

**CHAPTER 2: Administration and General Institution
ADMINISTRATIVE PROCEDURE NO. 2.45.2 (AP 2712)**

**ADMINISTRATIVE PROCEDURE
San Mateo County Community College District**

Subject: AP 2.45.2 Conflict of Interest Code
Revision Date: 9/12; 8/16; 8/18; 4/22
References: Government Code Sections 87103(e), 87300-87302, 89501 and 89503; Title 2
Section 18730

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation, along with the designation of employees and the formulation of disclosure categories in the Appendix attached to this procedure, 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.

**CONFLICT OF INTEREST CODE OF THE
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

The Political Reform Act, Government Code Sections 8100 et. seq., requires state and local government agencies to adopt Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Adm. Code Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice hearings. Therefore, the terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the San Mateo County Community College District (Hereinafter “Agency”).

Pursuant to 2 Cal. Adm. Code Section 18730(b)(4)(B), all Board members and employees holding designated positions shall file statements of economic interests with the Agency, which shall make and retain a copy and forward the originals as required by law. The District Chancellor shall designate a filing officer for conflict of interest matters and that person shall perform related duties as required by law.¹

This code has the force and effect of law. Board member or designated employees violating any provision of this code may be 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.

¹ See Government Code Section 81010 and Title 2 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.

APPENDIX
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. See <https://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>.

DESIGNATED DISCLOSURE CATEGORIES

CATEGORY 1. All investments and business positions and sources of income from business entities that do business with the District, including those which are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, or which 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. Anybusiness entity in which the designated employee is a director, officer, partner, trustee, or holds any position of management that may be materially affected by any decision made or participated in by the designated individual.

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 employee's department.

DESIGNATED OFFICIALS AND EMPLOYEES

Designated Positions	Disclosure Categories
Board of Trustees	1,2,3,4,5
Chancellor	1,2,3,4,5
Executive Vice Chancellor	1,2,3,4,5
College Presidents	1,2,3,4,5
Vice Chancellors	1,2,3,4,5
Chief of Staff	1,2,3,4,5
All Other Administrators on Salary Schedule 20	1,3,4,5
Internal Auditor	1,2,3,4,5
Controller	1,2,3,4,5
District Budget Officer	1,2,3,4,5
Facilities Manager	1,3,4,6
Bookstore Managers	1,3,4,6
Student Life and Leadership Manager/Director of Student Development	1,3,4,6
Coordinators of Library Services	1,3,4,6
Buyers and Senior Buyers, Purchasing	1,3,4,6
Consultants*	1,2,3,4,6

*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 District Chancellor 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 District Chancellor’s 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.

Nothing herein excuses any consultant from any other provision of the Conflict of Interest Code, specifically those dealing with disqualification.

Also see BP 2200 Board Duties and Responsibilities, BP/AP 2710 Conflict of Interest, BP 2715 Code of Ethics/Standards of Practice, BP/AP 2716 Board Political Activity, and BP 2717 Personal Use of Public Resources – Board.