

Meeting of San Bernardino Community College District
Policy Committee Meeting Agenda
SBCCD Board Room
October 12, 2017, 3:30-4:00pm

Board Members: Donna Ferracone (Chair), Donald Singer, Gloria Harrison

1. Call to Order

2. Approval of Minutes
6/22/17

3. Old Business
 - a. AP/BP 2735 – No changes to BP (Board Travel). Sent to DA for 1st reading 9/5/17 and 2nd reading 10/3/17.
 - b. BP 2200 – BP (Board Duties & Responsibilities) Board approved 8/10/17.
 - c. AP/BP 2410 – BP (Board Policies) Board approved 8/10/17 and sent to DA for information 9/5/17. AP changes sent to DA for 1st reading 9/5/17 and 2nd reading 10/3/17.
 - d. AP/BP 2510 – No changes made to BP (Collegial Consultation). AP sent to DA for 1st reading 9/5/17 and 2nd reading 10/3/17.
 - e. Certificate Policy – BP 3226 (Awards) sent to DA for 1st reading 9/5/17 and 2nd reading 10/3/17.
 - f. Vacation Policy – changes were made to BP 7340 (Leaves). Waiting for HR to start the approval process.

4. New Business
 - a. AP 2435 Evaluation of the Chancellor
 - b. BP 2435 Evaluation of the Chancellor
 - c. AP 2365 Recording
 - d. BP 2365 Recording
 - e. AP 2610 Presentation of Initial Collective Bargaining Proposals

- f. BP 2610 Presentation of Initial Collective Bargaining Proposals
- g. AP 2712 Conflict of Interest Code – changes required per FPPC. Send to Board for 1st reading 10/12/17.
- h. BP 2717 Personal Use of Public Resources
- i. BP 2720 Communications Among Board Members

5. Public Comments

6. Adjourn

Next Meeting: November 9, 2017 from 9-10am



Meeting of San Bernardino Community College District
Policy Committee Meeting Minutes
SBCCD Board Room
June 22, 2017, 10:00 a.m.

Board Members: Donna Ferracone (Chair), Donald Singer, Gloria Harrison

Call to Order

Donna called the meeting to order at 10:05am

Approval of Minutes

Donald Singer motioned, Gloria Harrison seconded the motion to approve the minutes of 3/23/17. Unanimous approval.

Old Business

AP/BP 2735 – No changes to the BP. AP 2735 to add: C. Travel for Student Trustees

BP 2200 – Replace Board Responsibilities with language provided by ACCT. Change Board Imperatives to Institutional Values.

AP/BP 2410 – BP 2410 to add paragraph 2 to read: In matters relating to Board Policies in Chapter 2 (not including AP/BP 2510), the Board will submit board policies and policy changes to the District Assembly for information only. Corrected spelling of judgment. The Board Policy Committee accepted the changes recommended by District Assembly and will make additional changes to AP 2410 in the fall.

AP/BP 2510 – No changes to the BP. AP 2510 was updated to reflect the approved District Assembly charge. The Board recommended to delete and replace the language for SBVC to be consistent with CHC’s language: See the Crafton Hills College organizational handbook and college website for additional web links regarding participation in local decision-making.

Certificate Policy – The Board Policy Committee added language to BP 3226, item D: Certificates & Awards Issued by the Board of Trustees In cases of exemplary service or accomplishment, the Board of Trustees may present a Certificate of Congratulations to an employee of the District or to a member of the community. The determination for the awarding of such certificates will be made by the Executive Committee of the Board and the Chancellor, and will be final approved by the Board of Trustees.

Vacation Policy - The Board Policy Committee recommended adding language to BP 7340: The Board recognizes the importance of periodical time away from the workplace as necessary for the wellbeing of employees and their productivity. To this end the Board encourages employees to schedule and take earned vacation time.

The Board Policy Committee will review, at the next meeting, Board Compensation Policy as there are more Board Study Sessions, trainings, and committee meetings.

New Business

None

Public Comments

None

Adjourn

Meeting was adjourned at 11:08am.



Origination: 05/2013
Last Approved: 01/2017
Last Revised: 01/2017
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

AP 2435 Evaluation of the Chancellor

(Replaces current SBCCD AP 2175)

A. Frequency of Evaluation

The Chancellor will be evaluated at least annually in accordance with BP 2435 titled Evaluation of the Chancellor.

B. Evaluation Committee

By the first day of the 3rd month of assignment of the evaluation year, the Board and the Chancellor will meet and mutually agree upon the formation of an evaluation committee. The evaluation committee is advisory to the Board of Trustees and the Board of Trustees will be responsible for preparation of the Chancellor's evaluation. The evaluation committee shall include the following members:

- One manager from San Bernardino Valley College (SBVC) selected by the SBVC President from among the three names submitted by the Chancellor.
- One manager from Crafton Hills College (CHC) selected by the CHC President from among the three names submitted by the Chancellor.
- One manager from the District Office selected through a process of nomination and voting conducted by all District Office managers from among the three names submitted by the Chancellor.
- One faculty member appointed by the Academic Senate from San Bernardino Valley College from among the three names submitted by the Chancellor.
- One faculty member appointed by the Academic Senate at Crafton Hills College from among the three names submitted by the Chancellor.
- One classified employee from San Bernardino Valley College appointed by the CSEA from among the three names submitted by the Chancellor.
- One classified employee from Crafton Hills College appointed by the CSEA from among the three names submitted by the Chancellor.
- One classified employee from the District office appointed by CSEA from among the three names submitted by the Chancellor.
- One student from San Bernardino Valley College selected by the Associated Student Body.
- One student from Crafton Hills College selected by the Associated Student Body.

C. Campus/District Survey

The evaluation committee shall seek written feedback from all permanent employees and, applicable

community leaders. To assist in this task, the Chancellor will provide the committee with a preliminary list of applicable community leaders. The Board of Trustees may provide additional names of community members.

The evaluation committee shall prepare a consolidated summary of the ratings and comments. Original survey documents will be destroyed once the summary is prepared. A copy of the summary will be made available to the Chancellor.

D. Evaluation Report for the Chancellor

The committee will produce a written evaluation report within two months following the start of the evaluation process. The report shall include:

1. A summary of duties from the job description, which shall serve as a basis for the evaluation.
2. A summary list of the goals and objectives from the prior year.
3. A self-evaluation from the Chancellor including a reflection of the year including achievements, areas for improvement, and identified challenges to address in the future and or any other items that the Chancellor submitted to the committee.
4. An assessment of the management and leadership strengths of the Chancellor.
5. The identification of any areas in which the Chancellor can improve his/her performance or management skills.

The advisory report shall be signed by all members of the Evaluation Committee. The Board of Trustees and the Chancellor shall receive a copy of the evaluation report.

The Board shall have 60 days to give the Chancellor the official evaluation. The evaluation shall be signed by all members of the Board. The Chancellor shall receive a copy of the evaluation report, and will have an opportunity to attach a written response within fifteen working days. This response may offer clarification, additional information, or a rebuttal. There will be only three copies of a completed evaluation. One copy will remain in the possession of the Chancellor one copy will remain with the Board's attorney, and the original will become a part of the official file in the Human Resources Office.

As part of the evaluation meeting, the Board and the Chancellor will set new short- and long-term goals and objectives.

Reference:

ACCJC Accreditation Standard IV.C.3 (formerly IV.A)

Attachments:

[AP 2435 Evaluation of the Chancellor - Comments](#)

[AP 2435 Evaluation of the Chancellor - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Current Status: Pending

PolicyStat ID: 4085731



Origination: 05/2013
Last Approved: 01/2017
Last Revised: 01/2017
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2435 Evaluation of the Chancellor

(Replaces current SBCCD BP 2175)

The Board of Trustees shall conduct an evaluation of the Chancellor at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the Chancellor as well as this policy.

The Board shall evaluate the Chancellor using an evaluation process developed and jointly agreed to by the Board and the Chancellor.

The criteria for evaluation shall be based on Board policy, the Chancellor job description, and performance goals and objectives developed in accordance with BP 2430 titled Delegation of Authority to the Chancellor.

Reference:

ACCJC Accreditation Standard IV.C.3 (formerly IV.B.1)

Attachments:

- [BP 2435 Evaluation of the Chancellor - Comments](#)
- [BP 2435 Evaluation of the Chancellor - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Current Status: Pending

PolicyStat ID: 4085293



Origination: 03/2015
Last Approved: 09/2015
Last Revised: 03/2015
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

AP 2365 Recording

Recordings are available for inspection by the public in the Chancellor's Office within 30 days of the Board meeting. Copies of recordings can be obtained through written request to the Chancellor's Office. Recordings are provided upon payment of a fee covering the current direct cost of duplication.

Any individual may, at their own expense, record the proceedings of a Board meeting. Persons desiring to record the meeting should inform the Chancellor's Office in advance. Such recording may not constitute a persistent disruption of the proceedings.

References:

Government Code Sections 6250 et seq., 54953.5, and 54953.6

Attachments:

[AP 2365 Recordings - Comments](#)

[AP 2365 Recordings - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Current Status: Pending

PolicyStat ID: 4085296



Origination: 04/2004
Last Approved: 09/2015
Last Revised: 04/2015
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2365 Recording

(Replaces current SBCCD BP 2150)

Any audio or video recording of an open and public Board of Trustees Meeting made by or at the direction of the Board shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250 et seq. The Chancellor is directed to enact administrative procedures to ensure that any such recordings are maintained for at least thirty days following the recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video recording device or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

References:

Education Code Section 72121(a);
Government Code Sections 6250 et seq., 54953.5 and 54953.6

Attachments:

[BP 2365 Recordings - Comments](#)
[BP 2365 Recordings - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Origination: 03/2015
Last Approved: 09/2015
Last Revised: 03/2015
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

AP 2610 Presentation of Initial Collective Bargaining Proposals

Prior to commencing negotiations with an exclusive representative of District employees, the Chancellor and the District's Chief Negotiating Officer shall meet with the Board of Trustees to address the following:

1. The full scope of the negotiation process including details regarding issues raised by employee groups and
2. A long term fiscal analysis illustrating the overall impact on the District's budget including employee step and column costs as well as health and welfare benefit increases.

Prior to the "sun shining" of an agreement with an employee group, the Chancellor and the District's Chief Negotiating Officer shall receive input and recommendations from the Board.

Whenever an initial collective bargaining proposal is received from an exclusive representative of District employees, or whenever the District's own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Board of Trustees:

- The exclusive representative or the District must present the initial collective bargaining proposal orally or in writing to the Board at a public meeting.
- The public shall have an opportunity to respond to the exclusive representative's or District's initial proposal at a subsequent public Board meeting. The opportunity for public response shall appear on the Board's regular agenda. Public response shall be taken in accordance with the Board's policies regarding speakers.
- After the public has an opportunity to respond to an initial proposal presented by the District, the Board shall, at the same meeting or a subsequent meeting, adopt the District's initial proposal. The adoption shall be indicated as a separate action item on the Board agenda. There shall be no amendment of the District's initial proposal unless the public is again afforded a reasonable opportunity to respond to the proposed amendment at a public meeting.
- If new subjects of meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the District, shall be posted by the District in the same public place as it posts its agendas within 24 hours after their presentation in negotiations.
- When a request to reopen a collective bargaining agreement, as required by the agreement, is received from an exclusive representative or is made by the District, the public notice procedure outlined in this procedure shall be followed.
- When the District and the exclusive representative agree to amend an executed collective bargaining

agreement in accordance with the agreement, the following procedure shall be followed:

- The amendment shall appear on the agenda as a notice item, for action at a subsequent Board meeting.
- The public shall have an opportunity to respond to the amendment at a subsequent Board meeting. The public response shall be indicated on the agenda.

Procedures for Negotiations:

1. An exclusive representative shall present its initial proposal for collective bargaining at a public meeting of the Board of Trustees. This procedure covers all initial proposals including those pursuant to limited re-openers in current agreements. An exclusive representative shall notify the District sufficiently in advance of the presentation of an initial proposal so that the presentation can be indicated as an information item on the agenda for the public meeting.
2. If an exclusive representative should fail to notify the District sufficiently in advance so that it can be noted on the agenda, the District shall notify the public through regular channels of communication that it is anticipating receipt of the initial proposal. The initial proposal shall then be indicated as an information item on the agenda for the next public meeting.
3. Immediately after receipt of an initial proposal from an exclusive representative, the District shall notify the public through regular channels of communication that it has received the initial proposal and that copies are available for inspection at the District Office.
4. An exclusive representative shall present no less than ten copies of its initial proposal for public inspection and use. If an exclusive representative should fail to supply ten copies, the District shall prepare an adequate number of copies for public inspection and use. The District may charge the exclusive representative for the reasonable cost of duplication of the proposal.
5. At a public meeting of the Board of Trustees, the public shall be given a reasonable opportunity to comment on an initial proposal from an exclusive representative in a public hearing. This public meeting shall be at least seven days and no more than thirty days after the public meeting in which the initial proposal has been indicated on the agenda.
6. Collective bargaining shall not begin on an initial proposal from an exclusive representative unless the procedures herein have been followed.
7. The District shall present an initial proposal from the Board of Trustees at a public meeting of the Board of Trustees no later than thirty (30) days after presentation of the initial proposal from an exclusive representative. This procedure covers all initial proposals including those pursuant to limited re-openers in current agreements. Every effort shall be made to coordinate the initial openers of the employer with the initial openers of the exclusive representative. The presentation shall first be presented as an information item on the agenda for the public meeting. The second reading shall be held as a public hearing and the Board shall adopt its initial proposal.
8. The District shall notify the public through regular channels of communication that the Board of Trustees will take action on its initial proposal and that copies of the proposal are available for inspection at the District Office.
9. The District shall make available no less than ten copies of the proposal for public inspection and use.
10. At a public meeting of the Board of Trustees the public shall be given a reasonable opportunity to comment on the proposal.
11. Collective bargaining shall not begin on an initial proposal from the Board of Trustees unless the

procedures herein have been followed.

12. New matters arising after the presentation of initial proposals shall be made public by the District within twenty-four (24) hours through regular channels of communication. If a vote is taken on such matters by the Board of Trustees, the vote thereon by each member voting shall also be made public within twenty-four (24) hours through regular channels of communication.
13. In emergencies the District may change any time requirements herein to a requirement of not less than twenty-four (24) hours.
14. Upon ratification of the tentative agreements on the initial proposals by the exclusive representatives, the Board of Trustees shall receive and ratify the amended agreement. The Management Team shall present the amendments to the agreement along with any costs associated with this amendment.
15. The Board of Trustees shall conduct a public hearing on the ratification to provide the public an opportunity to comment on the amendments and their related costs. The public shall be provided a minimum of seventy-two (72) hours to review the amendments to the agreement prior to any ratification by the Board of Trustees.
16. Any individual who is a resident of the District, parent or guardian of a student in the District, or an adult student in the District may file a complaint with the Chancellor that the District or an exclusive representative has failed to comply with these procedures. Such complaint shall be filed no later than thirty (30) days subsequent to the date when conduct alleged to be a violation was known or reasonably could have been discovered. The Board of Trustees shall investigate the alleged complaint and present its findings or action to the public.

Reference:

Government Code Section 3547

Attachments:

[AP 2610 Presentation of Initial Collective Bargaining Proposal - Comments](#)
[AP 2610 Presentation of Initial Collective Bargaining Proposal - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Origination: 01/2001
Last Approved: 09/2001
Last Revised: 04/2015
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2610 Presentation of Initial Collective Bargaining Proposals

(Replaces current SBCCD BP 2210)

The Chancellor is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of Trustees of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the timelines prescribed by the rules and regulations of the California Public Employment Relations Board.

Purpose -

It shall be the intent of the Board of Trustees to present all initial proposals of the exclusive representatives and of public school employers, which relate to matters within the scope of representation, to the public so that it is aware of the positions of its elected representatives and can express its opinion.

Rights Guaranteed to the Public:

1. All initial and ratified proposals of exclusive representatives and initial proposals of community college employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the employer with a public hearing, and thereafter, shall be public records.
2. A reasonable amount of time must elapse to enable the public to become informed and express itself regarding the proposal at a public meeting of the employer. For the public's benefit, such proposals shall be presented at a "first" and "second" reading prior to initiating the negotiations process.
3. Meeting and negotiating with respect to the proposal may then take place.
4. The public school employer shall adopt its initial proposal at a meeting, which is open to the public, and following the guidelines established in 1 and 2 above.
5. New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within seventy-two (72) hours.
6. If a vote is taken on such subject by the employer, the vote by each member voting shall also be made public within seventy-two (72) hours.

Reference:

Government Code Section 3547

Attachments:

[BP 2610 Presentation of Initial Collective Bargaining Proposals - Comments](#)
[BP 2610 Presentation of Initial Collective Bargaining Proposals - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Origination: 03/2013
Last Approved: 05/2016
Last Revised: 05/2016
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

AP 2712 Conflict of Interest Code

(Replaces current SBCCD AP 2260)

~~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 the Appendix at the end of this procedure, 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 procedure 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 (2 Cal. Code of Regulations 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 the Appendix 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 the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those economic interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she foreseeably can affect materially through the conduct of his/her 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 5.5. Statements for Persons Who Resign Prior to Assuming Office~~

~~Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.~~

- ~~A. Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
 - ~~1. File a written resignation with the appointing power; and~~
 - ~~2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.~~~~

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;~~

~~6. 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 he/she is a director, officer, partner, trustee, employee, or in which he/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.~~

~~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~~

~~A. 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 his/her 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.~~

~~Honorarium is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. This does not include:~~

- ~~a. Earned income for personal services which are customarily provided in connection with the practice of a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches.~~
- ~~a. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation to the general fund without being claimed as a deduction from income for tax purposes.~~

~~B. 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 8.1. Prohibition on Receipt of Gifts in Excess of \$460~~

~~A. 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 \$460 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 his/her 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.~~

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

~~The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.~~

~~Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.~~

~~A gift of travel does not include travel provided by the District for Board members and designated employees.~~

~~Section 8.2. Loans to Public Officials~~

- ~~A. No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.~~
- ~~B. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.~~
- ~~C. No elected officer of a state or local government agency shall, from the date of his/her election to office through the date that he/she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.~~
- ~~D. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.~~
- ~~E. This section shall not apply to the following:~~
- ~~1. Loans made to the campaign committee of an elected officer or candidate for elective office.~~
 - ~~2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse~~

~~of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.~~

- ~~3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.~~
- ~~4. Loans made, or offered in writing, before January 1, 1998.~~

Section 8.3. Loan Terms

- ~~A. Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his/her election to office through the date he/she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.~~
- ~~B. This section shall not apply to the following types of loans:
 - ~~1. Loans made to the campaign committee of the elected officer.~~
 - ~~2. Loans made to the elected officer by his/her spouse, child, parent, grandparent grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.~~
 - ~~3. Loans made, or offered in writing, before January 1, 1998.~~~~
- ~~C. Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.~~

Section 8.4. Personal Loans

- ~~A. Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
 - ~~1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.~~
 - ~~2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - ~~a. The date the loan was made.~~
 - ~~b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.~~
 - ~~c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.~~~~~~
- ~~B. This section shall not apply to the following types of loans:
 - ~~1. A loan made to the campaign committee of an elected officer or a candidate for elective office.~~
 - ~~2. A loan that would otherwise not be a gift as defined in this title.~~
 - ~~3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.~~
 - ~~4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a~~~~

~~criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.~~

~~5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.~~

~~C. Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.~~

~~Section 9. Disqualification~~

~~No designated employee shall make, participate in making, or in any way attempt to use his/her official position to influence the making of any governmental decision which he/she knows 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 his/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 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 \$440 460 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 9.3. Legally Required Participation~~

~~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. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.~~

~~Section 9.5. Disqualification of State Officers and Employees~~

~~In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his/her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his/her immediate family has, within 12 months prior to the time when the official action is to be taken:~~

~~A. Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or~~

~~B. Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.~~

~~Section 10. Disclosure of Disqualifying Interest~~

~~When a designated employee determines that he/she should not make a governmental decision because he/she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.~~

~~Section 11. Assistance of the Commission and Counsel~~

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

~~Section 12. 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.~~

~~BIENNIAL REVIEW~~

~~Pursuant to Government Code Section 87306 (b), the District shall submit to the Fair Political Practices Commission (FPPC) a biennial report identifying changes in its conflict of interest code. The biennial report shall be submitted no later than March 1 of each odd-numbered year.~~

~~ADMINISTRATION~~

~~The Office of Human Resources shall be responsible for the administration of the Conflict of Interest Code. Administration shall include:~~

- ~~• Maintaining the Conflict of Interest Code Appendix.~~
- ~~• Reporting newly designated positions and amendments to the Conflict of Interest Code to the FPPC.~~
- ~~• Notifying Designated Employees of their filing requirements at the appropriate times (e.g. initial, assuming office, annual, and leaving office).~~
- ~~• Collecting disclosure statements and following up with late filers.~~
- ~~• Reviewing disclosure statements in accordance with California Code of Regulations Title 2, Division 6, Section 18115.~~
- ~~• Retaining disclosure statements as required by the FPPC.~~
- ~~• Providing public access to disclosure statements.~~

~~APPENDIX~~

~~Designated Positions and Disclosure Requirements~~

~~Persons holding positions listed below are considered designated employees. It has been determined that these persons make or participate in the making of decisions which may have a foreseeable material effect on financial interest.~~

~~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 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

| <u>Designated Positions</u> | Disclosure Categories |
|---|--------------------------------|
| Board of Trustees | 1, 2, 3, 4, 5, 6 |
| Chancellor | 1, 2, 3, 4, 5, 6 |
| President, CHC | 5, 6 <u>2</u> |
| President, SBVC | 5, 6 <u>2</u> |
| General Manager, KVCR TV/FM | 5, 6 <u>2</u> |
| Vice Chancellor, Business and Fiscal Services | 1, 2, 3, 4, 5, 6 |
| Vice Chancellor, Human Resources | 5, 6 <u>2</u> |
| Vice President of Instruction | 5, 6 <u>2</u> |
| Vice President of Student Services | 5, 6 <u>2</u> |
| Vice President of Administrative Services | 5, 6 <u>2</u> |
| Retirement Board Authority | 4 |
| Business Manager | 1, 2, 4, 5 |
| Investment Advisors/Consultants | 4 |
| <u>Business Manager</u> | <u>1, 2</u> |
| General Counsel | 1, 2 |
| Associate Vice Chancellor, TESS | 5, 6 <u>2</u> |
| Associate Vice Chancellor, EDCT | 6 <u>2</u> |
| Director, Facilities Planning & Construction | 1, 2, 3, 4 <u>1</u> |
| Director, Human Resources Ad | 6 <u>2</u> |
| Director, Fiscal Services | 4, 5 <u>2</u> |
| Director of Technology Services | 5, 6 <u>2</u> |
| Director, Campus Technology Services | 5, 6 <u>2</u> |
| Director, Alternative Text Production | 5, 6 <u>2</u> |

| | |
|--|--------------------------|
| Director, Administrative Application Systems | 5 , <u>62</u> |
| Director, Grant Development & Management | <u>62</u> |
| Director, DSP&S | <u>62</u> |
| Police Chief | 5 , <u>63</u> |
| Deans | <u>62</u> |
| Associate Deans | <u>62</u> |
| Cafeteria/Snack Bar Manager | <u>63</u> |
| Director, Bookstore | <u>63</u> |
| Director of Maintenance & Operations | <u>63</u> |
| 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:

~~*Consultants are defined in Board Policy~~ 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. The Chancellor may determine in writing ~~Such written determination shall include a description of the consultant's or new position's duties and, based upon that a particular consultant, although a "designated person," is hired to perform a range of duties that are limited in scope and thus is not required to comply with the~~ description, a statement of the extent of ~~disclosure requirements of one or more categories. Such determination shall include a description of the consultant'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. ~~(Government Code Section 81008). Nothing herein excuses any such consultant from any other provisions of the Conflict of Interest Code.~~

~~**Disclosure Categories:** The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclosure for each disclosure category to which he/she is assigned.~~

~~**Category 1:** All investments and business positions in and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two years.~~

~~**Category 2:** All interests in real property which is located in whole or in part within, or not more than two miles outside, the boundaries of the District.~~

~~**Category 3:** All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two years.~~

~~**Category 4:** All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.~~

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:

- A. 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.
- B. 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:

~~Category 5: All investments~~ Investments and business positions in business entities and income (including receipt of gifts, and loans, and travel payments) from sources of income from that are contractors engaged in the performance of work, business entities that provide training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles or equipment of a of the type purchased or leased utilized by the District.

~~Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.~~

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)~~81000, 87300-87302~~81008, 89501, 89502, and 89503;~~87200
 Title 2 Section 18730
 Any changes to this AP requires approval of the FPPC prior to board approval.

Attachments:

- AP 2712 Conflict of Interest Code - Comments
- AP 2712 Conflict of Interest Code - Legal Citations
- FPPC Approval of AP 2712 Conflict of Interest Code.pdf

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Current Status: *Pending*

PolicyStat ID: 4085300



Origination: 04/2015
Last Approved: 09/2015
Last Revised: 04/2015
Next Review: *6 years after approval*
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2717 Personal Use of Public Resources

No member of the Board of Trustees shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Also see AP 7371 titled Personal Use of Public Resources

References:

Government Code Section 8314;
Penal Code Section 424

Attachments:

[BP 2717 Personal Use of Public Resources - Comments](#)
[BP 2717 Personal Use of Public Resources - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |



Current Status: Pending

PolicyStat ID: 4085295



Origination: 01/2001
Last Approved: 09/2001
Last Revised: 04/2015
Next Review: 6 years after approval
Owner: Board Board:
Policy Area: Chapter 2 Board of Trustees
References:

BP 2720 Communications Among Board Members

(Replaces current SBCCD BP 2030)

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board. In addition, no other person shall make serial communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board of Trustees.

Reference:

Government Code Section 54952.2

Attachments:

- [BP 2720 Communications Among Board Members - Comments](#)
- [BP 2720 Communications Among Board Members - Legal Citations](#)

Approval Signatures

| Step Description | Approver | Date |
|-----------------------------|--------------|---------|
| Chapter owners are notified | Board Board: | pending |