Notice of Special Meeting of the Board Policy Committee of the Board of Trustees of the Marin Community College District

Agenda

Monday, January 28, 2013

Administrative Center 108, Kentfield Campus

Trustee Namnath will participate via teleconference call from 1490 Drew Avenue, Davis, CA 95618

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 Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Human Resources department at 485-9340.

If you wish to speak, complete card available at entrance, give card to recording secretary, get 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, Administrative Center 123, Kentfield Campus, for the purpose of making those public records available for inspection.

A. Special Meeting of the Board Policy Committee – 4:00 p.m. in Administrative Center, Room 108, Kentfield Campus

Policy Committee Members
James Namnath, Board President
Eva Long, Trustee
1. Call to Order, Roll Call and Adoption of Agenda
2. Comments from the Public
3. Approval of the Minutes from November 6, 2012
4. Discussion of proposed Chapter 2 Board Policies
   a. BP 2730 Board Member Health Benefits
   b. BP 2735 Board Member Travel
   c. BP 2015 Student Trustee
   d. BP 2100 Board Elections
   e. BP/AP 2105 Election of Student Trustee
   f. BP 2365 Recording
   g. AP 2712 Conflict of Interest Code
   h. BP 2716 Political Activity
   i. BP 2750 Board Member Absence from the State
5. Adjournment
A. Special Board Meeting

1. Call to Order, Roll Call and Adoption of Agenda

The meeting of the Marin Community College District Board Committee on Policy was called to order by Trustee Long at 4:27 p.m. in AC 108 on the Kentfield campus.

M/s (Namnath/Long) to approve the agenda as presented. The motion passed unanimously (2-0).

2. Comments from the Public

None.

3. Approval of the Minutes from June 9, 2010 and October 27, 2011

M/s (Namnath/Long) to approve the Minutes of the June 9, 2010 and October 27, 2011 meeting. The motion passes unanimously (2-0).

4. Discussion of Proposed Chapter 2 Board Policies and possible referral of Policy Languages to the Board of Trustees

- **BP 2730: Board Member Health Benefits** – This policy is legally advised and uses a combination of Community College League legally required language and current College of Marin language and will replace College of Marin Policies 1.2030 and 1.2070. Trustees requested further clarification on CalPERS membership as an elected official. Once clarification is received by the Superintendent/President, BP 2730 will be forwarded for action by the full Board of Trustees.

- **BP 2735: Board Member Travel** – this policy was recommended for revision to better reflect current Board travel practices. BP 2735 will be moved forward for action by the full Board of Trustees.

5. Adjournment

M/s (Namnath/Long) to adjourn the meeting. The motion passed unanimously (2-0).

The meeting was adjourned at 4:59 p.m.
BP 2730 BOARD MEMBER HEALTH BENEFITS

Reference:
Government Code Section 53201

Members of the Board shall be permitted to participate in the District’s health benefit programs. The benefits of members of the Board through the District’s health benefits programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District. Any amount beyond that shall be borne by the individual member. The Board member is bound by the District’s open enrollment schedule/requirements.

Former members of the Board of Trustees may continue to participate in the District’s health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District’s health benefits programs on a self-pay basis. Medical coverage will be in effect until age seventy (70), or to date of death, whichever is earlier.

- From current College of Marin Policy 1.2070 titled Retirement Benefits

Any Board member who served in office between January 1, 1981 and December 1, 1987, and who, at the time of termination of service, has completed twelve (12) years of service as a District Trustee, shall be afforded the same health and welfare coverage indicated in Board Bylaws Section 1.2060. Medical coverage will be in effect until age seventy (70), or to date of death, whichever is earlier.

Board members may join the Public Employees Retirement System (PERS) as long as they are elected officials and receive District compensation. Membership in PERS may be current or retroactive.

- From current College of Marin Policy 1.2060 titled Composition of the Board
A Board member shall receive compensation in the maximum amount authorized by Education Code Section 72425 as it now exists or may hereafter be amended. At the December organizational meeting, the Board of Trustees will review the Board’s compensation per Education Code 72425.e. Each member may waive the right to receive the maximum compensation by indicating in writing to the District that no compensation, or partial compensation, is desired.

Board members will be compensated for one regular board meeting absence per board year (December through November) for personal reasons and one special board meeting absence per board year for personal reasons. However, such compensation will not be awarded for absence during the Budget Meeting at which the Annual Budget is approved.

A member of the Board may be paid for any meeting of the Board from which the member is absent if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the meeting the member was ill or on jury duty or the absence was due to hardship, deemed acceptable by the Board. (Education Code Section 72425)

Each member may also be reimbursed for necessary travel expenses in connection with the carrying out of his/her position on the Board as provided for in Education Code Section 72423.

Those who so elect may also receive such health and welfare benefits as are extended to District management employees, and the cost of such insurance shall be borne by the District up to the equivalent premium paid for a full-time management employee as specified in the Schedule of Salary and Conditions for Management Personnel. Any amount beyond that shall be borne by the individual member.

Also see BP 7510 titled Domestic Partners

NOTE: This policy is legally advised. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policies 1.2060 Compensation and 1.2070 titled Retirement Benefits adopted on 12-10-80 and revised on 12-13-05. Language struck through is recommended for deletion. The language in underlined italicized text is recommended the Superintendent/President. This policy was reviewed by the Board Committee on Policy on 10.27.2011. This document was reviewed by the Board of Trustees’ Policy Review Committee on 11-6-12.

Date Adopted:
(Replaces current College of Marin Policies 1.2060 and 1.2070)
BP 2735 BOARDS MEMBER TRAVEL

References:
Education Code Section 72423 and 87032

Members of the Board of Trustees may have travel and/or conference expenses paid whenever they travel as representatives of and perform 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. Trustees who seek reimbursement and/or payment for expenses incurred for in-state travel, conferences or meetings of governmental agencies, professional associations and educational organizations or associations shall be reimbursed and/or paid up to the annually approved limit allocated in the Board of Trustees’ travel budget. Such reimbursements and/or payments shall be governed by the applicable provisions of State law, Education Code Sections 72423 and 87032.

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.

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 for Trustees must be approved in advance by a majority of the Board at a meeting of the Board of Trustees to be eligible for reimbursement and payment.

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]
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 language in **black ink** is from current College of Marin Policy 2735 titled Board Member Travel approved on 3.16.2010. The language struck through is recommended for deletion. The language in **underline italicized text** reflects revisions from the Superintendent/President and Board Policy Committee and recommended for full Board approval. This document was reviewed by the Board of Trustees’ Policy Review Committee on 11-6-12.

Date Revised:  
Date Adopted: March 16, 2010  
(Replaces current College of Marin Policy 1.2061)
Education Code

72423. The governing board of each community college district shall provide for the payment of the travel expenses of any representatives of the board when performing services directed by the board.

87032. The governing board of a community college district shall provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the district incurred in the course of performing services for the district, whether within or outside the district, under the direction of the governing board. The board may authorize an advance of funds to cover such necessary expense. Such advance shall be repaid or adjusted upon filing of a regular claim for the actual and necessary expenses incurred. The governing board may direct any employee of the district to attend any convention or conference or to visit schools for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the district.
BP 2015 STUDENT TRUSTEE

Reference:
Education Code Section 72023.5

The Board of Trustees shall include a non-voting student member in addition to the publicly-elected Board members.

a) In accordance with Education Code Section 72023.5, the non-voting student member shall:
   1) have the right to attend and participate fully in discussions of issues at all meetings of the Board of Trustees except, the student shall not have the right, or be afforded the opportunity to attend closed sessions of the Board of Trustees;
   2) not be held liable for any acts of the Board of Trustees;
   3) be selected by an election held prior to May 15, run by the student government of the College, and shall be recalled only by a vote of the students enrolled in the College in accordance with procedures prescribed by the Board of Trustees;
   4) be a resident of California, enrolled in the College for at least five semester units and shall meet and maintain the minimum standards of scholarship for community college students (2.0 GPA) throughout his/her entire term;
   5) serve a one-year term commencing on June 1 of each year; and
   6) be entitled to a mileage allowance to the same extent as publicly-elected Board members, but is not entitled to any other compensation except by discretion of the Board of Trustees.

b) By discretion of the Board of Trustees, the non-voting student member may:
   1) make and second motions; cast an advisory vote on any item, excluding personnel and legal matters;
   2) receive compensation at the rate of 50% of the maximum amount of compensation authorized by Education Code Section 72425 as it now exists or may hereafter be amended;
   3) receive no other benefits or compensation from the District except as appears in section (a)(6) or (b)(2); and
   4) participate in all phases of Board of Trustees evaluation procedures.
   5) contribute input to the evaluation of the Superintendent/President, but may not participate in any closed session meeting involving the Board’s evaluation of the Superintendent/President.

c) To meet the requirements of Education Code Section 72023.5 as respects its affording the non-voting student members the privileges enumerated in section (b) of this policy, the Board of Trustees shall consider the re- adoption of its policies at its organizational meeting to include the
adoption of these rules and regulations for a one-year term commencing on the following May 15.

Note: The language in yellow highlighting is a revision recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore) in legal Update 20 disseminated to member districts in April 2012. Language that is stricken is recommended for deletion.

Date Revised:
Date Adopted: December 8, 2009
(Replaces College of Marin Policy 1.2011)
BP 2100 BOARD ELECTIONS

References:
Education Code Sections 5000 et seq. and 72036

The term of office of each trustee shall be four years, expiring the first Friday in December following the general election in November. Elections shall be held every two years, in odd numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

Newly-elected members of the Board shall be qualified by taking the following oath of office complying with the California Constitution and Government Code:

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Note: The Board may change from at large elections of trustees to elections by trustee areas, in accordance with Education Code section 72036 and the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code), upon the adoption by the board of trustees of a resolution in support of the change and upon the approval of the Board of Governors of the California Community Colleges.

Note: The language in yellow highlighting is a revision recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore) in legal Update 20 disseminated to member districts in April 2012.

Date Revised: 
Date Adopted: April 20, 2010
(Replaces College of Marin Policies 1.2020 and 1.2030)
BP 2105 ELECTION OF STUDENT TRUSTEE

References:
Education Code Sections 72023.5 and 72103

The student 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.*

Special elections 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) 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.

**Note:** The language in **yellow highlighting** is a revision recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore) in legal Update 20 disseminated to member districts in April 2012. The information in **green ink** reflects recommended revisions by the Superintendent/President.

Date Revised:  
Date Adopted: December 8, 2009
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.

Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President shall, within 30 days, call a special election. No special election will be called if the vacancy occurs within 60 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.

Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President or designee 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 days on which classes are regularly held;
- following such application period, a period of time no less than 5 days upon which classes are regularly held for campaigning, and;
- voting for the special election to be concluded within 30 days following the date upon which the position became vacant.

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

**NOTE:** This procedure is legally required. The language in red ink is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The above paragraph is provided as language that complies with the requirement of the Education Code that all students enrolled be permitted to participate in the selection of the student member. (See 62 Ops. California Attorney General 126 (1979).) If Districts did not include similar language in Board Policy 2105, it is advised that it be included here. The language in yellow highlight was recommended by the Director of Student Affairs. The language in green ink was recommended by the Superintendent/President.
BP 2365 RECORDING

References:
- Education Code Section 72121(a);
- Government Code Sections 54953.5 and 54953.6

Any audio or video recording of an open and public Board meeting made by or at the direction of the Board, if the Board of Trustees causes any tape or video recording of a meeting, the recording 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 Superintendent/President shall ensure that any such recordings are maintained for at least sixty (60) days following the taping or recording.

Persons attending an open and public meeting of the Board of Trustees may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board of Trustees 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.

Date Adopted: January 19, 2010

Date Revised:
(Replaces College of Marin Policy 1.5330)

NOTE: This policy was revised to more accurately reflect requirements of Government Code Section 54953.5. The underlined red language is from legal Update 21 disseminated to districts in October 2012. The language in regular text is from current Board Policy2365 titled Recording adopted on 1/19/2010. The language struck through is recommended for deletion.
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 the Appendix referred to 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 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 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 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 Section 13 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.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.

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.

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.
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.

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:
3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

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.

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.

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.

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; 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 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 $390 420
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 $390 420 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. Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

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 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 $390 $420 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 disclosure 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.

Date(s) Revised:

November 18, 2011

Date Approved: August 24, 2010

(Replaces College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020)

NOTE: This procedure was revised to correct a typographical error and to make formatting changes. The underlined red language is from legal Update 21 disseminated to districts in October 2012. The language in regular text is from current Administrative Procedure 2712 titled Conflict of Interest Code adopted on 8/24/2010 and revised on 11/18/2011. The language struck through is recommended for deletion.
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 District bond ballot measures.

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

Date Adopted: March 16, 2010
Date Revised:
(This is a new policy recommended by the League and the League’s legal counsel)

NOTE: This policy was revised to more accurately reflect the requirements of Education Code Section 7054.1. The underlined red language is from legal Update 21 disseminated to districts in October 2012. The language in regular text is from current Board Policy 2716 titled Political Activity adopted on 3/16/2010. The language struck through is recommended for deletion.
This is a new Board Policy created in legal Update 20 issued by the League’s Policy and Procedure Service in April 2012. The language reflects the amendment of Government Code Section 1064 regarding Governing Board member absences from the state.

BP 2750  BOARD MEMBER ABSENCE FROM THE STATE

Reference:
Government Code Section 1064

NOTE: This policy is legally advised.

No member of the Board shall be absent from the state for more than 60 days, except in any of the following situations:

- Upon business of community college district with the approval of the Board.

- With the consent of the Board for an additional period not to exceed a total absence of 90 days. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the Board pursuant to this subdivision exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities.

- The term of an interim member of the Board appointed as set forth above may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.
NOTE: This policy is legally advised. The language in red ink is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore) in legal Update 20 disseminated to member districts in April 2012.

Date Adopted:
(This is a new policy recommended by the League and the League’s legal counsel)
GOVERNMENT CODE SECTION 1064

1064. No member of the governing board of a school district or a community college district shall be absent from the state for more than 60 days, except in any of the following situations:

(a) Upon business of the school district or community college district with the approval of the board.

(b) (1) With the consent of the governing board of the school district or community college district for an additional period not to exceed a total absence of 90 days.

(2) In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the governing board of the school district or community college district.

(c) For federal military deployment, not to exceed an absence of a total of six months, as a member of the Armed Forces of the United States or the California National Guard. If the absence of a member of the governing board of a school district or community college district pursuant to this subdivision exceeds six months, the governing board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the governing board may appoint an interim member to serve in his or her absence. If two or more members of the governing board of a school district or community college district are absent by reason of the circumstances described in this subdivision, and those absences result in the inability to establish a quorum at a regular meeting, the governing board may immediately appoint one or more interim members as necessary to enable the governing board to conduct business and discharge its responsibilities.

(d) The term of an interim member of the governing board of a school district or community college district appointed pursuant to subdivision (c) may not extend beyond the return of the absent member, nor may it extend beyond the next regularly scheduled election for that office.