

## **Conflict of Interest Code**

**2712**

The Political Reform Act, California 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, Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearing. Therefore, the terms of Title 2, California Code of Regulations, section 18730, and any amendments to it, duly adopted by the Fair Political Practices Commission, along with the Appendix, below, in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Foothill-De Anza Community College District.

Board members and designated employees shall file statements of economic interests with the district's filing official. If a statement is received in signed paper format, the district's filing official shall make and retain a copy and forward the original of this statement to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If a statement is electronically filed using the County of Santa Clara's Form 700 e-filing system, both the district's filing official and the County of Santa Clara Clerk of the Board of Supervisors will receive access to the e-filed statement simultaneously. The district shall make the statements available for public inspection and reproduction subject to Government Code section 81008.

### **DESIGNATED POSITIONS/DISCLOSURE CATEGORIES**

1. Persons occupying the following positions are designated employees in Category 1:

- Trustee
- Chancellor
- President
- Vice President
- Vice Chancellor of Business Services
- Vice Chancellor of Human Resources & Equal Opportunity
- Vice Chancellor of Technology
- Associate Vice President
- Executive Director of Facilities and Operations
- Executive Director, Fiscal Services
- Director, Budget Operations
- Executive Director of Foundation
- Director of Flint Center
- Executive Director, California Community College Online Education Initiative
- Chief Academic Affairs Officer for the Online Education Initiative
- Chief Student Services Officer for the Online Education Initiative
- Chief Professional Development Officer for the Online Education Initiative
- Director, Strategic Planning and Operations for the Online Education Initiative

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Designated persons in this category must report:

- (a) Interests in real property located entirely or partly within District boundaries, or within two miles of District boundaries or of any land owned or used by the District. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- (b) Investments, ~~or~~ business positions in, and income (including gifts, loans, and travel payments) from sources which:
  - 1. Are engaged in the acquisition or disposal of real property within the District;
  - 2. Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the District or
  - 3. Manufacture or sell supplies, books, machinery or equipment of the type used by the District.

2. Persons occupying the following positions are designated employees in Category 2:

Director of Purchasing & Material Services  
Senior Buyer  
Buyer  
Director of Bond Management  
Director of Bookstore  
Director of Campus Center  
Director of Human Resources  
Director of Risk Management  
Dean of Student Affairs and Activities  
Dean of Learning Resources, De Anza  
Dean of Language Arts, Foothill  
Manager, Benefits

Designated persons in this category must report investments, business positions in, and income (including gifts, loans, and travel payments) from sources which:

- (a) Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- (b) Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a Central Services manager's department is the entire District and a campus manager's department is the entire campus.

3. Persons occupying the following positions are designated employees in Category 3:

Consultant

Consultants, as defined for purposes of the Political Reform Act, shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Chancellor or designee may determine, in writing, that a particular consultant, although a

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“designated position”, is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements of the broadest category, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant’s duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A "consultant" is an individual who, pursuant to a contract with the District makes a governmental decision whether to:

- (i) Approve a rate, rule, or regulation;
- (ii) Adopt or enforce a law;
- (iii) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (iv) Authorize the district to enter into, modify, or renew a contract provided it is the type of contract that requires district approval;
- (v) Grant district approval to a contract that requires district approval and to which the district is a party, or to the specifications for such a contract;
- (vi) Grant district approval to a plan, design, report, study, or similar item;
- (vii) Adopt, or grant district approval of, District policies, standards, or guidelines.

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in regulation 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code.

**Newly created positions**

A newly created position that makes or participates in the making of decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in an agency’s conflict of interest code is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation: The Chancellor or designee may determine in writing that a particular newly created position, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created

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position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The district'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).

As soon as the district has a newly created position that must file statements of economic interests, the district shall contact the County of Santa Clara Clerk of the Board of Supervisors Form 700 division to notify it of the new position title to be added in the County's electronic form 700 record management system, known as eDisclosure. Upon this notification, the Clerk's office shall enter the actual position title of the newly created position into eDisclosure and the district shall ensure that the name of any individual(s) holding the newly created position is entered under that position title in eDisclosure.

Additionally, within 90 days of the creation of a newly created position that must file statements of economic interests, the district shall update this conflict of interest code to add the actual position title in its list of designated positions, and submit the amended conflict of interest code to the County of Santa Clara Office of the County Counsel for code-reviewing body approval by the County Board of Supervisors (Government Code section 87306).

*See Board Policy 2710 Conflict of Interest*

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