

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 2.17
MT: (ID # 11021)**

MEETING DATE:

Tuesday, October 22, 2019

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of an Amendment to the Conflict of Interest Code for Mt. San Jacinto Community College District 3 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Conflict of Interest Code of the Mt. San Jacinto Community College District; and
2. Direct the Clerk of the Board to notify the Mt. San Jacinto Community College District of the action taken.


ACTION: Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 22, 2019
xc: Co.Co., COB

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the Mt. San Jacinto Community College District.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The Mt. San Jacinto Community College District recently amended its Conflict of Interest Code on February 28, 2019 to more clearly define their Disclosure Categories and update the code with current law. The Board of Trustees of the Mt. San Jacinto Community College District adopted BP 2710 amending its Conflict of Interest Code. The Mt. San Jacinto Community College District has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the Conflict of Interest Code of the Mt. San Jacinto Community College District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Mt. San Jacinto Community College District is attached.

It is recommended that the Board of Supervisors approve the Conflict of Interest Code of the Mt. San Jacinto Community College District, and direct the Clerk of the Board to notify the Mt. San Jacinto Community College District of the action taken.

Impact on Residents and Businesses

N/A

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STATE OF CALIFORNIA

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: Minutes Approving changes to BP 2710

Attachment B: BP 2710


Susana Garcia-Bocanegra, Principal Management Analyst

10/10/2019


Gregory P. Priapros, Director County Counsel

10/8/2019



Agenda Item Details

Meeting	Feb 28, 2019 - Regular Board Meeting
Category	8. CONSENT AGENDA - SUPERINTENDENT/PRESIDENT
Subject	8.1 Revised BP 2710 - Conflict of Interest
Access	Public
Type	Action (Consent)
Recommended Action	It is recommended that the Board of Trustees approve the revisions to BP 2710 Conflict of Interest.

Public Content

BACKGROUND:

In the spring of 2000, Mt. San Jacinto Community College District subscribed to The Community College League of California, in partnership with Liebert Cassidy, a California law corporation, Policy and Procedure Service. The CCLC service provides member districts a comprehensive list of policies and procedures/regulations each district should have on record, samples of each of those board policies and samples of each of the administrative procedures/regulations, and both new and updated policies and procedures as required by changing laws and regulations.

BP 2710 - Conflict of Interest is being submitted for the Board's approval. The changes that are being made are to assure MSJC is in compliance with the current mandates and regulations.

BUDGET IMPLICATIONS:

None

021419.Revised BP 2710 - Conflict of Interest.pdf (148 KB)

021419.Redline BP 2710 FINAL.pdf (147 KB)

Administrative Content

Background: The Political Reform Act requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. To ensure the Conflict of Interest Code remains current and accurate, the District is required to review its Code at least every even-numbered year. During the District's 2018 biennial review, the County Counsel identified amendments needed to the District's Board Policy 2710. The amendments include a new Incorporation Section (Terms of the Code): the Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) that contains the terms of a standard conflict of interest code which can be incorporated by reference. The amendments also include the addition of detailed disclosure categories set forth in Exhibit A.

Motion & Voting

The Superintendent/President recommends approval.

Motion by Tom K Ashley, second by Ann Motte.

Final Resolution: Motion Carries

Aye: Ann Motte, Dorothy McGargill, Sherrie Guerrero, Tom K Ashley, Vicki Carpenter



Agenda Item Details

Meeting Mar 14, 2019 - Regular Board Meeting
Category 1. OPEN MEETING
Subject 1.4 Approval of Minutes
Access Public
Type Action, Minutes
Recommended Action Recommend approval of the minutes for the Regular Meeting of February 28, 2019.
Minutes View Minutes for Feb 28, 2019 - Regular Board Meeting

Public Content

Administrative Content

Motion & Voting

Recommend approval of the minutes for the Regular Meeting of February 28, 2019.

Motion by Ann Motte, second by Dorothy McGargill.

Final Resolution: Motion Carries

Aye: Ann Motte, Dorothy McGargill, Sherrie Guerrero, Tom K Ashley, Vicki Carpenter



**Mt. San Jacinto
Community College District**
1499 N. State Street
San Jacinto, CA 92583

Board Policy
Chapter 2
Board of Trustees

BP 2710

Approved by Board: August 9, 2001

Page 1 of 6

Revisions: 1/20/11; 12/13/12; 6/13/13; 12/11/14; 9/8/16

BP 2710 Conflict of Interest

Reference:

Government Code Sections 1090, et seq.; 1125, et seq.; 81000 et seq.; 87200, et seq.; 87300, et seq.; 87406.3; Education Code Section 72103(b); 2 C.C.R. §§ 18730, et seq.

Unlawful Financial Interests In Contracts With The District

In accordance with Government Code sections 1090-1097, 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. Government Code Section 1098 shall apply to any public officer or employee who willfully and knowingly discloses for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties or uses any such information for the purpose of pecuniary gain.

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091(b) or is limited to interests defined by Government Code Section 1091.5.

Unlawful Incompatible Activities

Pursuant to Government Code sections 1125-1129, Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the District. A board member shall not simultaneously hold two public offices that are incompatible.

Pursuant to Government Code section 87406.3, upon leaving the board, former members shall not, for a period of one year, act as an attorney, agent or otherwise represent for compensation others appearing before the board.

No Employment Pursuant To 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.

Conflict of Interest Code Required by Government Code Section 87300

In compliance with the Political Reform Act of 1974, Government Code section 81000 et seq., the Board hereby adopts this Conflict of Interest Code pursuant to and required by Government Code section 87300, which shall apply to all Board members and designated employees of the District. It is the intent of this Conflict of Interest Code to ensure full compliance with all applicable law.

The District's Conflict of Interest Code shall comprise and incorporate by reference the terms of Government Code section 87300 and the terms of California Code of Regulations, Title 2, section 18730 and any amendments thereto adopted by the Fair Political Practices Commission, together with the attachments hereto to this Board Policy specifying designated positions and the specific types of disclosure statements required for each position.

A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

Upon leaving the board, former members shall not, for a period of one year act as an attorney, agent or otherwise represent for compensation others appearing before the board.

In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest. (See Administrative Procedures 2710)

Designated Employees and Disclosure Statement Filing

Board members shall file a full statement of economic interest pursuant to Government Code Sections 87200 et seq.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

Employees of the District who hold positions which involve the making or, participation in the making, of decisions which may have a foreseeable material effect on any financial interest, shall be Designated Employees. Designated Employees shall file statements of economic interest with the filing officer identified by the administrative procedures.

Designated Employees

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 1 through 6 of Exhibit A (Disclosure Categories).

- I. Associate Dean of Human Resources
Director of Campus Safety
Dean of Administrative Services/Controller
Director of Budget and Accounting
Director of Institutional Advancement, External Relations & Foundation
Director of Superintendent/President's Office
Members of the Board of Trustees
Members of the Foundation Executive Committee
District Facilities Director
Supervisor of Procurement & General Services
Superintendent/President
Executive Dean of Institutional Effectiveness, Assessment and Student Success
Vice President of Business Services
Vice President of Human Resources
Vice President of Instruction
Vice President of Student Services

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 1, 5, and 6 of Exhibit A (Disclosure Categories).

- II. Director of Continuing Education and Workplace Training
Director of Adult Education Non-Credit

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 4, 5, and 6 of Exhibit A (Disclosure Categories).

- III. Dean of Student Services (Financial Aid)
Director of Financial Aid
Foundation Scholarship Coordinator

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 5 and 6 of Exhibit A (Disclosure Categories).

- IV. Dean of Student Services (Enrollment Services)
Director of Institutional Research
Associate Dean, Nursing and Allied Health
Associate Dean of Career Education (2)
Dean of Planning/Institutional Effectiveness/Grants
Book Store Supervisor
Dean of Counseling, Student Services
Dean of Instruction, Academic Programs (2)

Dean of Instruction, Arts, Humanities and Social Sciences
Dean of Instruction, Math and Science
Dean of Instruction, Academic Computing Technology and Distance Education
Dean of Instruction, Career Education
Dean of Information Technology
Dean of Nursing and Allied Health
Dean of Student Services, Athletics
Dean of Facilities Planning & District Construction
Director of Child Development and Education Center
Director of Disabled Student Programs & Services
Director of EOPS/CARE
Director of Enrollment Services
Director of Public Information & Marketing
Director of Talent Search
Director of Upward Bound
Director of Student Life & Development
Director of Support Services & Risk Management
Director of Student Success and Support Programs (2)
Director of CalWORKs
Director of Student Equity Success
Director of Career Education Projects
Senior Enterprise Store Supervisor

Persons occupying the following positions are designated employees and must disclose financial interests defined in categories 1 and 2 of Exhibit A (Disclosure Categories).

V. General Counsel

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 are 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.

Disclosure Statement Filing

Individuals holding designated positions shall file annual Statements of Economic Interests with the District in the manner prescribed in this Code, disclosing reportable interests in real property, investments in and business positions with business entities, and income which might

foreseeably be affected materially by the operations of the District. The District will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Upon receipt of the statements for Members of the Board, Superintendent/President, and Executive Director, the District shall make and retain copies and forward the originals to the Riverside County Board of Supervisors. All other statements will be retained by the District in the Human Resources Office. All Conflict of Interest forms will be available for review upon request.

Board members and Designated Employees are not required to disclose private financial information unrelated to their public employment.

Exhibit A

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.

<u>Category</u>	<u>Property Holding & Sources of Income to be Reported</u>
1	All business positions, investments in or income from business entities which are contractors or sub-contractors which are or have been within the previous two-year period engaged in the performance of building construction or design of the type utilized by the district.
2	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.
3	All business positions, investments in or income from businesses engaged in land development or construction, or other business entities engaged in the acquisition or disposal of real property 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 (2) years.
4	All business positions in, and sources of income from, banks, savings & loan, or other financial institutions doing business in Riverside County
5	Business positions, investments in or income from business entities which provide services, supplies, books, materials, machinery, vehicles, or equipment of the type used by, purchased, or leased by the District.
6	Business positions, investments in or income from business entities which provide services, supplies, books, materials, machinery, vehicles, or equipment of the type used by, purchased, or leased by the Designated Employee's Department.