

Conflict of Interest

BP 2710

Reference: Government Code § 1090, et seq.; 1126; 87200, et seq.;
Title 2, § 18730 et seq.

1. A board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to his or her duties as an officer of the district. A board member shall not simultaneously hold two public offices that are incompatible. (Government Code § 1126) (Attachment A)
2. District employees must resign their current position prior to being sworn in as elected or appointed members of the same District's governing board.
3. A board member shall not be considered to have a financial interest in a contract if his or her interest is limited to those interests defined as remote under Government Code § 1091 or is limited to interests defined by Government Code § 1091.5.
4. Board members shall not have a financial interest in any contract made by the Board or in any contract they make in their capacity as board members.
5. A board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a board meeting and have the disclosure noted in the official board minutes. That board member shall not vote or debate on the matter or attempt to influence any other board member to enter into the contract.
6. Upon leaving the board, former members shall not, for a period of one year act as an attorney, agent, or otherwise represent for compensation others appearing before the board.
7. In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets or income of board members:
 - a. when those assets or income originate from a source which is included in a decision made by the board, and;
 - b. the board member would have to exclude him/herself from the decision making process because the resulting decision could effect their financial interests.
8. Board members shall file statements of economic interest with the filing officer as prescribed in administrative procedure.
9. Board members are encouraged to seek counsel from the District's legal advisor in every case where any question of conflict of interest arises.

See Administrative Procedure AP 2710.

Government Code § 1126

(a) Except as provided in Sections 1128 and 1129, a local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or her employing body, unless otherwise approved in the manner prescribed by subdivision (b).

(b) Each appointing power may determine, subject to approval of the local agency, and consistent with the provisions of Section 1128 where applicable, those outside activities which, for employees under its jurisdiction, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees. An employee's outside employment, activity, or enterprise may be prohibited if it:

(1) involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment or;

(2) involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee or;

(3) involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which he or she is employed or;

(4) involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

(c) The local agency shall adopt rules governing the application of this section. The rules shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee. Nothing in this section is intended to abridge or otherwise restrict the rights of public employees under Chapter 9.5 (commencing with Section 3201) of Title 1.

(d) The application of this section to determine what outside activities of employees are inconsistent with, incompatible with, or in conflict with their duties as local agency officers or employees may not be used as part of the determination of compensation in a collective bargaining agreement with public employees.

Approved/Adopted: October 3, 2007