

**CHAPTER 2: Administration and General Institution
ADMINISTRATIVE PROCEDURE NO. 2.45.1 (AP 2710)**

**ADMINISTRATIVE PROCEDURE
San Mateo County Community College District**

Subject: AP 2.45.1 Conflict of Interest
Revision Date: 9/12
References: Government Code Sections 1090 et seq., 1099, 1126, 87100 et seq., 87103, 87105, 87200-87210, 87300-87302, 87406.3, 89501-89503 and 89506; Title 2 Sections 18700 et seq. and 18730 et seq.; Education Code Section 72103 et seq.

1. 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 their duties as officers or employees of the District. A Board member shall not simultaneously hold two public offices that are incompatible as defined in Government Code Section 1099. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

2. Financial Interest (Government Code Sections 1090 et seq.)

Board members and employees shall not be financially interested in any contract made by them in their official 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).

3. No Employment Allowed

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)).

4. 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

AP 2.45.1 Conflict of Interest (continued)

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.

- a. Publicly identify the financial interest in detail sufficient to be understood by the public;
- b. Recuse himself or herself from discussing and voting on the matter;
- c. 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.

5. **Gifts** (Government Code Section 89503)

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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).
- f. 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/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, or (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 from income tax purposes.

6. **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.

7. The District will follow all guidelines contained in Title 5, Section 18730 et seq.

**CHAPTER 2: Administration and General Institution
ADMINISTRATIVE PROCEDURE NO. 2.45.2 (AP 2712)**

**ADMINISTRATIVE PROCEDURE
San Mateo County Community College District**

Subject: AP 2.45.2 Conflict of Interest Code
Revision Date: 9/12; 8/16; 8/18
References: Government Code Sections 87103(e), 87300-87302, 89501 and 89503; Title 2
Section 18730

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 the Appendix attached to this procedure, 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.

**CONFLICT OF INTEREST CODE OF THE
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

The Political Reform Act, Government Code Section 8100, *et. seq.*, requires state and local government agencies to adopt Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice hearings. Therefore, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the San Mateo County Community College District (Hereinafter "Agency").

Pursuant to Section 18730(b)(4)(B) of the Standard Code, all designated employees shall file statements of economic interests with the agency, which shall make and retain a copy and forward the originals to the code reviewing body, which shall be the filing officer.

As directed by Government Code Section 82011, the code reviewing body is the Board of Supervisors for the County of San Mateo. Pursuant to Title 2, Division 6 of the California Administrative Code, Section 18277, the County Clerk for the County of San Mateo shall be the official responsible for receiving and retaining statements of economic interests filed with the Board of Supervisors.

DESIGNATED CATEGORIES

CATEGORY 1. A designated employee assigned to Category 1 is required to disclose investments that may foreseeably be materially affected by any decision made or participated in by the designated employee.

CATEGORY 2. A designated employee assigned to Category 2 is required to disclose interests in real property that may be materially affected by any decision made or participated in by the designated employee.

CATEGORY 3. A designated employee assigned to Category 3 is required to disclose any source of income that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

CATEGORY 4. A designated employee assigned to Category 4 is required to disclose any business entity in which the designated employee is a director, officer, partner, trustee, or holds any position of management that may be materially affected by any decision made or participated in by the designated employee.

APPENDIX A

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
DESIGNATED OFFICIALS AND EMPLOYEES**

Designated Positions	Disclosure Category
Board of Trustees	1,2,3,4
Chancellor	1,2,3,4
Deputy Chancellor	1,2,3,4
Executive Vice Chancellor	1,2,3,4
Vice Chancellors	1,2,3,4
Chief of Staff	1,2,3,4
College Presidents	1,2,3,4
Consultants*	1,2,3,4
All Other Administrators	1,3,4
Bookstore Managers	1,3,4
Student Life and Leadership Manager/Director of Student Development	1,3,4
Coordinators of Library Services	1,3,4
Buyers and Senior Buyers, Purchasing	1,3,4

* The Chancellor, or designee, shall review the duties and authority of all consultants retained by the District. Those consultants who, within the meaning 2 CA. Code of Regulations 18700(a)(2) are required to file statements of economic interests, shall do so. During each calendar year, the District shall maintain a list of such consultants for public inspection in the same manner and location as this Conflict of Interest Code.

Nothing herein excuses any consultant from any other provision of the Conflict of Interest Code, specifically those dealing with disqualification.

August 2018

**CHAPTER 2: Administration and General Institution
BOARD POLICY NO. 2.45 (BP 2710)**

**BOARD POLICY
San Mateo County Community College District**

Subject: BP 2.45 Conflict of Interest
Revision Date: 5/12; 1/17
Policy References: Government Code Sections 1090, et seq., 1126, 87200, et seq.; Title 2, Sections 18730 et seq.

1. In compliance with law, the Board shall adopt a Conflict of Interest Code and shall periodically review the list of designated employees required to complete financial disclosure forms. The Chancellor shall designate a filing Officer for conflict of interest matters and that person shall perform related duties as required by law.
2. Each Board member and each designated employee under the District's Conflict of Interest Code shall annually file a statement disclosing those interests in investments, real property, and income that are designated as reportable under the Conflict of Interest Code.
3. A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.
4. No Board member nor any employee of the District shall make, participate in making or, in any way, attempt to use his or her position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest.
5. 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/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.
6. 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.
7. In compliance with law and regulation, the Chancellor shall establish administrative procedures to provide for disclosure of assets or income of Board members and shall, as necessary, obtain legal advice should a potential conflict of interest occur.