



**Maricopa County Community College District  
Governing Board Minutes  
January 6, 2017**

A Board Orientation of the Maricopa County Community College District Governing Board was scheduled to be held beginning at 9:00 a.m. at the District Support Services Center, 2411 West 14th Street, Tempe, Arizona, pursuant to A.R.S. Section 38-431.02, notice having been duly given.

**GOVERNING BOARD**

Dana Saar, Board Member  
Linda Thor, Board Member  
Laurin Hendrix, Board Member  
Johanna Haver, Board Secretary

**ADMINISTRATION**

Maria Harper-Marinick, Chancellor  
Maggie McConnell, Legal Counsel  
Teresa Toney, Office of Public Stewardship  
Willa Morgan, Assistant General Counsel  
Gloria Smith, Governing Board Assistant

**CALL TO ORDER**

Chancellor Harper-Marinick called the Board Orientation to order at 9:00 a.m. Dr. Harper-Marinick commented that the session would cover the most important aspects of board membership. Although Board Member Dana Saar would lead the conversation, she introduced Teresa Toney as the “walking encyclopedia” of policies. She explained that Maricopa is a multi-college system, not a multi-campus system, wherein each campus is individually accredited and each is accountable to a set of expectations from the HLC. As a point of interest, Dr. Harper-Marinick indicated that SCC is the college currently undergoing a review by the HLC and the self-study is available on their website. The meeting with the HLC Team will be taking place on January 30. Voluminous self-study information books are no longer provided and the number of visits is down. Instead, the HLC now has trigger points and desk reviews they focus on. The accreditation term is still ten years. Other topics discussed were regional accreditation, dual enrollment, teaching criteria, qualifications, and enforcement.

**STATUTORY AUTHORITY**

Mr. Saar reviewed the Arizona Revised Statutes (ARS) that focused on educational institutions and community colleges. Open Meeting Laws are not specific to us but to all public entities. Three chapters of ARS pertain to community colleges. They are Chapter 1, 14, and 12 (articles 1-5). Maricopa is the one district that has seven board members, all others have five, and statute has written it in such a way that Maricopa will always have seven. There is a difference between what is in State Policy versus what is in our policies. There have been attempts to change Chapter 15 which mostly pertains to K-12 but these have been unsuccessful. When it comes to finances, the K-12 system has revenue limitations and community college have expenditure limitations. We can raise all the money we want, we just can't spend it. The roles and responsibilities of board members have changed where the Board no longer approves hiring and firings but rather delegates it to someone else. In the case of Maricopa, this was delegated to the Chancellor. The Board can only hire the Chancellor and holds the Chancellor responsible for hiring and firing. The Board has Board Policy and all others are administrative regulations. It was suggested

that new board members review ARS §15-1444 and 15-1445 which would help board members understand the Maricopa Governance Structure.

**OPEN MEETING LAW  
PRESENTATION –  
JULIA SMOCK**

Mr. Saar followed by introducing Julia Smock who would be presenting on the Open Meeting Law. Her credentials were listed as follows: (B.A., University of Cincinnati 1973; J.D., Indiana University 1976), retired from the Office of the Attorney General, having served as an Assistant Attorney General from 1980 - 2010. Julia served in the Licensing and Enforcement Section of the Civil Division from 1980-1987, and in the Child Support Enforcement Section of the Child and Family Protection Division from 1987-2010. Her practice included both representation of administrative agencies and significant responsibility for local and interstate child support cases. Julia also was a member of the Open Meeting Law Enforcement Team of the Attorney General's Office from 1983-2010. She has made numerous presentations concerning both family law and open meeting law. Julia received the Distinguished Service Award from the Arizona Family Support Council in 2004 and the Public Attorney Team of the Year Award from the Volunteer Lawyers Program in 2008. Julia was a member of the Exceptional Public Service Team of the Attorney General's Office in 2005, and she received the Career Service Award from the Attorney General's Office in 2010. Julia served as a member of the Peoria Unified School Board from 1989-2000 and served as President of the Arizona School Boards Association (ASBA) in 1996. Julia was named a member of the All-Arizona School Board in 1995, and the Peoria School Board received the Lou Ella Kleinz Award in 1997. Julia also received a Distinguished Service Award from the National School Boards Association in 1997. She has served as a leadership consultant for ASBA providing training for local school boards since 2012. She currently serves as a member of the Peoria Arts Commission.

Ms. Smock provided the following presentation on the Open Meeting Law:

- Cautionary Tales from a newspaper editorial: "Put Toto on a leash. If a bipartisan group of lawmakers get their way, you will no longer be able to pull back the curtain and see what the wizard of government is up to."

Open Meeting Law (OML) Purpose:

- To allow the public to observe and to listen; to assure "transparency"
- "It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided...which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided."
- If you have questions about whether the OML applies, decide in favor of openness

Who Is Covered?

- In addition to the district board, advisory/subcommittees and task forces– by any name or designation –created by the board or appointed by the presiding officer
- Must comply with notice, agenda and minute requirements
- It does not matter that there are no board or staff members in the group

Basic Requirements

- Districts must "conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations..."
- ...and post all public notices on their website... A.R.S. § 38-431.02(A)(2)(a)(b)

- Notice and agenda, including supporting documentation unless confidential, must be provided not less than 24 hours before the meeting starts; cannot be changed after 24 hours, so review in advance
- 24 hour notice includes Saturday if the public has access to the physical posted location in addition to any website posting but it does not include Sundays or holidays
- Agenda setting is not covered in the OML – board sets policy re: agendas
- Suggestion of possible agenda items can be made at a meeting or in an e-mail, but there can be no discussion of the item unless it already appears on current meeting's agenda
- Consent agendas are permissible – board must determine procedure

#### What is a Meeting?

- The gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.” A.R.S. § 38-431(4) (emphasis added)
- Regular meeting regardless of what it is called – study session, workshop, etc.
- Chance or planned meeting outside of board room at which business is discussed by a quorum

#### The E-Mail Opinion

- ▶ I05-004 - <https://www.azag.gov/search/node/open%20meeting%20law%20opinions>
- ▶ Use of e-mail by a quorum of a board can constitute a meeting, even if the quorum does not “talk” together in the same room at the same time
- ▶ Hypotheticals in the opinion are very instructive
  - E-Mail, text message, twitter – do not reply to all
  - Virtual Meeting – I08-008
  - Chancellor may send information to all Board members via e-mail but members may not “reply to all”
  - Sending e-mail as “blind copy” will keep members from accidentally replying to all
  - Board members may send information to other board members, but there can be no discussion of the information unless it occurs at a public meeting with proper notice and agenda

#### Call to the Public

- Law allows it, but does not mandate it
- If it is included on the agenda, where is it included? Beginning or end? Why?
- No response/discussion of issue raised unless it is on the agenda for that day's meeting
- Issue may be referred to administration or requested to be included on an upcoming meeting agenda
- There should be a process in place for speakers – time limits, decorum, etc., but no censorship

#### Executive Sessions

- Requires notice on public meeting agenda as well as a motion and a vote – specific reason(s) for executive session - recited by subsection - must be included on the agenda and in the motion
- Board President may not just announce that the board is going into executive session
- No votes can take place in executive session; any vote as a result of discussion in executive session must be made in public

- Public vote should not “give away” the reason for executive session discussion, but should provide as much information as is necessary to let the public know what action is being taken

#### Exception for Personnel

- Individual being discussed --must be advised in writing more than 24 hours before the meeting that s/he is being discussed --must be given the opportunity to have discussion held in public --is not required to be permitted in executive session --has access to executive session minutes whether or not s/he was permitted to attend

#### Other Executive Session Exceptions

- Records confidential by state/federal law
- Consultation with counsel for legal advice
- Consultation with counsel re: pending or contemplated litigation, settlement discussions to avoid or resolve litigation or to consider and instruct counsel re: contracts under negotiation
- Consideration and instruction to representatives re: negotiations with employee groups
- International or interstate negotiations with tribal council
- Consideration and instruction to representative re: purchase, sale or lease of real property

#### Confidentiality

- Everything said in executive session is confidential and cannot be discussed with anyone outside of the meeting
- That includes person who is subject of discussion or subject of litigation as well as reporters, family and friends

#### Minutes

- Public Session Requirements
- Date, time and place of meeting
- Members recorded as present or absent
- General description of matters considered
- Accurate description of actions proposed, discussed or taken
- Name of member proposing action
- Name of any person making statement or providing materials and agenda item being addressed
- Note: the only reason you can require a member of the public to identify her/himself as attending a meeting is if s/he makes a statement to the board. You cannot require anyone to sign a “sign-in” sheet as a condition to attending a meeting
- Note: think twice about requiring members of the public to give you addresses and/or phone numbers

#### Executive Session Minutes

- Must include accurate description of all instructions given to attorneys, representatives negotiating with employee groups and representatives negotiating re: real estate transactions
- Are confidential
- Should not be transmitted to board members via e-mail or fax or similar technology now or soon to be in existence because of the possibility of “leaks”

#### Sanctions

- Meeting held in violation of the OML must be done over; discussion/meeting held in violation of OML is “null and void”
- Item improperly noticed and discussed anyway must be done over or ratified
- Violations can result in:
  - Investigations
  - Lawsuits

- \$500 civil penalty per event
- Assessment of attorneys fees and costs
- Resignation/removal from office
- Recall/no re-election

#### Public Records

- “Public records and other matters in the custody of any officer shall be open to inspection by any person at all office hours.” A.R.S. § 39-121
- Note: Courts do not distinguish “public records” and “other matters.” *Griffis v. Pinal County*, 215 Ariz. 1, 4 n.5, 156 P.3d 418, 421n. 5 (2007) (citing *Carlson v. Pima County*, 141 Ariz. 487, 490, 687 P.2d 1242, 1245 (1984))
- “Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body’s website to the requesting person.”
- A.R.S. § 39-121.01(D)(1)

#### What is a Public Record?

- *Griffis* (quoting *Salt River Pima-Maricopa Indian Community v. Rogers*, 168 Ariz. 531, 815 P.2d 900 (1991)) says a public record is one: “made by a public officer in pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference”;
- The definition of public record is broad, but not unlimited
- There must be a “substantial nexus” with an entity’s activities
- Determination is content-driven
- Court may conduct in-camera review of documents in question
- Metadata is part of electronically created public record

#### Public Records Retention Policy

- Mere possession of a document by a public office or agency does not by itself make that document a public record
- Nor does expenditure of public funds in creating the document  
“We reject [the] argument that all e-mails generated or maintained on a government-owned computer system are automatically public records...On the other hand, many e-mails generated or retained on a government computer system are public records because they relate to government business.” *Griffis*

#### Metadata

- ▶ Metadata must be provided for electronically created public records
  - “When a public officer uses a computer to make public record, the metadata forms part of the document as much as the words on the page.” *Lake v. City of Phoenix*, 220 Ariz. 472, 484-85, 203 P.3d 725, 737-38 (App. 2008)
  - Metadata is defined as “information describing the history, tracking, or management of an electronic document” and includes “file designation, create and edit dates, authorship, comments, and edit history.” *Lake, n.1*

#### Electronic Records

- Governing board related e-mails, text messages, and any other form of electronic communication are public records, even if you use your personal equipment at home or in your car
- 06.14.15 article in the *AZ Republic* discussed use of personal e-mail by the Governor, Secretary of State, Attorney General and State School

Superintendent described the practice as “legal but at times controversial.”

#### And Another

- Ongoing issue with failure to produce text messages sent by former Corporation Commissioner; reasons given were they were not available through Verizon and the phone was thrown out
- On 06.27.15, AZ Republic Columnist Laurie Roberts said: “A state regulator regularly sends text messages to a utility executive, a pair of utility-friendly commission candidates and the head of a dark-money group suspected of fronting for the utility during election season. He then routinely deletes the texts. Then he deletes his state-supplied phone by throwing it away. HmMMM.”
- A current member of the Corporation Commission has since suggested that public records requests should require a court order
- Laurie Roberts again:
  - “Darn those pesky laws that allow the public to see what the heck our leaders are up to...quoting Commissioner Burns, ‘The police don’t come into your home without a warrant...There’s limitations and requirements to be met.’ Roberts’ response: “The Corporation Commission isn’t your home. I believe, technically speaking, it is ours.”  
*AZ Republic, 08.17.15*

#### Potential Pitfalls

- Be careful not to
  - Post confidential information on the internet or send confidential information via e-mail, fax, text or twitter to someone you know or to the wrong person
  - Text during board meetings – can be misconstrued as conducting business without openness or appearing to be disinterested in board business

#### Public Records Retention Policy

- The district must have a public records retention policy, and you must know what it is and how it works
- Consider using only district e-mail and other district equipment for district business

#### Charging Fees

Charging copying fees – Ariz. Attorney Gen. Op. I13-012

- Private or commercial use?
- If commercial use, A.R.S. § 39-121.03(A) says it is okay to charge for
  - A portion of cost for obtaining original or copies
  - A reasonable fee for cost of time, materials, equipment and personnel in producing reproduction
  - The value of reproduction on commercial market
- Copying cost does not include the cost of locating and preparing record for inspection including time required to review and redact if necessary – *Hanania v. City of Tucson*, 128 Ariz. 135, 136, 624 P.2d 332, 333 (App. 1980) and Ariz. Attorney Gen. Op. I86-090
- Recent legislative attempts to permit charging for labor costs even in extreme circumstances have failed

#### Refusal to Produce/Redaction

- Refusal to produce public records under some circumstances requires balancing of interests
  - Documents are confidential under state or federal law – *Berry v. State*, 145 Ariz. 12, 699 P.2d 387 (App. 1985)

- Release may invade personal privacy – *Scottsdale Unified Sch. Dist. v. KPNX Broadcasting Co.*, 197 Ariz. 297, 955 P.2d 534 (1998)
- Release of documents will compromise ability of public body to do its job – e.g., negotiations re: purchase/sale of real estate
- Several requests for records were made by the *AZ Republic* in Sept. 2014 to the Advisory Board for the Chief of the ASU Campus Police
- Portions of the records were redacted to exclude references to morale problems and staffing shortages citing “the best interests of the state” exception
- Not satisfied, reporters turned to other “sources” to get the remainder of the redacted info
- Info redacted really was embarrassing rather than info that could compromise the best interests of the State

#### How Much is Too Much?

*Congress Elementary Sch. Dist. v. Warren*, 227 Ariz. 16, 251 P.3d 395 (App. 2011) – District claimed prior records requests required review of nearly 9,000 pages of documents and response time of more than 417 hours:

- “In sum, the district has not shown why the simple fact that defendants have made previous requests permitted by statute justifies an order denying possible future requests.”
- Records requests are not a “public nuisance.”

#### When Should Production Occur?

- Access to a public record is deemed denied if a custodian fails to promptly respond to a request for production - A.R.S. § 39-121.01(E)
- “‘Prompt,’ ...mean[s] ‘quick to act or to do what is required,’ or ‘done, spoken, etc., at once and without delay.’” *W. Valley View, Inc. v. Maricopa County Sheriff’s Office*, 216 Ariz. 225, 230, 165 P.3d. 203, 208 (App. 2007)

#### Prompt Response

- *Lake*, 220 Ariz. at 484-85, 203 P.3d at 737-38
  - “Arizona law does not require that public records be furnished within a specific number of days after receipt of the request. Rather, in this context we have interpreted the word ‘prompt’ to mean ‘quick to act’ or to produce the requested records ‘without delay;’ We have also recognized, however, that whether a government agency’s response to a wide variety of public records requests was sufficiently prompt will ultimately be dependent upon the facts and circumstances of each request.”
- *Phoenix New Times v. Arpaio*, 217 Ariz. 533, 177 P.3d 275 (App. 2008)
  - “Although a request for voluminous documents that are not all located in the same place might justify some delay in responding to a request... similar delays have been upheld only with some form of prompt notification or response, as is required by A.R.S. § 39-121.01(D)(1) and (E).”
  - Agency cannot justify failure to provide records by claiming that it assumed that the person requesting the records would no longer be interested in them...at least without asking the person making the request.
- *McKee v. Peoria Unified School District*, No. 1 CA-CV 13-0374, 12/02/14 – case involved request for public records by teacher who was the subject of a termination hearing after the drowning death of a student under his supervision

- Court of Appeals reversed the Superior Court finding that PUSD did not respond “promptly” – 16 business days - and found that the “promptness” analysis must consider the comprehensive response of the district, including the need for review and possible redaction
- Open Meeting and Public Records Resources
- OML - A.R.S. §§ 38-431–439; Public Records A.R.S. §§ 39-101-161 [www.azleg.gov/ArizonaRevisedStatutes](http://www.azleg.gov/ArizonaRevisedStatutes)
  - Arizona Agency Handbook, chapters 6 and 7 [www.azag.gov](http://www.azag.gov) (type “Agency Handbook” in search bar)
  - Arizona Ombudsman’s Office [www.azleg.gov/ombudsman](http://www.azleg.gov/ombudsman)
  - Arizona State Library, Archives and Public Records - [www.azlibrary.gov](http://www.azlibrary.gov)

#### Final Thought

Remember – there is always a Toto willing to work hard to pull the curtain back to expose the Wizard if lack of transparency is suspected!

## MARICOPA GOVERNANCE

Discussions then moved to the Maricopa Governance model for MCCCDC policies and administrative regulations. Mr. Saar stated that we are a Policy Governance Board. Policy Governance includes four areas of policies:

1. Outcomes: Policies that determine benefits that will occur for the Board’s constituents. These are prioritized and reflected in the budget. Metrics serve as a foundation for future monitoring of the Governing Board Outcomes (intended organizational results. It is a key component for MCCCDC to conduct Institutional monitoring of stakeholder deliverables. Outcomes include:
  - ▶ University Transfer Education and General Education
  - ▶ Workforce and Economic Development
  - ▶ Developmental Education
  - ▶ Community Development and Civic and Global Engagement
2. Chancellor Limitations: Policies that provide the prudent and ethical boundaries of acceptable Chancellor acts, practices, and circumstances. Chancellor Interpretations serve as a foundation for future monitoring of the Chancellor’s Limitations. It is a key component for the MCCCDC to conduct institutional monitoring of stakeholder deliverables. Chancellor has opportunity to interpret. Limitations include:
  - ▶ Treatment of Students
  - ▶ Treatment of Faculty and Staff: Board Members need to ask questions about Treatment of Staff and Faculty.
  - ▶ Interactions with the Public/Other Constituents
  - ▶ Financial Condition and Activities: HR and Financial Monitoring Reports
  - ▶ Asset Protection: Must be in compliance
  - ▶ Financial Planning and Budgeting
  - ▶ Staff Compensation and Benefits: Class and Comp System. This is value-based.
  - ▶ Communication and Counsel to the Board
  - ▶ Operational Succession Planning

- ▶ Public Safety: Still an open campus and prone to things happening
3. Board/Staff Relations: Policies that describe the Board's relationship and accountability linkage (generally through the Chancellor). These include:
- ▶ Unity of Control
  - ▶ Accountability of the Chancellor: Looking at new evaluation tool. Policy must match process.
  - ▶ Delegation to the Chancellor
  - ▶ Monitoring the Chancellor's Performance: Now in place and related to Outcomes.
  - ▶ Access to the Internal Auditor: Track issues and progress
  - ▶ Board/General Counsel Relationship: Direct Report to Board and Chancellor
4. Governance Process: Policies that clarify the Board's own job and rules, including how it plans to connect with others. How we work as a Board. This Process includes:
- ▶ Governing Values
  - ▶ Manner of Governing: How we govern as a subdivision of the State of Arizona
  - ▶ Board Job Description: Board has identified these things as responsibilities.
  - ▶ Board Planning and Agenda Preparation
  - ▶ Board Meetings
  - ▶ President's Role
  - ▶ Board Linkage With the Community
  - ▶ Board Committee Principles
  - ▶ Board Committee Structure
  - ▶ Board Members Code of Conduct
  - ▶ Awarding of Emeritus Status
  - ▶ Governance Investment

Discussion:

- ▶ Should board members direct all communication to the Chancellor can they talk to heads of Department? Response: Chancellor should be aware of all communications. Logistical things should be directed to Board Assistant. When in doubt, refer to Chancellor. When board members go to Presidents or Vice Chancellors, they should report to Chancellor about the request and Chancellor should respond to them and to all.
- ▶ On action items, Vice Chancellors and college presidents are listed, and if there are things they would like to know, copies should be sent to Chancellor.

- ▶ If staff or faculty go to Board because “no one is getting back to them.” Members of the Board should send to Chancellor so that it can be worked on and put back on track.
- ▶ Chancellor has opportunity to interpret Chancellor Limitations. Chancellor Interpretation revised two years ago. Board and Chancellor work hand in hand to move the Mission/Vision forward.

#### **CONFLICT OF INTEREST AND CODE OF CONDUCT**

Margaret McConnell, Interim Legal Counsel, provided an overview on Conflicts of Interest and Code of Conduct. The following points of interest were covered:

- Working Definition of “Conflicts of Interest”: Situation in which a person’s self-interest (or that of a relative) actually or theoretically may “sway” that person’s judgment from the independence necessary to make decisions on behalf of MCCCCD based solely on MCCCCD’s interests.
- Source of Conflicts Standards: Arizona Revised Statutes at: <https://legal.maricopa.edu/business-law-contracts/conflict-of-interest-statutes>
- Governing Board Policies (See: <https://chancellor.maricopa.edu/public-stewardship/governanfce/board-policies>)
- Benchmarks for Ethical Behavior Title 38, Arizona Revised Statutes
  - Article 8 Conflict of Interest of Officers and Employees
  - 38-501 Application of article
  - 38-502 Definitions
  - 38-503 Conflict of interest; exemptions;/employment prohibition
  - 38-504 Prohibited acts
  - 38-505 Additional income prohibited for services
  - 38-506 Remedies
  - 38-507 Opinions of the attorney general; county attorneys, city or town attorneys and house and senate ethics committee
  - 38-508 Authority of public officers and employees to act
  - 38-509 Filing of disclosures
  - 38-510 Penalties
  - 38-511 Cancellation of political subdivision and state contracts; definition
- A.R.S. 38-503: Governing Board Members may not vote on or otherwise participate in any manner in a MCCCCD contract, sale, purchase or decision in which that member or a member’s relatives has a financial or ownership interest. Must make that interest known on the record and refrain from voting or otherwise participating. Relatives are defined as spouse, child, grandchild, parent, grandparent, brother, sister (whole or half blood – and their spouses, parents, brother, sister, or child of a spouse). Governing Board Members may not sell equipment, materials, supplies or services to MCCCCD unless the purchase if for equipment, materials and supplies (but excluding services) up to \$300 per purchase with an annual cap of \$1,000; or the contract is awarded through competitive bidding. Sanctions for violation of these state laws include both civil and criminal penalties.

- Examples of Statutory Application
- Governing Board of Conduct:  
[https://chancellor.maricopa.edu/sites/default/files/4.10\\_1.pdf](https://chancellor.maricopa.edu/sites/default/files/4.10_1.pdf)
- The Code of Conduct describes Board member-required conduct in tough, broad terms such as: Board Members must demonstrate unconflicted loyalty to the interests of the entire community of Maricopa County. This accountability supersedes any conflicting loyalty. Members are expected to discharge duties “honestly and in good faith.” Members are elected to serve on a “nonpartisan basis.” Members must “avoid any conflicts of interest.” No self-dealing or any conduct of private business or personal services between any board member and that organization except as “procedurally controlled.” No use of Board position to obtain employment within MCCCCD for themselves or their relatives. Disclosure required of actual or potential conflict of interest and abstention from deliberations and voting.
- Board members lack individual authority over the Chancellor and staff, unless authority has been explicitly given, and lack authority to speak on behalf of the Board to the media, public or other entities, unless it is to repeat Board decisions. Board Members must deal civilly and respectfully with each other. Confidentiality of sensitive matters must be respected and, in the case of executive sessions, is mandated by law.
- Governing Board Code of Conduct contains a three-step process for resolving allegations of violations of it by a Board member. The Code also lists some actions that the Board may take for its violation.
- Statutory Standards Versus Code of Conduct are founded on a set of defined terms and will be interpreted based on those definitions. Code of Conduct uses undefined terms that are board. It is easier to complain that they have been violated. Statutory language will take priority over Code language where the situation is covered by the law. Based on the broad language of the Code, a Board member may still have a conflict of interest even though the specific situation does not fall within the statutory prohibitions. State law establishes civil and criminal penalties for violation of the law. Enforcement is through the Attorney General or the County Attorney. Penalties for Code violations are determined by the Board, with the Board as the enforcing entity. The Code of Conduct establishes many standards for Board member conduct that do not involve conflicts of interests but that, if violated, may constitute a failure to comply with Governing Board policy.
- Relational of the Board to the General Counsel (Board Policy 3.6): MCCCCD as a whole is the General Counsel’s sole client and the entity to which he or she owes his or her professional responsibilities. The General Counsel reports to and is supervised by the Chancellor, but must have direct and independent access to the Governing Board “when necessary in his or her professional judgment. ‘Whenever the General Counsel is providing legal services to the district including the Chancellor and the Board, professional standards require that his or her legal advice and services be based upon independent professional judgment this is not subject to the client’s direction control.’”

- Maricopa BoardEffect web portal
- Board Calendar
- Mileage and travel reimbursement
- District email accounts
- Technology resources provided to Board members

**ADJOURNMENT**

The Board Orientation was adjourned at 11:55 a.m.

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Dr. Linda M. Thor  
Governing Board Secretary