

BP 2710 Conflict of Interest

Reference: *Government Code Sections 1090, et seq.; 1126; 87200, et seq.;*
Title 2, Sections 18730 et seq.

Board Approved: 04/13/05

Amended: 02/22/06

CONFLICT OF INTEREST POLICY

The basic intent of this policy is to avoid even the appearance of impropriety. Board members shall not use their public office to derive personal financial gain. Board members shall not use college facilities, events, staff or other District resources to promote their own business.

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members

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.

A Board member 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.

In compliance with law and regulation, the President/Superintendent 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.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Each designated employee shall file an annual statement disclosing that employee's interests in investments, real property, and income designated as reportable by the Political Reform Act of 1974. The positions listed in this section are designated positions. Officers and employees holding those positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest of the designated employee.

PLACE AND TIME OF FILING

- All designated employees required to submit a statement of financial interests shall file the original with the Secretary to the President/Superintendent.
- A copy of the College President/Superintendent's Statement of Economic Interests (Form 700) shall be filed with the Alameda County Board of Supervisors.
- A designated employee required to submit a statement of financial interest shall submit an initial statement disclosing all reportable investments and interests in real property, but not income, within thirty (30) days after the effective date of this Code.

- All employees of the District appointed, promoted, or transferred to designated positions shall file initial statements not less than ten (10) days before assuming office, unless an earlier assumption of office is required by emergency circumstances, in which case the statement shall be filed within thirty (30) days thereafter.
- Annual statements shall be filed by all designated employees. Such statements shall cover the period of the preceding calendar year and shall include income for the preceding calendar year as well as investments and interest in real property.
- A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

CONTENTS OF DISCLOSURE STATEMENTS

Disclosure statements shall be made on forms supplied by the Alameda County Clerk and shall contain the following information:

Contents of Investment and Real Property Reports: When an investment, or an interest in real property, is required to be reported, the statement shall contain:

- A statement of nature of the investment or interest;
- The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
- The address or other precise location of the real property;
- A statement whether or not the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

Contents of Personal Income Reports: When personal income is required to be reported, the statement shall contain:

- The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
- A statement whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000); and whether it was greater than ten thousand dollars (\$10,000);
- A description of the consideration, if any, for which the income was received;
- In the case of a gift, the name and address of the donor and the amount or other description of the gift, and the date on which the gift was received.

Contents of Business Entity Income Reports: When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

- The name, address, and a general description of the business activity of the business entity;
- In the case of a business entity which provides legal or brokerage services, the name of every person, who is a reportable source of income, who paid fees to the business entity, if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
- In the case of a business entity not covered by paragraph 2, the name of every person, who is a reportable source of income, from whom the business entity received payments, if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year;
- For purposes of disclosure, a financial interest in any business or indirect investment or interest includes any investment or interest owned by the spouse or dependent child of a designated employee, an agent on behalf of a designated employee, any business controlled by the designated employee, or by a trust in which he or she has a substantial interest. A business is controlled by a designated employee if the designated employee, his or her agents, spouse or dependent children hold more than 50 percent of the ownership interest in the business. A designated employee has a substantial interest in a trust when the designated employee, his or her spouse or dependent children have at present or future interest worth more than one thousand dollars (\$1,000).

Contents of Management Positions Reports: When management positions are required to be reported, designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.

Initial Statement: The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.

Acquisition or Disposal During Reporting Period: In the case of a statement filed under Section 8.3.E, if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

Disqualification: Designated employees must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee, except sources of gifts less than \$250 or any other financial interest as defined in Government Code Section 87103. No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made.

- Manner of Disqualification: A designated employee required to disqualify himself or herself shall notify the President/Superintendent in writing. A copy of this notice shall be retained by the President/Superintendent who shall forward the original to the Alameda County Board of Supervisors. Upon receipt of such statement, the President/ Superintendent shall immediately reassign the matter to another employee.

DESIGNATED POSITIONS

Persons occupying the following positions are designated employees and are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on a financial interest of the designated employee. Each designated employee shall file an annual statement disclosing that employee's interests in investments, real property, and income designated as reportable by the Political Reform Act of 1974.

EXHIBIT A

- Members of the Board of Trustees: Responsible to the electorate to consider and pass upon the recommendations of the President/Superintendent in all matters of policy pertaining to the welfare of the College, including, but not limited to, approval of the annual budget, and approval of the - expenditure of all District funds.
- President/Superintendent: The Chief Executive and Administrative Officer of the Board of Trustees. Recommends on all matters relating to facility acquisition and development including sites, buildings, and equipment necessary to provide for the educational program of the College. Implements such acquisitions and developments when approved.
- Vice President/Deputy Superintendent, Administration and Technology Services: Member of Management Team. The chief fiscal officer of the District. Responsible to the President/Superintendent for fiscal and technology planning and management of all District financial resources, disbursements, accounting and technology services. Represents the District's interest in relationship to all vendors, construction contractors, and agencies concerning plant and property matters.
- Vice President/Deputy Superintendent, Instruction and Student Services: Member of Management team. Provides primary leadership responsibilities for planning, implementing, and coordinating the educational program of the College. The Vice President /Deputy Superintendent will serve as advisor to the President/Superintendent in matters related to curriculum and instruction.
- Associate Vice President, Student Services: Member of Management Team. Provides primary leadership for the wide array of student services and support activities at Ohlone College, which support and complement the instructional program. The Associate Vice President, Student Services, will coordinate the activities of the office with that of the Vice President/Deputy Superintendent, Instruction and Student Services; the Vice President/Superintendent, Administration and Technology Services; and the President/Superintendent.
- Director, College Foundation: Member of Management Team. Responsible for developing, managing, and implementing a comprehensive advancement program that achieves fund development objectives. Serves as the executive director of the Ohlone Foundation.
- Director of College Relations: Member of Management Team. Coordinates and implements marketing strategies to promote the College and its programs; responsible for public and media relations, and external and internal communications.
- Director of Grants Development: Member of the management team. Reports to the President/Superintendent and identifies, writes, prepares, and supports grant proposals according to institutional guidelines, goals, and priorities. Disseminates information on funding sources and otherwise works with college staff to develop successful grant projects. Coordinates grants development for all units of the college district.
- Dean of Business Services: Member of Management Team. Responsible for the District's finance and accounting functions; prepares financial statements, projections and analyses.

- Director of Purchasing, Contract Administration, and Auxiliary Services: Member of the Management Team. Under direction, plans, directs, manages, supervises, and coordinates programs and projects with the Business Services Division; coordinates assigned activities with other District departments and outside agencies; and provides highly responsible and complex administrative support of the Vice President/Deputy Superintendent, Administration and Technology Services.
- District Buyer: Writes specifications and bid documents, checking purchase requisitions, selecting and assigning vendors for various supplies and equipment.
- Bookstore Manager: Member of Management Team. Plans, organizes, and supervises the operation of a college bookstore, recommends policies and procedures to be followed.
- Bookstore Merchandise Buyer: Purchases materials, selecting vendors without significant intervening review.
- Bookstore Textbook Coordinator: Under direction, coordinates the ordering of textbooks for the College to assure students and instructors have the necessary textbooks and the materials for classes; train and provide work direction to assigned staff.
- Chief –Safety and Security: Member of Management Team. Under general direction, directs, manages, supervises, and coordinates the programs and activities of the Campus Safety and Security Department.
- Community Events Coordinator: Responsible for the coordination and operation of the Flea Market and other on-campus community fund-raising events.
- Dean of Human Resources: Member of Management Team. Manages the operations of the Human Resources Department, payroll, and staff development. Acts as the District's Equal Opportunity Officer; serves as a District representative in collective bargaining with classified and certificated staff.
- Associate Vice President for Information Technology: Member of the management team. Reports to the Vice President Administration & Information Technology/Deputy Superintendent and responsible for planning, implementing, and administering District-wide technology applications and support services. Provides technology leadership and insures the effective delivery of integrated instructional and informational services to all college constituents.
- Director of Information Services: Member of Management Team. Plans, organizes, and directs computer and telecommunication operations for the College, including computer systems analysis, systems design, programming, maintenance, and operation.
- Director of Facilities: Member of the Management Team. Responsible for all campus facilities, including the areas of maintenance, operations, grounds, transportation, and energy conservation, long-term facility planning and oversight of major capital building and repair projects.
- Assistant Director of Facilities: Member of the Management Team. Under direction, is responsible for assisting the director in organizing, planning, assigning, and directing work in the buildings and grounds program.
- Executive Director, Asset & Enterprise Management Services: Member of the Management Team. Reports to the President/Superintendent. Responsible for the asset management program, and auxiliary enterprises of the District.

See Administrative Procedures #2710.