
**Allan Hancock Joint Community College District
Board Policy
Chapter 2 – Board of Trustees**

BP 2710 CONFLICT OF INTEREST

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the Allan Hancock Joint Community College District (District).

Designated positions shall file their statements with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated positions will be retained by the District.

Adopted: 12/17/92
Revised: 8/18/04
Revised: 11/18/08
Revised: 9/13/11

Revised: 11/18/14
Revised: 2/9/16
Revised: 12/15/20

(Replaces Board Policy 1400)

**ALLAN HANCOCK JOINT COMMUNITY COLLEGE DISTRICT
CONFLICT-OF-INTEREST CODE
APPENDIX A - DESIGNATED POSITIONS**

POSITION	CATEGORY
Academic Specialist/Mathematics, Engineering, & Science Achievement	3
Associate Superintendent/Vice President, Academic Affairs	1, 2
Associate Superintendent/Vice President, Student Services	1, 2
Deans	3
Deans, Associate	3
Department Chairs	3
Director, Artistic/Associate Dean, PCPA	3
Director, Admissions and Records	3
Director, Business Services	1
Director, Cal-SOAP	3
Director, College Achievement Now (CAN/Trio Program)	3
Director, K-12 Partnership, Cooperative Work Experience, Career Development	3
Director, Human Resources/Labor Relations	3
Director, Information Technology	3
Director, Institutional Grants	3
Director, EOPS and Special Outreach	3
Director, Deputy Sector Navigator AWET	3
Director, Executive, Foundation	3
Director, Fire, Safety and EMS Education	3
Director, Learning Assistance Program	3
Director, Law Enforcement Training	3
Director, Managing, PCPA	3
Director, Marketing, PCPA	3
Director, Plant Services	3
Director, Public Affairs and Publications	3
Director, Public Safety/Chief of Police	3
Director, Special Projects (Grants)	3
Director, Student Financial Aid	3
Director, Technical, PCPA	3
Landscape Supervisor	3
Maintenance Supervisor	3
Production Manager, PCPA	3
Purchasing Agent	1
Purchasing Coordinator, PCPA	1
Vice President, Institutional Effectiveness	1

**ALLAN HANCOCK JOINT COMMUNITY COLLEGE DISTRICT
CONFLICT-OF-INTEREST CODE
APPENDIX A - DESIGNATED POSITIONS**

POSITION	CATEGORY
Board Members, Retirement Board of Authority	1
Board Members, Viticulture and Enology Foundation	3, 4
Consultants/New Positions	*

NOTE: Board Members of the Retirement Board of Authority and Board Members of the Viticulture and Enology Foundation should file under the broadest assigned disclosure if he/she also files under another position designated in the code or is listed as an 87200 filer.

* Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Superintendent/President may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant/new position’s duties and, based upon 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. (Gov. Code Section 81008.)

The following positions are not covered by the code because the positions manage public investments. Individuals holding such positions must file under Government Code Section 87200 and are listed for informational purposes only. Section 87200 requires disclosure of all investments and business positions in business entities, all income, including gifts, loans and travel payments, and real property.

Board of Trustees
Superintendent/President
Associate Superintendent/Vice President, Administrative Services

**ALLAN HANCOCK JOINT COMMUNITY COLLEGE DISTRICT
CONFLICT-OF-INTEREST CODE
APPENDIX B-DISCLOSURE CATEGORIES**

Category 1: All investments and business positions in business entities, and sources of income, (including receipt of gifts, loans, and travel payments) from business entities that provide services, supplies, materials, machinery, vehicles or equipment of the type purchased or leased by the District.

Category 2:

- a. Interests in real property within the boundaries of the District that are used by the District or are of the type that could be acquired by the District as well as real property within two miles of the property used or the potential site.
- b. Investments and business positions in business entities or income (including receipt of gifts, loans, and travel payments) from sources of the type that engage in the acquisition or disposal of real property or are engaged in building construction or design for school districts.

Category 3: All investments and business positions in, and sources of income, (including receipt of gifts, loans, and travel payments) from business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department.

Category 4: Interests in real property that are used by the Foundation or are of the type that could be acquired by the Foundation.

Allan Hancock Joint Community College District
Administrative Procedure
Chapter 2 – Board of Trustees

AP 2710 CONFLICT OF INTEREST

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 the Board member's duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)

Board members and 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 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); 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 Board of Trustees 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)).

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 to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself/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 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 Board members and designated employees.

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/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 and the Superintendent/President 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.

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

Approved: 10/21/14

(This is a new procedure recommended by the Policy and Procedure Service)