

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



**ITEM: 2.3**  
(ID # 13331)

**MEETING DATE:**  
Tuesday, November 03, 2020

**FROM :** COUNTY COUNSEL:

**SUBJECT:** COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Mt. San Jacinto Community College District, District 3 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Amended 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.

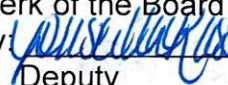
**ACTION: Consent**

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Spiegel, seconded by Supervisor Perez 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: November 3, 2020  
xc: CoCo, District, COB

Kecia R. Harper  
Clerk of the Board  
By   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	N/A	N/A	N/A	N/A
<b>NET COUNTY COST</b>	N/A	N/A	N/A	N/A
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	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 Board of Trustees of the Mt. San Jacinto Community College District recently amended its Conflict of Interest Code on August 13, 2020 to include new positions, revise the titles of existing positions and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions. 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 amended 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.

**ATTACHMENTS**



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

**ATTACHMENT A: MINUTES OF THE BOARD OF TRUSTEES OF THE MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT FROM AUGUST 13, 2020 APPROVING THE AMENDED CONFLICT OF INTEREST CODE OF THE MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT**

**ATTACHMENT B: CONFLICT OF INTEREST CODE OF THE MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT**

  
\_\_\_\_\_  
Gregory E. Priamos, Director County Counsel 10/22/2020

**Agenda Item Details**

Meeting	Aug 13, 2020 - Regular Board Meeting
Category	5. CONSENT AGENDA - HUMAN RESOURCES
Subject	5.1 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:**

The 2020 Local Agency Biennial Notice review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

BP 2710 - Conflict of Interest is being submitted for the Board's approval. The changes include adding new titles reflected in the District's reorganization, revision of existing titles and the removal of positions that have been abolished and/or positions that no longer make or participate in making governmental decision.

**BUDGET IMPLICATIONS:**

None

[BP 2710 Exhibit A docx.pdf \(47 KB\)](#)[BP 2710 with Tracked Changes .pdf \(1,015 KB\)](#)[BP2710 - Current.pdf \(201 KB\)](#)**Administrative Content****Executive Content****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



Book	Board Policies
Section	Chapter 2 - Board of Trustees
Title	Conflict of Interest
Code	BP 2710
Status	Active
Legal	Education Code Section 72103(b); 2 C.C.R. §§ 18730, et seq. Government Code Sections 1090, et seq.; 1125, et seq.; 81000 et seq.; 87200, et seq.; 87300, et seq.; 87406.3
Cross References	Administrative Procedure 2710
Adopted	August 9, 2001
Last Revised	August 13, 2020
Last Reviewed	July 18, 2019
Prior Revised Dates	1/20/2011, 12/13/2012, 6/13/2013, 12/11/2014, 1/18/2018, 1/23/2020, 8/13/2020

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 anybody 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 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.

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.

FORM APPROVED COUNTY COUNSEL  
BY: Danielle D. Maland  
DANIELLE D. MALAND

## Conflict of Interest Code Required by Government Code Section 87300

In compliance with the Political Reform Act of 1974, Government Code section 8100 et seq, the Board hereby adopts this Conflict of Interest 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 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 this Board Policy specifying designated positions and the specific types of disclosure statements required for each position.

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 Procedure 2710).

Board members shall file a full statement of economic interest pursuant to Government Code Section 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 making, or participate 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 process.

### 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.

Director of Human Resources  
Director of Campus Safety  
Dean of Administrative Services/Controller  
Director of Budget and Accounting  
Director of Institutional Advancement, External Relations  
Director of Maintenance & Operations  
Members of the Board of Trustees

Director of Procurement & General Services  
Superintendent/President  
Vice President of Institutional Effectiveness & Enrollment Management  
Executive Dean of Institutional Effectiveness & Strategic Initiatives  
Executive Dean of Instruction  
Vice President of Business Services  
Chief Human Resources Officer  
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



Director of Foundation & Donor Initiatives

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.

Associate Dean of Distance Education & Professional Development  
Associate Dean, Nursing and Allied Health

Associate Dean of Enterprise Applications & Cloud Infrastructure

Associate Dean of Student Services  
Associate Dean of Student Health Services  
Associate Dean of Facilities Planning & Capital Construction  
Associate Dean of Instructional Support Services

Dean of Career Education (2)

Dean of Institutional Effectiveness  
Dean of Instruction(3 )

Dean of Instruction, Distance Education & Technology

Dean of Information Technology

Dean of Student Services (4)

Dean of Facilities Planning & Capital Construction  
Director of Child Development and Education Center  
Director of Accommodation Service Center  
Director of EOPS/CARE  
Director of Academic Records & Enrollment Support  
Director of Institutional Effectiveness  
Director of Judicial Affairs  
Director of Continuing Education & Workplace Training  
Director of Adult Education/Non-Credit Programs  
Director of Public Information & Marketing  
Director of Talent Search Grant Program  
Director of Upward Bound Program  
Director of Laboratory Operations

Director of Risk Management

Director of CalWORKs/TANF  
Director of Counseling  
Director of Career Education & Workforce Programs  
Director of Veteran Resources

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 &amp; 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.

Book	Board Policies
Section	Chapter 2 - Board of Trustees
Title	Copy of Conflict of Interest
Code	BP 2710
Status	
Legal	Education Code Section 72103(b); 2 C.C.R. §§ 18730, et seq. Government Code Sections 1090, et seq.; 1125, et seq.; 81000 et seq.; 87200, et seq.; 87300, et seq.; 87406.3
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I.

Director 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 Maintenance & Operations  
Members of the Board of Trustees  
~~District Facilities Director~~  
~~Supervisor~~ Director of Procurement & General Services  
Superintendent/President  
Vice President of Institutional Effectiveness & Enrollment Management, ~~Assessment and Student Success~~  
Executive Dean of Institutional Effectiveness & Strategic Initiatives  
Executive Dean of Instruction  
Vice President of Business Services  
Chief Human Resources Officer  
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~~  
Director of Foundation & Donor Initiatives

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 of Distance Education & Professional Development

Associate Dean, Nursing and Allied Health

~~Dean, Career Education (2)~~

Associate Dean, ~~Information Technology~~ of Enterprise Applications & Cloud Infrastructure

~~Dean of Planning/Institutional Effectiveness/Grants~~

Associate Dean of Student Services

Associate Dean of Student Health Services

Associate Dean of Facilities Planning & Capital Construction

Associate Dean of Instructional Support Services

~~Book Store Supervisor~~

Dean of Career Education (2)

~~Dean of Counseling, Student Services~~

Dean of Institutional Effectiveness

Dean of Instruction ~~(3)~~, ~~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~~ Distance Education & Technology

~~Dean of Instruction, Career Education~~

Dean of Information Technology

~~Dean of Nursing and Allied Health~~

Dean of Student Services (4)

~~Dean of Student Services, Athletics~~

Dean of Facilities Planning & ~~District~~ Capital Construction

Director of Child Development and Education Center

Director of ~~Disabled Student Programs & Services~~ Accommodation Service Center

Director of EOPS/CARE

Director of ~~Enrollment Services~~ Academic Records & Enrollment Support

Director of Institutional Effectiveness

Director of Judicial Affairs

Director of Continuing Education & Workplace Training

Director of Adult Education/Non-Credit Programs

Director of Public Information & Marketing

Director of Talent Search Grant Program

Director of Upward Bound Program

Director of Laboratory Operations

~~Director of Student Life & Development~~

Director of ~~Support Services~~ & Risk Management

~~Director of Student Success and Support Programs (2)~~

~~Director of Support Services Distance Education~~

Director of CalWORKs/TANF

Director of ~~Student Equity Success~~ Counseling

Director of Career Education ~~Projects~~ & Workforce Programs

Director of Veteran Resources

~~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).

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## 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:

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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.

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## Exhibit A

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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.