

Board of Trustees

San Joaquin Delta Community College District
5151 Pacific Avenue, Stockton CA 95207

NONCONFORMING ACTION
J 1.1

SUBJECT: Consideration of Proposed Board Policy
BP 1300 "Conflict of Interest"
(Second Reading)

DATE: February 17, 2009

A. NAME OF AGENDA ITEM

Consideration of proposed Board Policy 1300 "Conflict of Interest" (Second Reading).

B. STATEMENT OF ISSUE/PURPOSE

1. Purpose and Background:

- 1.1 The College has been revising its policies and administrative procedures to fit a new numbering format and language proposed by the Community College League of California (CCLC). Following the CCLC conversion, recommended language from the Chancellor's Office, and California Government Code Section 81000, et seq., the following revision to Board Policy 1300 is being proposed. The new language revamps the conflict of interest statement and clearly identifies the managers required to submit a conflict of interest statement each year.

2. Status:

- 2.1 The policy has been reviewed by governance groups, the Policy and Procedures Review Committee, and was endorsed by the President's Council on January 13, 2009.

C. RECOMMENDATION

It is recommended that the Board of Trustees accept the Second Reading to revise Board Policy 1300 "Conflict of Interest" as shown on the following page.

RECOMMENDED:


MATTHEW WETSTEIN
Executive Secretary
Policy & Procedures
Committee

APPROVED FOR
CONSIDERATION:


RAÚL RODRÍGUEZ
Superintendent/President



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A. **General Prohibition** - No member of the Board of Trustees or any college employee shall make, participate in making, or in any way attempt to use his or her official position to influence a College or District decision in which the Board member or employee knows, or has reason to know that he or she has a financial interest.

B. Hiring of Immediate Family Members

No Board member shall vote, make recommendations or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other reemployment status or interest of an immediate family member. Members of the immediate family means spouse, parents, grandparents, siblings, children, grandchildren, in-laws, domestic partner, or any other relative living in the Board member's home.

CB. Statement - The Political Reform Act (Government Code §81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations §18730, which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments to the Political Reform Act. Therefore, the terms of 2 California Code of Regulations §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the following sections designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the San Joaquin Delta Community College District. Copies of 2 California Code of Regulations §18730 shall be made available in the Office of the Superintendent/President.

Designated employees shall file their statements with the San Joaquin Delta Community College District who will make the statements available for public inspection and reproduction (Government Code §81008). Statements for all designated officials and employees shall be retained in the Office of the Superintendent/ President.

Adopted	4-04-78	Amended	1-10-95	Amended	06-06-06 (at the President's direction)
Amended	1-81	Amended	7-18-95	Amended	05-20-08
Amended	5-02-89	Amended	10-17-95		



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DC. Disclosure Categories

- 1. Category 1 - Disclosable interests in this category include: (a) Interests in real property. (b) Investments and business positions in business entities or income from sources which engage in building construction or design. (c) Investments and business positions in business entities or income from sources which engage in the acquisition or disposal of real property.
- 2. Category 2 - Disclosable interests in this category include investments and business positions in business entities and income from sources which (1) manufacture, sell, or provide food items, supplies, books, machinery, services or equipment of the type utilized by the district, or (2) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the district.
- 3. Category 3 - Disclosable interests in this category include investments and business position in business entities or income from sources which are (1) contractors or subcontractors engaged in the performance of work or services of the type utilized by the administrative unit for which the designated employee has discretionary authority, or (2) which manufacture, sell, or provide food items, supplies, books, machinery, services or equipment of the type utilized by the administrative unit for which the designated employee has discretionary authority.

ED. Designated Employees and Required Disclosure Categories

Members of the Board of Trustees	1 and 2
Superintendent/President	1 and 2
Assistant Superintendent/Vice President	1 and 2
Vice President of Student Services	1 and 2
Vice President of Business Services	1 and 2
Director of Facilities Management	2
Director of Purchasing Officer	2
Vice President of Information Technology	3
Bookstore Manager Director	3
Food Services Manager	3
Director of Public Information & Marketing	3
Consultants*	1, 2, and 3
Supervisor/Director of Student Activities	1, 2, and 3



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* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Superintendent/President may determine in writing that a particular consultant although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements of this policy. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the 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 statements of economic interests filed by designated officials and employees.

EE. Deadline for Filing

All designated officials and employees shall file annual Statements of Economic Interest no later than April 1 of each year.

Adopted	4-04-78	Amended	1-10-95	Amended	06-06-06 (at the President's direction)
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