

Chapter 2 - Board of Trustees

AP 2712 Conflict of Interest Code

References:

Title 2 Section 18730; Government Code Sections 81008, 87103(e), 87300-87302, 89501, 89502, and 89503

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Exhibit "A" below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Title 2 Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees

The persons holding positions listed in Exhibit "B" are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economics interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- A. The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

- B. The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and
- C. The filing officer is the same for both agencies. Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Exhibit "A" specify which kinds of economic interests are reportable. Such a designated employee shall disclose in their statement of economic interests those economic interests they have which are of the kind described in the disclosure categories to which they are assigned in Exhibit "B". It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which they foreseeably can affect materially through the conduct of their office.

Section 4. Statements of Economic Interests - Place of Filing

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

Section 5. Statements of Economic Interests - Time of Filing

- A. Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated, and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- B. Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- C. Annual Statements. All designated employees shall file statements no later than April 1.
- D. Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 6. Contents of and Period Covered by Statements of Economic Interests

- A. Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property, and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
- B. Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property, and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
- C. Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income, and business positions held or received during the previous calendar year provided, however, that the period covered by an

employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

- D. Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income, and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

- A. Investments and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the statement shall contain the following:
1. A statement of the nature of the investment or interest;
 2. 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;
 3. The address or other precise location of the real property;
 4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000)
- B. Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:
1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
 2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
 3. A description of the consideration, if any, for which the income was received;
 4. In the case of a gift, the name, address, and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
 5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.
- C. Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:
1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person 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).

- D. Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.
- E. Acquisition or Disposal during Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source if the member or employee would be required to report the receipt of income or gifts from that source on their statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Section 9. Prohibition on Receipt of Gifts in Excess of the Gift Limit

No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than the gift limit in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on their statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

Section 10. Disqualification

No designated employee shall make, participate in making, or in any way attempt to use their official position to influence the making of any governmental decision which they know or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of their immediate family or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made;
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating four hundred seventy dollars (\$470) or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 11. Legally Required Participation

No designated employee shall be prevented from making or participating in the making of any decision to the extent their participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make their participation legally required for purposes of this section.

Section 12. Disclosure of Disqualifying Interest

When a designated employee determines that they should not make a governmental decision because they have a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the qualifying interest.

Section 13. Assistance of the Commission and Counsel

Any designated employee who is unsure of their duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for their agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 14. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal, and civil sanctions provided in the Political Reform Act, Government Code Sections 81000- 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

The current Mt. San Antonio Community College District Conflict of Interest Code is attached and incorporated into this Administrative Procedure.

Conflict of Interest Code of the
Mt. San Antonio Community College District

Incorporation of FPPC Regulation 18730
(2 California Code of Regulations, Section 18730) by Reference)

The Political Reform Act (Government Code Section 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 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Exhibits designating official and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head, or their designee. The agency shall make and retain a copy of all statements filed by its Board Members, and President, and forward the originals of such statement to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Government Code Section 81008).

EXHIBIT "A"

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

CATEGORY 3

Persons in this category shall disclose all income (including gifts, loans, and travel payments) and business positions.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans, and travel payments) received from business entities that manufacture, provide, or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned this disclosure category.

CATEGORY 5

Persons in this category shall disclose all income (including gifts, loans, and travel payments) from any Mt. San Antonio College District employee, any representative or association of such employee; and business positions or income from any entity owned or controlled by such employee's spouse or other financial dependent.

EXHIBIT "B"

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Board Members	1,2,3
College President/CEO	1,2,3
Vice President, Administrative Services	1,2,3
Vice President, Instruction	2,3
Vice President, Student Services	4 2, 3
Vice President, Human Resources	4, 5
Vice President, School of Continuing Education	2, 3
Chief Technology Officer	4
Associate Vice President	4
Executive Director, Facilities Planning and Management	1, 4
Director, Purchasing, Printing, and Mail Services	4
Executive Director of Development and the Mt. SAC Foundation	4
Chief Fiscal Services Officer	4
Chief, Police and Campus Safety	4
Dean	4
Associate Dean, Student Engagement	4
Associate Dean, Student Success and Equity	4
Senior Director, Maintenance and Operations	4
Director, Marketing and Communication	4
Director, Technical Services	4
Director, Safety and Risk Management	4
Director, Community and Contract Education	4
Director, Financial Aid	4
Manager, Farm	4
Consultant/New Positions*	4

*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The College President/Chief Executive Officer or designee may determine in writing that a particular consultant or new position, 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 in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The College President/Chief Executive Officer or designee'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 (Government Code Section 81008).

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

Revised: March 2009

Reviewed: May 14, 2013

Reviewed: May 6, 2014

Reviewed: June 9, 2015

Reviewed: May 10, 2016

Revised: November 29, 2023