

Board of Trustees

1 **AP 2710 CONFLICT OF INTEREST**

2 **References:**

- 3 Government Code Sections 87105 and 87200-87210;
- 4 Title 2 Sections 18700 et seq.;
- 5 2 Federal Code of Regulations Part 200.318(c)(1); and
- 6 Other citations as listed below

7 **Incompatible Activities (Government Code, Section 1126)**

8 Board members and employees shall not engage in any employment, activity, or
9 enterprise for compensation that is inconsistent with, incompatible with, in conflict with or
10 inimical to the Board member’s duties as an officer of the District. A Board member shall
11 not simultaneously hold two public offices that are incompatible. When two offices are
12 incompatible, a Board member will be deemed to have forfeited the first office upon
13 acceding to the second.

14 **Financial Interest (Government Code, Sections 1090 et seq.)**

15 Board members and employees shall not be financially interested in any contract made
16 by the Board of Trustees or in any contract they make in their capacity as members of the
17 Board of Trustees or as employees. Any contract made in violation of Government Code,
18 Section 1090 is void and unenforceable.

19 A Board member shall not be considered to be financially interested in a contract if
20 his/her/their interest meets the definitions contained in applicable law (Government Code,
21 Section 1091.5).

22 A Board member shall not be deemed to be financially interested in a contract if
23 he/she/they has only a remote interest in the contract and if the remote interest is
24 disclosed during a Board meeting and noted in the official Board minutes. The affected
25 Board member shall not vote or debate on the matter or attempt to influence any other
26 member of the Board to enter into the contract. Remote interests are specified in
27 Government Code, Section 1091(b); they include, but are not limited to, the interest of a
28 parent in the earnings of his/her/their minor child.

29 **No Employment Allowed (Education Code, Section 72103(b))**

30 An employee of the District may not be sworn in as an elected or appointed member of
31 the Board of Trustees unless and until he/she/they resigns as an employee. If the
32 employee does not resign, the employment will automatically terminate upon being sworn
33 into office. This provision does not apply to an individual who is usually employed in an
34 occupation other than teaching and who also is, at the time of election to the board,
35 employed part time by the District to teach no more than one course per semester or

36 quarter in the subject matter of that individual's occupation (Education Code, Section
37 72103(b)).

38 **Financial Interest in a Decision (Government Code, Sections 87100 et seq.)**

39 If a Board member or employee determines that he/she/they has a financial interest in a
40 decision, as described in Government Code, Section 87103, this determination shall be
41 disclosed and made part of the Board's official minutes. In the case of an employee, this
42 announcement shall be made in writing and submitted to the Board of Trustees. A Board
43 member, upon identifying a conflict of interest, or a potential conflict of interest, shall do
44 all of the following prior to consideration of the matter:

- 45 • Publicly identify the financial interest in detail sufficient to be understood by the
46 public.
- 47 • Excuse himself/herself/themself from discussing and voting on the matter.

48 **Gifts (Government Code, Section 89503)**

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

52 Employees shall not accept from any single source in any calendar year any gifts in
53 excess of the prevailing gift limitation specified in law if the employee would be required
54 to report the receipt of income or gifts from that source on his/her/their statement of
55 economic interests.

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

59 Gifts of travel and related lodging and subsistence shall be subject to the above limitations
60 except as described in Government Code, Section 89506.

61 A gift of travel does not include travel provided by the District for Board members and
62 employees.

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

67 Employees shall not accept any honorarium that is defined as any payment made in
68 consideration for any speech given, article published, or attendance at any public or
69 private gathering, if the employee would be required to report the receipt of income or
70 gifts from that source on his/her/their statement of economic interests. The term
71 "honorarium" does not include:

- 72 • Earned income for personal services customarily provided in connection with a
73 bona fide business, trade, or profession unless the sole or predominant activity of
74 the business, trade or profession is making speeches.
75 • Any honorarium that is not used and, within 30 days after receipt, is either returned
76 to the donor or delivered to the District for donation into the general fund without
77 being claimed as a deduction from income tax purposes.

78 **Representation (Government Code, Section 87406.3)**

79 Elected officials and the President/Superintendent shall not, for a period of one year after
80 leaving their position, act as an agent or attorney for, or otherwise represent for
81 compensation, any person appearing before that local government agency.

82 **Contracts Supported by Federal Funds (2 Code of Federal Regulations Part**
83 **200.318(c)(1))**

84 No employee, Board member, or agent of the District may participate in the selection,
85 award, or administration of a contract supported by a federal award if he/she/they has a
86 real or apparent conflict of interest. Such a conflict of interest would arise when the
87 employee, Board member, or agent, any member of his/he/their immediate family,
88 his/her/their partner, or an organization which employs or is about to employ any of the
89 parties indicated herein, has a financial or other interest in or a tangible personal benefit
90 from a firm considered for a contract. The Board members, employees, and agents of
91 the District may neither solicit nor accept gratuities, favors, or anything of monetary value
92 from contractors or parties to subcontracts. Disciplinary action will be taken for violations
93 of such standards by Board members, employees, or agents of the District.

94 Office of Primary Responsibility: President/Superintendent

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