

Rancho Santiago Community College District
BOARD POLICY
Chapter 2
Board of Trustees

BP 2710 Conflict of Interest

References:

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

Board members and employees shall not be financially interested in any contract made by them in their official capacity, or in any body or board of which they are members.

Neither a board member nor an employee shall 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 and the board member shall recuse him or herself from participation in the debate on the matter. The board member shall not participate in any way in the making of the contract at any stage of the making of the contract with the District.

However, the making of a campaign contribution by a board member or an employee to any campaign that the district is engaged in, including a bond campaign, is not a conflict of interest 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. The solicitation of a capital contribution, gift or campaign contribution by a board member or an employee to any campaign that the district is engaged in, including a bond campaign, shall not be considered inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an employee or officer of the district. However, the solicitation of a donation to the district that does not inure any personal benefit to the board member or employee shall not constitute a financial interest.

Neither a board member nor an employee shall engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an employee or officer of the district. Both board members and district employees are prohibited from making or participating in contracts with the district wherein he or she will receive a financial interest, including financial benefits to a spouse or family member of the board member or employee.

In compliance with law and regulation, the Chancellor 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. Pursuant to Government Code Section 84224 and the Fair Political Practices Commission ("FPPC") regulations section 18215.3, all board members are required to report on FPPC form 803, any payments made at their behest, principally for legislative, governmental or charitable purposes.

Board members shall familiarize themselves with Government Code sections 1090, et seq., 1126; 87200, et seq.; Title 2, Sections 18730 et seq.

Board members are encouraged to confer with the Board President in every case where any question arises regarding a potential conflict of interest. The Board President and Chancellor may seek counsel from the District's legal advisor if necessary.

Revised: May 31, 2016 (Previously BP 3101 and BP9002.1)
Revised: January 13, 2020