

Monterey Peninsula Community College District

Governing Board Agenda

June 21, 2017

President's Office

College Area

Special Business Agenda Item No. A

Proposal:

That the Governing Board review Board Policies: 2100 – Board Elections; 2105 – Election of Student Trustee; 2345 – Public Participation at Governing Board Meetings; 2350 – Speakers; 2610 – Presentation of Initial Collective Bargaining Proposals; 2710 – Conflict of Interest; 2716 – Political Activity; 2720 – Communication among Governing Board Members; 2721 – Communications by Governing Board Members with College Staff; 2725 – Governing Board Member Compensation; 2730 – Governing Board Member Health Benefits; 2735 – Governing Board Member Travel; 2800 – Complaints and Charges Made to the Governing Board; 3100 – Organizational Structure; 2735 – Governing Board Member Travel; 3250 – Institutional Planning; 3255 – Outcomes Assessment; 3600 – Auxiliary Organizations; 3950 – Display of Flags; 6620 – Naming of Facilities; and 6740 – Citizens' Bond Oversight Committee

Background:

In May 2012, the District approved a new approach for revision of board policies where the policy language provided through the Community College League of California (CCLC) policies and procedure subscription service would be adopted without change, including the numbering, except in limited circumstances. The goal of the new approach is to adopt CCLC's policy manual in its entirety, as a replacement for the District's existing policies. This approach will ensure the District has the essential policies in place and the deleting of out-of-date or noncompliant policies will be accomplished more efficiently. The acceptance of the CCLC policy language without revision is advised to safeguard the District and avoid the need for review of language modifications by local legal counsel, saving District legal costs.

An extensive update of board policies is currently underway to reflect CCLC policy language and policies will be presented to the Board in a group for review and approval to facilitate the policy update. Completion of this update will address one of the recommendations from the District's accreditation evaluation report.

The Board Policies Subcommittee recently completed a review of policies for the Board of Trustees, general institution, and administrative services areas, and recommends approval. The outcomes assessment policy was previously reviewed and endorsed by the Academic Senate.

The attached policies are presented for a first reading for Governing Board review and will return for action at the next board meeting:

Board Policy 2100	Board Elections (replaces existing MPC policy 1005)
Board Policy 2105	Election of Student Trustee (replaces existing MPC policy 1030)
Board Policy 2345	Public Participation at Governing Board Meetings (replaces existing MPC policy 1025)
Board Policy 2350	Speakers (no existing MPC policy)

Board Policy 2610	Presentation of Initial Collective Bargaining Proposals (replaces existing MPC policy 5210) <i>Administrative procedure 2610 also attached for information.</i>
Board Policy 2710	Conflict of Interest (replaces existing MPC policy 1300) <i>Administrative procedure 2710 and 2712 also attached for information.</i>
Board Policy 2716	Political Activity (no existing MPC policy)
Board Policy 2720	Communication among Governing Board Members (no existing MPC policy)
Board Policy 2721	Communications by Governing Board Members with College Staff (replaces existing MPC policy 1060)
Board Policy 2725	Governing Board Member Compensation (replaces existing MPC policy 1100)
Board Policy 2730	Governing Board Member Health Benefits (replaces existing MPC policy 1110)
Board Policy 2735	Governing Board Member Travel (replaces existing MPC policy 1105) <i>Administrative procedure 2735 also attached for information.</i>
Board Policy 2800	Complaints and Charges Made to the Governing Board (replaces existing MPC policy 1055)
Board Policy 3100	Organizational Structure (replaces existing MPC policies 2000 and 5045)
Board Policy 3250	Institutional Planning (no existing MPC policy) <i>Administrative procedure 3250 also attached for information.</i>
Board Policy 3255	Outcomes Assessment (no existing MPC policy)
Board Policy 3600	Auxiliary Organizations (no existing MPC policy) <i>Administrative procedure 3600 also attached for information.</i>
Board Policy 3950	Display of Flags (replaces existing MPC policy 1420)
Board Policy 6620	Naming of Facilities (replaces existing MPC policies 1430 and 1435)
Board Policy 6740	Citizens' Bond Oversight Committee (no existing MPC policy) <i>Administrative procedure 6740 also attached for information.</i>

Budgetary Implications:

None.

INFORMATION: First Reading of Board Policies: 2100 – Board Elections; 2105 – Election of Student Trustee; 2345 – Public Participation at Governing Board Meetings; 2350 – Speakers; 2610 – Presentation of Initial Collective Bargaining Proposals; 2710 – Conflict of Interest; 2716 – Political Activity; 2720 – Communication among Governing Board Members; 2721 – Communications by Governing Board Members with College Staff; 2725 – Governing Board Member Compensation; 2730 – Governing Board Member Health Benefits; 2735 – Governing Board Member Travel; 2800 – Complaints and Charges Made to the Governing Board; 3100 – Organizational Structure; 2735 – Governing Board Member Travel; 3250 – Institutional Planning; 3255 – Outcomes Assessment; 3600 – Auxiliary Organizations; 3950 – Display of Flags; 6620 – Naming of Facilities; and 6740 – Citizens' Bond Oversight Committee

Recommended By: Walter A. Tribley
Dr. Walter Tribley, Superintendent/President

Prepared By: Vicki Nakamura
Vicki Nakamura, Assistant to the President

Agenda Approval: Walter A. Tribley
Dr. Walter Tribley, Superintendent/President



GOVERNING BOARD POLICIES

BP 2100 Board Elections

The term of office of each trustee shall be four years, commencing at the first Board meeting in December following the November election. Effective with the November 2018 election, elections shall be held every two years, in even numbered years. Trustees from Trustee Areas 1 and 2 shall be elected in 2018 and at four-year intervals thereafter. Trustees from Trustee Areas 3, 4, and 5 shall be elected in 2020 and at four-year intervals thereafter. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

The five members of the Governing Board are elected by the residents of the five trustee areas created by the Monterey County Board of Education on August 11, 2008. The trustee areas are:

Trustee Area 1 consists largely of the portion of the City of Seaside from Military Avenue southward to the City of Del Rey Oaks. Trustee Area 1 includes Sand City.

Trustee Area 2 is largely the northern section of the City of Seaside and the City of Marina.

Trustee Area 3 is largely the area of the City of Monterey, Del Rey Oaks and the unincorporated area of the former Fort Ord.

Trustee Area 4 is largely the City of Pacific Grove and the Del Monte Forest Area.

Trustee Area 5 is largely the City of Carmel-by-the-Sea, the Carmel Valley area, and the area of the City of Monterey south of Highway 68 and surrounding Jacks Peak Park.

Detailed maps of the District's trustee areas are available from the Monterey County Elections Department and are posted on the Board of Trustees webpage.

The election of a board member residing in and registered to vote in the trustee area he/she seeks to represent shall be only by the registered voters of the same trustee area.

The Superintendent/President shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The Superintendent/President shall submit the recommendation in time for the Board to act as required by law.



MONTEREY PENINSULA
COLLEGE

GOVERNING BOARD POLICIES

References: Education Code Sections 5000 et seq. and 72036

Formerly Governing Board Policy 1005 – Composition and Authority of the Governing Board

Adopted: April 13, 1988

Revised: February 23, 2010

Revised, Renumbered, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1005 Composition and Authority of the Governing Board

~~The five (5) members of the Governing Board are elected by the residents of the five (5) Trustee Districts created by the Monterey County Board of Education on August 11, 2008.~~

~~Trustee Area One consists largely of the portion of the City of Seaside from Military Avenue southward to the City of Del Rey Oaks. Trustee Area One includes Sand City.~~

~~Trustee Area Two is largely the northern section of the City of Seaside and the City of Marina.~~

~~Trustee Area Three is largely the area of the City of Monterey, Del Rey Oaks and the unincorporated area of the old Fort Ord.~~

~~Trustee Area Four is largely the City of Pacific Grove and the Del Monte Forest Area.~~

~~Trustee Area Five is largely the City of Carmel-by-the-Sea, the Carmel Valley area, and the area of the City of Monterey south of Highway 68 and surrounding Jacks Peak Park.~~

~~Detailed maps of the Trustee areas for Monterey Peninsula College are available from the Monterey County Elections Department.~~

~~The election of a board member residing in and registered to vote in the trustee area he or she seeks to represent shall be only by the registered voters of the same trustee area.~~

~~District elections shall commence on Election Day in November 2009 for Trustee Areas one and two.~~

~~District elections for Trustee areas Three, Four, and Five shall commence on Election Day in November 2011.~~

~~Trustees shall be elected for a term of four (4) years.~~

~~The Trustees so elected constitute the Board of Trustees of the Monterey Peninsula College District.~~

~~The Superintendent/President shall submit recommendations to the Board~~

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1005 Composition and Authority of the Governing Board (continued)

~~regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The Superintendent/President shall submit the recommendation in time for the Board to act as required by law.~~

~~The Governing Board derives its authority for the development, management, control and operation of all properties, programs, policies and procedures of the District and College from Sections 72200-72282 of the Education Code of the State of California. The Board is subject to the provisions of the Constitution of the State of California, the laws of the State of California, particularly the Education Code, specific federal laws, the Rules and Regulation of Title 5, California Administrative Code, its own policies and procedures, and the expressed will of the electorate.~~

~~The Board may initiate and carry on programs, activities, or otherwise act in any manner, which is not in conflict with or inconsistent with or preempted by, any law, and which is not in conflict with the purpose for which the College District was established.~~

~~Board members have authority only when acting as a Board of Trustees legally in session or at the direction of a majority of the Board. The District shall not be bound in any way by any statement or action on the part of any individual Board member or employee, except when such statement or action is in pursuance of specific instructions of the Board.~~

Reference: Education Code 72200, 72233.

Formerly Governing Board Policies 1.1, 1.2 and 1.8.

Revised, Renumbered and Adopted: April 13, 1988.

Revised and Adopted: February 23, 2010.

GOVERNING BOARD POLICIES

BP 2105 Election of Student Trustee

The student trustee of the Monterey Peninsula Community College District Governing Board shall be elected by all of the enrolled 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.

Candidates for the student trustee 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, these policies, and the Constitution and Bylaws of the Associated Students of Monterey Peninsula College. The election will be conducted in accordance with administrative procedures established by the Superintendent/President.

The student trustee 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 Associated Students of Monterey Peninsula College Council to appoint a student to serve the remainder of the term in accordance with procedures established by the Governing Board.

See Administrative Procedure 2105 – Election of Student Trustee

References: Education Code Sections 72023.5 and 72103

Formerly Governing Board Policy 1030 – Student Member of the Governing Board

Adopted: April 13, 1988

Revised: August 22, 2000

Revised, Renumbered, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1030 Student Member of the Governing Board

~~In accordance with the requirements of Education Code Section 72023.5, it shall be the policy of the Governing Board to include within the membership of the Governing Board, in addition to the number of members otherwise prescribed, one non-voting Monterey Peninsula College student who is a resident of the District. Procedures for selecting the student Board member are included as Appendix 1030 of the Governing Board Policies Handbook.~~

~~The rights and duties of the student Board member are also delineated in Appendix 1030. Per Education Code 72023.5, on an annual basis, the Governing Board shall adopt regulations authorizing these privileges by May 15 for the following year.~~

Reference: Education Code 72023.5.

Formerly Governing Board Policy 1.15.

Renumbered and Adopted: April 13, 1988; August 22, 2000



BP 2345 Public Participation at Governing Board Meetings

The Governing Board shall provide opportunities for members of the general public to participate in the business of the Governing Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Governing Board in one of two ways:

1. There will be a time at each regularly scheduled Governing Board meeting for the general public to discuss items not on the agenda.

At the discretion of the Governing Board, members of the public wishing to present such items shall be asked to submit a written request at the beginning of the meeting to the Superintendent/President that summarizes the item and provides his/her name and organizational affiliation, if any. No action may be taken by the Governing Board on such items.

2. Members of the public may place items on the prepared agenda in accordance with Board Policy/Administrative Procedure 2340 -- Agendas.

Members of the public also may speak to items on the agenda at the Board meeting and submit written communications to the Board on agenda items. Written communication regarding items on the Board's agenda should reach the office of the Superintendent/President not later than three working days prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

References: Education Code Section 72121.5;
Government Code Sections 54954.3 and 54957.5

Formerly Governing Board Policy 1025 – Public Appearance Before the Board and Conduct of Board Meetings

Adopted: April 13, 1988

Revised: June 22, 1994; June 22, 2010:

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

~~1025 Public Appearance Before the Board and Conduct of Board Meetings~~

~~All meetings of the Governing Board, except closed sessions, will be open to the public who may address the Board on items appearing on the agenda, as well as items not on the agenda provided no action is taken by the Board on non-agenda items. Members of the public may also request that matters directly related to District business be placed on the agenda of future meetings.~~

~~Public appearances before the Board are subject to the following conditions:~~

~~Public Discussion of Agenda Items~~

~~Discussion by the public of items on the agenda may be made as such items come up, but will ordinarily be made under the agenda item "Comments from Visitors" in order to facilitate the conduct of the meeting. Persons addressing the Board shall, when requested, identify themselves and state the name of any agency or organization, which they represent. The Board President may set time limitations for any discussion of agenda items or discussion of other District business not on the agenda addressed by the public.~~

~~The Board Chair on behalf of the Board shall acknowledge the presentation. All Board questions pertaining to matters raised under "Comments from Visitors" shall be directed to the Superintendent/President.~~

~~Comments from Visitors~~

~~The order of business of any regularly scheduled meeting will include an opportunity for the public to address the Board under the agenda item entitled "Comments from Visitors." Any member of the staff, any resident of the District, student or parent of a student, or any group or organization operating within the District, may request that a matter directly related to District business be placed on a future agenda. The request may be oral or in writing, preferably the latter. The Secretary, upon receipt of a written request, no later than 10:00 A.M. at least ten (10) working days in advance of a regularly scheduled meeting of the Board, shall schedule the item as a sub-division to "Comments from Visitors" for the next regular meeting or a later meeting within reasonable expectations. The Secretary will then notify the group or individual of the time and place of the meeting.~~

~~The written request shall include the name, address and telephone number of the person or organization, and shall include a statement of the action requested, if any, and pertinent background information on the matter. No action shall be taken on any item not appearing on the agenda when raised by the public unless the action is otherwise authorized under one or more of the three conditions listed in Section 1020.~~

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1025 Public Appearance Before the Board and Conduct of Board Meetings (continued)

~~Complaints and charges against individual employees of the District presented to the Governing Board shall be made in accordance with Section 1055 of the Governing Board Policies.~~

Reference: Education Code 72121.5, Government Code 54954.3.

Formerly Governing Board Policies 1.9.2 and 1.14.

Revised, renumbered and adopted: April 13, 1988.

Revised and re-adopted: June 22, 1994.

Revised and re-adopted: June 22, 2010.



BP 2350 Speakers

Persons may speak to the Governing Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Governing Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Governing Board are subject to the following:

1. The President of the Governing Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Governing Board or if their remarks are unduly repetitive.
2. Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Governing Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Governing Board implementing that section.
3. No member of the public may speak without being recognized by the President of the Governing Board.
4. Each speaker will be allowed a maximum of 3 minutes per topic. This time limit may be extended at the discretion of the Governing Board.
5. At the discretion of the Governing Board, a maximum time allotment for public speakers on any one subject may be established, regardless of the number of speakers at any one Governing Board meeting. This time limit may be extended at the discretion of a majority of the Governing Board.
6. Each speaker coming before the Governing Board is limited to one presentation per specific agenda item before the Governing Board, and to one presentation per meeting on non-agenda matters.

See Board Policy 2345 – Public Participation at Governing Board Meetings and Board Policy 2355 – Decorum

References: Education Code Section 72121.5;
Government Code Sections 54950 et seq.

Adopted:

GOVERNING BOARD POLICIES

Chapter 2 Board of Trustees

2610

BP 2610 Presentation of Initial Collective Bargaining Proposals

The Superintendent/President shall develop administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Governing Board of initial proposals for collective bargaining. The intent of Government Code Section 3547 is to inform the public of the issues that are being negotiated upon and provide full opportunity for the public to express their views to the District.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with the timelines specified in the bargaining agreements between the District and the Monterey Peninsula College Teachers Association, and the California School Employees Association Chapter #245- MPCEA/CSEA.

See Administrative Procedure 2610 – Presentation of Initial Collective Bargaining Proposals

References: Government Code Section 3547

Formerly Governing Board Policy 5210 – Contract Proposals-Public Notice

Adopted: May 10, 1989

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

C. Employee Organizations

~~5210—Contract Proposals—Public Notice~~

- ~~1. All initial proposals of recognized exclusive representatives of Monterey Peninsula Community College District (MPCCD) employees and all initial proposals of the MPCCD shall be presented at a public meeting of the Governing Board and thereafter shall be public records. The proposals must be made in writing, and copies shall be made available to the public at the meeting by the respective parties initiating the proposals. Oral presentations and discussions may be initiated by either the exclusive representative or the Board, but neither party shall enter into negotiations at the initial presentation and neither party shall attempt to use the presentation to benefit the negotiating position of either party. All initial proposals will be sent to the local media along with the date for public expression on the proposals, and copies of the proposals will also be made available after the meeting through the Superintendent/President's Office.~~
- ~~2. The public shall have an opportunity to express itself on the employee proposal at a public meeting of the Governing Board after a reasonable amount of time (not less than six (6) days) has elapsed from the public presentation of the employee proposal. The Board shall adopt its initial proposal at any time after the public has had an opportunity to express itself but as soon as reasonably possible to allow sufficient time for meeting and negotiating prior to the adoption of the final budget for the ensuing year and sufficiently in advance of such adoption date so that there is adequate time for agreement to be reached, or for the resolution of an impasse.~~
- ~~3. New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours by:
 - ~~(1) posting the proposal on the bulletin board by the Personnel Office,~~
 - ~~(2) making copies of the proposal available to the public through the College Superintendent/President's Office, and~~
 - ~~(3) sending copies to the news media.~~If a vote is taken on a new subject by the Governing Board, the vote thereon by each member voting shall also be made public within twenty-four (24) hours by a roll call vote in a public meeting and inclusion in the minutes of the public meeting.~~

Reference: Government Code 3547.

Formerly Governing Board Policy 5.13.

Re-adopted: May 10, 1989.

ADMINISTRATIVE PROCEDURES

AP 2610 Presentation of Initial Collective Bargaining Proposals

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

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

ADMINISTRATIVE PROCEDURES

When the District and the exclusive representative agree to amend an executed collective bargaining agreement in accordance with the agreement, the following procedure shall be followed:

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

See Board Policy 2610 – Presentation of Initial Collective Bargaining Proposals

Reference: Government Code Section 3547

President's Cabinet Approved:



GOVERNING BOARD POLICIES

Chapter 2 Board of Trustees

2710

BP 2710 Conflict of Interest

Governing Board members and employees shall not be financially interested in any contract made by them in their official capacity, or in any body or board of which they are members.

A Governing Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Governing Board member who has a remote interest in any contract considered by the Governing Board shall disclose his/her interest during a Governing Board meeting and have the disclosure noted in the official Governing Board minutes. The Governing Board member shall not vote or debate on the matter or attempt to influence any other Governing Board member to enter into the contract.

A Governing Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of Governing Board members who may be affected by their official actions, and prevent members from making or participating in the making of Governing Board decisions which may foreseeably have a material effect on their financial interest.

Governing Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Governing Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

See Administrative Procedure 2710 – Conflict of Interest and Administrative Procedure 2712 – Conflict of Interest Code

References: Government Code Sections 1090 et seq.; 1126; and 87200 et seq.;
Title 2 Sections 18730 et seq.

Formerly Governing Board Policy 1300 – Conflict of Interest: Governing Board and Designated Positions

Adopted: April 13, 1988

Revised: November 23, 2004

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

D. Conflict of Interest

1300 ~~Conflict of Interest: Governing Board and Designated Positions~~

~~No member of the Board of Trustees shall have any financial interest in any contract or purchase order authorized by the Board.~~

~~The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the appendices to the Board Policies in which officials and employees are designated and disclosure categories are set forth, are incorporated by reference and constitute the Conflict of Interest Code for the Monterey Peninsula Community College District. The Conflict of Interest Code is included as Appendix 1300 of the Governing Board Policies Handbook.~~

Reference: California Administrative Code, Title 5, 18730.

Adopted: April 13, 1988.

Revised and adopted: November 23, 2004.

ADMINISTRATIVE PROCEDURES

Chapter 2 Board of Trustees

2710

AP 2710 Conflict of Interest

Incompatible Activities (Government Code Sections 1099 and 1126)

Governing Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A Governing Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Governing Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)

Governing Board members and employees shall not be financially interested in any contract made by the Governing Board or in any contract they make in their capacity as members of the Governing Board or as employees.

A Governing Board member shall not be considered to be financially interested in a contract if his/her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Governing Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Governing Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Governing Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child.

No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Governing Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

Financial Interest in a Decision (Government Code Sections 87100 et seq.)

If a Governing Board member or employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Governing Board's official minutes. In the case of an employee, this

ADMINISTRATIVE PROCEDURES

announcement shall be made in writing and submitted to the Governing Board. A Governing Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself/herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Governing Board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section 89503)

Governing Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

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

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

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

Governing Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. The term "honorarium" does not include:

ADMINISTRATIVE PROCEDURES

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

Representation (Government Code Section 87406.3)

Elected officials and the Superintendent/President shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318(c)(1))

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Disciplinary action will be taken for violations of such standards by Board members, employees, or agents of the District.

See Board Policy 2710 – Conflict of Interest and Administrative Procedure 2712 – Conflict of Interest Code

References: Education Code Section 72103(b);
Government Code Sections 1090 et seq., 1099, 1126, 87100 et seq., 87105,
87200-87210, 87406.3, 89501, 89502, 89503, and 89506;
Title 2 Sections 18700 et seq.;
2 Code of Federal Regulations Part 200.318(c)(1)

President's Cabinet Approved:

ADMINISTRATIVE PROCEDURES

Chapter 2 Board of Trustees

2712

AP 2712 Conflict of Interest Code

NOTE: *This procedure is essentially verbatim from Title 2 Sections 18730 et seq. The numbering system reflects the system used in the code and includes gaps in numbering. The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act.*

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 Cal. Code of Regulations Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

Section 2. Designated Employees

The persons holding positions listed in **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 economics interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. In addition, this code does not establish any disclosure obligation for any designated



ADMINISTRATIVE PROCEDURES

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.¹ 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.

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.

ADMINISTRATIVE PROCEDURES

- (C) Annual Statements. All designated employees shall file statements no later than April 1.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office

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

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

Section 6. Contents of and Period Covered by Statements of Economic Interests

- (A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
- (B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
- (C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
- (D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

ADMINISTRATIVE PROCEDURES

Section 7. Manner of Reporting

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

- (A) Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:
1. A statement of the nature of the investment or interest;
 2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 3. The address or other precise location of the real property;
 4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).
- (B) Personal Income Disclosure. When personal income is required to be reported,⁵ 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;
 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,⁶ the statement shall contain:

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 or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

ADMINISTRATIVE PROCEDURES

1. The name, address, and a general description of the business activity of the business entity;
 2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
- (D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.
- (E) Acquisition or Disposal during Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.
- (B) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

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

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

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.



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

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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.

ADMINISTRATIVE PROCEDURES

- 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

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- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3. Legally Required Participation

No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her participation legally required for purposes of this section.

Section 9.5. Disqualification of State Officers and Employees

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

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

Section 10. Disclosure of Disqualifying Interest

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

Section 11. Assistance of the Commission and Counsel

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

Section 12. Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000- 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section



ADMINISTRATIVE PROCEDURES

87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Section 13. Designated Positions and Disclosure Requirements

(A) The persons occupying the following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:

- Governing Board
Superintendent/President
Vice President for Academic Affairs
Vice President for Student Services
Vice President for Administrative Services
Vice President of Advancement
Consulting Attorneys

(B) Designated positions, and the Disclosure Categories assigned to them, are as follows:

Table with 2 columns: Designated Positions and Disclosure Categories. Lists 7 main categories and 16 sub-positions with their corresponding disclosure codes.

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Designated Positions	Disclosure Categories
Director, Marine Advanced Technology Education (MATE)	5,6
Associate Director, Marine Advanced Technology Education (MATE)	5,6
Director, Marketing and Communications	5,6
Director, Maurine Church Coburn School of Nursing	5,6
Director, Security and Emergency Operations	5,6
Director, Public Safety Training Center	5,6
Director, Student Financial Services	5,6
Director, Student Success and Equity	5,6
Facilities Operations Supervisor	5,6
Purchasing Agent	4,5,6
Division Chairpersons of:	5,6
Business/Technology	5,6
Counseling	5,6
Creative Arts	5,6
Humanities	5,6
Library & Technology Center	5,6
Life Science	5,6
Physical Education	5,6
Physical Science	5,6
Social Science	5,6
Consultants	1,2,3,4,5,6

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 or designee’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.

(C) **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.



ADMINISTRATIVE PROCEDURES

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 years.

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

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

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

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.

See Board Policy/Administrative Procedure 2710 – Conflict of Interest

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

Formerly Governing Board Policy Section 13 1300 – Conflict of Interest Code

Adopted: April 13, 1988

Revised: December 5, 2003; November 23, 2004; December 14, 2016

Renumbered, Revised, and Adopted:

GOVERNING BOARD POLICIES

Chapter 2 Board of Trustees

2716

BP 2716 Political Activity

Members of the Governing 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 Governing Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Governing Board may by resolution express the Governing 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.

See also Board Policy/Administrative Procedure 7370 – Political Activity

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

Adopted:



MONTEREY PENINSULA
COLLEGE

GOVERNING BOARD POLICIES

Chapter 2 Board of Trustees

2720

BP 2720 Communications among Governing Board Members

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

References: Government Code Section 54952.2

Adopted:



MONTEREY PENINSULA
COLLEGE

GOVERNING BOARD POLICIES

Chapter 2 Governing Board

2721

BP 2721 Communications by Governing Board Members with College Staff

Members of the Governing Board will normally make requests for substantive information concerning College matters directly to the Superintendent/President. If Board members communicate directly with staff members on substantive matters related to College business, they shall notify the Superintendent/President.

References: No Specific References

Formerly Governing Board Policy 1060 – Communications by Governing Board Members with College Staff

Adopted: April 13, 1988

Renumbered and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1060 Communications by Governing Board Members with College Staff

~~Members of the Governing Board will normally make requests for substantive information concerning College matters directly to the Superintendent/President. If Board members communicate directly with staff members on substantive matters related to College business, they shall notify the Superintendent/President.~~

Adopted: April 13, 1988.



MONTEREY PENINSULA
COLLEGE

GOVERNING BOARD POLICIES

Chapter 2 Board of Trustees

2725

BP 2725 Governing Board Member Compensation

Members of the Governing Board shall receive no direct remuneration, other than health and welfare benefits and travel expenses for service as a member of the Governing Board.

References: Education Code Section 72024

Formerly Governing Board Policy 1100 -- Remuneration

Adopted: April 13, 1988

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

B. Compensation of Board Members

1100 Remuneration

~~Members of the Governing Board shall receive no direct remuneration, other than those benefits described in Governing Board Policies 1105 and 1110, for service as a member of the Board.~~

Reference: Education Code 72425.

Formerly included in Governing Board Policy 1.1.

Revised, Renumbered and Adopted: April 13, 1988.



BP 2730 Governing Board Member Health Benefits

Members of the Governing Board shall be permitted to participate in the District's health benefit programs. The benefits of members of the Governing 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.

Former members of the Governing Board 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 Governing Board after January 1, 1981; the member must have been first elected to the Governing Board before January 1, 1995; and the member must have served at least 12 years. All other former Governing Board members may continue to participate in the District's health benefits programs on a self-pay basis.

References: Government Code Sections 53201 and 53208.5

Formerly Governing Board Policy 1110 – Health and Welfare Benefits

Adopted: April 13, 1988

Revised: April 19, 1994; April 29, 2003

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

B. Compensation of Board Members

1110 Health and Welfare Benefits

Active Board Members:

~~Pursuant to Government Code, current members of the Governing Board, except the student Board member, may participate in the Medical/Dental/Vision/Life Insurance programs under the same rules that apply to full-time management employees. Such participation shall be at the individual election of the Board member, paid for by the District.~~

Former Board Members:

a) ~~Assuming office prior to November 1, 1998:~~

~~The District shall provide for the continuation of Medical and Life Insurance for former Board members who elect to receive them who served in office after January 1, 1981, and whose total service at the time of termination is not less than twelve (12) years. The Medical and Life Insurance benefits for former Board members will be the same as those provided to eligible retired management employees.~~

~~The District shall also provide the above Medical and Life Insurance benefits for former Board members who have completed one or more terms of office, but less than twelve (12) years, and who pay the full costs of the Medical and Life Insurance plans. The level of Medical and Life insurance benefits available to former Board members will be the same as those available to retired management employees.~~

~~The District shall provide Dental and Vision Insurance to former Board members only at the same levels and under the same rules that apply to retired management employees.~~

b) ~~Assuming office on or after November 1, 1998, shall not be entitled to participate in the health benefits plan of the District upon leaving office, except as allowed by COBRA.~~

Reference: Government Code 53201, 53205, 53205.1 as amended.

Adopted: April 13, 1988.

Revised and Re-Adopted: April 19, 1994, April 29, 2003.



MONTEREY PENINSULA
COLLEGE

GOVERNING BOARD POLICIES

Chapter 2 Board of Trustees

2735

BP 2735 Governing Board Member Travel

The District shall provide actual and necessary expenses incurred by Governing Board members in authorized travel at conferences or professional meetings as representatives of the District, as prescribed by District travel procedures.

See Administrative Procedure 2735 – Governing Board Member Travel

References: Education Code Section 72423

Formerly Governing Board Policy 1105 – Travel Expenses

Adopted: April 13, 1988

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

B. Compensation of Board Members

1105 Travel Expenses

~~The District shall provide actual and necessary expenses incurred by Board members in authorized travel on school business or at conferences or professional meetings, as prescribed by District travel procedures.~~

Reference: Education Code 27423; 72425.

Formerly included in Governing Board Policy 1.1.

Revised, Renumbered and Adopted: April 13, 1988.

ADMINISTRATIVE PROCEDURES

AP 2735 Governing Board Member Travel

Governing Board members are required to comply with board policies and administrative procedures established for District employees, including completion of travel and conference reimbursement forms. Trustees requesting travel and meeting expenses should plan ahead to avoid unnecessary short-notice travel or meeting expenses and late registration charges. On request, the President's Office staff will assist Governing Board members with travel arrangements and the completion of appropriate forms.

Approval

Any travel which involves reimbursable expenses in excess of \$1,000 and all travel outside of California shall be approved by the Governing Board prior to the onset of the travel.

The Governing Board Chair or Superintendent/President must authorize travel within the state with reimbursable expenses less than \$1,000. The Board Chair or Superintendent/President shall sign all travel reimbursement forms.

See Board Policy 2735 – Governing Board Member Travel and Board Policy/Administrative Procedure 7400 – Employee Travel

Reference: Education Code Section 72423

President's Cabinet Approved:



BP 2800 Complaints and Charges Made to the Governing Board

All charges or complaints made against employees of the District and presented to the Governing Board or to individual Board members directly shall be referred to the Superintendent/President for investigation and report unless they refer directly to the Superintendent/President.

Any complaints received by an individual Board member will be referred to the Superintendent/President for investigation. Following the investigation, the Superintendent/President will then communicate to the person making the complaint with a copy to all Board members. If the Board member prefers, the Superintendent/ President will communicate his/her findings back to the Board member, who will be responsible for contacting the complainant, and copies of the investigation report will be sent to all Board members.

Anonymous complaints will be disregarded by the Board and individual Board members.

References: No specific references

Formerly Governing Board Policy 1055 – Complaints and Charges Made to the Governing Board

Adopted: April 13, 1988

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

A. Organization and Procedures of the Governing Board

1055 Complaints and Charges Made to the Governing Board

~~All charges or complaints made against employees of the District and presented to the Governing Board or to individual Board members directly shall be referred to the Superintendent/President for investigation and report unless they refer directly to the Superintendent/President.~~

~~Any complaints received by an individual Board member will be referred to the Superintendent/President for investigation. Following the investigation, the Superintendent/President will then communicate to the person making the complaint with a copy to all Board members. If the Board member prefers, the Superintendent/President will communicate his/her findings back to the Board member, who will be responsible for contacting the complainant, and copies of the investigation report will be sent to all Board members.~~

~~Anonymous complaints will be disregarded by the Board and individual Board members.~~

Reference: Governing Board Policy 5595.

Formerly Governing Board Policy 1.13.

Revised, Renumbered and Adopted: April 13, 1988.



MONTEREY PENINSULA
COLLEGE

GOVERNING BOARD POLICIES

Chapter 3 **General Institution**

3100

BP 3100 Organizational Structure

The Superintendent/President shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the District. The charts are a structural outline of administrative responsibility. The organizational charts are subject to review by the Governing Board.

See Administrative Procedure 3100 – Organizational Structure

References: Education Code Section 72400

Formerly Governing Board Policies 2000 – Organization Chart and 5045 – Line of Responsibility

Adopted: June 1, 1988 for Policy 2000 and May 10, 1989 for Policy 5045

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

2000 SERIES ADMINISTRATION & BUSINESS SERVICES

A. Organization of the College

2000 Organization Chart

~~The Superintendent/President shall maintain a current Organization Chart (following page), which delineates the line of responsibility within the College. The chart shall be reviewed and approved annually by the Governing Board upon recommendation of the Superintendent/President. Detailed statements of the functions and responsibilities of each of the major administrative officers of the College shall also be maintained, and included as Appendix 2000 of the Governing Board Policies.~~

~~The Organizational Chart shall be considered as a diagrammatic outline of administrative responsibility, but it is recognized that such a structure should not prevent a free flow of communication and information within the College.~~

Reference: Governing Board Policy 5045.

Formerly Governing Board Policy 2.1

Revised, Renumbered and Adopted: June 1, 1988.

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

A. All Employees

5045 Line of Responsibility

~~Each employee of the College shall be responsible to the Governing Board through the Superintendent/President.~~

~~Administrative responsibility is delegated to the department heads, the division chairpersons, and the administrative officers, as outlined in the respective job descriptions. Although it is not anticipated that a rigid pattern of authority will be established which will prevent a free flow of communication and assistance within the College, general lines of communication shall be observed.~~

Reference: Governing Board Policy 2000.

Formerly Governing Board Policy 5.8.

Revised, Renumbered and Adopted: May 10, 1989.



BP 3250 Institutional Planning

The President/Superintendent shall ensure that the District has and implements a broad-based comprehensive, systematic, and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

Institutional planning shall include plans required by law, including, but not limited to:

- Educational Master Plan
- Facilities Plan;
- Equal Employment Opportunity (EEO) Plan;
- Student Equity Plan;
- Student Success and Support Program Plan;
- Technology Plan;
- Transfer Center Plan;
- Cooperative Work Experience Plan; and
- Extended Opportunity Programs and Services (EOPS) Plan.

The Superintendent/President shall submit those plans (as required by Title 5) to the Governing Board for approval.

The Superintendent/President shall inform the Governing Board about the status of institutional planning and ensure that the Governing Board has an opportunity to assist in developing the general institutional mission and goals for the comprehensive institutional plans.

See Administrative Procedure 3250 – Institutional Planning

References: Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, and 56270 et seq.;
ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, and IV.B.3

Adopted:

ADMINISTRATIVE PROCEDURES

Chapter 3 General Institution

3250

AP 3250 Institutional Planning

The District's integrated planning processes are overseen by the Planning, Research, and Institutional Effectiveness Committee (PRIE). The PRIE committee shall:

- Initiate and oversee activities related to integrated planning processes including the development, implementation, and evaluation of MPC model for integrated planning
- Support and monitor the development of college planning documents, the Institutional Action Plan, and the Institutional Action Plan Annual Evaluation Report
- Ensure that institutional planning processes are informed by and connected to institutional data and research

In addition, the PRIE committee shall assess institutional planning processes. The PRIE committee shall:

- Evaluate MPC decision-making and planning processes every three years, prepare an assessment report, and revise the Integrated Planning Manual as needed
- Annually review the Integrated Planning Manual for minor corrections and update as needed

The PRIE committee shall guide program review activities at the District. The PRIE shall:

- Make recommendations to Academic Senate on the process and format for program review
- Review all program reviews and provide feedback
- Create annual summary of program reviews and action plans.
- Provide annual training on how to prepare effective program reviews

See Board Policy 3250 – Institutional Planning

See Integrated Planning Manual

References: Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, and 56270 et seq.;

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, and IV.B.3

President's Cabinet Approved:



GOVERNING BOARD POLICIES

BP 3255 Outcomes Assessment

The outcome development and assessment process at Monterey Peninsula College is intended to be a framework to evaluate and improve student learning and guide resource allocation. The results of outcomes assessment are not intended to be used as a basis for performance evaluation of any employee class. The Superintendent/President shall work with appropriate constituencies to establish procedures to ensure that all outcomes are assessed in a systematic manner. Procedures related to assessment in non-administrative areas shall rely primarily upon the recommendations of the Academic Senate.

See Administrative Procedure 4023 – Student Learning Outcomes (SLO)

References: ACCJC Accreditation Eligibility Requirement 11
ACCJC Accreditation Standards I.B.1 – 2, I.B.5 - 6, I.C.3 ,II.A.1 - 3, II.A.9, and III.A.6

Adopted:

BP 3600 Auxiliary Organizations

The Governing Board may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs, and functions identified in Title 5.

The Superintendent/President shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the Chancellor for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Governing Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5 Section 59257(j).

Any auxiliary organization recognized by the Governing Board shall conduct its business in accordance with the administrative procedures adopted by the Superintendent/President pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Governing Board shall comply with Education Code provisions regarding:

- the composition of a Board of Directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community college districts or providing the District with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

See Administrative Procedure 3600 – Regulations for Auxiliary Organizations

References: Education Code Sections 72670 et seq.;
Title 5 Sections 59250 et seq.

Adopted:

ADMINISTRATIVE PROCEDURES

AP 3600 Regulations for Auxiliary Organizations

1. Definitions

- A. Board of Directors
The term, Board of Directors, as used herein means the governing board of an auxiliary organization.

- B. Board of Trustees/Board
The term, Board of Trustees or Board, as used herein means the Board of Trustees of the Monterey Peninsula Community College District.

- C. Board of Governors
The term, Board of Governors, as used herein means the Board of Governors of the California Community Colleges.

- D. Superintendent/President
The term, Superintendent/President, as used herein means the Superintendent/President of the Monterey Peninsula Community College District.

- E. District
The term, District, as used herein means the Monterey Peninsula Community College District.

2. Recognition And Establishment of Auxiliary Organizations

Recognition of the establishment of an auxiliary organization by the Board of Trustees pursuant to Education Code Section 72672 (c) and California Code of Regulations, Title 5, Sections 59255 and 59257 (a) shall require:

- A. That a recommendation is submitted to the Board of Trustees by the Superintendent/President.

- B. Prior to the recognition of an auxiliary organization, a public hearing on the recommendation will be held at a time, place, and in the manner determined by the Board of Trustees;

- C. The approval of the establishment of the auxiliary organization by the Board of Trustees. Approval by the Board of Trustees shall include a designation of the recognized services, programs and functions and an identification of the number and category or categories of members of the Board of Directors of the auxiliary organization; and

ADMINISTRATIVE PROCEDURES

- D. The approval by the Board of Trustees of a written agreement between the District and the auxiliary organization under which one or more of the services, programs or functions described in Section 59259 are to be performed.

3. **Recognized Services, Programs, and Functions**

Auxiliary organizations may be recognized and established for the purpose of providing activities which are an integral part of the Monterey Peninsula Community College District educational programs. The services, programs, and functions which may be undertaken by auxiliary organizations and which have been determined by the Board of Trustees and the Board of Governors to be appropriate include:

- (a) Student association or organization activities;
- (b) Bookstores;
- (c) Food and campus services;
- (d) Student union programs;
- (e) Facilities and equipment, including parking;
- (f) Loans, scholarships, grants-in-aid;
- (g) Workshops, conferences, institutes and federal projects;
- (h) Alumni activities;
- (i) Supplementary health services;
- (j) Gifts, bequests, devises, endowments and trusts; and
- (k) Public relations programs.

No auxiliary organization shall be authorized by the Board of Trustees to engage in any other function unless the Board of Governors amends Section 59259 of Title 5, California Code of Regulations, by adding said function to the list of approved functions of auxiliary organizations.

In accordance with Education Code Section 72671 the services, programs, and functions may be performed by any auxiliary organization as part of a joint powers agreement.

4. **Composition And Size Of Boards Of Directors**

The Board of Directors of each auxiliary organization shall have the following composition:

- A. The Board of Directors of student associations or organizations shall consist primarily of students. The Superintendent/President or his/her representative shall attend and participate in meetings of the Board of Directors in order to advise on policy and to provide for the control and regulation required by Education Code Section 76060.

ADMINISTRATIVE PROCEDURES

- B. Any other District-approved auxiliary organization that is established pursuant to Education Code Section 72670 et. seq. shall have a Board of Directors appointed in accordance with the organization's Articles of Incorporation or Bylaws and consisting of voting membership from one or more of the following categories:
 - Board of Trustees of the District
 - Administration and staff
 - Faculty
 - Members of the community
 - Students

- C. Each auxiliary organization formed pursuant to Section 72670 et seq. of the Education Code shall have the benefit of the advice and counsel of at least one attorney admitted to practice in the State of California and at least one licensed certified public accountant; however, neither the attorney nor the public accountant need be a member of the Board of Directors.

- D. Each nonprofit corporation that existed prior to the effective date of these Regulations, and that is subsequently reorganized and established as an auxiliary organization under these Regulations, may continue to be governed by the Board of Directors existing at the time of recognition.

5. Business Meetings

The Board of Directors of each auxiliary organization shall conduct its business in public meetings in accordance with Section 54940 et. seq. of the Government Code, and shall, during each fiscal year, hold at least one business meeting each quarter.

6. Salaries, Working Conditions and Benefits of Full-Time Employees

- A. Except as otherwise provided in this Board Regulation, the Board of Directors of each auxiliary organization shall, pursuant to Education Code Section 72672, provide salaries, working conditions, and benefits for its full-time employees that are comparable to those provided District employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to the services performed by District employees, the salaries shall be comparable to the salaries prevailing in other educational institutions in the area or commercial operations of like nature in the area.

- B. The Board of Directors of each auxiliary organization may provide retirement benefits different from those provided comparable District employees and may withhold retirement benefits or permanent status benefits or both from temporary employees. For the purpose of this Regulation, a temporary employee is:

ADMINISTRATIVE PROCEDURES

- (1) An employee employed for a specific research project, workshop, institute or other special project funded by any grant, contract or gift; or
 - (2) An employee whose contract of employment is for a fixed term not exceeding three years.
 - C. The Board of Directors of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this Regulation, an executive employee is any management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general managers, managers, directors, and the like, as determined by the Board of Directors of each auxiliary organization.
 - D. Should retirement benefits be provided, they may, but need not, be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from the requirement of providing retirement benefits for a period not to exceed three years from the date on which the Board of Trustees recognizes the establishment of such auxiliary organization.
- 7. Expenditures and Fund Appropriation**
- The Board of Directors of an auxiliary organization shall approve all expenditure authorizations. Appropriations of funds for use outside of the normal business operations of the auxiliary organization shall be approved in accordance with Board of Trustee policy and further consistent implementing regulations adopted by the Board of Trustees.
- 8. Accounting and Reporting**
- A. The Board of Directors of all auxiliary organizations, except those exempted in Section 72673 of the Education Code, shall:
 - (1) Utilize a standard accounting and reporting system established by the Chancellor of the California Community Colleges in consultation with representatives of the Board of Governors.
 - (2) Implement financial standards which will assure the fiscal viability of such various auxiliary organizations. Such standards shall include proper provision for professional management, adequate working capital, adequate reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements.

ADMINISTRATIVE PROCEDURES

- B. Each District auxiliary organization shall submit its programs and budgets for review at a time and in a manner specified by the Superintendent/President or designee.
- C. Should the Superintendent/President determine that any program or appropriation planned by an auxiliary organization is not consistent with District policy, the program or appropriation shall not be implemented. Further, should a program or appropriation which has received approval, upon review, be determined by the Superintendent/President, to be operating outside the acceptable policy of the Board of Governors or the District, then that program or appropriation shall be discontinued by direction of the Superintendent/President until further review is accomplished and an appropriate adjustment is made.

9. Funds

- A. All money collected by or on behalf of a student body auxiliary organization shall be deposited in trust by the chief business officer of the District. All such money shall be accounted for properly and, subject to the approval of the Superintendent/President or designee and the appropriate officer of said organization, be deposited or invested in any one or more ways specified in Sections 76063 and 76064 of the Education Code.

The chief business officer of the District shall be custodian of all unexpended funds and money collected by or on behalf of a student body auxiliary organization and shall provide the necessary accounting records and controls for such funds. These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of said organization.

- B. Trust funds shall be used specifically for the purpose designated in the instrument creating the trust.
- C. Funds of an auxiliary organization shall be used for purposes consistent with District policy where applicable, and shall not be used:
 - (1) To support or oppose any candidate for public office, whether partisan or not, or to support or oppose any issue before the voters of this state or any subdivision thereof or any city, municipality, or local governmental entity of any kind.
 - (2) To make personal loans for non-educationally related purposes, except that such loans be made when specifically authorized by a trust instrument under which the funds were received.

ADMINISTRATIVE PROCEDURES

- D. An indemnity bond shall be obtained by an auxiliary organization for its fiscal officer who is responsible for handling funds of the auxiliary organization.
- E. Grants, bequests, trusts, donations and gifts accepted by an auxiliary organization shall be maintained in accordance with policies and regulations established by the District.
- F. Funds derived by an auxiliary organization from indirect cost payments and which are not needed to provide adequate working capital, reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements shall be appropriated in a manner consistent with policies established by the District; uses of such funds shall be regularly reported to the Board of Trustees through the Superintendent/President.
- G. No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District, to any of its auxiliary organizations for the purpose of either avoiding laws or regulations which constrain community college districts or providing the District with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

10. Authority and Responsibility of Auxiliary Organizations

- A. Auxiliary organizations shall not offer courses whether or not state funding is received.
- B. All services, programs, and activities that may be undertaken by an auxiliary organization shall be maintained for the general benefit of the educational program of the District. Upon Board of Trustee approval, an auxiliary organization may assume any of their services, programs and activities listed in Board Regulation 3 in order to provide the fiscal means and the management procedures that allow the District to carry on educationally-related activities.
- C. The Board of Trustees shall decide, after consulting with the donor, whether or not a donor's proposed gift to the District should be accepted by the District or referred to an auxiliary organization. Gifts to the District shall be accepted under the provisions of Education Code Section 72241 or 72303. Gifts to an auxiliary organization shall be accepted as authorized by the Regulations.
- D. The District shall maintain a list of all auxiliary organizations in good standing.

ADMINISTRATIVE PROCEDURES

- (1) All auxiliary organizations which, after periodic review in the manner specified by Board Regulation 11b and 11c, are found to be in compliance with applicable laws and regulations shall be included in this list.
- (2) When the Board of Trustees has reason to believe that a particular organization should be removed from this list, it shall give the Board of Directors of such organization reasonable notice that a conference will be held to determine whether grounds for removal do, in fact, exist, and representatives of said Board shall be entitled to be present at such conference and to be heard. Based upon such conference, the Board of Trustees shall decide whether a particular organization should be removed from the list. The Board of Trustees may remove such an auxiliary organization from said list, and may make such other provisions consistent with law as may be appropriate with respect to an auxiliary organization not included on said list. Such actions shall be reported to the Board of Trustees.

11. Recordkeeping

A. Records and Annual Audit

An auxiliary organization shall maintain adequate records and shall prepare an annual report showing its operations and financial status as may be required by the Board of Governors and the Superintendent/President.

B. Compliance Review by Superintendent/President

The Superintendent/President's designee shall inspect and review all auxiliary organization procedures and practices to determine compliance with:

- (1) Education Code Sections 72670 through 72682,
- (2) any written agreement with the District,
- (3) its Articles of Incorporation and Bylaws, and with
- (4) policies, rules, and regulations of the Board of Governors and the Board of Trustees.

Following this review, the designee shall make his/her recommendations to the Superintendent/President and the Board of Directors of the auxiliary organization regarding said procedures and practices. This review shall be done at the end of the first complete year after approval and at least every three years thereafter. The decision of the Superintendent/President shall be made after he/she has invited comments from the Board of Directors of the auxiliary organization. Reports and statements shall cover all activities of the organization.

ADMINISTRATIVE PROCEDURES

C. Audit

Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedures prescribed by the Board of Governors, as contained in the *California Community College Auxiliary Organization Accounting and Reporting System*. Copies of the annual audit report shall be submitted to the Board of Trustees and to the Board of Governors' Office within 30 days after it is received by the auxiliary organization. Thereafter, it shall be a public record, except as otherwise provided by law. Such audit may be conducted as part of a fiscal audit of the District itself.

Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible. Distribution of the published audited statement of its financial condition at a regularly scheduled meeting of the Board of Trustees shall be deemed compliance with this requirement. The audited statement shall be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy.

12. Written Agreement

A written agreement between the Monterey Peninsula Community College District and each auxiliary organization is required for the performance by such auxiliary organization of any of the services, programs and functions listed in Board Regulation 3. If any auxiliary organization performs more than a single service, program or function, then the written agreement may cover any number of the functions its performs or a separate agreement may cover each function performed.

The written agreement shall, among other things, provide for the following:

- (a) The services, programs, or functions the auxiliary organization is to manage, operate, or administer.
- (b) A statement of the reasons for administration of the functions by the auxiliary organization instead of by the District under usual District procedures.
- (c) The areas of authority and responsibility of the auxiliary organization and the District.
- (d) The facilities and services to be made available, if any, by the District to permit the auxiliary organization to perform services, programs or functions specified in the written agreement.

ADMINISTRATIVE PROCEDURES

- (e) The charge or rental to be paid to the District by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall not require involved methods of computation, and should be identified in sufficient time before it is incurred so that the organization may determine to what extent it shall be liable therefore.
- (f) Full reimbursement to the District for services performed by the District or by District employees under the direction of or in support of the auxiliary organization. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of proration where services are performed by District employees for the organization shall be simple and equitable.
- (g) A simple and equitable method of determining in advance to what extent the organization shall be liable for indirect costs relating to federally-sponsored programs.
- (h) The responsibility for maintenance and payment of operating expenses.
- (i) A statement that, with respect to expenditures for public relations or other purposes which would serve to augment District appropriations for operation of the District, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the Board of Directors of the auxiliary organization.

The Board of Directors shall file with the Superintendent/President a statement of such policy on accumulation and use of public relation funds for all auxiliary organizations. The statement shall include the policy and procedure on solicitation of funds, source of funds, purpose for which funds will be used, expenditures, and procedures of control.
- (j) The disposition to be made of net earnings derived from facilities owned or leased by the auxiliary organization.
- (k) The disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of operations under the agreement.
- (l) The covenant of the auxiliary organization to maintain its organization and to operate in accordance with Sections 72670 through 72682 of the Education Code and with the regulations commencing with Section 59250

ADMINISTRATIVE PROCEDURES

of Title 5 of the California Code of Regulations, as well as District Board policies.

13. Use of the District Name

Except for student body associations organized and operating under Education Code Section 76060 et seq., no organization may use the name of the Monterey Peninsula Community College District or otherwise represent a relationship with Monterey Peninsula Community College District unless it has been recognized and established as an auxiliary organization by the Board of Trustees and is in good standing with the District.

14. Administration of Implementing Regulations

The Board of Trustees or its designee shall provide, and may from time to time, revise rules and procedures for the administration of and in conformance with these Regulations.

15. Amendment

The Board of Trustees may from time to time, amend these implementing regulations subject to the approval of the Chancellor of the California Community Colleges.

References: Education Code Sections 72670 et seq.;
Government Code Sections 12580 et seq.;
Title 5 Sections 59250 et seq.

Board Adopted: October 24, 2000



BP 3950 Display of Flags

Activities with Respect to the United States and California State Flags

The flags of the United States and the State of California shall be flown during all college sessions and on District holidays, weather permitting. They will be flown at half-mast as directed by federal and state officials, or at the direction of the Superintendent/President to commemorate the death of any member of the Board of Trustees, faculty, administration, or staff, and in other special circumstances.

References: No references

Formerly Governing Board Policy 1420 – Flag Policy

Adopted: April 13, 1988

Renumbered, Revised and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

1000 SERIES GOVERNING BOARD POLICIES

E. Board Policies

1420 Flag Policy

Activities with Respect to the United States and California State Flags

~~The flags of the United States and the State of California shall be flown during all school sessions and on school holidays, weather permitting. They will be flown at half-mast as directed by federal and state officials, or at the direction of the Superintendent/President to commemorate the death of any member of the Board of Trustees, faculty, administration or staff and in other special circumstances.~~

Reference: Education Code 82504.

Formerly Governing Board Policy 8.1.

Revised, Renumbered and Adopted: April 13, 1988.



GOVERNING BOARD POLICIES

BP 6620 Naming of Facilities

The Governing Board retains authority for naming District-owned facilities and properties. This shall include buildings, portions of buildings, college streets or roads, stadiums, fields and courts, areas of major assembly or activity, malls, and other large areas of campus circulation, and other facilities and properties, which are significant because of their use or visibility.

Each proposal for naming a District facility or property shall be considered on its own merits. No commitment for naming shall be made prior to Governing Board approval of the proposed name.

The Superintendent/President shall develop procedures to support this policy, including naming recommendations submitted by the Foundation.

See Administrative Procedure 6620 – Naming of Facilities

References: No Specific References

Formerly Governing Board Policies 1430 – Memorials and Monuments and 1435 – Naming of Buildings and Other Property Components

Adopted: April 13, 1988 for Policy 1430 and September 18, 1990 for Policy 1435

Revised: January 26, 1999; March 28, 2000; April 23, 2002; June 24, 2008 for Policy 1435

Renumbered, Revised, and Adopted:

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

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1430 Memorials and Monuments

~~Representative student groups may present a memorial or other monument in recognition of a person, living or dead, provided such memorial is recommended by the Associated Students of Monterey Peninsula College, and approved by the Governing Board.~~

Formerly Governing Board Policy 8.3.

Revised, Renumbered and Adopted: April 13, 1988.

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1435 Naming of Buildings and Other Property Components

~~The Board of Trustees of the Monterey Peninsula Community College District retains authority for naming college facilities and properties. This shall include buildings, portions of buildings, college streets or roads, stadiums, fields and courts, areas of major assembly or activity, malls, and other large areas of campus circulation, and other facilities and properties, which are significant because of their use or visibility.~~

~~By May 31 of each year the Board of Trustees (hereafter "The Board") shall identify and set forth in Board Policy 1435 "Naming Opportunities" for interior spaces of campus buildings; such as:~~

~~Offices
Conference Rooms
Laboratories
Other key interior spaces~~

~~And:~~

~~Exterior spaces such as:~~

~~Courtyards
Gardens
Streets
Bridges
Stadiums
Athletic Facilities
Decorative Walls
Landscaping Elements~~

~~And:~~

~~"Naming Opportunities" for campus buildings, monuments, sculptures and other permanent "Objects of Art."~~

~~By May 31 of each year the Board shall establish and/or revise the amount of donations that shall be required for naming each Space, Building, or other Objects identified as set forth above.~~

~~The Board shall have the authority to name Spaces, Buildings, or other Objects identified above to honor an individual who has rendered exceptional, extraordinary~~

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1435 Naming of Buildings and Other Property Components (continued)

~~and unique services to the College which justify and warrant permanent recognition.~~

~~No such naming shall be approved by the Board until two (2) years after the retirement of an individual who has been employed by the College.~~

~~No such naming shall be approved by the Board for a decedent until two (2) years after the death of such individual.~~

~~The Board shall consider community, student, faculty, and staff input in the process of selecting names. An advisory committee of citizens and faculty may be appointed to review name suggestions and submit recommendations to the Superintendent/President for the Board's consideration. The Superintendent/President shall be responsible for receiving suggestions for naming buildings and facilities and for the composition of a community, student, faculty, and staff committee.~~

~~The Board will utilize the Governing Board sub-committee (two Governing Board members) to work with the Superintendent/President to evaluate and make recommendations for the naming of buildings and facilities.~~

~~Namings for gifts shall remain in effect for the life of the facility or unless a significant event or condition warrants changing the name.~~

Formerly Governing Board Policy 8.4.

Renumbered/Adopted/Revised: September 18, 1990; January 26, 1999; March 28, 2000; April 23, 2002; June 24, 2008.



GOVERNING BOARD POLICIES

Chapter 6 Business and Fiscal Affairs

6740

BP 6740 Citizens' Bond Oversight Committee

If a bond measure has been authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the Superintendent/President shall establish a Citizens' Bond Oversight Committee in accordance with the applicable law and necessary regulations.

See Administrative Procedure 6740 – Citizens' Bond Oversight Committee

References: Education Code Sections 15278, 15280, and 15282;
California Constitution Article XIII A Section 1(b), Article XVI Section 18 (b)

Adopted:

ADMINISTRATIVE PROCEDURES

Chapter 6 Business and Fiscal Affairs

6740

AP 6740 Citizens' Bond Oversight Committee

The Citizens' Bond Oversight Committee was established in February 2003 following voter approval of the college's \$145 million bond measure in November 2002.

The purpose of the Citizens' Bond Oversight Committee is:

- To inform the public about the District's expenditure of Proposition 39 bond proceeds;
- To review and report on the proper expenditure of Proposition 39 funds for facility construction; and
- To advise the public as to the District's compliance with the Proposition 39 requirements as contained in the California Constitution.

Activities of the Committee

- Receive and review copies of the annual, independent performance audit;
- Receive and review copies of the annual, independent financial audit;
- Inspect facilities and grounds to ensure that bond revenues are expended properly;
- Receive and review copies of any deferred maintenance proposals or plans developed by the District; and
- Review efforts by the District to maximize bond revenues by implementing cost-saving measures.

Membership

The committee shall consist of at least seven members to serve for a term of two years and for no more than three consecutive terms. Members shall serve without compensation.

The committee shall be comprised of:

- One student enrolled and active in a community college support group, such as student government.
- One member active in a business organization representing the business community located within the District;
- One member active in a senior citizens' organization;
- One member active in a bona fide taxpayers' organization;
- One member - a student both currently enrolled in the District and active in a campus group. The student may serve up to six months after his/her graduation;
- One member active in a support organization for the college, i.e., the MPC Foundation
- One member active in a support organization for the college, i.e., the GENTRAIN Society
- Two members of the community at-large.

ADMINISTRATIVE PROCEDURES

With the exception of the student member, committee members must be at least 18 years of age and reside within District boundaries.

No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

District Assistance to the Committee

The District shall provide the committee with any necessary technical or administrative assistance, as well as other resources, to publicize its conclusions.

Public Meetings

Meetings shall be open to the public and notice provided in accordance with the provisions of the Brown Act.

Reports

The committee shall present an annual report to the Governing Board, in public session, certifying the District is in compliance with Proposition 39 requirements as contained in the California Constitution, and providing a summary of its activities. Minutes from its proceedings, all documents received, and reports issued as a matter of public record shall be made available on an internet website maintained by the District.

See Board Policy 6740 – Citizens’ Bond Oversight Committee, and MPCCD Citizens’ Bond Oversight Committee Bylaws, Revised 10/2015

References:

Education Code Sections 15278, 15280, and 15282

President’s Cabinet Approved: