

ADMINISTRATIVE REGULATION 2712

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

CONFLICT OF INTEREST CODE

I. PROVISIONS OF CONFLICT OF INTEREST CODES

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 disclosure 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.

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

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 18110, 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 members of the Board, employees holding positions listed in the Appendix and new positions created during the year as identified by the Chancellor or designee 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. Statements of Economic Interests: Time of Filing.

- a. Initial Statements. All designated employees employed by the District on the effective date of the District's code, as originally approved by the Orange County Board of Supervisors, shall file initial statements within 30 days after the effective date of the code. Thereafter, each person already in a position when it is designated by an amendment to the code shall file an initial statement within 30 days after the effective date of the amendment.

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
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- b. Assuming Office Statements. All persons assuming designated positions after the effective date of the code shall file statements within 30 days after assuming the designated positions.
- 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 3.1. 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 they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their 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:
 - i. File a written resignation with the appointing power, and
 - ii. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation they did not make, participate in the making, or use the position to influence any decision of the District, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 4. Contents of and Period Covered by Periods 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 and income received from the categories listed during the 12 months prior to the date of assuming office.
- 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.

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
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Section 5. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supported by the electronic filing system used by the Orange County Board of Supervisors, and shall contain the following information:

- a. Investment and Real Property Disclosure. When an investment or an interest in real property is required to be reported, the statement shall contain the following:
 - i. A statement of the nature of the investment or interest;
 - ii. The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged;
 - iii. The address or other precise location of the real property;
 - iv. A statement whether the fair market value of the investment or interest in real property equals or 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); and
 - v. If rental property, a statement whether the rental property gross income received is between \$0 and \$499, \$500 and \$1,000, \$1,001 and \$10,000, \$10,001 and \$100,000, or over \$100,000.
- b. Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:
 - i. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or aggregating 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;
 - ii. 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 at least \$500 but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but was not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);
 - iii. A description of the consideration, if any, for which the income was received;
 - iv. 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;
 - v. 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, the statement shall contain:
 - i. The name, address, and a general description of the business activity of the business entity;

Adopted: 05-22-96 Revised: 06-14-18
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- ii. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such persons was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
- iii. If a payment, including an advance or reimbursement, for travel is required to be reported pursuant to this section, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interests. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.
- 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 they are a director, officer, partner, trustee, employee, or in which they hold 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 6. Prohibition on Receipt of Honoraria.

No member of the Board or designated employee shall accept any honorarium from any source, if the officer or employee would be required to report the receipt of income or gifts from that source on their statement of economic interests.

Section 7. Prohibition on Receipt of Gifts of \$520 or More.

No member of the Board or designated employee shall accept gifts from any single source in any calendar year with a total value of more than the allowable limit (currently set as five hundred twenty dollars (\$520)) if the officer or employee would be required to report the receipt of income or gifts from that source on their statement of economic interests.

Section 8. Disclosure of Loans as Income

Designated officers and employees shall disclose reportable loans on Schedule C of Form 700. Income is defined in Government Code, Section 82030 to include loans which aggregate five hundred dollars (\$500) or more from a single source which is either located in the jurisdiction, is doing business in the jurisdiction, has done business in the jurisdiction during the previous two (2) years, or plans to do business in the jurisdiction of the District. All reportable loans received or outstanding during the reporting period must be disclosed.

Section 8.1. Loans to Public Officials

- a. No Board member shall, from the date of their election to office through the date that they vacate office, receive a personal loan from any Board member, employee, or consultant of the District or any other organization which the District has direction and control.

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
Revised: 08-30-99

- b. No Board member shall, from the date of their election to office through the date that they vacate office, receive a personal loan from any person who has a contract with the District or any other organization which the District 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 Board member's official status.
- c. This section shall not apply to the following:
 - i. Loans made to the campaign committee of a Board member or candidate for elective office.
 - ii. 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.
 - iii. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
 - iv. Loans made, or offered in writing, before January 1, 1998.

Section 8.2 Loan Terms

- a. Except as set forth in subdivision (b), no Board member shall, from the date of their election to office through the date they vacate office, receive a personal loan of \$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:
 - i. Loans made to the campaign committee of the Board member.
 - ii. Loans made to the Board member by their 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.
 - iii. 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 8.3 Personal Loans

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
Revised: 08-30-99

- 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:
 - i. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 - ii. If the loan has no defined date or dates for repayment, when one (1) year has elapsed from the later of the following:
 - 1. The date the loan was made.
 - 2. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - 3. 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:
 - i. A loan made to the campaign committee of a Board member or a candidate for elective office.
 - ii. A loan that would otherwise not be a gift as defined in this title.
 - iii. 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.
 - iv. 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.
 - v. 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 employee or member of the Board shall make, participate in making, or in any way attempt to use their official position to influence the making of a decision of the District, which they know or have reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the officer or employee or a member of their immediate family, or on any of the following:

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

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
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- b. Any real property in which the officer or 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 officer or employee within 12 months prior to the time when the decision is made;
- d. Any business entity in which the officer or 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 more than the allowable limit in value provided to, received by, or promised to the officer or employee within 12 months prior to the time when the decision is made.

Section 10. Legally Required Participation by Member of Board of Trustees.

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

Section 11. Disclosure of Disqualifying Interest.

When a designated employee determines that they should not make a governmental decision because they have a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a member of the Board, this determination and disclosure shall be made part of the minutes of the Board; in the case of the Chancellor, this determination and disclosure shall be made in writing to the Board; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor who shall forward it to the Vice Chancellor of Business Services.

Section 12. Assistance of the Commission and Counsel.

Any designated employee who is unsure of their duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code, Section 83114 and Regulations 18329 and 18329.5, or from the attorney for their District, provided that nothing in this section required the attorney for the District to issue any formal or informal opinion.

Section 13. 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 - 91014. 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.

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
Revised: 08-30-99

II. PROHIBITION UPON DESIGNATED EMPLOYEES' EMPLOYMENT BY OR OTHER BUSINESS RELATIONSHIPS WITH DISTRICT VENDORS

In accordance with Government Code, Section 1126, the employment of a designated employee or other business relationships with a current vendor of the District is prohibited. No designated employee shall accept compensation from any vendor who has done business with the District within the last two (2) years.

III. PENALTIES

Any designated employee who fails to disclose reportable investments, business positions, interests in real property, and income as required by the Political Reform Act, or any officer or employee who shall make, participate in making, or in any way attempt to use their official position to influence a decision of the District in which they know or have reason to know they have a financial interest shall be subject to discipline, including and up to dismissal in accordance with the procedure articulated by Government Code, Section 91003.5. Classified employees shall be subject to discipline under Education Code, Section 88013. Academic employees shall be subject to discipline under Education Code, Section 87732. In addition, state law provides for administrative, criminal, and civil sanctions as discussed in paragraph I, Section 13.

IV. ANNUAL IN-SERVICE

The District shall conduct annually an in-service for its officers and employees concerning the District's conflict of interest code and the requirements included therein. This in-service shall cover:

- A. The reporting requirements contained in Form 700 entitled, "Statement of Economic Interests for Designated Employees."
- B. Conflicts of interest and the prohibitions of Government Code, Section 87100.
- C. The code of conduct expected and required of all officers and employees, including but not limited to the acceptance and reporting of gifts, meals, and gratuities.

V. FILING DEADLINE FOR STATEMENTS OF ECONOMIC INTERESTS

Designated officers and employees shall file annual Statements of Economic Interests for the District no later than April 1 of each year using the electronic filing system supported by the Orange County Board of Supervisors and monitored by the Chancellor's designee. The filing officer will retain a copy of each form. Failure to timely comply can result in certain criminal and civil penalties including, but not limited to, late fines being imposed on the designated filer.

VI. REPORTING REQUIREMENTS

For questions concerning the reporting requirements of the Political Reform Act, Appendix "A" of the District's conflict of interest code should first be consulted. Appendix "A" sets forth the positions of those persons that are required to report financial interests and the disclosure categories that apply to each designated position. Next, the Statement of Economic Interests for Designated Employees Form 700 should be consulted. Form 700 includes all the schedules, which may need to be completed depending upon the disclosure category or categories applicable to a

Adopted: 05-22-96 Revised: 06-14-18
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designated employee as well as instructions on how to complete each schedule. All designated employees must complete the first page of Form 700 indicating the type of statement that is being submitted (i.e., assuming office, annual, leaving office, or initial statement), the summary of schedules on the following page(s), and any schedules in which a reportable interest exists.

For additional information on reporting requirements or information on conflicts of interest and prohibitions as discussed in the paragraph above, the Political Reform Act of 1974 commencing at Government Code, Section 81000, and the Fair Political Practices Commission's implementing regulation found at Title 2, California Code of Regulations, Section 18730, should be consulted. The applicable provisions of Section 18730 are set forth in paragraph I.

References:

Government Code Sections 87100, 87103, 87105, 87200-87210, 89503
Title 2 Section 18730 et seq.
Other citations as listed above

Adopted: 05-22-96 Revised: 06-14-18
Revised: 03-25-98 Revised: 09-08-22
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Conflict of Interest Code EXHIBIT A

Entity: College Districts

Agency: South Orange County Community College District

Position	Disclosure Category	Files With
Arts, Media, Performance and Design Operations Manager	OC-02	COB
Assist. Dean of Health and Wellness/Dir. of Nursing	OC-02	COB
Assistant Dean of Career and Technical Education	OC-02	COB
Assistant Dean of Division/Director of Emeritus Institute	OC-02	COB
Assistant Dean of Humanities and Social Sciences	OC-02	COB
Assistant Dean of Students	OC-02	COB
Assistant Director of Facilities	OC-01	COB
Assistant Director of Facilities - Capital Outlay Projects	OC-01	COB
Assistant Director of Facilities Rentals and Grounds	OC-01	COB
Assistant Director of Fiscal Services	OC-01	COB
Assistant Director of Marketing and Creative Services	OC-02	COB
Assistant Director of Purchasing and Contracts	OC-01	COB
Assistant Director of Technology Services	OC-02	COB
Athletics Operations Manager	OC-02	COB
Board Member	OC-01	COB
Buyer	OC-01	COB
Central Services Manager	OC-02	COB
Chancellor	OC-01	COB
Chief Communications Officer	OC-02	COB
Chief of Police	OC-02	COB
Consultant	OC-30	Agency
Contracts Specialist	OC-01	COB
Dean of Arts, Media, Performance and Design	OC-02	COB
Dean of Business and Industry	OC-02	COB
Dean of Career and Continuing Education and Integrated Design, Engineering and Automation	OC-02	COB
Dean of Counseling Services	OC-02	COB
Dean of Economic and Workforce Advancement	OC-02	COB
Dean of Enrollment Services	OC-02	COB
Dean of Health and Wellness	OC-02	COB



Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Dean of Health Sciences, Kinesiology and Athletics	OC-01	COB
Dean of Instructional Support and Teaching Innovations	OC-02	COB
Dean of Kinesiology and Athletics/Athletics Director	OC-01	COB
Dean of Liberal Arts	OC-02	COB
Dean of Mathematics, Science and Engineering	OC-02	COB
Dean of Science, Technology, Engineering and Math	OC-02	COB
Dean of Social and Behavioral Sciences	OC-02	COB
Dean of the Arts	OC-02	COB
Director of Adult Education	OC-02	COB
Director of Annual Giving and Development Services	OC-02	COB
Director of Arts Production Management	OC-02	COB
Director of Career and Re-Entry Center	OC-02	COB
Director of College Equity, Inclusion and Access	OC-02	COB
Director of Community Education	OC-02	COB
Director of Development and Alumni Relations	OC-02	COB
Director of Disabled Student Programs and Services	OC-02	COB
Director of Dual Enrollment	OC-02	COB
Director of Economic and Workforce Development	OC-02	COB
Director of Enterprise Resource Planning	OC-02	COB
Director of Extended Opportunity Programs and Services	OC-02	COB
Director of Facilities	OC-01	COB
Director of Facilities Planning	OC-01	COB
Director of Financial Aid	OC-01	COB
Director of Fiscal and Contract Services	OC-01	COB
Director of Foster and Kinship Care Education Program	OC-02	COB
Director of Health and Wellness Center	OC-02	COB
Director of Information Security	OC-02	COB
Director of Information Technology - Enterprise Systems	OC-02	COB
Director of International Student Program	OC-02	COB
Director of Learning Assistance	OC-02	COB
Director of Outreach and Strategic Partnerships	OC-02	COB
Director of Recruitment and Employment Services	OC-02	COB
Director of Research, Planning and Accreditation	OC-02	COB



Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Director of Student Life	OC-02	COB
Director of Student Success	OC-02	COB
Director of Student Success Initiatives	OC-02	COB
Director of Technology Services	OC-02	COB
Director of Technology Services and Broadcast Systems	OC-02	COB
Director of Veterans Services Center	OC-02	COB
District Director of Employee Relations and Title IX Officer	OC-02	COB
District Director of Research, Planning and Data Mgmt.	OC-02	COB
District IT Project Manager	OC-02	COB
District Workers' Compensation and Safety Manager	OC-02	COB
Exec Director, Procurement, Central Svcs & Risk Management	OC-01	COB
Executive Dean of Extended Learning	OC-02	COB
Executive Dean of Humanities and Social Sciences	OC-02	COB
Executive Director of College Foundation	OC-01	COB
Executive Director of Facilities Planning	OC-01	COB
Executive Director of Fiscal Services	OC-01	COB
Executive Director of HR and Employer-Employee Relations	OC-01	COB
Executive Director of Information Technology and Security	OC-01	COB
Executive Director of Marketing and Communications	OC-02	COB
Executive Director of Marketing and Creative Services	OC-02	COB
Facilities Maintenance and Energy Projects Manager	OC-01	COB
Fiscal Services Manager	OC-02	COB
Grant Project Manager	OC-02	COB
Grant Project Manager for Real Estate Education	OC-02	COB
Internal Auditor	OC-02	COB
Laboratory Operations Manager	OC-02	COB
Night Facilities Operations Supervisor	OC-02	COB
Operations Site Supervisor, Child Development Center	OC-02	COB
Payroll and Benefits Manager	OC-01	COB
Police Operations Lieutenant	OC-02	COB
President	OC-01	COB
Project Director of Career Technical Education	OC-02	COB
Project Manager	OC-01	COB



Conflict of Interest Code EXHIBIT A

Position	Disclosure Category	Files With
Regional Director of Employer Engagement	OC-02	COB
Registrar	OC-02	COB
Risk Manager	OC-01	COB
Senior Buyer	OC-01	COB
Senior Director of College Facilities	OC-01	COB
Senior Project Manager	OC-01	COB
Senior Purchasing and Contracts Specialist	OC-01	COB
Software Development Manager	OC-02	COB
Student Payment and Veterans Services Manager	OC-02	COB
Systems Manager, Computers and Networking Operating Systems	OC-02	COB
Vice Chancellor of Business Services	OC-01	COB
Vice Chancellor of Educational and Technology Services	OC-01	COB
Vice Chancellor of Human Resources	OC-01	COB
Vice President for College Administrative Services	OC-01	COB
Vice President for Instruction	OC-02	COB
Vice President for Student Services	OC-02	COB

Total: 111



Disclosure Descriptions

EXHIBIT B

Entity: College Districts

Agency: South Orange County Community College District

Disclosure Category	Disclosure Description
OC-01	All interests in real property in Orange County, the authority or the District as applicable, as well as investments, business positions and sources of income (including gifts, loans and travel payments).
OC-02	All investments, business positions and sources of income (including gifts, loans and travel payments).
OC-30	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest category in the code subject to the following limitation: The County Department Head/Director/General Manager/Superintendent/etc. may determine that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure required. The determination of disclosure is a public record and shall be filed with the Form 700 and retained by the Filing Officer for public inspection.

Grand Total: 3