

The Board of Trustees finds that the receipt of gifts by public officials from persons who do business with the district erodes public confidence in the impartiality of decisions made by those officials. The purpose of this policy is to prohibit giving by persons who do and wish to do business with the district and receipt of such gifts, thereby eliminating, to the greatest extent possible, this loss of confidence.

Unless otherwise expressly defined, the terms used in this policy shall have the same meaning as defined in the California Political Reform Act (Title 9 of the California Government Code) and regulations issued by the Fair Political Practices Commission pursuant to the authority of the Political Reform Act, as the act and regulations shall be, from time to time, amended.

Nothing in this policy should be construed as to limit contributions or donations for political campaign purposes.

Definitions

For the purposes of this board policy:

- A. District means the MiraCosta Community College District.
- B. District officer means every person who is elected or appointed to an office in the district, which is specified in Government Code section 87200.
- C. Designated employee means every employee of the district who is required under Board Policy 2710 to file a statement of economic interests.
- D. Doing business with the district means:
 - 1. Seeking the award of a contract or grant from the district.
 - 2. Having sought the award of a contract or grant from the district in the past twelve (12) months.
 - 3. Having an existing contractual relationship with the district, until twelve (12) months after the contractual obligations of all parties have been completed.
- E. Gift shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that act. By way of example, “gifts”

include, but are not limited to, tickets or passes to sporting or entertainment events, parking passes, food, beverages, accommodations, transportation, and lodging.

Prohibitions

- A. No person who is doing business with the district shall make any gift to any district officer.
- B. No person who is doing business with the district shall make any gift to any designated employee who, by virtue of district employment, could make a governmental decision, participate in making a governmental decision, or use his/her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.
- C. No district officer shall solicit or accept any gift from any person whom he/she knows, or has reason to know, is doing business with the district.
- D. No designated employee shall solicit or accept any gift from any person whom he/she knows, or has reason to know, is doing business with the district, when such employee, by virtue of district employment, could make a governmental decision, participate in making a governmental decision, or use his/her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.
- E. No public official shall accept any gift when the identity of the donor is not known to the public official.

Remedies

- A. Any district officer who violates the prohibitions of this policy may be sanctioned by the board in the manner the board deems appropriate.
- B. Any designated employee who violates the prohibitions of this policy shall be subject to discipline for any such violation, including, in appropriate cases, termination of employment.
- C. The board may also refer violations of this policy to the Fair Political Practices Commission, the San Diego Grand Jury, and/or the San Diego District Attorney.