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| Policy Change | <input checked="" type="checkbox"/> | Subject Matter Area Review | <input checked="" type="checkbox"/> |
| Procedure Change | <input checked="" type="checkbox"/> | Constituency Group Review | <input checked="" type="checkbox"/> |
| New Policy | <input type="checkbox"/> | District Council | <input type="checkbox"/> |
| New Procedure | <input type="checkbox"/> | Board 1 st Reading | <input type="checkbox"/> |
| | | Board 2 nd Reading | <input type="checkbox"/> |

KEY:
BOLD= new language
~~strikethrough=~~ delete language

Comments:

Referred to:

Edited:

10/21/15



Policy

2710 Conflict of Interest

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

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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

Revision Adopted: October 14, 2009

Last Reviewed:

Administrative Procedure

2710 Conflict of Interest

Incomparable 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, ~~or~~ 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.**

Reference:

~~Incompatible Activities Government Code Section 87200-872210; Title 2, Section 18700 et seq.~~
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](#)).**

Reference:

~~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 ~~h~~Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the ~~h~~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 ~~h~~Governing ~~h~~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\(b\)](#)).**

Reference:

~~Education Code Section 72103(b).~~

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

1 If a Board member or designated employee determines that he or she has a financial interest in a
2 decision, as described in Government Code Section [87103](#), this determination shall be disclosed and
3 made part of the Board’s official minutes. In the case of a designated employee, this announcement
4 shall be made in writing and submitted to the Board. **A Board member, upon identifying a conflict of
5 interest, or a potential conflict of interest, shall do all of the following prior to consideration of the
6 matter.**

- 7
- 8 • **Publicly identify the financial interest in detail sufficient to be understood by the public;**
- 9 • **Recuse himself or herself from discussing and voting on the matter;**
- 10 • **Leave the room until after the discussion, vote, and any other disposition of the matter is**
11 **concluded unless the matter is placed on the agenda reserved for uncontested**
12 **matters/consent agenda. A Board member may, however, discuss the issue during the time**
13 **the general public speaks on the issue.**
- 14

15 **Reference:**

16 **Gifts** (Government Code Section [89503](#))

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

20

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

24

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

28

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

31

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

34

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

38

39 **Reference:**

40 **Government Code Sections [89501](#), [89502](#).**

41

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

- A. 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.
- B. 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 Chancellor 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.

I. Conflict of Interest Code

~~A. (Pursuant to Section 18730) 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 the Appendix referred to 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 and local laws pertaining to conflicts of interest.~~

II. Definitions

~~A. 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

~~A. The persons holding positions listed in the Appendix 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 financial interests.~~

IV. Disclosure Categories

~~A. This code does not establish any disclosure obligations 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 financial~~

1 interest pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code
2 sections 87200, et seq. In addition, this code does not establish any disclosure obligation for
3 any designated employees who are designated in a conflict of interest code for another
4 agency, if all of the following apply:

5
6 ~~1. The geographical jurisdiction of this agency is the same as or is wholly included
7 within the jurisdiction of the other agency;~~

8 ~~2. The disclosure assigned in the code of the other agency is the same as that required
9 under article 2 of chapter 7 of the Political Reform Act, Government Code section
10 87200; and~~

11 ~~3. The filing officer is the same for both agencies. Such persons are covered by this
12 code for disqualification purposes only. With respect to all other designated
13 employees, the disclosure categories set forth in the Appendix specify which kinds
14 of financial interests are reportable. Such a designated employee shall disclose in
15 his or her statement of economic interest those financial interest he or she has
16 which are of the kind described in the disclose categories to which he or she is
17 assigned in the Appendix. It has been determined that the financial interest set forth
18 in a designated employee's disclosure categories are the kinds of financial interest
19 which he or she foreseeably can affect materially through the conduct of his or her
20 office.~~

21
22 VI. ~~Statement of Economic Interest~~

23
24 ~~A. Place of Filing.~~

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

28
29 VII. ~~Statements of Economic Interests~~

30
31 ~~A. Time of Filing~~

32
33 ~~1. Initial Statements.~~

34 ~~All designated employees employed by the agency on the effective date of this
35 code, as originally adopted, promulgated and approved by the code reviewing body,
36 shall file statements within 30 days after the effective date of this code. Thereafter,
37 each person already in a position when it is designated by an amendment to this
38 code shall file an initial statement within 30 days after the effective date of the
39 amendment.~~

40
41 ~~2. Assuming Office Statements.~~

42 ~~All persons assuming designated positions after the effective date of this code shall
43 file statements within 30 days after assuming the designated positions, or if subject
44 to State Senate confirmation, 30 days after being nominated or appointed.~~

45
46 ~~3. Annual Statements.~~

47 ~~All designated employees shall file statements no later than April 1.~~

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2 ~~4. Leaving Office Statements.~~

3 All persons who leave designated positions shall file statements within 30 days after
4 leaving office.

5
6 ~~VIII. Statements for Persons Who Resign Prior to Assuming Office~~

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

14
15 ~~B. Any person who resigns a position within 30 days of the date of a notice from the filing~~
16 ~~officer shall do both of the following:~~

17
18 ~~1. File a written resignation with the appointing power; and~~

19
20 ~~2. File a written statement with the filing officer declaring under penalty of perjury~~
21 ~~that during the period between appointment and resignation he or she did not~~
22 ~~make, participate in the making, or use the position to influence any decision of the~~
23 ~~agency or receive, or become entitled to receive, any form of payment by virtue of~~
24 ~~being appointed to the position.~~

25
26 ~~IX. Contents of and Period Covered by Statements of Economic Interests:~~

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28 ~~A. Contents of Initial Statements.~~

29 Initial statements shall disclose any reportable investments, interests in real property and
30 business positions held on the effective date of the code and income received during the 12
31 months prior to the effective date of the code.

32
33 ~~B. Contents of Assuming Office Statements.~~

34 Assuming office statements shall disclose any reportable investments, interests in real
35 property and business positions held on the date of assuming office or, if subject to State
36 Senate confirmation or appointment, on the date of nomination, and income received
37 during the 12 months prior to the date of assuming office or the date of being appointed or
38 nominated, respectively.

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40 ~~C. Contents of Annual Statements.~~

41 Annual statements shall disclose any reportable investments, interest in real property,
42 income and business positions held or received during the previous calendar year provided,
43 however, that the period covered by an employee's first annual statement shall begin on
44 the effective date of the code of the date of assuming office whichever is later.

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46 ~~D. Contents of Leaving Office Statements.~~

1 Leaving office statements shall disclose reportable investments, interests in real property,
2 income and business positions held or received during the period between the closing date
3 of the last statement filed and the date of leaving office.

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5 X. Manner of Reporting

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7 A. Statements of economic interest shall be made on forms prescribed by the Fair Political
8 Practices Commission and supplied by the agency, and shall contain the following
9 information:

10
11 B. Investments and Real Property Disclosure. When an investment or an interest in real
12 property is required to be reported, the statement shall contain the following:

13
14 1. A statement of the nature of the investment or interest;

15
16 2. The name of the business entity in which each investment is held, and a general
17 description of the business activity in which the business entity is engaged

18
19 3. The address or other precise location of the real property

20
21 4. A statement whether the fair market value of the investment or interest in real
22 property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars
23 (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one
24 million dollars (\$1,000,000).

25
26 **References:**

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

29
30 **Procedure Last Revised:** April 11, 2007

31 **Last Reviewed:**