. The co-chairs shall jointly develop the agenda for Planning Council meetings. Members of the Planning Council may provide agenda items for discussion and referral, if necessary, to the appropriate vice-president(s)/executive dean.
 - B. The co-chairs shall share the responsibility of presiding over the meetings of the Planning Council.
 - C. The vice-presidents/executive dean shall ensure that college faculty and staff (administrative and classified) in divisions/areas participate, along management lines, in developing planning recommendations.
 - D. Members representing the Academic Senate, the CSEA, the Rio Hondo College Faculty Association, and Associated Student Body shall ensure that members of their constituent groups participate in developing and/or reviewing planning recommendations.

- E. The Executive Dean, Institutional Planning and Effectiveness shall be responsible for general oversight and management of the planning and budget development processes.
- VI. Other members of the faculty and staff (administrative and classified) may be invited by the Planning Council, for a specified time and purpose, to participate as resource persons to the Council, e.g. the co-chairs of the Accreditation Self-Study Team.
- VII. Sub committees of cross-representational and voluntary membership, as appropriate, shall provide information to the Planning Council and address coordination concerns in the following areas:
- Educational Master Plan Committee
 - Economic & Community Development Committee
 - Institutional Effectiveness Committee
 - Student Learning & Success Committee
- VIII. The Planning Council shall provide a budget process that includes broad campus participation in the development of recommendation to the Superintendent/President as follows:
- A. The Executive Dean shall prepare a budget calendar and be responsible for scheduling activities in sufficient time for presentation of recommendations to the Superintendent/President. Tentative and Adopted Budgets shall be presented to the Board of Trustees according to the timeline of the California Code of Regulations.
- B. Divisional/departmental staff members will participate by making recommendations to the appropriate Vice President/Executive Dean and Superintendent/President under the same process as practiced in fiscal years 1991-92 and 1993-93:
- IX. All planning recommendations, whether from management or constituent groups, shall be presented to the President's Cabinet by the appropriate vice-president(s)/executive dean for discussion before forwarding to the Planning Council.
- X. All Planning Council recommendations shall be reached through consensus.
- XI. The Superintendent/President shall be responsible for implementation and evaluation of this procedure.