

PALOMAR COLLEGE PROCEDURES

Chapter 2 – Governing Board

Table of Contents

| | |
|---------|--------------------------------------------------------------|
| AP 2105 | Election of Student Trustee |
| AP 2110 | Vacancies on the Governing Board |
| AP 2310 | Regular Meetings of the Governing Board |
| AP 2320 | Special and Emergency Meetings |
| AP 2340 | Agendas |
| AP 2350 | Speakers |
| AP 2365 | Recording |
| AP 2410 | Policy Making Authority and Administrative Procedures |
| AP 2435 | Evaluation of the Superintendent/President |
| AP 2510 | Participation in Local Decision Making |
| AP 2610 | Presentation of Initial Collective Bargaining Proposals |
| AP 2710 | Conflict of Interest |
| AP 2712 | Conflict of Interest Code |

As of 11/17/02

~~AP 2015 STUDENT TRUSTEE~~

~~Version dated 5/9/06~~

~~Reference:~~

~~Education Code Section 72023.5~~

~~The student member shall have the following responsibilities:~~

- ~~• Attend meetings of the Board of Trustees~~
- ~~•~~

~~(Note: The District may list other duties and expectations of the Student Trustee, such as defining the relationship with the Associated Student Organization, undergoing an orientation to the role, and identifying a mentor or advisor for the position.)~~

***NOTE:** This procedure is optional, depending on the amount of detail included in Board Policy. If the duties are not stated in Board Policy, the language above is **suggested** as **good practice**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).*

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

~~AP 2100 BOARD ELECTIONS~~

~~Version dated 5/9/06~~

References:

~~Education Code Sections 5000 et seq.~~

~~*Note: Board election practices are covered in Board Policy. However, if there are administrative processes beyond that contained in Board Policy, they may be inserted here.*~~

NOTE: This procedure is **suggested** as **good practice**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

Governing Board
DRAFT as of 11/29/06

AP 2105 ELECTION OF STUDENT TRUSTEE

Reference:

Education Code Section 72023.5

The Student Trustee 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 Trustee to take office on June 1.

The student body may recall the President of the Associated Student Government who may then cease to be the Student Trustee. The President of the Associated Student Government 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 5% of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within twenty (20) days of a regularly scheduled election for the Student Trustee.

Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President shall, within twenty (20) days, call a special election. No special election will be called if the vacancy occurs within twenty (20) days of a regularly scheduled election for Student Trustee. The office shall become vacant if the Student Trustee becomes ineligible for the office, resigns, is recalled, or dies.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally required**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

**Governing Board
DRAFT as of 10/1/06**

AP 2110 VACANCIES ON THE GOVERNING BOARD

References:

Education Code Sections 5090 et seq.;
Government Code Sections 1770 and 6061

When the Governing Board determines to fill the vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Governing Board.

Persons applying for appointment to the Governing Board shall receive a letter from the Superintendent/President containing information about the District and the Board, and including a candidate information sheet to be completed and returned by a specific date.

The Governing Board shall request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all candidate information sheets, with final selection made by a majority vote of the Governing Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Governing Board shall, within 10 days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Governing Board, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures,

is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a Governing Board member upon the appointee immediately following his or her appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for Governing Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally advised**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

Governing Board
DRAFT as of 10/1/06

AP 2310 REGULAR MEETINGS OF THE GOVERNING BOARD

References:

Education Code Section 72000(d);
Government Code Sections 54952.2, 54953 et seq., and 54961

❖ **From Palomar College Administrative Procedure 12.3**

Regular Meetings (00-20502)

The Governing Board meets on the second Tuesday of each month at ~~7:00 p.m.~~
Any item for the agenda must be in the President's Office ten days prior ~~by 5 p.m., on the Monday eight days prior~~ to each Tuesday meeting. The fourth Tuesday of the month will be kept open for special meetings, orientations, workshops, or training sessions, should they be needed. GB rev. 2-13-01

Office of Primary Responsibility: Superintendent/President

NOTE: The language in **black ink** is from current Palomar Administrative Procedure 12.3 titled Regular Meetings dated 2-13-01. The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(Replaces former Palomar AP 12.3 dated 2-13-01)

**Governing Board
DRAFT as of 10/1/06**

AP 2320 SPECIAL AND EMERGENCY MEETINGS

References:

Education Code Sections 72023.5 and 72129;
Government Code Sections 54956 and 54956.5

❖ ~~From Palomar College Administrative Procedure 12.3~~

~~Regular Meetings (00-20502)~~

~~The Governing Board meets on the second Tuesday of each month at 7:00 p.m. Any item for the agenda must be in the President's Office by 5 p.m., on the Monday eight days prior to each Tuesday meeting. The fourth Tuesday of the month will be kept open for special meetings, orientations, workshops, or training sessions, should they be needed. GB rev. 2-13-01 (language moved to new AP 2310 titled Regular Meetings of the Governing Board)~~

Whenever a special meeting of the Governing Board is called, the Superintendent/President shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The Superintendent/President shall also ensure that the following notices of the meeting are delivered either personally or by other means:

- Written notice to each member of the Governing Board, including the Student Trustee.
- Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the Governing Board in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the Governing Board is called, the Superintendent/President shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the Superintendent/President shall

provide the newspapers, radio stations, and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **suggested** as **good practice**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the September 15, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

**Governing Board
DRAFT as of 10/19/06**

AP 2340 AGENDAS

Reference:

Education Code Section 72121

❖ **From Palomar College Administrative Procedure 12.8**

Agenda

Any member of the public who wishes to place a matter on the agenda of an open Board meeting shall notify the Superintendent/President in writing at least eight ten calendar days before any regular meeting. The written notification shall specify the matter and include any relevant background information.

The Superintendent/President shall determine whether the specific matter is directly related to the business of the District or is appropriate for an open Board meeting. Any decision by the Superintendent/President not to place a requested matter on the agenda may be appealed in writing to the Board.

❖ **From Palomar College BP 12.10**

Hearings

~~At regular meetings, the Governing Board shall provide opportunities for members of the public to address the Board directly on items on the agenda or on items of interest to the public that are within the subject matter jurisdiction of the Board. The Board welcomes the information provided by this direct interaction with the public.~~

~~(GC 54954.3)~~

The agenda will include regularly scheduled standing items from ~~The Board will accept testimony from individuals, a committee, or a delegation. Hearings from the following shall be regularly scheduled in the agenda: The Faculty, the Faculty Senate, the Palomar Faculty Federation, the Associated Student Government, the CCE/AFT, the Administrative Association, the Confidential and Supervisory Team, Other, and the Superintendent/President.~~

A statement will be included on Board Agendas requesting that individuals who desire the agenda information in an accessible format and/or require other accommodations should contact the President's Office.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally advised**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current Palomar Administrative Procedure 12.8 titled Agenda with no date. The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(Replaces former Palomar AP 12.8 and BP 12.10)

**Governing Board
DRAFT as of 10/26/06**

AP 2350 SPEAKERS

References:

Education Code Section 72121.5;
Government Code Sections 54950 et seq.

❖ From Palomar College Administrative Procedure 12.10.1

Public Participation at Regular Meetings of the Board (97-18518) (97-18582)

~~For the purposes of conducting an orderly Board meeting, the Board hereby sets a five-minute time limit per person for members of the public who wish to address the Board on matters within its jurisdiction, may ask a delegation to select a spokesperson, and may limit the number of speakers on a particular topic unless the proposed speakers are addressing different concerns.~~

~~The Board President or the Chair of any Board meeting may terminate a presentation by a member of the public given the floor to speak under this procedure, after a verbal warning to cease improper and offensive conduct; for example, conduct which incites a riot, and the individual who is warned persists in engaging in disapproved conduct.~~

Any member of the public seeking to speak to the Board and complain against an individual District employee may do so pursuant to the provisions of this procedure. These individuals are encouraged to contact the supervisor of the employee against whom they have a complaint and seek resolution of the complaint by informal means; however, their right to address the Governing Board is not dependent upon their doing so.

The employee against whom a complaint is made by a member of the public under this policy shall be entitled to the following: (1) Written Notice from an authorized representative of the Governing Board that the complaint has been made against him or her; and, (2) The date the complaint was made and a verbatim transcript of the complaint as presented to the Board; and, (3) The right to respond both orally and in writing to the complaint within a reasonable time thereafter, to the Board; and, (4) All rights provided by established grievance procedures for the employee's job classification, e.g., faculty, classified, administrative." (California Government Code Section ~~54954.3~~ [54950 et seq.](#))
EC 72121.5; GC 54954.3; GB 11-9-93, GB 8-97, GB 10-14-97

Office of Primary Responsibility: Superintendent/President

Date Approved:

NOTE: This procedure is **suggested** as **good practice**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from current Palomar Administrative Procedure 12.10.1 titled Public Participation at Regular Meetings of the Board dated 11-9-93, 8-97, and 10-14-97. The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(Replaces former Palomar AP 12.10.1 dated 11-9-93, 8-97, and 10-4-97)

Governing Board
DRAFT as of 10/26/06

AP 2365 RECORDING

References:

Government Code Sections **6250** and 54953.5

The Superintendent/President's Office is responsible for maintaining audio recordings of Board meetings, excluding closed sessions, for 30 days following the meeting.

The audio records shall be made available to the public and the news media in accordance with the California Public Records Act, Government Code Section 6250.

The agenda for each meeting shall state, in a prominent place, that the meetings are being recorded electronically.

Office of Primary Responsibility: Superintendent/President

NOTE: It is **legally advised** to have this procedure, since the Governing Boards is required to permit recording under the conditions set out in policy. The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

Governing Board
DRAFT as of 10/26/06

AP 2410 POLICY MAKING AUTHORITY AND ADMINISTRATIVE PROCEDURES

References:

Education Code Section 70902;
Accreditation Standard IV.B.1.b and e

❖ **From Palomar College BP 3.04**

Formal Communication of Matters of Institution-Wide Policy

No member or organization of the College community is precluded from first presenting a policy proposal to the Governing Board or any of the recommending agencies. A citizen or organization of the College District should direct policy proposals to the President of the College in his/her capacity as Secretary to the Governing Board. Proposals may be presented to all of the recommending agencies simultaneously.

~~By law, any member or organization may submit institution-wide policy proposals directly to the Governing Board. However, it is not desirable for every policy proposal to be so submitted. It is recommended, therefore, that policy proposals not be presented directly to the Governing Board except for compelling or urgent reasons, or until other appropriate channels of communication have been exhausted.~~

The recommending agencies include: ~~There are eight recommending agencies at Palomar College which consider institution-wide policy matters:~~

- (1) the Associated Student Government
- (2) the Faculty Senate
- ~~(3) the Curriculum Committee~~
- (4) (3) the Instructional Planning Council
- ~~(5) (4)~~ the Student Services Planning Council
- ~~(6) (5)~~ the Human Resources Planning Council
- (7) (6) the Administrative Services Planning Council
- ~~(8) (7)~~ the Strategic Planning Council.

~~Members or organizations of the College should use the recommending agencies for testing need, content, form, and the practicability of policy proposals. The member or organization proposing institution-wide policy should select the recommending agency to which the proposal should first be presented based on:~~

~~(1) the nature of the proposal, and (2) the agency with which the member or organization is most directly affiliated. A student or student organization should normally first present a proposal to the Associated Student Government, a faculty member or organization to the Faculty Senate, a member of the administration or an administrative organization to the Strategic Planning Council, a member of the classified staff or its association to the Strategic Planning Council.~~

A recommending agency may recommend adoption, amendment, referral to another agency, or reconsideration of a proposal. Interagency communication may take whatever form the involved agencies may deem necessary in accordance with the nature and urgency of the policy proposal.

Recommendations for adoption of policy shall be made in writing to the Governing Board. ~~In cases where consensus is not achieved by the recommending agencies, each may present its own version of a policy proposal to the Governing Board as outlined above.~~

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **suggested** as **good practice**. The language in **black ink** is from current Palomar College Policy 3.04 titled Formal Communication of Matters of Institution-Wide Policy. The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the October 13, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(Replaces former Palomar Policy 3.04 with no adoption date indicated)

Governing Board
DRAFT as of 11/17/06

**AP 2435 EVALUATION OF THE SUPERINTENDENT/
PRESIDENT**

Reference:

Accreditation Standard IV.A

❖ **From Palomar College BP 7.03**

Evaluation of the Superintendent/President (85-11108)

Evaluation of the Superintendent/President should be an ongoing and systematic process conducted both informally and formally. Its purpose is to clarify the expectations placed on this position by the Governing Board and to assess performance based upon these expectations. ~~Improvement of performance, a clearer sense of direction, and reinforcing recognition should be the primary goals of this policy.~~

The employment agreement between the Superintendent/President and the Palomar CCD addresses the annual evaluation of the Superintendent/President.

Formal evaluation shall occur once each year and shall be the responsibility of the Governing Board. The process and criteria used shall be understood by and mutually acceptable to the Board and the Superintendent/President.

The Governing Board often receives input from campus constituent groups and others regarding the Superintendent/President. One source of input submitted to the Governing Board for consideration includes the results of the annual evaluation of the Superintendent/President conducted by the Faculty Senate's Personnel Standards and Practices Committee.

The Governing Board's formal evaluation of the Superintendent/President shall result in a written record of performance upon which the Board will base its annual review of the contract of the Superintendent/President.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally required** to meet accrediting standards. The language in **black ink** is from current Palomar College Policy 7.03 titled Evaluation of the Superintendent/President adopted on 2-11-86. The wording in **blue ink** is additional language to consider including in this

procedure. The language in **green ink** reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(Replaces former Palomar BP 7.03 originally adopted on 2/11/86)

Governing Board
DRAFT as of 11/17/06

AP 2510 PARTICIPATION IN LOCAL DECISION-MAKING

References:

Education Code Section 70902(b)(7);
Title 5 Sections 53200 et seq., 51023.5, and 51023.7;
Accreditation Standards IV.A.2 and IV.A.5

The Palomar College governance structure involves faculty, staff, administration, students, and the community in the planning and operation of the District.

The governance structure and practices embrace the Palomar Community College District values of supporting inclusiveness of individual and community viewpoints in collaborative decision-making processes; promoting mutual respect and trust through open communication and actions; and fostering integrity as the foundation for all we do. The Governing Board is the final authority for governance at the Palomar Community College District. The Governing Board delegates authority to the Superintendent/President who in turn solicits and receives input through the shared governance decision-making process.

Organization

The Strategic Planning Council (SPC), as the principal participatory governance body of the District, creates the processes for recommending policies and governance committee structures. The SPC reviews actions, recommendations, and requests of planning groups and task forces. The SPC amends and guides the planning processes and recommends policies and procedures to respond to the changing needs of the student population and the internal and external environments. The Strategic Planning Council develops, implements, evaluates continuously and revises, if necessary, the District's plans and initiatives, both long-term and short-term. A three-year planning cycle is used to implement the Strategic Plan.

An Annual Implementation Plan outlines the tasks and actions to be accomplished during the upcoming year. The SPC reviews the Annual Implementation Plan three times during an academic year to evaluate progress toward the vision and strategic goals.

The Superintendent/President serves as the chair of the SPC. To provide communication within the governance structure, all planning council chairs report progress on their objectives and activities at each SPC meeting.

Representation

The governance structure provides for representation from seven recognized constituencies of the Palomar Community College District: students, Faculty Senate, bargaining unit faculty, bargaining unit classified staff, Administrative Association members, Confidential and Supervisory employees, and senior and executive administration.

Appointments from the constituencies, when not specified by position, are made by the:

- ASG – students
- Faculty Senate – faculty on academic and professional matters
- PFF/AFT – faculty
- CCE/AFT– classified staff
- Confidential and Supervisory Team (CAST) – supervisors and confidential employees
- Administrative Association – directors and managers
- Superintendent/President – senior and executive administrators

The constituent appointees serve the length of term designated by their representative group.

Responsibilities of Representatives

The primary responsibilities of representatives are as follows:

- prepare for and attend meetings
- participate in discussions
- communicate with individual constituencies; and
- contribute to informed decision making.

Recommendation Process

Recommendations shall emerge ideally as a result of group consensus. When consensus cannot be reached, a majority of members shall determine the recommendation.

Each chair is responsible for communicating recommendations through the appropriate administrative and/or governance structure.

All representatives are responsible for keeping their respective constituencies informed of the proceedings and recommendations.

The process for presenting items first for Information, then for action at a subsequent meeting shall be followed, thus allowing sufficient time for discussion. Allowance will be made for suspending this process when deemed appropriate by a majority.

Definitions of Governance Structures

Council – A group of constituency representatives designated or selected to act in an advisory capacity that meets on a regular basis. The charge of a council entails District-wide issues.

Standing Committee – A permanent committee of constituency representatives intended to consider all matters pertaining to a designated subject that meets on a regular basis. A standing committee is part of the governance structure.

Permanent Sub Committee – A permanent sub group of a standing committee designated to consider specific subjects in detail for recommendations back to the standing committee. The chair must be a member of the committee to which it reports. Other members need not be members of the committee to which it reports.

Ad Hoc Committee – A committee created by a council or standing committee to address and make recommendations on a particular subject as needed and meets until a task is completed. The members need not be from a council or standing committee.

Task Force – A constituency-represented group created to address a special District-wide subject/issue and meets until the subject/issue is resolved.

Open Access

Governance meetings are public. In addition to representation afforded to individuals through constituencies, other individuals and groups may be heard in any governance meeting by requesting and receiving permission from the chair to participate and/or have items added to the agenda. Written minutes will be prepared for all governance meetings. Agendas, minutes, reports, and other work products of all governance committees and other groups involved in governance should be made readily accessible to all interested parties.

Evaluation

The SPC and planning councils will regularly evaluate the governance structures and process and communicate the results of these evaluations.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally required**. The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting. This language is directly from the District's governance overview in its strategic planning document.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

Governing Board
DRAFT as of 12/11/06

**AP 2610 PRESENTATION OF INITIAL COLLECTIVE
BARGAINING PROPOSALS**

Reference:

Government Code Section 3547

Whenever an initial collective bargaining proposal is received from an exclusive representative of District employees, or whenever the District's own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Governing Board:

- The exclusive representative or the District must present the initial collective bargaining proposal orally or in writing to the Governing Board at a public meeting.
- Between the initial presentation and subsequent opportunity for public response, all initial collective bargaining proposals will be available for public review in the District's Human Resources Office.
- The public shall have an opportunity to respond to the exclusive representative's or District's initial proposal at a subsequent public Governing Board meeting. The opportunity for public response shall appear on the Governing Board's regular agenda. Public response shall be taken in accordance with the Board's Policies regarding speakers.
- After the public has an opportunity to respond to an initial proposal presented by the District, the Governing Board shall, at the same meeting or a subsequent meeting, adopt the District's initial proposal. The adoption shall be indicated as a separate action item on the Board agenda. There shall be no amendment of the District's initial proposal unless the public is again afforded a reasonable opportunity to respond to the proposed amendment at a public meeting.
- If new subjects of meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the District, shall be posted by the District in the same public place as it posts its agendas within twenty-four (24) hours after their presentation in negotiations.
- When a request to reopen a collective bargaining agreement, as required by the agreement, is received from an exclusive representative or is made by the District, the public notice procedure outlined in this procedure shall be followed.

When the District and the exclusive representative agree to amend an executed collective bargaining agreement in accordance with the agreement, the following procedure shall be followed:

- The amendment shall appear on the agenda as a notice item, for action at a subsequent Governing Board meeting.
- The public shall have an opportunity to respond to the amendment at a subsequent Governing Board meeting. The public response shall be indicated on the agenda.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally required**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in **blue ink** is additional language to consider including in this procedure. This procedure was reviewed at the November 17, 2006 Policy and Procedure Task Force Meeting. The language in **green ink** was recommended by the Human Resources Office.

Date Approved:

(This is a new procedure recommended by the CC League and the League's legal counsel)

**Governing Board
DRAFT as of 11/17/06**

AP 2710 CONFLICT OF INTEREST

References:

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

Incompatible Activities (Government Code Sections 1126 and 1099)

Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Governing Board member's duties as an officer of the District. A Governing Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Governing 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 Governing Board or in any contract they make in their capacity as members of the Governing Board or as designated employees.

A Governing 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 Governing 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 Governing Board meeting and noted in the official Board minutes. The affected Governing 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 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 Governing 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 Governing Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Governing Board. A Governing 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 Governing 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 Governing Board members and designated employees.

Governing 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 income or gifts from that source on his or 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 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.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally required**. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(This is a new procedure recommended by the CC League and the League’s legal counsel)

**Governing Board
DRAFT as of 11/17/06**

AP 2712 CONFLICT OF INTEREST CODE

References:

Government Code Sections 87103(e), 87300-87302, 89501, 89502, 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 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 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 Regs. Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2 -- Designated Employees

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.

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 financial 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 the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. 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 or she foreseeably can affect materially through the conduct of his or her office.

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

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.

² See Government Code Section 81010 and 2 Cal. Code of Regs. 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.

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 or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

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) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or 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:

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; and
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

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

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 10 percent or greater.

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

description of the gift; the amount or value of the gift; and the date on which the gift was received; and

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:

1. The name, address, and a general description of the business activity of the business entity and

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 or she is a director, officer, partner, trustee, employee, or in which he or 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 or 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 \$360

(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 than \$360 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or

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.

gifts from that source on his or 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.

(B) 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 or her election to office through the date that he or 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 or 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 or her election to office through the date that he or 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 or 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 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 five hundred dollars (\$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 or her election to office through the date he or 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 or 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.

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.

Section 9 -- Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or 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 or 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 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 \$360 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 or 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 or 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 or 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 or her immediate family has, within 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.

Section 10 -- Disclosure of Disqualifying Interest

When a designated employee determines that he or she should not make a governmental decision because he or 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 or 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 or 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.

Section 13 -- Designated Positions and Disclosure Requirements

1. The persons occupying the 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
 - Superintendent/President
 - Assistant Superintendent/Vice President for Finance and Administrative Services

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 disclose for each disclosure category to which he or 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 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 (2) years.

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

Category 3: All investments and business positions in, and sources of income from, business entities that were 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 (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that were 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 to be assigned to them, were as follows:

Assistant Superintendent/Vice President
for Human Resource Services Category 6

Assistant Superintendent/Vice President
for Instruction Categories 5,6

Assistant Superintendent/Vice President

| | |
|------------------------------------|-------------------------------|
| <u>for Student Services</u> | <u>Categories 5,6</u> |
| <u>Director, Fiscal Services</u> | <u>Categories 4,5</u> |
| <u>Deans</u> | <u>Category 6</u> |
| <u>Director, Business Services</u> | <u>Categories 1,4,5</u> |
| <u>Director, Facilities</u> | <u>Categories 1,2,3,4</u> |
| <u>Police Chief</u> | <u>Categories 5,6</u> |
| <u>Consultant</u> | <u>Categories 1,2,3,4,5,6</u> |

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 Superintendent/President or designee may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that were 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 Superintendent/President’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.

Office of Primary Responsibility: Superintendent/President

NOTE: This procedure is **legally required**. This procedure is essentially verbatim from Title 2 Section 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. The language in **red ink** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in **blue ink** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made at the November 17, 2006 Policy and Procedure Task Force Meeting.

Date Approved:

(This is a new procedure recommended by the CC League and the League’s legal counsel)