

AP 2712 Conflict of Interest Code (no matching BP exists)

09/25/23



P&P Chapter Lead Recommendation
San Bernardino Community College District

Current Step:
BOT 1st Reading

Point Person	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
K Hannon	8/7/2023	Recommendation Received	9/6/2023

Reason(s) for Review/Changes

> Legal Update 42: The Service updated this procedure to update the gift limit and to revise the disclosure categories.

Review Level

Level 1

Anticipated AP2410 Schedule (for info on this process, visit <https://sbccd.edu/ap2410>)

09/18/2023 PPAC Approves Review Level

09/19/2023 Level 1 to Constituents for Information Only

10/19/2023 BOT First Reading

11/09/2023 BOT Final Approval

Action Requested

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are **shown in red**.
3. Legal changes are **shown in blue** and should only be considered **optional** if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or kgoodric@sbccd.edu.

RECOMMENDATION STARTS ON NEXT PAGE



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> Legal Update 42: The Service updated this procedure to update the gift limit and to revise the disclosure categories.

Review Process Comments:

(Replaces current SBCCD AP 2260)

The Political Reform Act (Government Code Section ~~81000~~ **87200**, 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 Section 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 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 by reference. This regulation and the attached Appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the San Bernardino Community College District (District).

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) All statements will be retained by the District.

APPENDIX A

DESIGNATED POSITIONS

Designated Positions	Disclosure Categories
Board of Trustees	1, 2
Chancellor	1, 2
Executive Vice Chancellor	1, 2
General Counsel	1, 2
Business Manager	1, 2
Director, Facilities Planning, Emergency Management & Construction	2
Associate Deans	2
Associate Director of Energy, Sustainability & Safety Administration	2
Campus Project Manager	2
Chief Technology Officer	2
College President, CHC	2
College President, SBVC	2
Deans	2
Director, Diversity, Equity and Inclusion	2
Director of Technology Services	2

Recommended Changes (shown in red); if there are no changes showing, this item is being presented for information purposes only. Legally required changes (shown in blue) should not be considered optional unless so indicated. For more on SBCCD's process, visit <https://sbccd.edu/ap2410>.



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Director, Administrative Application Systems	2
Director, Alternative Text Production Center	2
Director, Technology Services	2
Director, SAS	2
Director, Fiscal Services	2
Director, Grants Development & Administration	2
Facilities Project Manager	2
General Manager, KVCR TV/FM	2
Local Business Outreach Administrator Measure CC	2
Vice Chancellor, Educational and Student Support Services	2
Vice Chancellor of Human Resources and Police Services	2
Vice Chancellor, Workforce Development, Advancement & Media Systems	2
Vice President of Administrative Services	2
Vice President of Instruction	2
Vice President of Student Services	2
Director, Facilities, Maintenance & Operations	3
Director, Human Resources, EEO, Legal Services and Labor Relations	3
Food Services Supervisor	3
Chief of Police	3
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure requirements in this conflict of interest code subject to the following limitation:

The Chancellor 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 comply fully with the disclosure requirements described 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 Chancellor’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.



The following positions are NOT covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

- **Retirement Board Authority**
- **Investment Advisors**

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been incorrectly categorized. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

APPENDIX B

DISCLOSURE CATEGORIES

Category 1. Designated positions assigned to this category must report:

- Interests in real property within the boundaries of the District that are used by the District or are of the type that could be acquired by the District as well as real property within two miles of the property used or the potential site.
- Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that engage in the acquisition or disposal of real property or are engaged in building construction or design for school districts.

Category 2. Designated positions assigned to this category must report:

Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the District.

Category 3. Designated positions assigned to this category must report:

Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the designated position's department.

References:

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

Any changes to this AP require approval of the FPPC prior to board approval.

End of Recommendation for AP 2712 Conflict of Interest Code