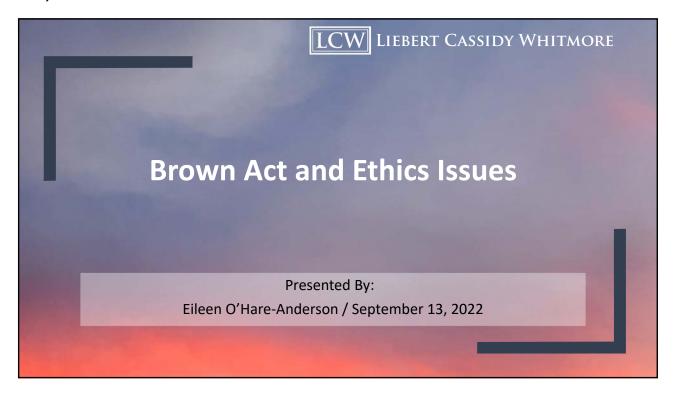
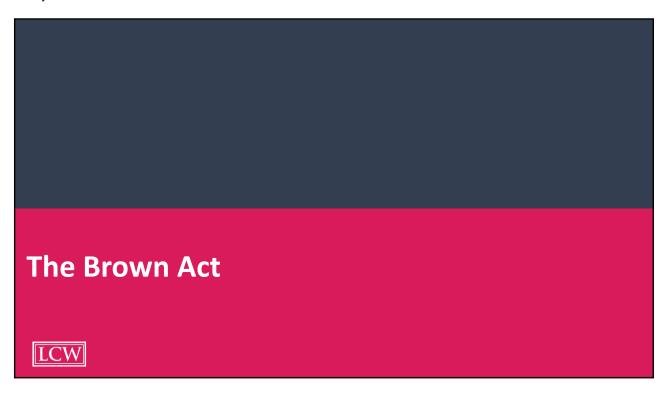
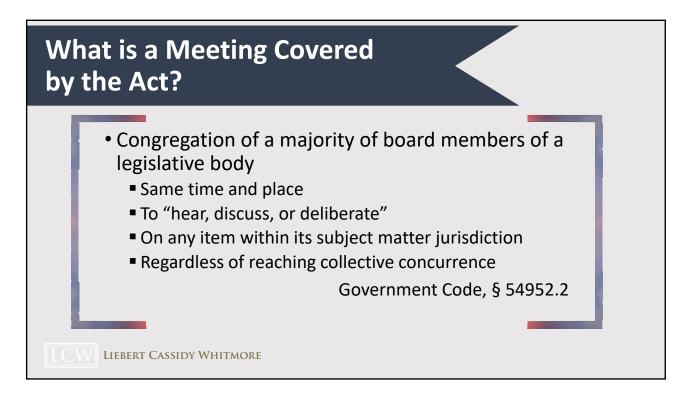
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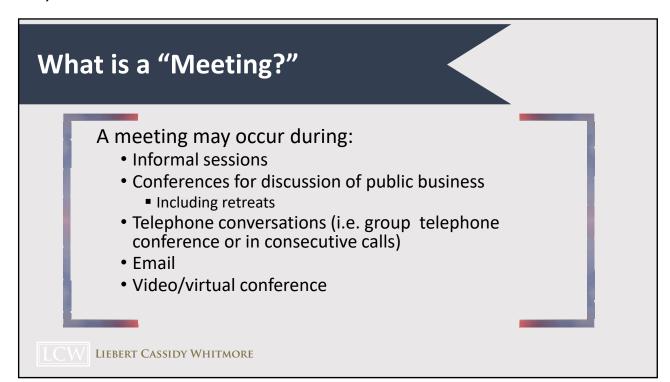


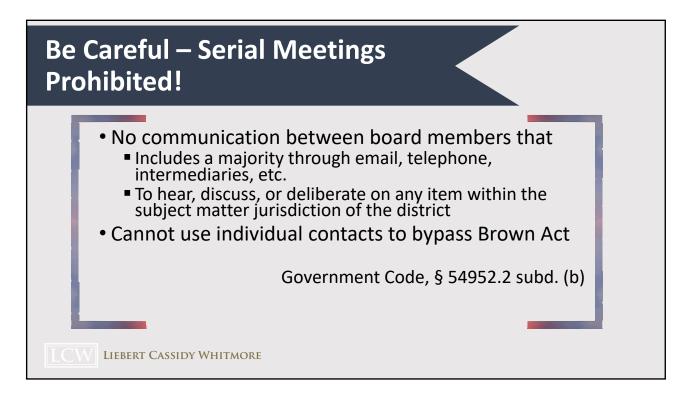
Chabot-Las Positas Community College District | September 13, 2022



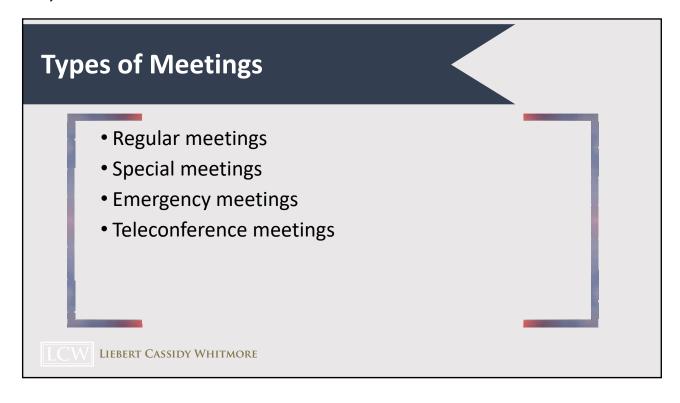


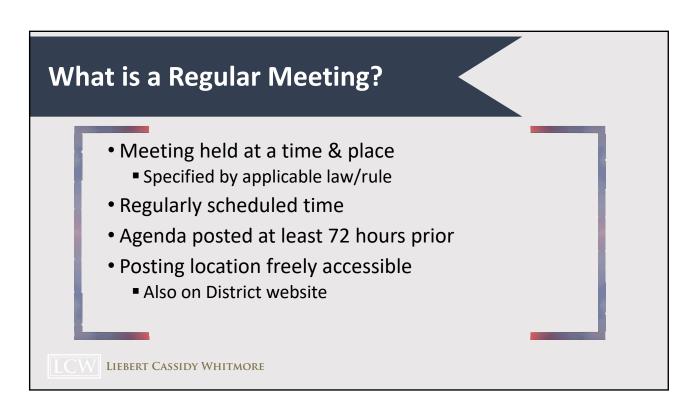
Chabot-Las Positas Community College District | September 13, 2022





Chabot-Las Positas Community College District | September 13, 2022





Chabot-Las Positas Community College District | September 13, 2022

Presented by: Eileen O'Hare-Anderson

What is a Special Meeting?

- Meeting called at any time
- By the presiding officer or a majority of the members
- Notice:
 - posted 24 hours before meeting
 - delivered to members and press 24 hours before meeting
 - Date, time, location, brief description
 - May only discuss items on the agenda (Can't add items)
- No special meetings regarding compensation for any local agency executive

LCW

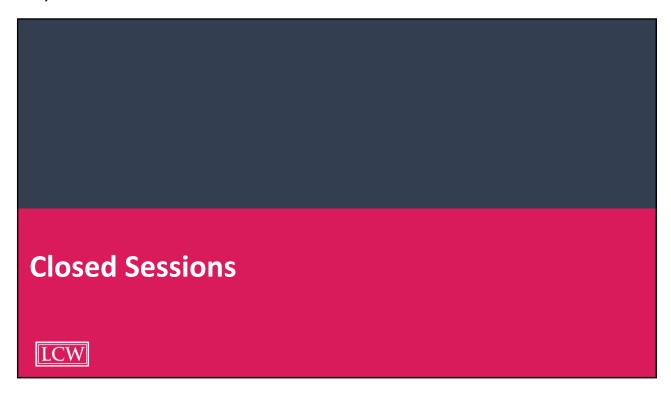
LIEBERT CASSIDY WHITMORE

What is an Emergency Meeting?

- Emergency VERY limited
 - Work stoppage, crippling activity, disaster, or other activity that severely impairs or threatens public health or safety
- Requires majority of governing body
- No written notice required
- Must give notice to media
- Limited closed sessions

LCW LIEBERT CASSIDY WHITMORE

Chabot-Las Positas Community College District | September 13, 2022





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Presented by: Eileen O'Hare-Anderson

Reporting After Closed Session

- Generally after closed session, board must report in open session
 - Action taken in closed session
 - Vote or abstention of every member
- The nature of the report depends on the type of action taken

LIEBERT CASSIDY WHITMORE

Confidentiality of Closed Session

- No disclosure of personal recollection of closed session discussions
- No disclosure of confidential information acquired by being present in closed session
- Sanctions for violations
 - Discipline, referral to grand jury
- Exceptions
 - Informing DA/grand jury re violation
 - Questioning propriety/legality of actions

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Presented by: Eileen O'Hare-Anderson

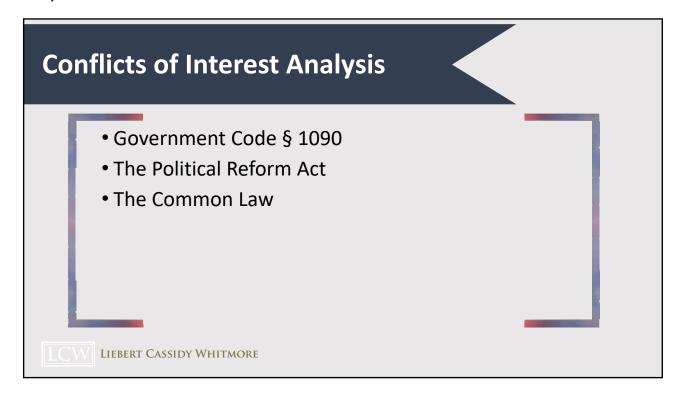
Open or Closed Session?

- Superintendent/President wants to update Board on a contract grievance arbitration
- Board wants to discuss budget with labor negotiator
- Board wants to meet with legal counsel to understand options for hiring procedures
- Board wants to discuss a board member conflict of interest issue

LOW LIEBERT CASSIDY WHITMORE

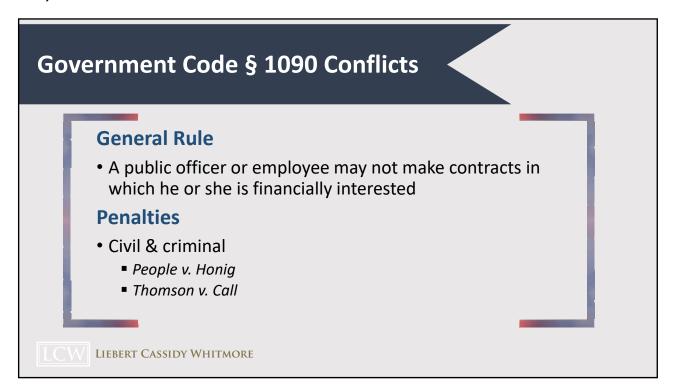
Ethical Issues ICW

Chabot-Las Positas Community College District | September 13, 2022





Chabot-Las Positas Community College District | September 13, 2022





Chabot-Las Positas Community College District | September 13, 2022

Presented by: Eileen O'Hare-Anderson

Ethics in Practice: The RFP

- Trustee Jones is on the ad hoc committee. Her live-in boyfriend is a headhunter for a firm that submits a proposal. Jones is sure she can remain objective and says nothing when her boyfriend's firm gets an interview. **Problems?**
- What if the boyfriend's firm is recommended to the Board—

May it contract with the firm? Should it?

At the meeting, board member Smith provides "full disclosure" that his wife is the firm's vice president and that he his officially "bowing out" of the process.

Does this cure the conflict? May the board delegate the contracting function to cure the conflict?



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Summary of Operative Legal Principles

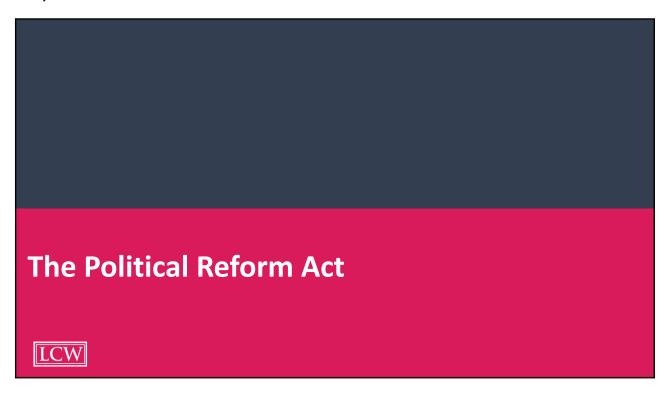
Government Code § 1090:

- No public officer may make a contract in which he/she is financially interested
- Even if contract is fair, just, equitable or more advantageous
- No "good faith" defense
- · Contract is void and unenforceable
- Insufficient for interested party to abstain
- Appearance of financial conflict prohibited



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Chabot-Las Positas Community College District | September 13, 2022





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In the CEO search, the District is in the process of forming a firsttier interview panel, with representation from the District's various constituent groups and the community. The board president is furious with the FA president for orchestrating a vote of no confidence against her and the Board. She sends the following email to the CEO:

I know we have to include union representation on the panel. Just make sure it ISN'T RONNIE. The last thing we need is her negativity.

Problems?



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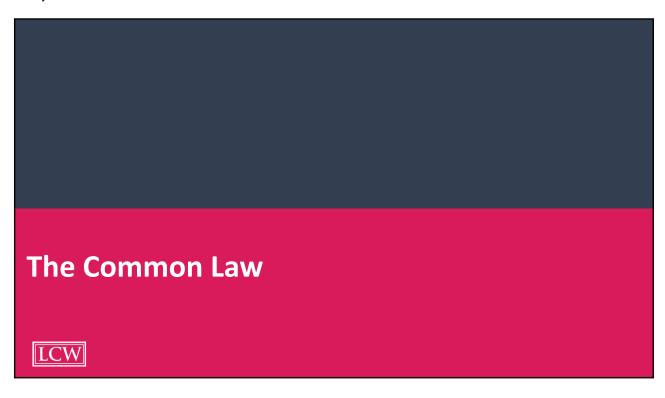
Summary of Operative Legal Principles

Political Reform Act

- No public official may:
 - Make/participate/use position to influence a decision
 - If knows/should know of disqualifying financial conflict of interest
- Board member must:
 - Publicly identify the financial interest after announcement of agenda item
 - Leave the room/refrain from participating

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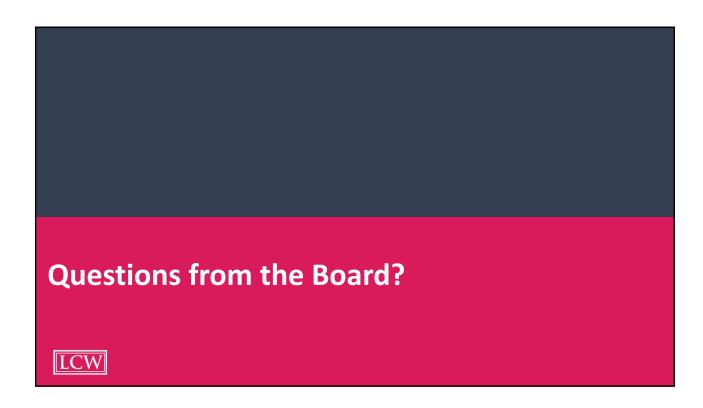
Chabot-Las Positas Community College District | September 13, 2022





Chabot-Las Positas Community College District | September 13, 2022





Chabot-Las Positas Community College District | September 13, 2022

