

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



ITEM: 2.9
(ID # 21928)

MEETING DATE:
Tuesday, June 06, 2023

FROM : COUNTY COUNSEL:

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

RECOMMENDED MOTION: That the Board of Supervisors:

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

ACTION: Consent


Minnie C. Chan, County Counsel 5/23/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington, Perez, and Gutierrez
Nays: None
Absent: Spiegel
Date: June 6, 2023
xc: CO.CO., SJ College, COBAB

Kimberly A. Rector
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	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment:	N/A
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

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 Mt. San Jacinto College.

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 College recently amended its Conflict of Interest Code to add new positions and/or delete positions and revise titles of existing positions that participate in making governmental decisions. The Board of Trustees for Mt. San Jacinto College has adopted Board Policy No. 2710, amending its Conflict of Interest Code. The Mt. San Jacinto College 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 College and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Mt. San Jacinto College is attached.

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

Impact on Residents and Businesses

N/A

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

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Attachment A: August 11, 2022, Minutes

Attachment B: Board Policy No. 2710

**MT. SAN JACINTO COLLEGE
MINUTES FROM THE REGULAR BOARD OF TRUSTEES MEETING**

Thursday, August 11, 2022

Board Members:

Tom Ashley – Present
Vicki Carpenter – Absent
Ann Motte – Present
Joshua Rivera – Present
Brian Sylva – Present
Student Trustee: Julian Minnie – Present

Senate Representatives:

Academic Senate: Nicholis Zappia – Present
Classified Senate: Rony Armas – Present
Student Government Association: Diego Martinez - Present at 3:39 PM

Executive Staff:

Roger Schultz, Superintendent/President
Michael Beckham, Executive Dean, Institutional Effectiveness (Interim)
Jeremy Brown, Vice President, Instruction
Joyce Johnson, Provost, Temecula Valley Campus
Brandon Moore, Vice President, Institutional Effectiveness
Jeannine Stokes, Vice President, Human Resources
Rebecca Teague, Vice President of Student Services (Interim)

Jacqu Morrison, Interim Executive Assistant to the Superintendent/President (Meeting Recorder)

1. OPEN MEETING

1.1 Call to Order

Trustee Tom Ashley called the meeting to order at 3:32 PM.

1.2 Pledge of Allegiance - Trustee Joshua Rivera

1.3 Roll Call/Establishment of Quorum

1.4 Approval of Minutes - Regular Meeting of June 23, 2022

Recommend approval of the minutes for the Regular Meeting of June 23, 2022.

Motion by Ann Motte, second by Brian Sylva.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Brian Sylva, Joshua Rivera

Abstain: Vicki Carpenter

1.5 Revision/Adoption/Ordering of the Agenda

It is recommended the Board of Trustees approve the order of the agenda.

Motion by Vicki Carpenter, second by Joshua Rivera.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

2. COMMENTS OF INDIVIDUAL, GROUPS, DELEGATIONS LIMITED TO CLOSED SESSION ITEMS

2.1 Public Comment Guidelines

None.

3. CLOSED SESSION

3.1 Closed Session Notice

The Board adjourned to closed session at 3:32 PM.

3.2 Conference With Labor Negotiator - Communication Workers of America (CWA)

3.3 Conference With Labor Negotiator - California Teachers Association (CTA)

3.4 Public Employee Discipline/Dismissal/Release

3.6 Reconvene to Open Session and Report-Out

The Board reconvened to open session at 4:38 PM.

Report #1: The Board unanimously voted to adopt the recommended personnel action of dismissal for the employee with personnel number 087413 as set forth in the Notice of Proposed Disciplinary Action. As such, employee with personnel number 087413 shall be terminated effective July 11, 2022.

Report #2: The Board unanimously voted to adopt the recommended personnel action of dismissal for the employee with personnel number 324174 as set forth in the Notice of Proposed Disciplinary Action. As such, employee with personnel number 324174 shall be terminated effective August 2, 2022.

4. OATH OF OFFICE

4.1 Oath of Office - Student Trustee

Dr. Roger Schultz, Superintendent/President, administered the Oath of Office to Student Trustee Julian Minnie.

5. COMMENTS OF INDIVIDUAL, GROUPS, DELEGATIONS LIMITED TO AGENDA ITEMS

5.1 Public Comment Guidelines

None.

6. REPORTS

6.1 Board President & Trustees

Brian Sylva

- Recently received MSJC football gold championship ring. The size, design, and what it signifies is remarkable and inspirational.
- Excited to welcome students back to campus and encourages everyone to be patient with one another.
- Wishes everyone a safe and happy Labor Day and National Son and Daughter Day

Vicki Carpenter

- Looking forward to having students back on campus.

Ann Motte

- Has held her Board seat for nearly 30 years and has decided not to run for re-election.
- Wished everyone a great semester.

Joshua Rivera

- Hope everyone had a wonderful summer.
- Excited to be back for this school year.
- Had the opportunity to tour the Healing Tree facility with Interim Director of Workforce and Economic Development, Janice Mrkonjic, where he also had the opportunity to meet a MSJC graduate.

Tom Ashley

- Welcomed everyone back for the new school year.
- Had the opportunity to tour TVC with his son, a new MSJC student.

6.2 Student Trustee

Julian Minnie

- Phi Theta Kappa has two new advisors in place.
- As a pre-med student, excited to learn that UC Riverside recently received grant funding that would support a new pathway to facilitate community college students joining UC Riverside medical school.

6.3 Superintendent/President and Executive Cabinet

Joyce Johnson

- No report

Jeannine Stokes

- Held first face-to-face new hire orientation since COVID at TVC

Brandon Moore

- Enrollments are down about 800 seats, at 83.2% filled

- Face-to-face sections are at about 63% filled, down 600 enrollments from last year
- Hybrid sections are 82.3% filled, up 400 enrollments compared to last year
- Online sections are 88.2% filled, down about 600 enrollments from last year
- Roughly 3000 seats still waitlisted for online courses

Jeremy Brown

- Deans and Department Chairs are doing amazing work.
- English and math both saw a dip over the last year, but are currently rebounding.
- Looking to implement late starts in order to offer solutions to the waitlisted sections.
- Convocation is August 12th. The theme is Reconnecting with our Students, Reconnecting with One Another.

Rebecca Teague

- Teams were extremely busy over the summer with Summer Bridge programs. FYE, Athletics, and Veterans programs served over 500 students, with 87 new veteran program students.
- Mobile Career Center will house Enrollment Services, Financial Aid, and Counseling for students while their building is being renovated.
- Welcome Centers are at all campuses.
- Still experiencing some fraud within financial aid.

Michael Beckham

- No report

Roger Schultz

- The President's Office has made the transition from the 200 building to the 700 building in room 705 at SJC.

6.4 Academic Senate

Nicholis Zappia

- Academic Senate will have first official meeting.
- Shout out to Lauren Springer for her work in helping to plan Convocation.

6.5 Classified Senate

Rony Armas

- Expressed gratitude for classified professionals.

6.6 Student Government Association

Diego Martinez

- Started at MSJC as a high school student in concurrent enrollment, and is currently in 4th year at MSJC.
- Studying mechanical engineering and hoping to transfer to UC Riverside or UC Irvine.
- SGA has a total of 9 members who are excited about the new year. Grateful to staff for their support.
- Fall retreat was a success. Expressed gratitude to Rebecca Teague, Selena Paez-Mendez, and Suzanne Ortega for their support.

7. CONSENT CALENDAR

7.1 Approval of Consent Calendar

Item 8.1 was pulled from consent calendar.

The Superintendent/President recommends approval of the Consent Calendar except for Item 8.1 which will be considered separately.

Motion by Joshua Rivera, second by Brian Sylva.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

8. CONSENT AGENDA - HUMAN RESOURCES

8.1 Academic Appointments

The Superintendent/President recommends approval.

Motion by Joshua Rivera, second by Brian Sylva.

Discussion: Trustee Vicki Carpenter noted her request to pull this item was to abstain from voting due to a potential conflict of interest.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Brian Sylva, Joshua Rivera

Abstain: Vicki Carpenter

8.2 Temporary Academic Appointments

8.3 Administrative Appointments

8.4 Administrative Appointment (Extension)

8.5 New Classified Appointments

8.6 New Associate Faculty

8.7 Instructional Teaching/Non-Teaching Temporary Assignments

8.8 In-Service Assignment Changes

8.9 Professional Experts

8.10 Substitutes

8.11 Stipends

8.12 Sabbaticals

8.13 Separations

8.14 BP 2710 - Conflict of Interest

Items 8.2-8.14 were approved in Consent Calendar Item 7.1.

9. CONSENT AGENDA - BUSINESS SERVICES

9.1 Approval of Payroll, Purchase Orders, Contracts, and Commercial Warrants

9.2 Out of State Travel

9.3 Contracts

9.4 New Classified Position

9.5 New Confidential/Supervisory Position

9.6 New Academic Positions

9.7 B&H Photo & Video - CollegeBuys/CSU Consortium Master Services Agreement No. 00004443 - IT and PC Peripherals

9.8 CDW Government LLC - CollegeBuys/CSU Consortium Master Agreement Number 00004442 - Software and Technology Products

9.9 Office Depot, LLC - Foundation for California Community Colleges (FCCC) Agreement No. 00004526 - Office Products

9.10 Waxie Sanitary Supply - Foundation for California Community Colleges (FCCC) Agreement No. 00003809 - Janitorial Supplies

9.11 Trane U.S. Inc. - CollegeBuys/CSU Consortium Master Services Agreement No. 00005098- Chiller and Cooling Tower replacement

9.12 Hillyard, Inc. - Foundation for California Community Colleges (FCCC) Agreement No. 00003626 - Facilities Supplies

9.13 Bid Approval -BID No. 2022-015, Elevator Modernizations of Bldg. 300 & 600 at Menifee Valley Campus and Bldg. 1900 at San Jacinto Campus

Items 9.1-9.13 were approved in Consent Calendar Item 7.1.

10. CONSENT AGENDA - SUPERINTENDENT/PRESIDENT

10.1 Permission to Serve Alcohol

Item 10.1 was approved in Consent Calendar Item 7.1.

11. OPEN AGENDA - BUSINESS SERVICES

11.1 Approval - Emergency Conditions Allowance Application and Emergency Conditions Recovery Plan

It is recommended that the Board of Trustees approves the Emergency Conditions Allowance Application and Emergency Conditions Recovery Plan.

Motion by Brian Sylva, second by Vicki Carpenter.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

11.2 Barnes and Nobles - Approval to Operate and Provide Services for the District's Bookstores

The Superintendent/President recommends approval.

Motion by Brian Sylva, second by Joshua Rivera.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

Justin Naish, Interim Director of Procurement and General Services provided a brief presentation. The presentation is available on BoardDocs.

12. OPEN AGENDA - HUMAN RESOURCES

12.1 Public Hearing - District's Initial Proposal to University Professional and Technical Employees - Communication Workers of America (UPTE-CWA)

Open Hearing at 5:22 PM

No Comments

Close Hearing at 5:22 PM

12.2 Public Hearing - University Professional and Technical Employees - Communication Workers of America (UPTE-CWA), Initial Proposal to Mt. San Jacinto College (MSJC)

Open Hearing at 5:23 PM

No Comments

Close Hearing at 5:23 PM

13. OPEN AGENDA - SUPERINTENDENT/PRESIDENT

13.1 Student Trustee Compensation

It is recommended that the Board of Trustees consider and approve the stipend for the Student Trustee per Board Policy 2725.

Motion by Joshua Rivera, second by Vicki Carpenter.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

13.2 Board Policy Update - BP 2725

It is recommended that the Board of Trustees approve revisions to Board Policy 2725, Board of Trustees Compensation.

Motion by Vicki Carpenter, second by Brian Sylva.

Discussion: Trustee Vicki Carpenter requested to amend wording to strike the word "imposed" and revise to read "pursuant to" in Board Policy 2725.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

14. COMMENTS OF INDIVIDUAL, GROUPS, DELEGATIONS LIMITED TO NON-AGENDA ITEMS

14.1 Public Comment Guidelines

None.

15. INFORMATION AGENDA

15.1 Student Centered Funding Formula (SCFF) Overview

Michael Beckham, Interim Executive Dean of Institutional Effectiveness presented a brief overview of the SCFF. The presentation is available on BoardDocs.

16. ADJOURNMENT

16.1 Adjournment

Motion by Vicki Carpenter, second by Brian Sylva.

Final Resolution: Motion Carries

Aye: Ann Motte, Tom K Ashley, Vicki Carpenter, Brian Sylva, Joshua Rivera

The Regular Meeting of the Mt. San Jacinto College Board of Trustees adjourned at 5:45 PM.



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 11, 2022
Last Reviewed	July 21, 2022
Prior Revised Dates	1/20/2011, 12/13/2012, 6/13/2013, 12/11/2014, 1/18/2018, 1/23/2020, 8/13/2020, 8/11/2022

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/her/them in the course of his/her/their 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/her/their 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/her/their 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/her/their 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 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 Fiscal Services
 - 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
 - Vice President of Human Resources
 - Vice President of Instruction
 - Provost 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.

Associate Dean 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 Enrollment

Associate Dean of Facilities Planning & Capital Construction
 Associate Dean of Instructional Support Services
 Associate Dean Support Services
 Associate Dean of Counseling
 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 Kinesiology and Athletics
 Dean of Student Health Services
 Dean of Facilities Planning & Capital Construction
 Director of Child Development and Education Center
 Director of Accommodation Service Center
 Director of EOPS/CARE

Director of Institutional Effectiveness
 Director of Food Services
 Director of Title V, Hispanic and Latinx Initiatives
 Director of Mental Health Services
 Director of Judicial Affairs
 Director of Workforce & Economic Development
 Director of Adult Education/Non-Credit Programs
 Director of Public Information & Marketing
 Director of Transfer
 Director of Talent Search Grant Program
 Director of Upward Bound Grant Program
 Director of Instructional Laboratory Operations
 Director of Regulatory Compliance

Director of CalWORKs/TANF

Director of Counseling
 Director of Career Education & Workforce Programs
 Director of K12 Partnerships
 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).

BP 2710 Exhibit A.docx (14 KB)

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.