

CONFLICT OF INTEREST

The Contra Costa Community College District (District) is committed to avoiding conflicts of interest by Governing Board members and designated District employees as noted below and in the related Administrative Procedure 1020.01. To that end, the District hereby adopts this Conflict of Interest Policy.

Incompatible Activities apply to all District employees. Designated District employees listed in Exhibit A of Administrative Procedure 1020.01 have additional reporting requirements.

Adoption of Fair Political Practices Commission Regulation 18730

The Political Reform Act, codified at Government Code (GC) Section 81000, et seq., requires local government agencies to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission (FPPC) has adopted a regulation, (2 California Code of Regulations, Title 2, Section, 18730), which contains the terms of a FPPC approved conflict of interest code. The terms of FPPC, Title 2, Regulation Section 18730 and any amendments to it are hereby incorporated by this reference into this policy.

Filing of Disclosure Statements

Financial disclosure statements (e.g., Form 700) shall be filed by Governing Board members and designated District employees upon ~~assumption of~~ assuming office, on an annual basis thereafter, and upon leaving office in accordance with Regulation 18730 Section 5.

Disqualifying Financial Conflicts

No Governing Board member or designated District employee shall make, participate in making or in any way use or attempt to use ~~his/her~~ their official position to influence a governmental decision in which ~~s/he~~ they knows or has have reason to know that ~~s/he~~ they has have a disqualifying conflict of interest. (GC 87100, Regulation 18730 Section 9)

Limits on Receipt of Gifts

Governing Board members and designated District employees shall not accept from any single source in any calendar year any gifts valued in excess of the prevailing gift limitation specified by law. (GC 89503, Regulation 18730 Section 8.1)

The FPPC has found that the above limitation on receipt of gifts does not apply to certain types of gifts; these exceptions are specified by regulation on the FPPC website.

No Receipt of Honoraria

Governing Board members and designated District employees 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. (GC 89501, 89502, Regulation 18730 Section 8)

The term "honorarium" does not include 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 to the general fund without being claimed as a deduction for income tax purposes.

Limits on Loans to Public Officials

This policy limits the types of loans that may be received by public officials. These limits are set forth in FPPC, Title 2, Division 6, California Code of Regulations 18730 Section 8.2-8.4.

No Financial Interest in Contracts

Governing Board members and District employees shall not be financially interested in any contract made by the Governing Board in their official capacity, or in any body or board of which they are members. (GC 1090) (Government Code Section 1090, and following.)

A Governing Board member shall not be considered to have a financial interest in a contract if the interest is limited to those interests defined as “remote” pursuant to GC 1091, or is limited to those interests defined by GC 1091.5.

A Governing Board member who has a “remote” interest in any contract considered by the Governing Board shall disclose that interest during a Governing Board meeting and have the disclosure noted in the official Governing Board minutes at the first meeting following the discovery of the conflict. The abstaining Governing Board member shall not vote or debate or otherwise participate or attempt to influence any other Governing Board member or District employee(s) regarding the matter.

Contracts Supported by Federal Funds

No employee, Board member, or agent of the District may participate in the selection, award or administration of a contract supported by a federal award if ~~he/she~~ **they** ~~has~~ **have** a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of ~~his/her~~ **their** immediate family, ~~his/her~~ **their** partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District. (2 CFR 200.318(c)(1))

No Incompatible Activities or Office

Governing Board members and District employees shall not engage in any employment, ~~or~~ activity, or ~~enterprise~~ that is inconsistent with, incompatible with, in conflict with, or inimical to their duties as Governing Board members, ~~or as~~ an officer, ~~or employee~~ of the District. A Governing Board member shall not simultaneously hold two public offices that are incompatible. (GC 1099, 1126)

Outside Employment

An employee shall not engage in any outside employment or self-employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with or inimical to their District duties, functions, responsibilities, or that of the department in which they are employed by the District. In order to avoid perceived or actual conflicts of interest that may arise from outside employment, employees shall not engage in any employment, activity, or enterprise that is inconsistent with, incompatible with, in conflict with, or inimical to their duties as an officer or employee of the District. Employees may be asked to disclose information regarding any outside employment if the District has reason to believe the outside employment may be inconsistent, incompatible, or conflicting with, or inimical to their duties as a District employee. The District may prohibit an employee's outside employment, activity, or enterprise as outlined in Administrative Procedure 1020.01.

Limits on Appearances before the Board

Elected officials and the Chancellor shall not, for a period of one year after leaving ~~his/her~~ **their** position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before the Governing Board. (GC 87406.3)

Assistance from FPPC and Counsel

The FPPC provides advice regarding the Political Reform Act requirements. Officials with questions are encouraged to consult with the FPPC. Contact information is located on the FPPC website.

In addition, in accordance with applicable Board policies, Governing Board members are encouraged to seek counsel from the District's legal advisor in any instance where a question arises regarding a potential conflict of interest.

No Employment Allowed

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board 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

Governing 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)).

Violations

Violations of the conflict of interest rules, including this policy, may subject the violator to disciplinary action, and civil and/or criminal penalties.

Designated Employees

The list of Designated Employees is provided in Exhibit A of Administrative Procedure 1020.01.

~~Government Code 1090, 1091, 1091.5, 1099, 1126, 81000, et seq., 81008, 87100, 87103, 87406.3, 89501, 89502, 89503~~

~~2 California Code of Regulations 18730 and 18730 Sections 5, 8, 8.1, 8.2, 9~~

~~Government Code Sections 1126, 87105, and 87200-87210
Title 2 Sections 18700 and following 2
Code of Federal Regulations Part 200.318 subdivision (c)(1)~~