



# Monterey County

## Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

Upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 13-095 to approve the amendments to the Conflict of Interest Code of the Monterey Peninsula College.

PASSED AND ADOPTED on this 19th day of March 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas, Parker, and Potter

NOES: None

ABSENT: Supervisor Calcagno

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on March 19, 2013.

Dated: March 21, 2013  
File Number: RES 13-017

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By  Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 13-095

Adopt Resolution approving the amended )
Conflict of Interest Code of the Monterey )
Peninsula College..... )

RECITALS

WHEREAS, pursuant to Government Code sections 87300 and 87301, Monterey Peninsula Collage of the County of Monterey has adopted a conflict of interest code;

WHEREAS, pursuant to Government Code section 87306, the Monterey Peninsula College has amended its conflict of interest code as necessitated by changed circumstances;

WHEREAS, pursuant to Sections 82011 and 87303 of the Government Code, the Monterey Peninsula College has submitted its amended code to the Monterey County Board of Supervisors, the code reviewing body, for approval;

WHEREAS, the amended conflict of interest code of the Monterey Peninsula College is attached hereto as Attachment B and incorporated herein by reference;

WHEREAS, pursuant to Government Code section 87303, the Board of Supervisors as code reviewing body may approve the code as submitted, revise the proposed code and approve it as revised, or return the proposed code to the agency for revision and resubmission; and

WHEREAS, the proposed code as amended is lawful under the Political Reform Act of 1974;

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby approve the amended conflict of interest code of the Monterey Peninsula College, attached hereto as Attachment B, with the approved revisions to the requirements for filing as noted in the attached Memorandum from County Counsel, and direct the Clerk of the Board of Supervisors to notify the Monterey Peninsula College of the approval.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Parker, and carried this 19th day of March 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Salinas, Parker and Potter

NOES:

ABSENT: Supervisor Calcagno

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on March 19, 2013.

Dated: March 21, 2013
File Number: RES 13-017

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By [Signature]
Deputy

**MEMORANDUM**

To: Chair Armenta and Members of the Monterey County Board of Supervisors

Cc: Gail Borkowski, Clerk of the Board

From: Traci A. Kirkbride, Deputy County Counsel

Date: March 8, 2013

Re: Conflict of Interest Code for Monterey Peninsula College

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In order to clarify the language concerning where the statements of economic interests (Form 700) from the designated positions with Monterey Peninsula College (MPC) are filed, County Counsel's Office recommends that the Board of Supervisors, as the code reviewing body for MPC, revise section 4.B. of the Conflict of Interest Code for MPC pursuant to Government Code section 87303(b) and that all the designated positions in MPC's Conflict of Interest Code be required to file their Statements of Economic Interests (Form 700) with the clerk of the Monterey County Board of Supervisors as code reviewing body. County Counsel's Office recommends that the Board then approve MPC's Conflict of Interest Code as revised.

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.

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

Appendix 1300 Conflict of Interest Code

1. Purpose

Pursuant to the provisions of Government Code Section 87300, et seq., the Governing Board of the Monterey Peninsula Community College District hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000). The provisions of this Code are additional to Government Code Section 87100 and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

2. Designated Positions

The positions listed on Exhibit "A" are designated positions. Designated positions shall be assigned to one or more of the disclosure categories set forth in Exhibit "B." Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property and income designated as reportable under the category to which the employee's position is assigned in Exhibit "A."

3. Disclosure Statements

Each designated employee shall file an annual statement disclosing that employee's interest in investments, real property, and income, if that interest may foreseeably be affected materially by any decisions made or participated in by that employee by virtue of his position.

4. Place and Time of Filing

- A. All designated employees required to submit a statement of financial interests shall file the original with the Secretary of the Governing Board.
- B. The Secretary of the Governing Board shall make and retain a copy and forward the original to the County Clerk, County of Monterey.
- C. A designated employee required to submit a statement of financial interest shall submit an initial statement within 30 days after the effective date of this Code.

- D. All new and current employees appointed, promoted or transferred to designated positions shall file initial statements within 30 days of assuming office.
- E. Appropriate individuals shall file in time to meet outside agency requirements (e.g. NSF requires investigators to submit financial disclosures at the time a grant is submitted.)
- F. Annual statements shall also be filed during the month of February by all designated employees. Such statements shall cover the period of the preceding calendar year.
- G. A designated employee required to file a statement of financial interest with any other agency, which is within the same territorial jurisdiction, may comply with the provisions of this Code by filing a duplicate copy of the statement filed with the other agency, in lieu of an entirely separate document.

5. Contents of Disclosure Statements

Each designated employee shall disclose all significant financial interests (including those of the employee's spouse and dependent children) that would reasonably appear to be affected by the research or educational activities of the employee or in entities whose financial interests would reasonably appear to be affected by such activities.

The term "significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights).

The term does not include:

1. salary, royalties or other remuneration from the applicant institution;
2. any ownership interests in the institution;
3. income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
4. income from service on advisory committees or review panels for public or nonprofit entities;
5. an equity interest that, when aggregated for the investigator and the investigator's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of

fair market value, and does not represent more than a 5% ownership interest in any single entity; or

6. salary, royalties or other payments that, when aggregated for the investigator and the investigator's spouse and dependent children, are not expected to exceed \$10,000 during the twelve month period.

Disclosure statements shall be made on forms supplied by the Secretary of the Governing Board, and shall contain the following information:

A. Contents of Investment and Real Property Reports:

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), ten thousand dollars (\$10,000) or 5% ownership interest in any single entity, and whether it exceeds one hundred thousand dollars (\$100,000), and one million dollars (\$1,000,000). This information need not be provided with respect to an interest in real property which is used principally as the residence of the filer.

B. Contents of Personal Income Reports:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) 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 was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);
3. A description of the consideration, if any, for which the income was received.
4. In the case of a gift, the amount and the date on which the gift was received.

C. Contents of Business Entity Income Reports

1. The name, address, and a general description of the business activity of the business entity;
2. In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's prorata share of fees from such person was equal to or greater than one thousand dollars (\$1,000);
3. In the case of a business entity not covered by paragraph 2, the name of every person from whom the business entity received payments if the filer's prorata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

D. Contents of Management Positions Reports:

Designated employees shall list the name of each business entity not specified above in which they are a director, officer, partner, trustee, employee, or in which they hold any position of management.

E. Initial Statement:

The initial statement filed by an employee appointed to a designated position shall disclose any reportable investments and interests in real property.

F. Acquisition or Disposal During Reporting Period:

In the case of a statement filed under Section 4 (E), if the investment, or interest in real property, was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be noted.

6. Disqualification

Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself with respect to any matter which could not be legally acted upon or decided without his participation.

7. Review of Financial Disclosures

The secretary of the governing board shall review financial disclosures to



determine whether a conflict of interest exists, and determine what conditions or restrictions, if any, should be imposed by the institution to manage, reduce or eliminate such conflict of interest. A conflict of interest exists when the reviewer(s) reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of research or educational activities.

Examples of conditions or restrictions that might be imposed to manage, reduce or eliminate conflicts of interest include, but are not limited to:

1. public disclosure of significant financial interests;
2. monitoring of activities by independent reviewers;
3. modification of work assignment;
4. disqualification from participation in the portion of their assignment that would be affected by significant financial interests;
5. divestiture of significant financial interests; or
6. severance of relationships that create conflicts.

If the secretary determines that imposing conditions or restrictions would be either ineffective or inequitable, and that the potential negative impacts that may arise from a significant financial interest are outweighed by interests of the institution, or the public health and welfare, then the secretary may allow the activity to go forward without imposing such conditions or restrictions.

8. Communication of Unsatisfactory Results

If the institution is unable to satisfactorily manage a conflict of interest, appropriate outside legal authorities (National Science Foundation Office of the General Counsel for NSF grants) shall be contacted.

9. Record Keeping

Records of all financial disclosures and of all actions taken to resolve conflicts of interest shall be maintained for at least three years or until the resolution of any action involving those records, whichever is longer.

MONTEREY PENINSULA COLLEGE  
GOVERNING BOARD POLICIES

Appendix 1300 – (2) Conflict of Interest Code

Cal. Admin. Code tit. 2, s 18730

s 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) 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 financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies. [FN1]

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) 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. [FN2]

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) 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 or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or 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 or 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.

(6) 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.

(7) 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) Investment and Real Property Disclosure.

When an investment or an interest in real property [FN3] is required to be reported, [FN4] 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, [FN5] 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, [FN6] the statement shall contain:

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 or she is a director, officer, partner, trustee, employee, or in which he or 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.

(8) 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 or 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.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$340.

(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 \$340 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 or 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 (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or 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 or 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 or her election to office through the date that he or 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 or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) 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 or her election to office through the date he or 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 or 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.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the

Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or 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 or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$340 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) 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 or 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 or her participation legally required for purposes of this section.

(9.5) 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 or 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 or 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.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be



accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or 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 or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

Appendix 1300  
September 1300

EXHIBIT A

DESIGNATED EMPLOYEES AND CONSULTING ATTORNEYS  
As Amended, MPC Regular Board Meeting September 29, 2010

<u>POSITION</u>	<u>DISCLOSURE CATEGORY</u>
1. Governing Board	1
2. Superintendent/President	1
3. Vice President for Academic Affairs	1
4. Vice President for Student Services	1
5. Vice President for Administrative Services	1
6. Consulting Attorneys	1
7. Administrators:	
Dean of Instruction	3
Dean of Instructional Planning	3
Dean of Technology	3
Dean of Student Services	3
Associate Dean of Human Resources	3
8. Others (will include all who are authorized to purchase within a given budget allowance):	
Controller	3
Director, Athletics	3
Director, Child Development Center	3
Director, Institutional Research	3
Director, Media Services/Public Information	3
Director, Student Financial Services	3
Director, Maurine Church Coburn School of Nursing	3
Director, Facilities Planning and Management	3
Purchasing Agent	3
Director, MATE	3
Associate Director, MATE	3
Registrar	3
Division Chairpersons of:	
Business/Technology	3
Counseling	3
Creative Arts	3
Humanities	3
Library & Technology Center	3
Life Science	3

Physical Education	3
Physical Science	3
Social Science	3

## DISCLOSURE CATEGORIES

### Category 1.

Employees in this category shall disclose all reportable investments, interest in real property and income and any business entity in which the person is a director, officer, partner, trustee, employee or holds any position of management.

Financial interests are reportable only if located within or subject to the jurisdiction of the school district, or if the business entity in which the employee has an interest as indicated above is doing business or planning to do business in the school district jurisdiction or has done business within that jurisdiction during the two years preceding the filing of the disclosure statement.

### Category 2.

Employees in this category shall disclose all reportable investments and income and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. Financial interests are reportable only if located within or subject to the jurisdiction of the school district or if the business entity in which the employee has an interest as indicated above is doing business or planning to do business in the school district jurisdiction or has done business within that jurisdiction during the past two years preceding the filing of the disclosure statement.

### Category 3.

Employees in this category shall disclose all reportable investments and interest in any business entity furnishing services, supplies, merchandise, or equipment or educational services or materials of any kind to the school district within the past two years preceding the filing of the disclosure statement. Interests include any position of management or as a director, officer, partner, trustee or employee.

Revised and Adopted: December 5, 2003, November 23, 2004

