The Board shall act on posted items and shall not deliberate items that are not on the posted agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact Human Resources at 485-9340. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

If you wish to speak on a posted agenda item for this meeting, complete a “Request to Address Governing Board” card give the card to the recording secretary for recognition from the Chair. Public comment presentations will be limited to no more than 3 minutes each.

Government Code §54957.5 states that public records which relate to any item on the open session agenda for a regular Board meeting should be made available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the Office of the Superintendent/President at 835 College Avenue, Austin Science Center, Room 146, Kentfield, California, for the purpose of making those public records available for inspection.
AGENDA

A. Special Meeting of the Board Policy Review Committee
   4:00 p.m., Building 5, Room 188, Indian Valley Campus, Novato

   Board Policy Review Committee:
   Stephanie O’Brien, Board President
   Eva Long, Board Vice President

   1. Call to Order, Roll Call and Adoption of Agenda
   2. Public Comment on Agenda Items
   3. Approve Minutes from August 6, 2014 Meeting
   4. Review Chapter 2 Board Policies and Administrative Procedures
   5. Adjourn Meeting
1. The meeting was called to order at 4:10 p.m. by Board President O’Brien. Trustees O’Brien and Long were present. The agenda was modified to include approval of the minutes from the June 17, 2014 Board Policy Review Committee. M/s (Long/O’Brien) to approve the agenda as modified. Motion carried 2-0.

2. Public Comment on Agenda Items – There was no public comment.

3. M/s (Long/O’Brien) to approve minutes from June 17, 2014. Minutes approved 2-0.

4. Review Chapter 2 Board Policies and Administrative Procedures
   Trustees reviewed and discussed the proposed changes from the June 17 meeting to Board Policies 2740 Board Education and 2735 Board Member Travel. As a result, further modifications to both policies and the addition of an Administrative Procedure for Board Member Travel were suggested. The Administrative Procedure will use the CCLC template as a base and incorporate language from the current Board Policy, which is more appropriate in a procedure. It was also recommended that the title of BP 2735 be changed to include Conference and Development Expenses.
Trustees also reviewed a matrix that showed how the prior policies, procedures and Board Bylaws were incorporated into the new policies and procedures. Trustees were also provided with the proposed changes to Chapter 2 policies recommended in Updates 22 and 24 from the California Community College League.

Kathy Joyner will incorporate the proposed changes to BPs 2740 and 2735 and prepare a draft AP 2735. These documents will be provided to the Board of Trustees at their next meeting for their review and comment.

5. M/s (O’Brien/Long) to adjourn meeting. Motion carried 2-0. Meeting adjourned at 5:00 p.m.
BP 2735 BOARD MEMBER TRAVEL, CONFERENCE ATTENDANCE AND PROFESSIONAL DEVELOPMENT EXPENSES

References:
Education Code Section 72423 and 87032

Members of the Board of Trustees may have travel and/or conference and/or professional development expenses paid when they travel as representatives of the Board or performing services directed by the Board. The Board is expected to travel in the most economically prudent manner possible.

Board of Trustee Travel Allocation
District paid travel shall be limited to the amount adopted in the Annual Budget, divided equally among members of the Board of Trustees. Any request for reimbursement for travel, in state or out of state, that exceeds the approved annual individual allocation must be reviewed and approved by the full Board of Trustees at a regular meeting, provided there is available funding.

Newly elected Trustees in their first year of service are expected to participate in the Community College League of California’s (CCLC) Effective Trustee Workshop. The cost of the Effective Trustee Workshop will be borne by the District. (NOTE: There is a question whether this cost is to come out of the annual Board Travel Budget of in addition to that budget)

Approval for Travel
Each fall, the Board will review the known schedule of conferences and trainings to determine individual Trustee interest.

Out-of-state travel is approved in advance by a majority of the Board at a meeting of the Board of Trustees.

Reimbursement for Travel
Reimbursements for Trustee travel shall only be made if their travel is approved as outlined in the section above. Reimbursement for Trustee travel expenses shall follow the District administrative procedures. (See BP/AP 7400 titled Travel)

(Note: The above two sections were moved to the new AP 2735)
Any unexpended travel funds remaining in the Board of Trustees’ budget at the end of the fiscal year will be returned to the General Fund. Board Members shall not donate, transfer, or share any portion of any Trustee’s annual travel allocation with any other Trustee.

Report on Conference Participation
Trustees are expected to provide a report on conference participation at a meeting of the Board of Trustees, within 60 days following conference attendance.

(Note: The above section was moved to the new AP 2735)

Also See AP 2735 titled Board Member Travel, Conference Attendance and Professional Development Expenses

Date Adopted: March 16, 2010
(Replaces current College of Marin Policy 1.2061)
Date Revised: February 26, 2013
AP 2735  BOARD MEMBER TRAVEL, CONFERENCE AND PROFESSIONAL DEVELOPMENT EXPENSES

Reference:
   Education Code Section 72423

Approval for Travel
Each fall, the Board will review the known schedule of conference and trainings to determine individual Trustee interest. (NOTE: language moved from BP 2735)

Out of State Travel must be approved in advance by a majority of the Board at a meeting of the Board of Trustees. (Note: language moved from BP 2735)

Reimbursement for Travel
Reimbursement for Trustee travel shall only be made if their travel is approved as outlined in the section above. Reimbursement for Trustee travel expenses shall follow the District administrative procedures (See BP/AP 7400 titled Travel)

(Add language criteria, limits, expectations???
Expectations for board member travel and conference attendance?????
Criteria and limits on travel and conference attendance????

Date Approved:
New Administrative Procedure

NOTE: The language in red is from CCLC. The language in purple is proposed by the Board Policy Committee. Green added by K Joyner.
BP 2740 BOARD EDUCATION

Reference:
ACCJC Accreditation Standard IV.B.1.f

The Board of Trustees is committed to participation in its ongoing collaborative and comprehensive professional development and training as a Board and to an education program that provides opportunities for all Trustees including an orientation and mentor opportunities for new Board members.

To that end, the Board of Trustees will engage in study sessions, provide access to reading materials, and support conference attendance, training, and other activities that foster Board member education.

Professional development will be broken into three (3) categories:
Category 1: Includes mandatory training requirements, such as Sexual Harassment, Brown Act, Ethics, Board Orientation for New trustees, etc.

Category 2: Includes best practices for board effectiveness, such as state budget seminars, participating in and completing the Effective Trustee Program through CCLC, tracking new legislation directly affecting COM, accreditation issues and changes, and so on.

Category 3: Includes additional professional enrichment such as K-12 issues, fund development, Private/Public partnerships, giving presentations at trustee conferences, etc.

Report on Conference Participation
Trustees are expected to present a written report on conference participation at a Board of Trustees meeting within sixty (60) days following conference attendance. The Board Chair is expected to prepare a summary report of Trustee Professional Development to be presented at a meeting of the Board of Trustees.

Date Adopted: March 16, 2010
Board Policy Committee Proposed Revisions: June 2014
Board Policy Committee Proposed Revisions: August 6 2014
BP 2210 OFFICERS

Reference:
Education Code Section 72000

The President of the Board as a regular member shall participate in the discussion of issues during the meeting as well as in voting. In addition, the President's duties shall include:

a) To preside at all meetings and decide questions of order.
b) To appoint Trustees to and designate chairpersons of all committees. Board Committees, and make all other appropriate trustee assignments.
c) To execute all contracts and official documents approved by the Board and requiring the President's signature.
d) To represent the Board at official functions when necessary; to serve as spokesperson for the Board regarding a Board action taken; to keep the Board promptly informed of these occasions.
e) To set the Board agenda.
f) To call special meetings of the Board as required.
g) To serve as an ex officio member of the Board of Directors of the College of Marin Foundation.
h) To perform other duties formally assigned by the Board, or by statute.

The Vice President's duties shall include:

a) To perform all duties of the President of the Board in the absence or disability of the President.
b) To discharge such other functions as the President of the Board may from time to time request.

The Clerk's duties shall include:

a) To perform all duties of the President of the Board in the absence or disability of the President and Vice President of the Board.
b) To perform any other duty assigned by the President of the Board, or required by law.

The District Superintendent shall serve as Secretary to the Board and, as such, shall have the following obligations:

a) To be responsible for such public notices as may be required by statutes, Bylaws, resolutions and policies of the Board.
b) To be responsible for recording, preparing, and maintaining the approved Official Minutes of all regular and special meetings of the Board, and properly transmitting them to the Board.

c) To retain and properly file all official records and documents of the Board.

d) To conduct the official correspondence on behalf of the Board as requested and issue all Board orders.

e) To be responsible for providing members promptly with copies of correspondence prepared in the name of the Board or Board President, as well as copies of all reports, communications, etc., developed and transmitted to members of the community.

f) To perform such other duties as may be required by law or delegated from time to time by the Board. E.C.-84655

Also see BP 2305 titled Annual Organizational Meeting and BP 2430 titled Delegation of Authority to the Superintendent/President

Date Adopted: April 21, 2009
(Replaces College of Marin Policies 1.3031, 1.3032, 1.3033, and 1.3035)
The revisions in yellow highlighting are from legal Update 22 issued by the League’s Policy and Procedure Service in June 2013. The language was revised to align to the requirement of the Education Code.

BP 2716 POLITICAL ACTIVITY

References:
Education Code Sections 7054, 7054.1, and 7056;
Government Code Section 8314

Members of the Board shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board of Trustees may by resolution express the Board’s position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.

Also see BP 7370 titled Use of District Resources for Political Activity

Date Adopted: March 16, 2010

Date Revised: March 19, 2013

NOTE: The yellow highlighted language is from legal Update 22 disseminated to districts in June 2013.
BP 2725  
BOARD MEMBER COMPENSATION

References:
Education Code Sections 1090, 35120, and 72024

Members of the Board who attend all Board meetings shall receive compensation in accordance with Education Code Section 72024. The Student Trustee will receive compensation at the discretion of the Board of Trustees (see BP 2015 titled Student Trustee). A member of the Board of Trustees who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

A member of the Board of Trustees may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the District, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

Compensation will not be awarded for absence during the Budget Meeting at which the Annual Budget is approved.

Date Adopted: March 16, 2010
(Replaces current College of Marin Policy 1.2060)

NOTE: The yellow highlighted language is from legal Update 22 disseminated to districts in June 2013.
The revisions in yellow highlighting are from legal Update 24 issued by the League’s Policy and Procedure Service in April 2014. The language was revised to update the procedure for filling a vacant student member seat.

**BP 2105**  
**ELECTION OF STUDENT TRUSTEE**

**References:**  
Education Code Sections 72023.5 and 72103

The Student Trustee member shall be chosen by the students enrolled in the District as follows:

The Student Trustee shall be elected by all the students of the student body in a general election held for that purpose. Normally an election will be held in the spring semester so that the office is filled by June 1. The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with administrative procedures established by the Superintendent/President.

If the seat of the Student Trustee becomes vacant during his/her term, the governing board may authorize the officers of the student body associations established pursuant to Education Code Section 76060 at the District to appoint a student to serve the remainder of the term in accordance with procedures established by the governing board. [OR] Special elections may shall be held if the office becomes vacant by reason of the resignation, recall, or disqualification of an elected student member, or by any other reasons. Special elections shall be held within thirty (30) calendar days after notice of the vacancy comes to the attention of the Superintendent/President.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. The election will be conducted in accordance with administrative procedures established by the Superintendent/President.

**Date Adopted:** December 8, 2009

**Date Revised:** March 19, 2013
The revisions in yellow highlighting are from legal Update 24 issued by the League’s Policy and Procedure Service in April 2014. This procedure was revised to update the procedure for filling a vacant student member seat.

AP 2105 ELECTION OF STUDENT TRUSTEE

Reference:
Education Code Section 72023.5

The Student Trustee shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the Student Trustee to take office on June 1.

The Student Trustee may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the Superintendent/President of a petition signed by at least ten percent of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within 30 days of a regularly scheduled election for the Student Trustee.

The office shall become vacant if the Student Trustee becomes ineligible for the office, resigns, is recalled, or dies. If the seat of the Student Trustee becomes vacant during his or her term, the governing board may authorize the officers of student body associations established pursuant to Section 76060 in the District to appoint a student to serve the remainder of the term in accordance with the procedures established by the Governing board. [OR] Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President or designee may shall arrange for a special election that provides for:

- notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- an application period for students to submit an application to become a candidate for the open position that will be open for at least 5 instructional days on which classes are regularly held;
- following such application period, a period of time no less than 5 instructional days upon which classes are regularly held for campaigning, and;
- voting for the special election to be concluded within 30 calendar days following the date upon which the position became vacant.

No special election will be called if the vacancy occurs within 60 calendar days of a regularly scheduled election for student member.

Date Approved: December 8, 2009
BP 2315 Closed Sessions

The revisions in yellow highlighting are from legal Update 24 issued by the League's Policy and Procedure Service in April 2014. This policy was revised to comply with recently revised Brown Act regarding reporting of abstentions in closed session.

BP 2315 CLOSED SESSIONS

References:
Education Code Section 72122;
Civil Procedure Code Section 803;
Government Code Sections 3060 et seq., 54956.8, 54956.9, 54957, 54957.2, 54957.6, 54963 and 11125.4 (NOTE: Changes made to match CCLC template)

Closed sessions of the Board of Trustees shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code, and California Education Code. Matters discussed in closed session may include:

- the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session;
- advice of counsel on pending litigation, as defined by law;
- consideration of tort liability claims as part of the District’s membership in any joint powers agency formed for purposes of insurance pooling;
- discuss labor disputes with the State Conciliator mediator when he/she has intervened as authorized by law; (Government Code Section 54957.6) (Not on CCLC template)
- Examine any witnesses in a matter being investigated by the Board; (not in CCLC template)
- real property transactions;
- threats to public security;
- review of the District’s position regarding labor negotiations and giving instructions to the District’s designated negotiator;
- discussion of student disciplinary action, with final action taken in public;
- conferring of honorary degrees;
- consideration of gifts from a donor who wishes to remain anonymous; and/or
- to consider its response to a confidential final draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.
After any closed session, the Board of Trustees shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board of Trustees or by law.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Superintendent/President. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board of Trustees. The employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

Repeated violations of the confidentiality of closed sessions by a Board member shall be grounds for referral to the Grand Jury. (This language is not in the CCLC template)

Also see BP 2715 titled Code of Ethics/Standards of Practice

Date Adopted: June 9, 2009
(Replaces College of Marin Policies 1.5060 and 1.2050)
The revisions in yellow highlighting are from legal update 24 issued by the League’s Policy and Procedure Services in April 2014. This policy was revised to comply with recently revised to include a new requirement to report the vote or abstention of each member for all action taken in open session.

BP 2330 QUORUM AND VOTING

References:
   Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81432, and 81511;
   Government Code Sections 53094 and 54950 et seq.;
   Code of Civil Procedure Section 1245.240

A quorum of the Board shall consist of four members.

The Board of Trustees shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

The following actions require a two-thirds majority of all members of the Board of Trustees:
   • Resolution of intention to sell or lease real property (except where a unanimous vote is required);
   • Resolution of intention to dedicate or convey an easement;
   • Resolution authorizing and directing the execution and delivery of a deed;
   • Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
   • Appropriation of funds from an undistributed reserve;
   • Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board of Trustees:
   • Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
   • Resolution authorizing lease of District property under a lease for the production of gas.

All other action taken by the Board not falling in the categories listed above shall be by motion of the Board and passed by a majority voice vote (four votes) at a regular or special meeting unless a member of the Board requests a roll call vote. (Note: Not in CCLC template)
Adoption of all items appearing on the Consent Calendar shall be approved by one motion, provided any item appearing on the posted Consent Calendar may be removed for separate Board action upon the request by any Board Member. (Note: Note in CCLC template)

Date Adopted: March 16, 2010
(Replaces current College of Marin Policies 1.5100, 1.5200, 1.5300, and 1.5310)
The revisions in yellow highlighting are from legal Update 24 issued by the League’s Policy and Procedure Service in April 2014. The language for this procedure was revised to update the threshold value of prohibited gifts.

AP 2712 CONFLICT OF INTEREST CODE

References:
Government Code Sections 87103(e), 87300-87302, 87308, 89501, 89502, and 89503; Title 2 Section 18730

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 Section 13 below 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 regulation 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 California 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 Section 13 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 economic 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 Section 13 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 Section 13. 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.2

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.

NOTE: Text in Footnotes 1 – 2 was moved from here.

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

1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code, Section 81004. -- NOTE -- Moved from body of document to footnote.

2 See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer. NOTE: Moved from body of document to footnote
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.

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:

NOTE: Text in Footnotes 4 – 6 was moved from here.

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;

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principle residence of the filer. NOTE: Moved from Body of Document to Footnote.

4 Investments and interests in real property which have a fair market value of less than $2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater. NOTE: Moved from Body of Document to Footnote.
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; and
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; and
   5. 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 and
   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 reporting period, the statement shall contain:

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5 A designated employee’s income includes his/her community property interest in the income of his/her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency. NOTE: Moved from Body of Document to Footnote.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer’s spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer. NOTE: Moved from Body of Document to Footnote.
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 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.

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 $420 440**

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 $420 440 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 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.

**Section 8.2 -- Loans to Public Officials**

A. No elected officer of a local or state 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 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 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 $390,420,440 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.

Note: The following designated positions are intended to be representative only. The job titles of the individual institution should be used.

Section 13 -- Designated Positions and Disclosure Requirements
1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:
   - Board Members
   - Chief Executive Officer
   - Chief Business Officer

2. 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 disclose for each disclosure category to which he/she is assigned.
**Category 1:** All investments and business positions 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 in 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 (2) years.

**Category 2:** All interests in real property which is located in whole or in part within, or not more than two (2) 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 (2) 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.

**Category 5:** 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 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.

Designated Positions or functions, and the Disclosure Categories assigned to them, are as follows*:

- **Accountant**: Categories 4, 5
- **Assistant Deans**: Category 6
- **Assistant Directors**: Category 6
- **Chief Human Resources Officer**: Category 6
- **Chief Instructional Officer**: Categories 5, 6
- **Chief Student Services Officer**: Categories 5, 6
- **Deans**: Category 6
- **Director of Bookstore**: Category 6
- **Director of Budget**: Categories 4, 5
- **Director of Purchasing**: Categories 1, 4, 5
- **Director of Facilities**: Categories 1, 2, 3, 4
- **Director of Maintenance & Oper.**: Category 2, 3, 6
- **Police Chief**: Categories 5, 6
- **Consultant**: Categories 1, 2, 3, 4, 5, 6

*Not all positions and/or titles are applicable to the Marin Community College District.

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The Superintendent/President or designee may determine in writing that a particular consultant, although a
“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 described in this Section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The Superintendent/President’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.

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<td>(Replaces College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020)</td>
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Admin edits. This procedure was revised to incorporate footnotes at the bottom of the page and to make minor edit/format changes.