

CONFLICT OF INTEREST CODE

- I. ADOPTION - In compliance with the Political Reform Act of 1974, California Government Code 81000 et seq., the Redwoods Community College District hereby adopts this Conflict of Interest Code, which shall apply to all governing board members and designated employees of this district, as specifically required by California Government Code 87300.

- II. DESIGNATED EMPLOYEES - Employees of the Redwoods Community College District, including governing board members, who hold positions which involve the making, or participation in making, of decisions which may foreseeably have a material effect on any financial interest shall be designated employees. All persons who hold the positions enumerated in Exhibit "A" are designated employees.

- III. DISCLOSURE STATEMENT - FILING
 - A. Each designated employee, including governing board members, shall file annual statements at the time and in the manner prescribed in this Code, disclosing reportable interests in real property, investments in business entities, and income, which might foreseeably be affected materially by the operations of the District.

 - B. It has been determined that it is foreseeable that the types of investments, interests in real property, and income listed in the disclosure categories in Exhibit "B" may be affected materially by decisions made or participated in by the designated employee by virtue of his or her position. Such interests are reportable if held by the designated employee.

 - C. Initial statements shall be filed by each designated employee within 30 days after the effective date of this Conflict of Interest Code disclosing investments and interests in real property.

 - D. Annual statements shall be filed by April 1 disclosing investments, interests in real property, and income held or received in the period since the closing date of the employee's previously filed statement.

 - E. Leaving office statements shall be filed by every person who leaves a designated position specified in Exhibit "A" within 30 days after leaving the position, disclosing his or her reportable investments, interests in real property, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, and income held or received at any time during the period covered by the statement, whether or not they are still held at the time of filing.
 - F. Employees appointed, promoted, or transferred to designated positions shall file initial

statements within 30 days after the date of assuming the position.

G. The statements shall be filed with the Redwoods Community College District.

IV. DISCLOSURE STATEMENT - CONTENTS - Disclosure statement shall be made on forms supplied by the Redwoods Community College District.

A. Contents of Investment and Interest in Real Property Reports:

When an investment or interest in real property is required to be disclosed, 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 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 the 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);
5. If the property or investment was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal.

B. Contents of Income Reports:

1. When income is required to be reported under this Code, the statement shall contain the following:
 - a. 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;
 - b. 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);
 - c. A description of the consideration, if any, for which the income was received;

- d. 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;
 - e. 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.
2. When the filer's pro rata share of income to a business entity, including income to a sole proprietorship, is required to be reported under this article, the statement shall contain:
- a. The name, address, and a general description of the business activity of the business entity;
 - b. 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) during a calendar year.

C. Contents of Management Position Reports:

When management positions are required to be reported, a designated employee shall list the name and address of each business entity not specified above in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds 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.

- V. DISQUALIFICATION - No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonable foreseeable material financial effect, distinguishable from its effect on the public generally, on the official, or a member of his or her 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 (\$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 \$320 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.

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

- VI. DEFINITION OF TERMS - Except as otherwise provided, the definitions contained in the Political Reform Act of 1974, Government Code 82000 et seq., the Regulations to the Act and Regulations, shall be incorporated into this Conflict of Interest Code.

EXHIBIT "A"
DESIGNATED EMPLOYEES

- I. Persons* occupying the following positions are designated employees and must disclose financial interests in all categories defined in Exhibit "B":

Board of Trustees
President/Superintendent
Senior Vice President, Chief Instructional Officer
Vice President, Chief Business Officer
Vice President, Chief Student Services Officer
Vice President, Chief Human Resources Officer/EEO
Campus Vice President, Mendocino Coast
Campus Vice President, Del Norte
Director, Facilities and Grounds

- II. Persons* occupying the following positions are designated employees and must disclose financial interests defined in categories 2 and 3 of Exhibit "B":

Deans
Director, Fiscal Services
Director, Information Technology Services
Bookstore Manager

* 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 President/Superintendent 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 in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The President/Superintendent determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

EXHIBIT "B"
DISCLOSURE CATEGORIES

CATEGORY 1

- a. Interest in real property¹ which is located in whole or in part (1) within the boundaries of the District, (2) within two miles of the boundaries of the District, or (3) within two miles of any land owned by the District, including any leasehold, beneficial, or ownership interest or option to acquire such interest in real property, if the fair market value of the interest is greater than \$2,000.
- b. Investments² and Business positions in business entities or income,³ including gifts, loans, and travel payments, from sources that engage in building construction or design within the District.
- c. Investments² and Business positions in business entities or income,³ including gifts, loans, and travel payments, from sources that engage in the acquisition or disposal of real property within the jurisdiction.

CATEGORY 2

Investments² and Business positions in business entities or income,³ including gifts, loans, and travel payments, from sources which manufacture or sell supplies, books, machinery or equipment of the type utilized by the department for which the designated employee is Manager or Director.

CATEGORY 3

Investments² and Business positions in business entities or income,³ including gifts, loans, and travel payments, from sources, which are contractors or sub-contractors, engaged in the performance of work or services of the type utilized by the department for which the designated employee is Manager or Director.

- (1) A time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency.
- (2) Assets whose fair market value is less than \$2,000.

¹ Interests in real property of an individual include a business entity's share of interest in real property of any business entity or trust in which the designated employee or his or her spouse owns, directly, indirectly, or beneficially, a ten percent interest or greater.

² (A) Investments include:
(1) Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other

ownership interest;

(2) A pro rata share of investments of any business entity or trust in which the designated employee or his or her spouse owns, directly, or beneficially, a ten percent interest or greater.

(B) Investment does not include:

- ³ No source of income is reportable unless the income received by or promised to the public official aggregates \$500 in value during the preceding 12 month reporting period.

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

Approved: 9/11/05

Revised: 7/11/06

Former Policy #607: "Conflict of Interest Code;" Adopted by Board of Trustees: 6/19/78

Amended: 2/1/93, 12/4/01

Former Administrative Regulation #607.01: "Exhibit "A," Designated Employees;" Revised: 2/1/93, 9/2/94, 7/11/00, 12/4/01, 8/5/03

Former Administrative Regulation #607.02: "Exhibit "B," Disclosure Categories;" Revised 2/1/93, 12/4/01, 5/4/04