

[Excerpt from] **ADOPTED MINUTES**  
**FOR THE REGULAR MEETING OF THE  
IMPERIAL COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES**

**Wednesday, October 18, 2017**  
**Location**

**William J. Thornburg Administration Center, Building 10**  
**380 East Aten Road**  
**Imperial, CA 92251**

**1. INFORMATION TO THE PUBLIC**

**2. CALL TO ORDER**

**Procedural: 2.1 Call to Order**

Clerk of the Board Taylor called the meeting to order at 6:00 p.m.

**Procedural: 2.2 Roll Call by Secretary**

Board Secretary Jaime announced roll call as follows:

Area 1 Louis Wong

Area 3 Jerry D. Hart

Area 4 Rudy Cardenas, Jr.

Area 5 Mark Edney

Area 6 Romualdo J. Medina

Area 7 Steven M. Taylor

Associated Student Government Representative – Karla Espejo-Rodarte

Academic Senate Representative – Mary Lofgren

College Council Representative – Melody Chronister

Absent:

Area 2 Karla A. Sigmond

Procedural: 2.3 Pledge of Allegiance

Trustee Hart led the pledge of allegiance.

[...]

**7. DISCUSSION**

**Discussion: 7.1 Board Study Session - BP 2715 Code of Ethics/Standards of Practice; BP 2716 Political Activity**

Legal Counsel Frank Oswalt spoke and stated last spring a former Board member who was running for a political office went into a classroom and spoke to the students and solicited volunteers. As a result, a complaint was made, the Board commissioned an Ad Hoc Committee to investigate the complaint. The Ad Hoc Committee in their July 19,

2017 report recommended that the Board as a whole express its disapproval of the Trustee's conduct in use of public resources to aid in the campaign for public office. The report also directed the Superintendent/President to schedule a study session regarding Board Policy 2715 Code of Ethics/Standards of Practice and 2716 Political Activity.

Legal Counsel Frank Oswald stated he has been asked to address issues involving political activities with candidates running for public office and review of board policy.

He stated as an elected official or employee you assume a fiduciary responsibility to the District. Fiduciary relationship means an absolute duty of loyalty to your principal, acting in the best interest and welfare of the college, and to serving the mission of the college, and anything that interferes with serving your own personal needs is forbidden.

Legal Counsel Oswald went over BP 2716 Political Activity, which states, "Members of the Board shall not use district funds, services, supplies or equipment" to aid in a public campaign activity or to aid in your own personal needs.

Trustee Hart stated this should also include running for other public offices not only IVC Board of Trustees. Legal Counsel Oswald agreed and stated this includes any public office.

He reviewed BP2715 Code of Ethics/Standards of Practice which covers board conduct and board protocols.

He cited Government Code Section 85300(a) "A public officer shall not expend, and a candidate shall not accept, any public monies for the purpose of seeking elective office."

He cited Education Code Section 7054(a) "No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including but not limited to, any candidate for election to the governing board of the district."

He further cited Ed Code Section 7054(c) which states "A violation of this section shall be a misdemeanor or felony punishable by imprisonment in a county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months, or two or three years."

Other violations covered included those by the Fair Political Practice Act, and Government Code Section 8314.

Legal Counsel went over different scenarios of what constitutes permissible or impermissible campaign activity. He stated a permissible form of campaigning includes having a public forum or candidate night at the college for all candidates.

Trustee Edney asked how is it possible that a former Board member went into a classroom without Administration's knowledge. Legal Counsel Oswalt responded that this situation has occurred in the past and it was not brought to the attention of Administration. He stated whether the Board member asked or was asked to go to the classroom is irrelevant, the position of the Board member makes any circumstance like this look coercive. It should have been done in a candidates' forum where everybody has an opportunity to speak and questions can be addressed.

Trustee Taylor asked whether a policy is needed to limit people coming on campus. Legal Counsel Oswalt responded that was not necessary, a communication from the Superintendent/President Office would suffice.

Trustee Medina stated that in reviewing IVC Board Policies they were all intact.

President Jaime stated that he would be working with Legal Counsel to develop a communication to go out to faculty and the campus community.

Trustee Hart stated that as a Board they need to understand the repercussions for not following policy; and ensure that new Board members also understand.

Trustee Medina asked whether the same guidelines apply to a measure. Legal Counsel Oswalt stated not necessarily, there is the ability to advocate different type of activities for the passage of measures, but there are constraints of what can be done.

Trustee Edney asked whether there is any information in the Trustee Application Packet. Legal Counsel Oswalt stated there was not, but that could be remedied by adding BP2715 and BP2716 along with Ed Code provisions to be handed out to all candidates.

Academic Senate President Mary Lofgren spoke and stated she was disappointed with the outcome, the Board member should have been sanctioned. Legal Counsel Oswalt responded and stated the Ad Hoc Committee's findings was to publically admonish the Board member, this was the only remedy available to the Board according to Board Policy 2715.

President Jaime stated that a public admonishment becomes public record.

Vice President for Student Services Dr. Martha Garcia spoke and stated administration would be updating the Facilities Use Policy and monitoring activities on campus.