



Policy

2710 Conflict of Interest

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 Board member shall not be considered to be financially interested in a contract if their 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 Board member who has a remote interest in any contract considered by the Board shall disclose their interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. The Board member shall leave the Board room during discussion and vote.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to their duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible.

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

Board members shall file statements of economic interest (typically the Form 700) with the filing officer in the Chancellor’s Office.

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

Cross References (see also):

YCCD Policy 2712 – Conflict of Interest Code

References:

Government Code Sections [1090 et seq.](#), [1126](#), and [87200 et seq.](#); Title 2 Sections [18730 et seq.](#); [Fair Political Practices Commission Regulations](#)

Adopted: August 6, 2002

Revision Adopted: ~~October 14, 2009, April 13, 2016, May 8, 2019~~, March 13, 2024

Last Reviewed: ~~April 13, 2016, May 8, 2019~~, March 13, 2024

Administrative Procedure

2710 Conflict of Interest

Incompatible Activities (Government Code Sections [1126](#) and [1099](#))

Board members and designated 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 Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections [1090 et seq.](#))

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

A Board member shall not be considered to be financially interested in a contract if their interest meets the definitions contained in applicable law (Government Code Section [1091.5](#)).

A Board member shall not be deemed to be financially interested in a contract if they have only a remote interest in the contract and if the remote interest is disclosed during a 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 Board to enter into the contract. Remote interests are specified in Government Code Section [1091 subdivision \(b\)](#); they include, but are not limited to, the interest of a parent in the earnings of their minor child.

No Employment Allowed (Education Code Section [72103 subdivision \(b\)](#))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until they resign 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 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 subdivision \(b\)](#)).

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

If a Board member or designated employee determines that they have a financial interest in a decision, as described in Government Code Section [87103](#), this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. A 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 themselves 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/consent agenda. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section [89503](#))

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.

In addition, 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 their statement of economic interest.

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 Board members and designated employees.

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](#)).

In addition, 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 their statement of economic interest. The term “honorarium” does not include:

- A. 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.
- B. 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 Chancellor 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 subdivision \(c\)\(1\)](#))

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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 they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of their immediate family, their 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.

References:

Government Code Sections [87105](#) and [87200-87210](#); Title 2 Sections [18700 et seq.](#); [2 Federal Code of Regulations Part 200.318 subdivision \(c\)\(1\)](#); [Fair Political Practices Commission Regulations](#); and other citations as listed above.

Procedure Last Revised: ~~April 11, 2007, April 13, 2016, May 8, 2019~~, March 13, 2024
Last Reviewed: ~~April 13, 2016, May 8, 2019~~, March 13, 2024