



Policy

2710 Conflict of Interest

Board members and employees shall not be financially interested in any contract made by them in their official capacity, or in any body or board of which they are members.

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section [1091](#) or is limited to interests defined by Government Code Section [1091.5](#).

A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. The Board member further shall leave the Board room during discussion and vote.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible.

Upon leaving the Board, former members shall not, for a period of one year act as an attorney, agent or otherwise represent for compensation others appearing before the Board.

In compliance with law and regulation, the Chancellor shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest (typically the Form 700) with the filing officer identified by the administrative procedures.

Board members are encouraged to seek counsel from the District’s legal advisor in every case where any question arises.

Cross References (see also):

YCCD Policy 2712 – Conflict of Interest Code

References:

Government Code Sections [1090 et seq.](#), [1126](#), and [87200 et seq.](#); Title 2 Sections [18730 et seq.](#)

Adopted: August 6, 2002

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Revision Adopted: ~~October 14, 2009~~, April 13, 2016
Last Reviewed: April 13, 2016

Administrative Procedure

2710 Conflict of Interest

Incompatible Activities (Government Code Sections [1126](#) and [1099](#))

Board members and designated 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 designated 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 designated employees.

A Board member shall not be considered to be financially interested 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 be financially interested 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 her or his 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 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\(b\)](#)).

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

If a Board member or designated 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 a designated 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/consent

1 agenda. A Board member may, however, discuss the issue during the time the general public
2 speaks on the issue.

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4 Gifts (Government Code Section [89503](#))

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

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

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13 The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on
14 birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially
15 disproportionate in value.

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17 Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as
18 described in Government Code Section [89506](#).

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

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23 Board members and any employees who manage public investments shall not accept any honorarium,
24 which is defined as any payment made in consideration for any speech given, article published, or
25 attendance at any public or private gathering (Government Code Sections [89501](#) and [89502](#)).

26
27 Designated employees shall not accept any honorarium that is defined as any payment made in
28 consideration for any speech given, article published, or attendance at any public or private gathering, if
29 the employee would be required to report the receipt of income or gifts from that source on his or her
30 statement of economic interest. The term "honorarium" does not include:

- 31
- 32 A. Earned income for personal services customarily provided in connection with a bona fide
33 business, trade, or profession unless the sole or predominant activity of the business, trade or
34 profession is making speeches.
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 - 36 B. Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor
37 or delivered to the District for donation into the general fund without being claimed as a
38 deduction from income tax purposes.

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40 Representation (Government Code Section [87406.3](#))

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

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46 **References:**

47 Government Code Sections [87105](#) and [87200-87210](#); Title 2 Sections [18700 et seq.](#); and as listed above.

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49 **Procedure Last Revised:** ~~April 11, 2007~~, April 13, 2016

1 **Last Reviewed:** April 13, 2016