

**WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT**  
**Administrative Procedures**  
**Chapter 6– Business and Fiscal Affairs**

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**Business and Fiscal Affairs**

**AP 6100 DELEGATION OF AUTHORITY**

**References:**

Education Code Sections 70902(d), 81644, 81655, and 81656;  
Public Contract Code Sections 20651, 20658, and 20659

The Associate Vice Chancellor of Finance and Administration is delegated authority from the Chancellor to supervise budget preparation and management; oversee fiscal management of the District; and contract for, purchase, sell, lease, or license real and personal property, in accordance with District Policy and law. Responsibility for the development of internal policies and procedures consistent with the provision of this regulation remains with the Associate Vice Chancellor of Finance and Administration. This delegated authority is subject to the condition that certain of these transactions be submitted to the Chancellor for review and approval from time to time as determined by the Chancellor.

When transactions do not exceed the dollar limits established in the Public Contracts Code, the Education Code, or other laws pertaining to the taking of competitive bids, the Executive Director of General Services may contract for goods, services, equipment, and rental of facilities so long as the transactions comply with law and any limitations or requirements set forth therein. Furthermore, the Executive Director of General Services may amend the terms and conditions of any contractual arrangement so long as the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable law or regulation. Bi-monthly the Executive Director of General Services will present a report for contracts not approved on the PO report for ratification by the Board of Trustees.

No employee of the District or member of the Board, or other agent of the District, is authorized to enter into any verbal agreement on behalf of the District. If an individual has purported to represent the District and has made a verbal agreement involving the District, that agreement will be without force and will not be recognized by the District without regard to whether the individual or individuals making the agreement are authorized agents of the District.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Procedures 6.2  
and 6.2.4)*

**Business and Fiscal Affairs**

**AP 6150 DESIGNATION OF AUTHORIZED SIGNATURES**

**References:**

Education Code Sections 85232 and 85233

The Chancellor and Associate Vice Chancellor of Finance and Administration are designated as the District officers authorized to sign warrants on behalf of the District. Two signatures are required.

Such Authority may be delegated by the Chancellor, Associate Vice Chancellor of Finance and Administration, or the Board to the Executive Director of Financial Services and/or College Presidents.

Proper documentation regarding signing District warrants shall be filed with the county superintendent of schools. (Note: "proper documentation" may vary from district to district according to Education Code Sections 85233, 85266)

Approval of District warrants will be withheld when:

- Disbursement of the funds will result in the total amounts expended in any major account classification to exceed the amount budgeted.
- Established procedures have not been followed to permit verification of authenticity of the expenditure.

In regard to the Associated Student Government, the Chancellor and/or each College President will designate how and by whom checks will be signed. (See BP/AP 5420 titled Associated Student Organizations' Finance)

College and District administrators are authorized, within District and Board approved guidelines and budgets, to initiate and approve payment documents. All such disbursements shall be ratified by the Board.

The following shall be considered District obligations for payment (subject to Board ratification or consent) when signed by the designated authorized person. Until the authorized person has signed the appropriate document, no obligation of the District exists.

- **Classified and academic hourly timesheets** = Responsible College/District administrator
- **Academic or classified personnel salary placement** = Chancellor or Associate Vice Chancellor of Human Resources
- **Lease agreements for use of off-campus facilities** = Chancellor or Associate Vice Chancellor of Finance and Administration
- **Public Works Contracts** = Chancellor or Associate Vice Chancellor of Facilities Development and Operations
- **Independent contractor agreements, up to the amount authorized in State law** = Chancellor, Associate Vice Chancellor of Finance and Administration, or Executive Director of General Services
- **Purchase orders** = Chancellor, Associate Vice Chancellor of Finance and Administration or Executive Director of General Services

The following shall not be considered official District documents (subject to Board approval or consent) until signed by the designated authorized person:

- **Applications, reports, contracts, and other documents for categorically or specially funded programs** = Chancellor, Associate Vice Chancellor of Finance and Administration or Executive Director of General Services
- **Assurance of compliance with Federal Department of Health and Welfare Civil Rights regulations** = Chancellor or Associate Vice Chancellor of Finance and Administration
- **Receipt of merchandise/services** = Receiving Department and the responsible department manager or designee
- **Required State reports** (attendance, costs, Higher Education General Information Survey (HEGIS), etc.) = Chancellor, Associate Vice Chancellor of Finance and Administration or College Presidents
- **Reports required by Santa Clara County or the County Office of Education** = Chancellor or Associate Vice Chancellor of Finance and Administration

- **Facilities Use Agreement** = Chancellor, Associate Vice Chancellor of Finance and Administration, College Presidents, or designee

Such Authority may be delegated by the Chancellor or the Board to the Associate Vice Chancellor of Finance and Administration in the Chancellor's absence.

The Chancellor or Board may delegate signature authority in the following instances. All designees must have a Signature Authorization form on file in the District Finance Office. The following shall not be considered official District obligations for payment or Official District documents until signed by the designated authorized person (subject to Board approval or consent). See attached list.

<b>Document</b>	<b>Authorized to sign</b>	<b>Originals kept at</b>
1. Classified and academic hourly timesheets; short-term temporary timesheets; student hourly and work-study timesheets	Responsible College/District Department/Budget administrator	Payroll
2. Academic or Classified personnel salary placement	Chancellor or Associate Vice Chancellor of HR	Human Resources
3. Lease agreements for use of off-campus facilities	Chancellor or Associate Vice Chancellor of Finance and Administration	General Services
4. Public Works Contracts	Chancellor or Associate Vice Chancellor of Facilities Development and Operations	General Services
5. CUPCCA - contracts	Chancellor or Associate Vice Chancellor of Facilities Development and Operations	General Services
6. Independent contractor and consultant agreements, up to the amount authorized in State law.	Chancellor, Associate Vice Chancellor of Finance and Administration or Executive Director of General Services	General Services

Also see AP 6315 titled Warrants

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**Date Approved: July 23, 2019**

**Business and Fiscal Affairs**

**AP 6155 FRAUD**

**References:**

Education Code Sections 44110 et seq.

Fraud covers a number of unlawful acts including intentional deception, theft, embezzlement, false representation, misappropriation of resources, manipulation of data, concealment, identity theft, and other inappropriate conduct.

The Associate Vice Chancellor of Human Resources or designee shall provide every new employee of the District with a copy of BP 6155 – Fraud.

Every District employee is required to report any instance of suspected fraud to the District Police Department. If an instance of suspected fraud is reported instead to someone other than the District Police, that person is to report the instance to the District Police. The Police Chief shall brief the Associate Vice Chancellor of Finance and Administration on all matters relating to the fraud reported.

If presented with reasonable evidence of a suspected fraud, the District Police shall conduct an investigation to determine if the reported suspicions of fraud are valid. The Associate Vice Chancellor of Finance and Administration shall be briefed regarding the outcome of the investigation.

The Associate Vice Chancellor of Finance and Administration shall review the findings with the Chancellor and make recommendations for improvements to the systems of internal controls and disciplinary actions, as appropriate.

Cases involving monetary losses to the District will be pursued for recovery of losses. The District reserves the right to seek compensation via proceedings in court against individuals whose fraudulent acts have resulted in financial loss to the District, whether or not the individual concerned is criminally convicted of the fraudulent act.

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**Date Approved: July 23, 2019**

**Business and Fiscal Affairs**

**AP 6200 BUDGET PREPARATION**

**References:**

Education Code Section 70902(b)(5);  
Title 5 Sections 58300 et seq.;  
ACCJC Accreditation Standard III.D

To maintain the fiscal stability of the District, the budget preparation process shall:

- Provide an annual budget that shall be prepared in conformance with the California Community College Budget and Accounting Manual, and in conformance with provisions of the Education Code.
- Provide for responsible stewardship of available resources.
- Provide for safeguarding and managing District assets to ensure ongoing effective operations; maintenance of adequate cash reserves; implementation and maintenance of effective internal controls; determination of sources of revenue prior to making short-term and long-term commitments; establishment of a plan for the repair and replacement of equipment and facilities.
- Provide for an organizational structure that incorporates a clear delineation of fiscal responsibilities and staff accountability.
- Provide that appropriate administrators keep the Board current on the fiscal condition of the District as an integral part of policy and decision-making.
- Provide for development and communication of fiscal policies, objectives and constraints to the Board, staff and students.
- Provide for an adequate management information system that gives timely, accurate and reliable fiscal information for planning, decision-making and budgetary control.

- Provide for appropriate fiscal policies and procedures and adequate controls to ensure that established fiscal objectives are met.
- Provide a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial and educational adjustments.
- Provide both short-term and long-term goals and objectives, and broad based input coordinated with District educational planning.

The budget is a financial plan for the operation of the District for the fiscal year, developed in accordance with Board-adopted educational goals and objectives. The budget considers:

- Assumptions upon which the budget is based are presented to the Board for review.
- Total amounts budgeted as the proposed expenditure for each major classification of expenditures shall be the maximum expended for that classification for the school year, except as specifically authorized by the Board.
- Transfers made between expenditure classifications must be approved by a majority of the members of the Board.
- Transfers made from the reserve or contingencies to any expenditure classification must be approved by a majority vote of the members of the Board.
- Excess funds shall be added to the general reserve of the District and allocated in the new fiscal year.
- The Tentative Budget shall be presented to the Board of Trustees no later than July 1 [Title 5, Section 58305(a)], and the Final Budget no later than September 15 [Title 5, Section 58305(c)]. A public hearing on the Final Budget shall be held on or before September 15 [Title 5, Section 58301]. One copy of the adopted budget will be submitted to the California Community Colleges Chancellor's Office on or before September 30.

To achieve and maintain fiscal stability and to dedicate resources to meet the objectives of strategic planning, the District will follow a plan that requires a balanced budget on a year-to-year basis. To achieve each of the standards of the plan, each year the Associate Vice Chancellor of Finance and Administration will develop a budget that results in steady progress toward achieving each of the requirements of these Fiscal Standards and that reflects the Board's annual budget priorities to the greatest extent possible. While the development of the annual budget is reviewed through the participatory governance process, the Associate Vice Chancellor of Finance and Administration, serving as the Chief Business Officer, is responsible for submitting a budget to the Chancellor that



complies with the requirements of this plan. The Chancellor is responsible for submitting a balanced budget to the Board for approval.

The annual District budget shall be prepared in conformance with the California Community College Budget and Accounting Manual, and in conformance with provisions of the Education Code. Revenues and expenses shall be projected as accurately as possible within the budget submitted to the Board. The following standards will be used in the development of the annual operating budget:

### **Operating Budget Standards**

- **Total Salaries and Benefits:** Total employee salary and benefits costs may fluctuate depending on union contract settlements and increase in benefits costs. Permanent additions to staffing levels should consider the following conditions:
  - Increases in full time faculty personnel required by increased State funding.
  - Clear and imminent academic need where no reasonable alternative exists.
  - Additional staff that will result in an increase in FTES revenue.
  - Inability to obtain part time faculty within an academic discipline.
  - Workload demands resulting from growth and increased volume of work.
  - Enhancements to support services necessary to support development of instructional programs, student retention efforts or increased technology.
- **Compensation:** The goal for total compensation shall be above the median when compared to the Bay 10 districts.
- **Faculty Positions:** The District shall ensure compliance with AB 1725 pertaining to the full-time faculty obligation number (FON). The full time faculty goal is a faculty ratio of 75 percent full time compared to 25 percent part time as stated in AB 1725.
- **Classified and Administrator Positions:** Classified employee and Administrator positions are to be evaluated on a year-to-year basis to determine where employees are needed to support student success, the instructional and service programs or to enhance the working and learning environment. Support staffing levels are to be considered when evaluating changes to programs.

### **Revenue Standards**

In a year when the District is State funded and is able to grow, the District shall actively pursue State funded growth revenue. Growth revenue is viewed as an essential element in obtaining the resources necessary to meet the Educational and Facilities Master Plan (E&FMP) goals of providing and increasing community access to each College's educational services. The total growth revenue received by the District will be considered the maximum amount to be allocated in any given fiscal year.

Colleges, as appropriate, will provide community and contract education services to meet the needs of the community and to maximize non-State funding.

Community education courses and contract education courses shall be self-sufficient or revenue producing.

Categorical and grant revenue provided by State and local agencies for specific support purposes are to be pursued by each College and the District when these services are consistent with the objectives of the E&FMPs and are financially beneficial to the District.

Funding from the Mission-West Valley Land Corporation, the Advancement Foundation and the Colleges' Foundation will also be sought to assist in providing funding for specific E&FMP projects.

One-time revenues will be used for one-time expenditures or to temporarily augment department budgets. One-time expenditures will not be used to establish on-going and recurring costs including leases, increases in permanent personnel or other types of expenditures that result in funding beyond the current budget year.

#### **Debt and Capital Lease Obligations Standards**

- Long term debt and annual capital lease obligations shall be incorporated in the annual budgeting process. The District shall have a long-term plan to address the long term debt.
- The District shall utilize the OPEB Trust Fund to manage the long-term liability for the retiree health benefits.
- Long term debt will be issued to obtain capital equipment or facilities for which State funds are unavailable or insufficient to meet the cost of these projects.
- Prior to financing any project, an assessment will be made to define how the project assists in meeting the goals of the E&FMP.
- Long-term debt will not be used to pay for operating fund deficits.
- Capital lease obligations will only be incurred for capital purchases in excess of \$25,000 and will have a lease term of no longer than five years.
- Certificate of Participation issues will not exceed ten years.

The Associate Vice Chancellor of Finance and Administration shall ensure proper internal controls are in place to ensure reasonable accuracy of accounting information, to safeguard assets from loss and to ensure operating policies and procedures are being followed.

As required by the California Community Colleges Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each.

### **Capital Budget Standards**

- A five-year Capital Construction Plan will be prepared each year. The Plan will be developed based on facility needs identified in the Educational and Facilities Master Plans.
- At least every five years the District will evaluate its need to obtain the service of professionals to develop capital projects.
- Every five years the Facility Master Plan will be reviewed for possible revision.

### **Review of Standards**

Each year the Board will review the fiscal standards to determine the appropriateness of application of the standards. If the financial situation warrants a deviation from the parameters established in the budget guidelines, the Chancellor will seek authorization by a majority vote of the Board to waive certain provisions of this policy for any specific fiscal year.

Also see AP 6250 titled Budget Management and BP 6300 titled Fiscal Management

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**Date Approved: August 7, 2019**

**Business and Fiscal Affairs****AP 6240 ALLOCATION OF COMMUNITY SUPPORT FUNDS<sup>1</sup>****References:**

Per Board Policy 6240 and under the authority of the Chancellor, this procedure sets forth the procedures by which Community Support Fund allocation proposals are forwarded to the Board of Trustees.

1. Membership for the Fiscal Workgroup:
  - a. The Fiscal Workgroup is a sub-committee of District Council, composed of a membership determined by District Council. The membership shall include representation from the Classified Senate Presidents or their designee, the Classified Union, Academic Senate Presidents or their designee, the Faculty Union, college Vice Presidents of Administrative Services, Executive Director of Financial Services, and the Associate Vice Chancellor of Finance and Administration. The role of this committee is to make recommendations regarding fiscal affairs to the District Council for consideration and presentation to the Chancellor per Board Policy 6240.
  - b. The co-chairs of this committee shall be a Vice President of Administrative Services and the Executive Director of Financial Services or Associate Vice Chancellor of Finance and Administration.
2. Determination of Community Support Fund (CSF) and Potential Allocation Amounts:
  - a. The Associate Vice Chancellor of Finance and Administration, using reasonable estimations, shall be responsible to determine the projected local property taxes, student fees, and other local revenues applicable to the District's "Total Computational Revenue."<sup>2</sup> The Associate Vice Chancellor of Finance and Administration shall also be responsible for providing a 5 year CSF ending fund balance forecast to the committee at least twice a year (Tentative and Final Budget) to assist with determining the allocation process. The 5 year forecast shall take into account:
    - i. Long-term debt and liabilities
    - ii. On-going expenditures such as COLA and step increases
    - iii. Funding to balance the budget

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<sup>1</sup> **Community Support Funds** refer to the amount of general fund revenues, consisting of the total of proceeds from property taxes, student enrollment fees, and other revenues defined by statute, that exceed the California Community College Chancellor's Office calculation of the district's total entitlement based upon Full-Time Equivalent Students (FTES), infrastructure factors, and other factors ("Total Computational Revenue" or "SB 361 calculation").

<sup>2</sup> Per Board Policy 6240

- b. Based upon the Associate Vice Chancellor of Finance and Administration's estimates, any Community Support Funds will be held in the Community Support Fund Reserve. This fund reserve will include any remaining unallocated balance from prior years' Community Support Fund Reserves.
  - c. To ensure current and future fiscal stability, the Fiscal Workgroup may recommend an amount no greater than the net amount of Community Support Funds available at year 5 in the forecast provided by the Associate Vice Chancellor of Finance and Administration. The lesser of the current year or year five balance shall be used as the allocation limit. The Committee may recommend an allocation totaling less than the net available Community Support Funds.
3. Annual Planning Cycle and Timeline:
- a. The intent of this procedure is to develop a master list of proposals to be funded through Community Support Funds. The planning cycle will conform to the District's overall budget development cycle, with Community Support Fund allocation proposals being included in the tentative and final budgets presented to and approved by the Board of Trustees.
4. Community Support Fund Allocation Proposals:
- a. Per Board Policy 6240, District and college planning documents and supporting data will form the basis for allocations. The documents shall include college and District participatory processes. These supporting documents should include, but are not limited to, the following:
    - i. District and College Mission Statements, Strategic Planning, and Educational and Facilities Master Plans
    - ii. District Council's annual goals
    - iii. District and College annual goals
    - iv. Special goals identified by the Board of Trustees, Chancellor, or College Presidents
  - b. Duration of funding:
    - i. Proposals for Community Support Funding may be short-term, within the current fiscal year, or long-term:
      - 1. Proposals for "one-time" allocation of funding may extend for a period not to exceed three years without specific annual review by the Community Support Fund Allocation Committee. Any funds remaining at the conclusion of a Community Support funded proposal will be returned to the Community Support Fund Reserve.
      - 2. Proposals of a "continuing" nature may obligate the Community Support Fund on a recurring annual basis until one of the following actions occur:
        - a. The need for continuing funding is eliminated
        - b. The funding source is available from general fund or other, non-Community Support Fund, sources.
  - c. Limitations of Community Support Fund Proposals:
    - i. Generally, Community Support Fund Proposals are unrestricted but with certain exceptions, as noted below.

- ii. Community Support Fund Proposals should not include requests for funding for:
    - 1. Specific long-term personnel positions. However, Community Support Fund Proposals may include adjustments to employee compensation to be added to the salary scale or benefits for all employees with a bargaining group or similar personnel structure.
    - 2. Capital construction projects, major renovation, infrastructure, or site development projects identified as a part of a bond-funded project and/or not identified as a part of the Education and Facilities Master Plan.
    - 3. On-going maintenance expenses, continuing licenses for technology, or other similar routine costs of operation.
  - iii. Changes, enhancements, or added features to approved projects exceeding previously allocated funding for the project require a separate proposal and cannot be funded through the original project allocation.
5. Annual Evaluation of Community Support Fund Allocation Process:
- a. The Fiscal Workgroup will be responsible for an annual, open, and transparent evaluation of each Community Support Fund proposal for effectiveness and adherence to Board Policy. The Committee will prepare a list of Community Support Fund proposals recommended for funding and present to District Council for review. District Council will disseminate the committee's list of proposals to all constituent groups for consultation prior to approval.
  - b. Based upon the committee's evaluation of the Community Support Fund Allocation Process, recommended improvements or adjustments to the allocation process, procedures, and board policy will be disseminated to all constituent groups for consultation prior to recommendation to District Council.

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**Date Approved: August 7, 2019**

**Business and Fiscal Affairs**

**AP 6250 BUDGET MANAGEMENT**

**Reference:**

All units of the District shall operate within the allocations of the current budget. The Chancellor has overall responsibility for management of the District's budget. The Associate Vice Chancellor of Finance and Administration is responsible for the general management of the budgeting, budget controls, and the accounting programs of the District. College administrative responsibilities include: adherence to guidelines established by the District Financial Services Office; compliance with time deadlines; and following generally accepted accounting principles.

The approved annual budget will be monitored and managed to ensure actual performance is consistent with the budget and that corrective action will occur as necessary in accordance with these policies and as provided by law.

**Monitor and Enhance Revenue Management**

Locally generated revenues such as interest income, property taxes, non-resident tuition and other miscellaneous sources of funds will be monitored throughout the year to ensure the actuals are on track with projected revenues.

**Monitor Expenditures and Seek Opportunities to Reduce Expenditures**

The Board grants spending authorization through adoption of the Final Budget. The Vice President of Administrative Services at each college shall review expense accounts throughout the year and realign budget accordingly. The Associate Vice Chancellor of Finance and Administration shall periodically review districtwide department accounts to ensure overall expenditures do not exceed the total budgeted expenditures.

Transfers from the contingency reserve to any expenditure classification must be approved by a majority vote of the members of the Board. Transfers between major expenditure classifications must be approved by a majority vote of the members of the Board.

All budget transfers shall be approved by the budget administrators, Vice President of Administrative Services and the Executive Director of Financial Services or designee at the District level. The District is responsible for preparing the report for all budget adjustment between major account codes for board approval on a quarterly basis.

The Associate Vice Chancellor of Finance and Administration shall utilize the Associate Faculty Funding Model to allocate funding for part-time faculty and special reassigned time. This model is driven by the FTES goals, weekly student contact hours (WSCH), and the part-time faculty funding rate. The Associate Vice Chancellor of Finance and Administration shall utilize the Resource Allocation Model (RAM) to allocate District wide resources to support the integrated processes of strategic planning, Educational Master Planning, Accreditation and Program Review. Refer to AP 6240 for Community Support Funds Allocation procedure.

Prior to the Tentative/Final Budget, the Associate Vice Chancellor of Finance and Administration will implement the following process to allocate the funds among the District Administrative Services Departments:

- District Finance staff will work with the District Services Managers to augment existing budget.
- The Department Budget Manager or the Finance Office shall present their budget proposal for consideration.
- The Associate Vice Chancellor of Finance and Administration will review the proposals and allocate the augmentation based on proposals that best fit the stated Board Budget Priorities.
- The recipients of the augmentation will provide line item detail for their augmentation to the District Finance Office.
- The Finance Office will process the line item detail per the established process.

The Vice Presidents of Administrative Services at the colleges shall facilitate the allocation of funds through processes established at each college.

The Fixed Cost work group, under the direction of the Associate Vice Chancellor of Finance and Administration, meets bi-annually for the preparation of the Tentative and Final Budget. Membership shall include, but is not limited to the Associate Vice Chancellor of Finance and Administration, Vice President of Administrative Services at each college, and the Executive Director of Financial Services.

Departmental managers who seek increases/decreases to currently funded fixed cost items or manager's seeking funding for items which they believe fit the fixed cost definition, must contact the Vice President of Administrative Services at the college, or the Executive Director of Financial Services at the District.

Requests for one-time funding from the Undesignated Fund Balance must be presented to the Associate Vice Chancellor of Finance and Administration. The Associate Vice Chancellor of Finance and Administration will determine if the request should be funded.



If approved, the requested amount will be presented to the Board as part of the quarterly financial report.

Allocation of the Unassigned Fund Balance is valid for the fiscal year when funding is granted. Unspent monies revert to the Unassigned Fund Balance at year end, unless otherwise stated.

- **Budgeting**  
The annual Adopted Budget shall include a budget for each account identifying projected revenues and expenditures. Projected revenues shall be based on the latest information available. Projected expenditures shall be based on projected revenues which may include the use of the actual accumulated fund balance.
- **Reporting**  
The District shall periodically report information to the Board of Trustees regarding the financial and budgetary condition of the District for all funds. The report shall include a comparison of budget to actual amounts. It shall be produced in accordance with Generally Accepted Accounting Principles (GAAP) as defined by the Governmental Accounting Standards Board (GASB) and the California Community College's Budget and Accounting Manual.

### **Budget Calendar**

The Executive Director of Financial Services, in collaboration with the college Vice Presidents of Administrative Services, prepares the annual budget calendar. The calendar is reviewed with District Council and then submitted to the Board of Trustees for approval no later than February of each year.

The Executive Director of Financial Services, will coordinate with the College Administrative Services Offices to insure that all deadlines on the calendar are met.

The Budget Calendar shall identify deadline dates for:

- Development of Budget Guidelines (Board Budget Priorities)
- State Workshops
- State Reports
- Position Control Lock
- Revenue analysis and projections
- Review of initial budget projections
- Budget Detail Line Item
- Quarterly Financial and Budget Adjustment Reports
- Year-end close
- Adoption of the Tentative and Final Budget

The Tentative Budget shall be presented to the Board of Trustees no later than July 1 [Title 5, Section 58305(a)], and the Final Budget no later than September 15 [Title 5, Section 58305(c)].

### **Budget Position Control**

District Services staff will maintain the budget position control database. Actual hire dates will be used to prepare the Tentative/Final Budget.

Vacant positions will be budgeted at step B for all classified positions. Certificated positions are budgeted at Column D, Step 7.

The status of unfilled positions fluctuates throughout the year, therefore continual assessment must occur on a regular basis in order to more efficiently and effectively use salary and benefit savings.

Permanent changes to full-time positions have budgetary implications and may impact the following:

- FON (Full-time Faculty Obligation Number)
- 50% Law

If submitting position changes which impact any of the following:

- Increase/Decrease in FTE
- Increase/Decrease number of Months a position is budgeted
- Reclassification of a position which results in a higher salary
- Changes to a position's Funding Source
- Changes to Object Code Classification
- Adding or deleting positions.

The requestor of the change shall provide the following to the District Finance Office:

- Personnel Action Request (PAR) requesting and explaining the change;
- An analysis which calculates the additional budget required to effect the change;
- Budget Transfer Form which permanently funds the requested change.

District Finance Office Review:

- Review the financial information for completeness, reasonableness and accuracy.
- District Finance Office will prepare an "FTE Analysis" to determine potential impact on FON and 50% Law
- District Finance Office will forward the completed packet to HR for processing. HR will review and forward packet to EMT for approval.

The following budget reallocation process will be followed for District Services Departments:

- The District Finance Office will review unfilled positions and compare YTD Actual with YTD Budget.

- Collaboratively, the departmental manager will work with the District Finance Office to determine any savings or overspending related to an unfilled position.
- Calculated savings will be placed in the Associate Vice Chancellor of Finance and Administration's holding account for re-allocation.
- Cumulative savings in the Associate Vice Chancellor of Finance and Administration's holding account will first be used to cover any overspending which may have occurred on positions. Any net surplus will be re-allocated to the District Services departments on a one-time basis.
- The District Services Managers will notify the Associate Vice Chancellor of Finance and Administration to present their proposal for consideration.
- The Associate Vice Chancellor of Finance and Administration will review the submitted proposals and allocate the augmentation based on proposals which best fit the stated Board Budget Priorities.
- The District Finance Office will transfer budget from the Associate Vice Chancellor of Finance and Administration's holding account to the departmental budget based on the information provided on the proposals.
- Funding not fully expensed by the beginning of the subsequent quarter will be re-allocated to District Services departments via the same method outlined above.
- After the third quarter, the Associate Vice Chancellor of Finance and Administration reserves the right to spend the available balance at his/her discretion.

The Vice President of Administrative Services at each college shall facilitate the reallocation of funds from vacant positions through processes established at each college.

#### **Land Corporation Budget Setup and Reimbursement:**

Recipients of Land Corporation grants will follow the process detailed below in order to have their budgets established and to insure receipt of monies pledged by the Land Corporation.

#### **Establishing Budget:**

- Land Corporation will notify the District of any allocation regarding the amount and the terms of the grant by virtue of its recorded and approved meeting minutes and budgets.

- The responsible administrator of the allocation will work with the District Finance Office to identify the account numbers and setup the budgets.
  - All project funds not expended on the specific project, as approved, by June 30 of the succeeding fiscal year will be returned to the Land Corporation. Carry-over funds shall be approved by the Associate Vice Chancellor of Finance and Administration.

**Requesting Reimbursement from Land Corporation:**

The District will prepare the invoice for all Land Corporation projects and grants at least once each quarter. The amounts on the invoice will be based on actual expenditures and revenues posted to the general ledger.

Invoices to the Land Corporation must be approved by the Associate Vice Chancellor of Finance and Administration or his designee.

At the end of each fiscal year, a written report summarizing the efforts and outcome for each project will be reported at a regular Land Corporation meeting.

**Signature Authorization Form:**

The Signature Authorization Form shall be used to designate, change or remove signature authority for budget transfers, expense transfers, timesheets, contracts, check request, mileage claims, purchase orders, and travel and conference reimbursements.

The organization code must be clearly identified on the form along with the types of forms that can be signed by the designated individual (timesheets, purchase orders, check requests, etc.).

The name of the individual who is being given signature authority or having signature authority removed must have their name typed or clearly printed on the form.

The individual being given signature authority must sign and date the form.

Once completed, the form must be signed by the Executive Director of Financial Services or Vice President of Administrative Services at each college.

The form is then sent to the Finance Office where it is retained for reference.

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**Date Approved: July 23, 2019**

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**Business and Fiscal Affairs**

**AP 6251 RESERVES**

**Reference:**

California Community Colleges Budget and Accounting Manual, Chapter 5;  
Appendix A

The District's Unrestricted General Fund reserve shall be 5% of the total expenditures. In addition to the 5% reserve, the District shall retain no more than a 3% contingency reserve. The contingency reserve is to be used for unanticipated changes in expenditures or revenues when impending changes in operations would result in significant service reductions. Use of the contingency reserve requires Board approval of two-thirds positive vote.

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**Date Approved: July 23, 2019**

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**Business and Fiscal Affairs****AP 6252 FUND BALANCE****Reference:**

GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

GASB Statement No. 54 is intended to improve the usefulness of the amounts reported in Fund Balance by providing more structured classification. It is the responsibility of the Associate Vice Chancellor of Finance and Administration to report all Fund Balance in the appropriate categories in the District's Financial Statements.

This procedure shall apply to, but is not limited to, the District's governmental funds listed below:

- The general fund is used to account for all financial resources not accounted for and reported in another fund.
- Special revenue funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.
- Debt service funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.
- Capital projects funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

**The five Fund Balance categories are:**

- Non-spendable Fund Balance (inherently non-spendable)
  - Not in spendable form (inventories and prepaid)
  - Legally or contractually required to be maintained intact.
- Restricted Fund Balance (externally enforceable limitations on use)

- Can be spent only for the specific purposes imposed by creditors, grantors, contributors, or laws or regulations or other governments.
  - Can be spent according to law through constitutional provisions or enabling legislation
  - Restrictions may be changed or lifted only with the consent of the resource providers.
- Committed Fund Balance (self-imposed limitations set in place prior to the end of the period)
    - Can be used only for the specific purposes determined by a formal action of the Board of Trustees.
    - Requires formal action at the same level to remove the limitation.
    - Formal action must be taken prior to year-end.
    - Resources designated as committed fund balance must be for a specific purpose and non-routine.
- Assigned Fund Balance (limitation resulting from intended use)
    - Intent can be expressed by the Board of Trustees or body to which the board designates the authority.
    - In government funds other than the general fund, the assigned fund balance represents the amount that is not restricted or committed which indicates that these resources are, at a minimum, intended to be used for the purpose of that fund.
    - The amount reported as assigned fund balance can never exceed total fund balance less its non-spendable, restricted and committed components.
    - Any funds set aside as Assigned Fund Balance require a simple majority vote. The same action is required to change or remove the assignment.
- Unassigned Fund Balance (residual net resources)
    - Total fund balance in the general fund in excess of non-spendable, restricted, committed and assigned fund balance.
    - If another government fund has a fund balance deficit, it will be reported as a negative amount in the unassigned classification in that fund.
    - Unassigned Fund Balance may be accessed in the event of unexpected expenditures upon approval of a budget revision by the Board of Trustees.
    - Any budget revision that will result in the Unassigned Fund Balance dropping will require the approval of 2/3 vote of the Board of Trustees.

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**Date Approved: July 23, 2019**

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**Business and Fiscal Affairs****AP 6300 FISCAL MANAGEMENT****References:**

Education Code Section 84040(c);  
Title 5 Section 58311;  
ACCJC Accreditation Standard III.D.9

District administrators are primarily responsible for safeguarding District resources by establishing and maintaining sound business controls designed to deter and detect potential misuse of resources. Further, the District encourages its employees and other persons to disclose improper activities as defined in the Reporting of Improper Governmental Activities Act per the Government Code and to protect those reporting improper activities from reprisal or intimidation.

Misuse is the inappropriate use of District resources for non-District purposes. Resources include, but are not limited to, cash, property, personnel, and time due to the District by employees. Criteria used to determine whether certain activities or employee behavior constitutes misuse of resources includes State and Federal laws and District policy and procedures.

Investigations of suspected misuse of District resources may be initiated for a variety of reasons, including, but not limited to, the following: questionable circumstances, allegations made by employees or members of the public, or situations disclosed during the course of routine audits.

Such investigations shall be conducted in a manner that:

- Fulfills the District's legal and fiduciary responsibilities;
- Minimizes loss and promotes recovery of District resources;
- Identifies controls which should be strengthened to reduce future vulnerability regarding misuse of District resources;
- Protects the rights of the accused, the interests of those making allegations, and the public interest;



- Provides confidentiality compatible with an effective response and applicable reporting requirements; and
- Guards against real or apparent conflict of interest.

The Associate Vice Chancellor of Finance and Administration has overall responsibility for matters concerning known or suspected misuse of District resources. As part of this responsibility, the Associate Vice Chancellor of Finance and Administration shall ensure that timely and complete information about significant investigations is reported to the Chancellor and the Board, as appropriate, and shall issue Districtwide fiscal guidelines to the Colleges on the implementation of this procedure. (Also see AP 7371 titled Personal Use of Public Resources)

The collection of all money shall be made in accordance with applicable statutes, standard accounting principles and practices, and written District administrative procedures.

It shall be the responsibility of the Chancellor and Associate Vice Chancellor of Finance and Administration to ensure that appropriate controls and safeguards are in place.

Each employee of the District whose duty it is to handle district funds shall be fingerprinted. (Also see AP 6322 titled Employee Indemnity Bonds)

There are six types of monies collected by the Admissions and Records Offices at West Valley and Mission Colleges: cash, checks, money orders, cashier's checks, wire/ACH transfers, and credit cards.

#### Cash and Check Handling

Many areas receive cash on behalf of the College for the sale of goods and services. Payment by currency, coin, check, money order, and cashier's check are all possible forms of acceptable payments. Strong internal controls must be in place to ensure cash proceeds are adequately safeguarded and deposited. It is imperative that areas opting to conduct cash transactions fully understand and accept the related cash handling responsibilities.

All cash proceeds must be properly reconciled and stored in a secure safe and deposited into an authorized District bank account at least twice per week. Cash must not be left unattended at any time. Cash should be stored in a cash box within a locked cabinet or safe to which there is restricted access. Under no circumstances are cash proceeds to be used for making loans, advances, or purchases.

Critical controls such as segregation of duties, limited access, and regular reconciliation are important in handling cash. Each area/department must ensure that the responsibility for receiving cash is segregated from the responsibility for depositing the cash. No one person should be permitted to handle a transaction from beginning to end.

### Other Types of Monies

Wire transfers and ACH transfers are arranged in advance and are transmitted to and from the Clearing Account and Treasury Account at the District's Financial Institution. A journal entry recording the revenue and expense is prepared by Finance staff and approved by the Director of Accounting. All money transfers shall be arranged with the Director of Accounting.

Monies for property taxes, lottery, and interest are deposited directly to the County Treasury Account. The Accountant or Director of Accounting prepares a journal entry to record the cash and revenue.

### Returned checks with non-sufficient funds (NSF)

The District shall send an NSF letter to the individual whose check was returned for NSF. If the check was used as payment towards a student's account, the payment will be reversed and an NSF fee of up to \$50 will be assessed to the student's account. For non-student accounts, the District Finance Office will reverse the revenue and request for a replacement check with an additional penalty fee to cover the NSF expense.

### Credit Card Payments (Terminals and Online)

Areas processing credit card transactions must deposit proceeds daily by closing each terminal on a daily basis. Monthly Transaction Reports shall be sent to the District Finance Office each month to reconcile with the bank statement and general ledger postings.

### Credit Card Chargebacks/Disputes

The District Finance Office shall be responsible for resolving chargeback/disputes, which includes submitting appropriate documentation to the cardholder's bank to validate the charge amount. Upon notification by the cardholder's bank that the credit card account holder is continuing to dispute the transaction, for student accounts, the District Finance Office shall put a "Hold" on the account and reverse the payment. For non-student accounts, the District Finance Office will notify the department of the chargeback and will reverse the revenue.

### Monies received in Admissions and Records Office

Monies shall be recorded in the primary ERP system in sessions which are opened at the beginning of each day. At the end of each day, individual cashiers count, balance, and close their sessions. Cashier Detail Report and monies are placed in a sealed envelope in a locked safe to be counted and reconciled the next day by a designated cashier. The designated cashier cannot reconcile his/her own sessions. The Supervisor or designated cashier reconciles the monies, completes the official Deposit Form including their initials and session number and places them in the safe. The money shall be picked-up by the designated armored car service and deposited to the District's financial institution twice weekly. A copy of the deposit slip is kept in the department and submitted to the District Finance Office along with the monthly Transaction Report. The District Finance Office shall reconcile the deposit with the monthly bank statement and general ledger postings.

The procedures above apply to any money collection site on college grounds, which may include Community Education, Contract Education, International Studies, Hospitality/Bistro, and selected Grant and Child Development Centers.

**Petty Cash:**

Petty cash in the amount of \$5,000 is held in each college A&R Office for the purpose of covering minor expenditures that may arise. Requests can be made to reimburse employees for the purchase of supplies and postage expenditures of \$100 or less. Supplies are defined as items costing \$100 or less that are necessary to sustain or conduct day-to-day business of a particular department.

Requests are limited to an aggregate of \$100 per employee, per month. Multiple receipts may be submitted. Splitting an expense of \$100 between two or more employees is not allowed. Requests must have the signature of the appropriate budget administrator and the Vice President of Administrative Services or designee.

Original receipts must accompany each request and must contain: transaction date, vendor name and address, a detailed list of the items purchased, the cost of each item, and the total cost of all items. Copies of receipts and/or calculator tapes will not be accepted. Merchandise purchased on-line must be delivered to the District Warehouse in order to receive reimbursement. Items delivered to personal addresses will not be reimbursed.

Petty Cash requests must be submitted within **45** days of the date of the transaction.

Petty Cash requests will not be processed for reimbursement of food for meetings.

District Finance will conduct a random audit of Petty Cash. Budget Administrators will be held accountable for improprieties identified by the Finance Department.

**Revolving Fund:**

The District maintains a revolving cash fund of \$35,000. This fund is used for emergencies occurring at either college or District Office that cannot wait for a regular District warrant. Checks written from the Revolving Fund must be approved by the Chancellor, Associate Vice Chancellor of Finance and Administration, or designee.

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**Date Approved: July 23, 2019**

**Business and Fiscal Affairs**

**AP 6310 ACCOUNTING**

**References:**

California Community Colleges Budget and Accounting Manual, Chapters 3 and 4

The District's fiscal management shall be in accordance with the principles contained in law and the California community Colleges Budget and Accounting Manual, including that:

- Adequate internal controls exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.

The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual. Independent audits will be performed each year as required by law.

**Payment of Invoices**

- The District warehouse receives and updates the purchase order in the Financial System with the appropriate receiving data when an order is received. The warehouse reconciles the merchandise received to the purchase order and forwards the approved documents to Accounts Payable.

- Accounts Payable inputs the amount to be paid to vendors from original invoice documents. Each completed invoice receives an invoice number and is tracked by purchase order number and vendor number within the Financial System. Invoices awaiting payment are collected within the Financial System each week until paid during the weekly check run normally occurring on Thursday.
- Blank check stock is used when printing checks. The signature of the Chancellor and the Executive Director of Financial Services are printed on the checks.
- Accounts Payable staff audits the invoice report to ensure payment amounts match the invoice. The Director of Accounting performs the final audit and signs the check register.
- Warrants are then processed through a sealing machine and mailed to vendors.

The warrant register is transmitted electronically to the bank for the encumbrance of funds.

### **Check Request**

The Check Request Form shall not be used to pay for the purchase of equipment and furniture. All equipment and furniture purchases must go through the Purchasing Department.

To request payment for items that cannot be purchased using a purchase order or to request reimbursement for items that cannot be reimbursed through petty cash, employees should adhere to the following:

- Check requests shall be used in the following situations when a purchase order is not an option:
  - Registration fees/conference fees
  - Employee reimbursements
  - Memberships
  - Subscriptions
  - Received Materials and Services
- Original detailed receipts and/or appropriate back-up documentation is required for reimbursement or payment. The Check Request Form along with original receipts shall be submitted no later than 45 days after receipt of the invoice, event, or purchase.

Special circumstances will be allowed, but must have the approval of the College Vice President of Administrative Services or District Executive Director of Financial Services. An employee cannot “pay him/herself.” Reimbursements to a budget administrator must be signed by his/her supervisor.

### **Budget and Expense Transfers**

Once a budget is adopted by the Board of Trustees, the total designated for each major expenditure classification is the maximum expenditure allowed. Pursuant to California Code of Regulations Section 58307, any budget transfers between major classifications, or from reserves, must be authorized by the Governing Board. Budget can only be transferred within the same fund or fund group.

The intent of the expense transfer is to move or reclassify actual expenditures or revenues that have posted to the general ledger accounts incorrectly. It is necessary to attached backup documentation identifying where the expenditure or income was posted and provide an explanation for the transfer. Expense can be transferred from one fund to another.

Transfers are initiated online and approved electronically through approval queues. It is the responsibility of the college Administrative Services Office to notify the District Finance Office of any changes to the finance approval queues. Electronic transfers shall be processed within five business days from the date of receipt in the District's approval queue. The college Administrative Services Office shall notify the District Office if there are pending transfers that require immediate attention.

### **Salary Redistribution for Incorrect Payroll Postings**

College and District staff may submit a Salary Redistribution Form to correct payroll posting in the general ledger. The completed form shall be processed within five business days from the date of receipt.

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**Date Approved: July 23, 2019**

**Business and Fiscal Affairs****AP 6311 TRAVEL AND CONFERENCE REIMBURSEMENT**

## References:

Education Code 87032  
Government Code 11139.8  
U.S. Department of State  
Department of Homeland Security  
Internal Revenue Service (IRS)

**Employee Travel Reimbursement**

District employees and members of the Board of Trustees are entitled to request reimbursement for travel and conferences made on the District's behalf.

All claims for reimbursement must be accompanied by original receipts. The claim shall be submitted no later than **45 days** after the date of travel.

Prior Board approval must be obtained for any travel at District expense if the total travel expense will exceed \$10,000 for any one event or purpose, without regard to the number of individuals traveling.

If the employee is issued a District credit card, the employee should use the card to pay for all expenses related to official business travel, including event registration, lodging, meals, and transportation. Meals shall not exceed the per diem rates.

Employees shall make their own travel arrangements.

It is the District's intent that no employee shall incur a personal financial gain as a result of traveling on district business.

**Prior to travel**

Prior to traveling for a district-related conference or event, the employee must complete "Section I" of the Conference Attendance Reimbursement form and submit it to his/her supervisor/budget administrator for approval regardless of the funding source. Once approved, retain the form and complete after attending the conference.

**Prepayment**

Prepayment for registration, hotel and airfare may be made through a District/personal credit card or a check request. Claims for prepayment reimbursements may be processed upon incurring the cost and prior to the conference or event. The employee

shall submit a check request for each vendor who is to receive a check for prepayment. A copy of the approved and signed conference attendance form and back-up documentation for the prepayment expenses must accompany the check request.

### **Upon completion of travel**

After the conference, complete "Section II" of the original form (including all prepaid expenses), attach all applicable original receipts, secure appropriate approval signatures, and submit the form to Accounts Payable. The reimbursement request should include all expenses (hotel, airfare, car rental, mileage etc.) for the one event. The form and documentation will be reviewed by Accounts Payable who will then issue a reimbursement check or ACH transfer.

### **Meals**

For a one day trip (less than 24 hours) that does not require an overnight stay, no meal reimbursement will be provided.

For trips that exceed 24 hours, the average of the daily California per-diem meal reimbursement rate established by the U.S. General Services Administration shall be applied. Employees are not eligible for meal reimbursement if the conference is providing the meals or if the meals are charged on a District-issued credit card. If meals are charged on a District-issued credit card, the employee will be responsible for the difference of the actual charge and the per-diem limit.

### **Rental Cars**

The standard size for automobile rental is a "compact" unless more than two employees share a single vehicle. Car rentals are allowed one day before or after the conference. There will be no reimbursement for car rentals that are beyond the conference period.

### **Airfare**

Air travel shall be by regularly scheduled airlines in coach class with standard check-in. All expenses above the regular coach class and standard check-in **will not be reimbursed** by the District. Upgrading to a more expensive class or early check-in is allowed but only at the employee's expense.

### **Hotel**

While traveling on District business, employees are encouraged to stay at moderately priced hotels. Employees are also encouraged to stay within the hotel where the conference is taking place. Expense items for the following will not be reimbursed: expenses for spouse or children, personal use items, hotel laundry, in-house movies, alcoholic beverages, telephone calls or wireless internet (other than for Conference/District business). Hotel stays are allowed one day before or no more than one day after the conference, depending on the location of the conference. Hotel stay that exceeds the conference period will be at the employee's expense.



## **Mileage**

Mileage for the use of a personal vehicle will be reimbursed at the current IRS-approved rate. The rate is intended to cover all costs associated with operation of the vehicle, including insurance, repairs, fuel, and other operating expenses. In most cases reimbursement will be based upon the distance from the District/College to the conference destination using the "Standard Mileage" list. If the destination is not identified on the "Standard Mileage" list, you may be asked to provide an internet map showing the total miles traveled. If attending a meeting or conference, a copy of the agenda or announcement with location and date must also be provided (excluding meetings at the District or colleges).

When traveling between campuses, mileage may be claimed for roundtrip travel if the employee is returning to his/her primary work location to continue the workday. If the employee travels to the sister college and ends his/her work day at that location, mileage may only be claimed one way. If an employee starts and/or ends his/her workday at a location other than the primary work location, mileage may be claimed from the primary work location to the off-site work location (not including District sites).

Mileage expenses may be allowed between the employee's residence and the common carrier or destination if the business travel originates or terminates before or after the employee's working hours, or during a regularly scheduled day off. Under all circumstances, the shortest route should be chosen for mileage reimbursement purpose. Mileage for personal excursions while at a conference will not be reimbursed. If it is determined that airfare to the conference/event, plus the estimated cost of a rental car, would have been less expensive than the reimbursement for using a personal vehicle, the employee will be reimbursed at the cost of the airfare, plus the estimated cost of a rental car.

Claims for mileage reimbursements may be submitted as frequently as needed, but at least once a quarter.

The use of personal vehicles by employees on District business is at the employee's own risk. An employee's personal vehicle insurance is considered primary coverage.

## **Student Travel Reimbursement**

District funds may be used for students' travel which may involve participating in competitions; conferences; workshops; meetings; and social, educational, and cultural activities. The procedure pertains to student travel for activities that are organized and sponsored by the College including travel that is funded by the Associated Students. All funds used to pay for student travel shall comply with allowable funding source requirements (auxiliary, grant or categorical programs).

It is preferred that the District chaperone, coach, or instructor attending the event utilize their District credit card to pay for group meals and travel expenses (travel arrangement). When possible, payments for student travel shall be paid directly to the vendor.

In an event where cash advance is needed for meals, the chaperone, coach, or instructor may submit a Check Request Form to the District Finance Office to request for a check made out to the chaperone, coach or instructor (must be District employee). They are responsible for disbursing the cash to the students and ensuring they track the disbursement on a list. The student must sign the list acknowledging receipt of the cash amount. The amount may not exceed the District's per diem rate. Students are not entitled to per diem and must provide receipts for all meals. Alcohol expenses on any meal receipt shall be paid by the individual. All unspent funds shall be returned to the District Finance Office no later than three business days after the event.

Students who are seeking travel reimbursement for official college business shall complete the Travel Reimbursement Request for Non-Employee Form and a signed W-9 form. They are required to comply with the employee travel reimbursement procedure.

Reference AP 4300 for Student field trip and excursion procedure for additional guidance.

### **Foreign Guest Speaker Travel Reimbursement**

A foreign guest speaker who is invited to speak at the college may be reimbursed for travel expenses under the American Competitiveness Workforce Act of 1998 and the IRS regulations. Such amounts are excludable from the individual's income, are not reported as compensation, and are exempt from withholding and payment of employment taxes.

It is preferred that the department make the travel arrangements in advance and pay for the travel expense utilizing a district-issued credit card. Travel arrangements shall be in compliance with the Employee Travel Reimbursement procedure as it relates to airfare, hotel, and car rental.

Travel reimbursements to foreign visitors, including advances for airfare and reimbursements for travel expenses, may be restricted by the visitor's visa status or other requirements established by the Department of Homeland Security. In most cases, additional documentation must be provided by the visitor in advance of the reimbursement.

A foreign guest speaker is expected to comply with the District's Travel and Conference Reimbursement procedure. The guest speaker is not covered under the District's liability insurance and is expected to purchase his/her own insurance coverage. Non-employee meals will be reimbursed based on actual cost which shall not exceed the District's per diem rate. The reimbursement request must be supported by itemized receipts regardless of the amount. Alcohol expenses on any meal receipt shall be paid by the individual. Non-employees are not allowed meal per diem.

Prior to the arrival of the foreign guest, the requestor must complete the Travel Reimbursement Request for Student and Foreign Guest Speaker Form for the foreign guest speaker. The travel request shall be approved by the Supervisor or Department Manager and the VP of Administrative Services prior to the event. After the event, the requestor shall complete the form on behalf of the foreign guest speaker and have him/her sign as the claimant. The Supervisor or Department Manager needs to approve the reimbursement amount. Finally, the VP of Administrative Services shall approve and validate the supporting documents and ensure there are sufficient budget to cover the travel reimbursement. The completed form is submitted to the District Finance Office for final review and processing. After receipt of the form, the District Finance Office shall process the reimbursement within seven business days.

A citizen of a foreign country who wishes to enter the United States must first obtain a visa, I-94 or waiver status on their passport. Before hosting a foreign visitor, the hosting department should ensure that the foreign visitor has the proper visas. Foreign visitors are issued an I-94 (arrival/departure card) showing their travel status, which determines eligibility for reimbursement. Visitors from certain countries traveling under the VISA Waiver Program (VWP) on WB status are not issued a paper I-94, rather the WB status is indicated on their passport. There are no exceptions to visa requirements. All foreign visitors shall provide proof of proper visas prior to visiting the campus.

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**Date Approved: August 7, 2019**

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**Business and Fiscal Affairs**

**AP 6315 WARRANTS**

**References:**

Education Code Sections 85230 et seq.

Warrants on District funds will be signed by two facsimile signatures. Vendor warrants shall be ratified by the Board every 60 days, pursuant to the Education Code.

Also see BP/AP 6150 titled Designation of Authorized Signatures

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs****AP 6320 INVESTMENTS****References:**

Government Code Sections 53600 et seq.

The Associate Vice Chancellor of Finance and Administration is responsible for investing the funds of the District that are not required for the immediate needs of the District. Funds so invested shall follow the investment policy approved by the Board in accordance with the Government Code Sections cited above and the following:

- Funds which are not required for the immediate needs of the District shall be prudently invested in order to earn a return on such investment.
- The preservation of principal is of primary importance. Each transaction shall seek to ensure that capital losses are avoided, whether from securities or erosion of market value.
- The investment program should remain sufficiently flexible to enable the District to meet all operating requirements that may be reasonably anticipated in any fund. After preservation of principal, liquidity is the objective.
- In managing District investments, District officials should avoid any transactions that might impair public confidence.
- Investments should be made with precision and care, considering the probable safety of the capital as well as the probable income to be derived. (See Government Code Section 53600.6 regarding solvency and creditworthiness.)

District funds maintained by the County Treasurer that are not required for the immediate needs of the District may be invested as follows:

- **County Treasurer's Investment Pool** - Investment of District funds may be delegated to the County Treasurer. In accordance with county procedures, District funds may be pooled with other local agencies and invested by the County Treasurer in accordance with the investment guidelines specified by Government Code Section 53635 and investment policies adopted by the County Board of Supervisors.

- **State's Local Agency Investment Fund** (Government Code Sections 16429.1-16429.3) - District funds not required for immediate needs of the District may be remitted to the State Local Agency Investment Fund (LAIF) for the purpose of investment (Government Code Section 16429.1). District funds deposited with the LAIF shall be invested by the State Treasurer in securities prescribed by Government Code Section 16430, or the Surplus Money Investment Fund and as determined by the Local Investment Advisory Board (Government Code Section 16429.2).
- **Other Investments** - Other investments as permitted by Government Code Sections 53600 et seq., and in particular Government Code Sections 53601, 53601.8, 53635, and 53635.8 may be made by the Associate Vice Chancellor of Finance and Administration subject to prior approval of the Board.

*\*Government Code Sections 53601 53601.8, 53605, and 53635.8 permit many very specific investments. Questions should be referred to financial advisors or counsel.*

**Cash** - Cash not needed for ongoing operations will be invested with the Santa Clara County or a Local Agency Investment Fund.

To maximize the income generated from any surplus funds available for investment and to assure that these investments are safe, Government Code Section 53601 shall control such investments.

A bank account will be established for the purposes of depositing and wire-transferring District funds for investment.

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**Date Approved: March 7, 2016**

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**Business and Fiscal Affairs**

**AP 6322 EMPLOYEE INDEMNITY BONDS**

**Reference:**

Education Code Section 85266.5  
Education Code Section 72507

In lieu of indemnity bonds to protect the District against loss, the District shall retain insurance against all losses caused by an employee. The insurance coverage shall provide the same or greater protection to the District that a bond would provide in indemnifying the District against any loss caused by the employee.

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**Date Approved: August 7, 2019**

**Business and Fiscal Affairs****AP 6325 PAYROLL****Reference:**

Education Code Section 70902  
Federal and State Law  
IRS Code – 26 U.S. Code 6332(d), (e), (f)  
California Code, Code of Civil Procedure, Chapter 5  
Money and Finance – 31 U.S. Code 3720D (f)(1)(A), (B); 31 U.S. Code 285.11

**Pay Periods**

For full-time and part-time faculty and full-time classified employees, the pay period is the first of the month through the last day of the month. These employees are generally paid on the last day of the month unless that day falls on a weekend or holiday, in which case they are to be paid the first working day before the holiday/weekend. Faculty and classified timesheets submitted for these employees (such as overtime, substitute hours, librarian/counselors, etc.) will be processed on paper for work performed from the 16<sup>th</sup> through the 15<sup>th</sup> of the following month. Timesheet deadlines vary with each month and the deadlines are posted on the Payroll website.

Faculty Spring and Fall contracts (assignments, overload) are setup for five equal payments. The initial payment for Fall occurs on September 10<sup>th</sup> and Spring on February 10<sup>th</sup>. If the pay date falls on a weekend or holiday, then the pay date will default to the first work day before the holiday/weekend. Subsequent payments will occur at the end of each month.

For classified (non-faculty) short-term and student employees, the pay period is the first of the month through the last day of the month. These employees are generally paid on the 15<sup>th</sup> of the following month unless that day falls on a weekend or holiday, in which case they are to be paid the first working day before the holiday/weekend. The timesheets are to be entered through Web time entry online. The deadline for these timesheets is the last working day of the pay period.

Changes such as W-4s, Direct Deposit, Salary Reduction Agreements, etc. should be submitted by the timesheet deadline. These documents shall be submitted in person or through inter-office mail as they contain sensitive information that may impact individual payroll disbursement.



**Payroll Process**

The payroll process begins immediately after the timesheet deadline. All timesheets are audited for accuracy and completeness. If potential errors are discovered, payroll contacts the employee and/or supervisor to resolve discrepancy.

Pay checks are mailed on pay date after 2 PM. All direct deposits are posted to the employee's bank account on pay day.

**Garnishments**

Garnishment orders from various agencies are received through the mail or by fax. Payroll is required to comply with the instructions on the garnishment order under state and federal laws. The District shall mail a copy of the order to the employee impacted within 10 days of receiving the order.

To stop an order, payroll must receive an official release from the issuing agency. The order will be stopped immediately, or by the date specified on the release. Payroll cannot stop an order by the request of an employee.

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**Date Approved: August 7, 2019**

**Business and Fiscal Affairs**

**AP 6330 PURCHASING**

**References:**

Education Code Section 81656;  
Public Contract Code Sections 20650 and 20651

Every transaction between a buyer or seller and the District involving the transfer of property shall be by purchase order or formal contract signed by the Associate Vice Chancellor of Finance and Administration and or his/her designee. When deemed advisable to obtain the best pricing or when required by law, the District shall adhere to competitive, well-advertised and well noticed purchasing processes to ensure that the District receives advantageous pricing for proper and necessary goods and services. The Chancellor or Associate Vice Chancellor of Finance and Administration shall establish administrative procedures for purchasing, and contract awards and management.

The purchasing practices of the District shall be such as to benefit the educational program. To accomplish this result, the decisions on purchases shall be based on:

- Specifications which stress good quality within limitations of the budget;
- The lowest cost within adherence to the specifications;
- Consideration for the quality of service and track record of the vendor/supplier; and
- Promptness of delivery.

Bi-monthly reports will be presented to the Board informing them of work to be done or materials or supplies to be furnished, sold, or leased for items that exceed \$10,000.

Contracts, purchase orders, and other business agreements shall be written in a manner that protects the District. Staff will obtain legal advice as appropriate in the development of contracts. To the extent possible, District "form" contracts shall be used and modified where necessary for specific situations, rather than using vendor contracts or creating new contracts for new agreements.

To the extent possible and to avoid conflict with applicable governmental regulations, the potential for multiple contracts and purchase orders will be anticipated in order to aggregate purchases of materials, supplies, and services.

The District shall not conduct business (including purchasing from, or selling to) with any District employee or Board member. (see AP 2710 titled Conflict of Interest and AP 2712 titled Conflict of Interest Code)

### **Purchase Requisitions**

All requisitions are entered by the individual department in the District's current Enterprise Resource Planning (ERP) system. The "on-line" requisition process has been established with online approvals. Once an initiator enters the requisition, it electronically moves to the next approver. Once approved, Purchasing will process the order. Non-sufficient fund checking is turned on after the final budget has been loaded.

Incomplete requisitions will be held open for two months. Incomplete requisitions that are two months old will be deleted by the Fifth of every month.

### **Purchase Orders**

All purchase orders are controlled by budget controls established within the District Enterprise Resource Planning (ERP) system. There are three types of purchase orders: Regular, Standing and a Rush order.

Regular Purchase Orders: Regular orders are used for all items that are shipped directly to the District Warehouse.

Standing Purchase Orders: Standing orders are used for services, subscriptions, open purchase orders, memberships, fee's, due's and any other items that do not require shipping to the District Warehouse.

Rush Orders: Rush orders are used for emergency repair services that are needed for Facilities, Maintenance and Custodial.

### **Regular Purchase Orders**

- An electronic purchase requisition is issued to authorize the purchase of merchandise. Purchase requisitions with insufficient funds will not be processed until a budget transfer is completed.
- The purchase requisition is forwarded electronically from the requestor to the Budget Administrator for approval.
- The approved requisition is electronically forwarded to the Purchasing Department..

- The Purchasing Department will issue either a standing or regular purchase order depending on the purchase requisition.
- A copy of the purchase order will be emailed to the requisitioning department, Accounts Payable and to the vendor if the vendor's email is available.
- Merchandise is sent to the warehouse to insure proper receipt of goods and related documentation.

### **Standing Purchase Orders**

- Standing purchase orders follow the same requisition approval process as the regular orders.
- A copy of the purchase order will be emailed to the requisitioning department, Accounts Payable and to the vendor if the vendor's email is available.
- Open purchase orders are managed by the requisitioner. They are responsible for placing the orders with the vendor and sending the packing slip/invoices to Accounts Payable.
- Items shipped on standing orders should identify the requisitioner/building on the packing slips. The Warehouse will receive and deliver to the requesting departments. The department is required to send the approved packing slip to Accounts Payable.
- If there is no paper evidence of receiving, Accounts Payable obtains a written confirmation from the requisitioning department regarding the receipt of goods or services.

### **Rush purchase orders**

- Emergency services for facilities, maintenance and custodial only.
- Rush orders are not encumbered at the time of creation. The requesting department is required to submit a PO Change form with information to encumber and create the final purchase order. The department "Organization" code is all that is required when issuing the rush purchase order. Accounts Payable cannot pay an invoice until a Rush order is encumbered.
- Rush orders issued are for one-time use, per vendor.
- Rush orders are not authorized for work over \$45,000. The Associate Vice Chancellor of Facilities Development and Operations must obtain approval from the Chancellor for emergency work over \$45,000.
- Work that exceeds \$25,000 require Performance and Labor and Material bonds along with a certificate of insurance.

## **Banner Document Management (BDM)**

All documentation that is necessary to complete a purchase order must be attached using BDM. This includes quotations, proposals, notes to Purchasing, and any product information, as well as the vendor name and address if the vendor is not currently used.

## **Prepayment**

If prepayment is required, you must attach a memo, using BDM, notifying the Purchasing Department.

## **District Procurement Card Program for Purchasing**

A Procurement Card Program is a credit card program that enables the District to: expedite the purchase and accounting of low cost and frequently needed items; execute transactions that may not accept Purchase Orders; and/or to pay for economic travel related expenses. In all such cases, the District shall follow procedures that provide checks and balances for the procurement methods in use.

District credit cards are issued through the General Services Department. Most card holders will have a monthly limit of \$1000. A higher monthly limit may be authorized by the Associate Vice Chancellor of Finance and Administration.

Each credit card is restricted from charges made to the following types of transactions unless approved by the Associate Vice Chancellor of Finance and Administration or Designee:

- Acquisitions of individual items that exceed \$300.00
- Furniture and/or equipment, not limited to computers, copiers, printers, AV and media equipment, and/or telecommunication devices
- Software/computer or phone applications or software licenses without the approval of the General Services Department (may require ADA Accessibility verification-VPATs)
- Purchases from eBay, PayPal, Amazon or CraigsList without the approval of the General Services Department
- Contract Services that require a contract with an authorized signature, including Lease Agreements or Rental Agreements of any kind.
- Professional Services Agreements of any type including independent contractors, consultants, instructors, speakers, performers, maintenance/repair agreements, facility rental agreements, equipment rental agreements
- Memberships, institutional memberships, subscriptions

The following transactions are prohibited:

- International purchases or foreign transactions
- Alcoholic beverages, narcotics, or any other controlled substances
- Gambling or online gaming, contest or raffle expenses
- Weapons of any kind, explosives, hazardous/toxic materials or other items deemed by the District to be dangerous
- Cash Advances, money orders, wire or electronic transfers, gift cards/certificates or other cash equivalent items

- Transfer of charges or using cards between individuals
- Splitting an order to avoid cardholder per-transaction limits
- Facility or building improvement goods or services (e.g., paint, carpet, window coverings)
- Medical products, drugs, pharmaceutical products or medical services
- Recreation, personal use items or services of any kind, or any purchase resulting in personal gain
- Utilities or communication access charges
- Financial services, fines, penalties interest or finance charges
- Service subscriptions or licensing agreements, including annual or periodic-recurring charges
- Gifts, donations, stipends, honorariums or contributions to individuals or organizations
- Fuel for personal use
- Education
- Entertainment
- Wholesale Services
- Boat/Air Service (This is for marina boat services; Air Travel is allowed through common carriers)

Merchandise purchased on-line must be delivered to the district warehouse.

Every card holder shall hold a regularly established position at the District and shall agree to all terms and conditions established for the issuance of a District credit card.

Every card issued requires approval from the requester's budget administrator, the appropriate Vice President of Administrative Services for the colleges, and the budget administrator and the Associate Vice Chancellor of Finance and Administration for District Services.

Every card holder shall sign his/her card in the presence of a designated District issuer immediately upon taking possession of the card.

The cardholder shall be personally liable for inappropriate charges and shall be personally responsible for the settlement of any dispute on any purchase with a vendor.

The District issued credit card will be revoked for the following reasons: used for personal or unauthorized purposes; used to purchase alcoholic beverages or any substance, material, or service which violates policy, law, or regulation pertaining to the District; allows the card to be used by another individual; splits a purchase to circumvent the purchase limit assigned to the card; the cardholder uses another cardholder's card to circumvent a purchase limit assigned to either cardholder; accepts a personal gratuity from a vendor; uses the card to purchase gratuities or gifts; fails to provide the Purchasing Office with information about any specific purchase; fails to provide documentation confirming that charges are approved within thirty days of a billing cycle; fails to provide receipts for items charged to the credit card (Missing Receipt forms can be used for the

occasional missing receipt; however, if more than one receipt is missing within the same billing cycle or a missing receipt form is submitted more than four times per fiscal year, the card will be revoked; fails to provide the Finance Department with expense transfer documentation that may be necessary to record a purchase appropriately; charges food to the general fund without proper authorization or fails to provide the required information for food purchases; or does not adhere to any of the credit card policy and procedures. The credit card is the property of the bank and the bank may, at any time, revoke card privileges under the provisions of its policies and procedures.

The card holder is personally responsible for guaranteeing that all charges are for appropriate District expenses, that purchases are within budget limits, and that the purchase does not violate any other law, regulation, or policy of the Board. Neither the bank nor the District assumes responsibility for non-District purchases. The card holder shall be liable to the District and to the bank for any non-District purchases.

The cardholder shall immediately notify the Purchasing Department if the credit card is lost, stolen, or in the possession of an unauthorized person. A written follow-up, including pertinent information on the cause of the loss or use by an unauthorized person, shall be forwarded to the Purchasing Department in timely manner.

Every cardholder shall take reasonable precautions with the credit card. These include, but are not limited to: keeping the card in view after it is given to a clerk and re-securing it as soon as possible; avoid signing a blank receipt; drawing a line through blank spaces above the total when you sign; destroying all carbons and void (when a mistake was made) receipts; save all credit card receipts. Upon receiving your monthly accounting report, check your receipts and payments against the statement; immediately report in writing any questionable charges to the Purchasing Department; never lend your card to anyone; never leave your card, receipts, or carbons where anyone can pick them up; never putting the card number on a postcard or outside of an envelope; never giving the card number over the phone unless you are dealing with a company you are sure is legitimate. Whenever possible, use those vendors identified by the Purchasing Department.

The District and its employees are prohibited from using funds for private purchases, private expenses, or gifts.

In order for food purchases to be permitted, there must be a clearly defined business purposes. Be prepared to document that food expenditures are reasonable and justifiable if audited. If food expenses are necessary for business meetings, including meals, snacks, beverages, or similar items, they are to be approved, in advance, by either the College President, Vice President, or the Associate Vice Chancellor of Finance and Administration. Along with their approval, the following must be submitted: a list of people attending the meeting, lunch, dinner or college event; the reason for the meeting/event; and the itemized receipt of the expenses. If the food being purchased is funded by the unrestricted general fund, it must be pre-approved by either the College President or the Associate Vice Chancellor of Finance and Administration. **ALCOHOL EXPENSES ARE**

NOT ALLOWED. Failure to adhere to these procedures will result in suspension or revocation of your credit card.

If the food being purchased is for a meeting or event, please contact General Services to determine if it is possible to issue the food vendor a Purchase Order. Allow sufficient time for the transaction to be processed. Failure to adhere to these procedures will result in suspension or revocation of your credit card.

If an employee is issued a District credit card, the employee should use the card to pay for all expenses related to official business travel, including event registration, lodging, transportation, and meals.

Employees should not use the District-issued credit card for meals if the conference is providing the meals.

If the credit card is used for travel and conference expenses, a Travel and Conference Form must still be submitted showing there was prior approval. You will NOT be reimbursed for expenses charged against the District credit card. See AP 6311 for additional details.

Each budget administrator is responsible for monitoring the budget to assure the cardholder does not exceed their department budget.

Payment for charges made against the credit card shall be processed as follows:

- When the statements are transmitted or otherwise received by the District, the charges against each card shall be charged to that card's designated budget account.
- Monthly Credit card statements are sent directly to each cardholder by the bank. It is the cardholder's responsibility to: complete the "Monthly Credit Card Log;" attach his/her monthly credit card receipts and the credit card statement; and submit to his/her department manager for review and approval.
- If missing a receipt, a Missing Receipt Form must be submitted with the monthly purchase report.
- The department manager or budget administrator shall confirm each and every purchase as to amount and purpose. Confirmation shall be evidenced by the responsible manager's signature on the monthly purchase report, and the date of approval.
- It is the responsibility of the Budget Administrator to ensure that his/her department cardholders are submitting monthly statements with receipts attached and that all receipts are accounted for. Those statements are then forwarded to General Services for review.
- The Budget Administrator is required to transfer expenses from the credit card clearing account to the appropriate department accounts every month. A copy of the signed monthly Credit Card Log, and a copy of the credit statement must be uploaded to an expense transfer through Banner SSB for processing.



- If the credit card was used for travel and conference costs, the cardholder must submit with his/her Monthly Credit Card Log a copy of the approved Travel and Conference Form

The cardholder shall be personally liable for unauthorized charges and be required to reimburse the District immediately for any such charges with a personal check made payable to "West Valley-Mission Community College District." Any unauthorized use of the credit card shall result in immediate suspension of the card and appropriate disciplinary action shall be taken in accordance with appropriate contractual and statutory processes. Suspension/Termination guideline as follows:

- 1st violation: Warning with cardholder having to resolve issue within 10 business days.
- 2nd violation: subject to suspension. Cardholder must resolve issue within 10 business days. Timeline of suspension to be determined based on type of violation and at the discretion of the office of the Associate Vice Chancellor of Finance and Administration.
- 3rd violation: Credit card will be terminated for a minimum of six months and/or indefinitely.

### **Processing of Purchase Requisitions for Vendors**

Purchase requisitions are sent to purchasing for processing. The Purchasing Department verifies that the vendor has a completed W-9 on file. If not, a W-9 is mailed to the vendor at the same time the purchase order is mailed. Each vendor is responsible for completing the paperwork and returning it to Purchasing. Without a completed W-9, vendor payment will be withheld.

### **Department of Industrial Relations (DIR) Regulations Regarding Public Works Projects**

The Department of Industrial Relations requires the District to hire contractors and service providers who fall under any Prevailing Wage Schedule to be registered with the DIR. For every purchase order and/or request for contractor, the General Services Department will verify that these firms are registered. If these firms do not have the appropriate DIR registration number, the General Services Department will work with the contractor/vendor to obtain the appropriate registration number. If the contractor/vendor cannot obtain the appropriate registration number, the District cannot do business with this company.

Also see AP 6300 titled Fiscal Management and AP 6340 titled Bids and Contracts

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**Date Approved: December 4, 2019**

**Business and Fiscal Affairs****AP 6335 DEBT ISSUANCE AND MANAGEMENT****References:**

Government Code Section 8855

This debt issuance and management administrative procedure provides written guidelines for the issuance of indebtedness by the West Valley-Mission Community College District (the "District") in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855.

**Purposes for Which Debt Proceeds May be Used****Authority and Purposes of the Issuance of Debt**

The laws of the State of California (the "State") authorize the District to incur debt to make lease payments, contract debt, borrow money, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.

**State Law**

Section 18 of Article XVI of the State Constitution contains the "debt limitation" formula applicable to the District.

There are a number of State laws that govern the issuance of general obligation bonds ("GO Bonds") by community college districts. Sections 1(b)(2) (Proposition 46) and 1(b)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 *et seq.* Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Section 15264 *et seq.* An alternative procedure for issuing GO Bonds is also available in Government Code Section 53506 *et seq.*

The statutory authority for issuing Tax and Revenue Anticipation Notes ("TRANS") is contained in Government Code Section 53850 *et seq.* Authority for lease financings is found in Education Code Section 17455 *et seq.* and additional authority is contained in Education Code Sections 17400 *et seq.*, 17430 *et seq.* and 17450 *et seq.* The District may also issue Mello-Roos bonds pursuant to Government Code Section 53311 *et seq.*

### **Debt Issued to Finance Operating Costs**

The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other moneys attributable to the fiscal year in which the debt is issued.

General operating costs include, but are not limited to, those items normally funded in the District's annual operating budget.

The District's Chancellor, or Associate Vice Chancellor of Finance and Administration, will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include tax and revenue anticipation notes, temporary borrowing from the Santa Clara County Treasurer and Tax Collector, and internal temporary interfund borrowing.

## **Types of Debt That May be Issued**

### **Types of Debt Authorized to be Issued**

**Short-Term:** The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANs, when such instruments allow the District to meet its cash flow requirements.

**Long-Term:** Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.

The District may also enter into long-term leases and/or COPs for public facilities, property, and equipment.

**Lease Financing:** Lease-purchase obligations are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.

**Use of General Obligation Bonds:** A significant portion of the District's capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.

## **Relationship of Debt to and Integration with District's Capital Improvement Program or Budget**

### **Impact on Operating Budget and District Debt Burden**

In evaluating financing options for capital projects, both short and long-term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.

### **Capital Improvement Program**

The Associate Vice Chancellor of Facilities Development and Operations and the Facilities staff have responsibility for the planning and management of the District's capital improvement program subject to review and approval by the Board of Trustees. Staff will, as appropriate, supplement and revise any applicable Facilities Master Plan in keeping with the District's current needs for the acquisition, development and/or improvement of District's real estate and facilities. Such plans may include a summary of the estimated cost of each project, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.

### **Refunding and Restructuring Policy**

Considerations for Refunding.

**District's Best Interest.** Whenever deemed to be in the best interest of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.

**Net Present Value Analysis.** The Associate Vice Chancellor of Finance and Administration shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.

**Maximization of Expected Net Savings.** Another consideration in deciding which debt to refinance and the timing of the refinancing shall be maximization of the District's expected net savings over the life of the bonds.

**Comply with Existing Legal Requirements.** The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.

### **Policy Goals Related to District's Planning Goals and Objectives**

In following this procedure, the District shall pursue the following goals:

The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.

The District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.

The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.

The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.

The District shall consider market conditions and District cash flows when timing the issuance of debt.

The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.

The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economic, while considering repair and replacement costs of those assets to be incurred in future.

The District shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt of local, state and other governments that overlap with the District.

The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District's General Fund.

The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.

### **Internal Control Procedures for Issuance of Debt to Ensure Intended Use of Proceeds**

#### **Structure of Debt Issues**

Maturity of Debt: The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. Accordingly, the average life of the financing shall not exceed 120% of the average life of the assets being financed. In addition, the District shall consider the overall impact of the

current and future debt burden of the financing when determining the duration of the debt issue.

#### Debt Structure:

##### GO Bonds:

*New Money Bond Issuances:* For new money bond issuances, the District shall size the bond issuance consistent with the “spend-down” requirements of the Internal Revenue Code and within any limits approved by the District’s voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District’s bond issuance.

*Refunding Bond Issuances:* The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.

*Maximum Maturity:* All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.

*Lease-Purchase Obligations:* The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.

*Debt Service Structure:* The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

#### **Use of Proceeds**

The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In furtherance of the policy, and in connection with the issuance of all GO Bonds:

As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District’s voters; and

The Associate Vice Chancellor of Facilities Development and Operations shall have the responsibility, no less often than annually, to provide to the District’s Board of Trustees a written report which shall contain at least the following information:

- i. The amount of the debt proceeds received and expended during the applicable reporting period; and

- ii. The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

These reports may be combined with other periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt. These requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended.

The District shall post on the District website the Annual Report of the District's Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.

The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.

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**Approved: August 7, 2019**

**Business and Fiscal Affairs**

**AP 6340 BIDS AND CONTRACTS**

**References:**

Education Code Sections 81641 et seq.;  
Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;  
Labor Code Sections 1770 et seq., AB5  
Government Code Section 53060

No contracts or purchase orders that exceed the Public Contracts Code bid limits will be issued without required competitive bids and notifications unless an emergency as defined in Public Contract Code Section 1102 exists.

When bids are required pursuant to Public Contracts Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or the District shall reject all bids.

The Chancellor or his/her designees are empowered to execute and file a “Notice of Completion and Acceptance of Work” on behalf of the District. Such notices shall be approved in advance by the Board.

**Limits**

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes.
- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.
- See AP 6345 for the California Uniform Construction Cost Accounting Act,

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.



**Note:** The bid minimums are set by the Board of Governors as required by Public Contracts Code Section 20651(d), and are adjusted annually by January 1.

### **Bid Specifications**

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

### **Notice Calling for Formal Advertised Bids**

The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the District, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the District's Web site or through an electronic portal, a notice calling for bids or proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened.

Bid and contract forms shall be prepared and maintained by the Executive Director of General Services.

All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Executive Director of General Services shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

The Executive Director of General Services shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

The Executive Director of Facilities Maintenance, Operations and Construction shall provide an electronic copy of the plans and specifications and other contract documents

to a contractor plan room service at no charge upon the request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

### **Awarding of Bids and Contracts Awards**

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
- Contracts are not enforceable obligations until they are ratified by the board.
- For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
- “Best value” means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

### **Purchase without Advertising for Bids**

The Executive Director of General Services is authorized to make the following purchases without calling for bids where it appears advantageous to do so:

- Purchases or leases from other public agencies’ materials or services by authorization of contract or purchase order.

- Purchases from any public corporation or agency, including any county, city, town or district, holding contracts without calling for bids. These agencies must have “piggyback” language in their bid documents allowing other agencies to purchase from that bid;
- Purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services;
- Purchases of materials, equipment, supplies, or service under the same terms and conditions as are specified in a contract lawfully awarded by the California State University and University of California; and
- The Associate Vice Chancellor of Finance and Administration is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Purchases made under this section that are in excess of the legal bid limit are to be reported to the Board.

### **Government Code 53060**

Contracts and/or agreements for special services and advice, in financial, economic, accounting, engineering, legal or administrative matters will be issued without competitive bidding if the District finds that it is in the best interest of the District. Contracts and/or agreements up to \$100,000.00, shall be approved by the Chancellor or his/her designee, any contracts and/or agreements that exceed \$100,000, will require Board approval. The District may solicit a competitive bid process for these types of services.

### **Duration of Continuing Contracts for Services and Supplies**

Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

### **Emergency Repair Contracts without Bid**

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Executive Director of General Services may initiate a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board. On February 2, 2010, the District adopted an emergency resolution and has delegated authority to the Associate Vice Chancellor of Finance and Administration to declare an emergency.

### **Unlawful to Split Bids**

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

### **Kindergarten-University Public Education Bond Act Projects**

For projects funded by 2002, 2004, or 2006 Bond Funds, the Associate Vice Chancellor of Facilities Development and Operations will initiate and enforce, or contract with a third

party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The Executive Director of General Services shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

Also see AP 6330 titled Purchasing

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**Date Approved: August 1, 2018**

**Business and Fiscal Affairs**

**AP 6345 BIDS AND CONTRACTS AND UPCCAA\***

**References:**

Education Code Sections 81641 et seq.;  
Labor Code Sections 1770 et seq.;;  
Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq.  
(Uniform Public Construction Cost Accounting Act (Act))

**Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees**

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased, or operated facility. Public projects estimated to cost up to \$175,000 shall be let to contract by procedures described in the Notice Inviting Informal Bids.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this Procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

\*The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of \$45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to \$175,000 may be let to contract by informal procedures. Public projects in excess of \$175,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032.

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

### **Procedures Not Covered by this Procedure**

When this procedure does not establish a process for bidding public projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

### **Contractors List**

The Executive Director of General Service shall develop and maintain an approved contractor list. Qualification of contractors is evaluated annually in January.

### **Award to Low Bidder; No Bids**

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform public projects with District employees or through a negotiated contract without further complying with this procedure.

### **Notice Inviting Informal Bids**

Per PCC Section 22034, when a public project anticipated to cost less than \$175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids, and describe how to obtain more detailed information about the project. The District shall mail, fax or email the notice to all contractors for the category of work to be bid, as shown on the Contractors List, or may elect to mail, fax or email a notice inviting informal bids to all construction trade journals as specified under PCC Section 22036, or both. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing, faxing or emailing shall be completed at least ten days before bids are due.

### **Award of Informally - Bid Contracts**

The Associate Vice Chancellor of Finance and Administration and the Executive Director of General Services are authorized to award informal contracts (defined as contracts for less than \$175,000), except those contracts described in Emergency Procedures.

### **Bids Exceed Informal Bidding Limit**

If all informal bids received exceed \$175,000 and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$187,500 to the lowest responsible bidder. The contract must be preapproved by resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

### **Bid Documents for Formal Bids**

The Chancellor or designee, will see that plans, specifications, and working details for all public projects estimated to cost more than \$175,000 are adopted.

### **Notice Inviting Formal Bids**

Per PCC Section 22037, when a public project, which is anticipated to cost in excess of \$175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent by mail, fax, or electronic mail to all construction trade journals specified in PCC Section 22036, 15 calendar days in advance of bid opening.

### **When Contractors List Has Not Been Prepared: Proprietary Product or Service**

Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

### **Contracts for Maintenance Work**

Contracts for maintenance work may be bid pursuant to the informal bidding procedures described above. Maintenance work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting, or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

### **Rejection of Bids; Re-solicitation; Use of District Employees**

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

### **Emergency Procedures**

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

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**Date Approved: December 6, 2017**

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**Business and Fiscal Affairs**

**AP 6350 CONTRACTS – CONSTRUCTION**

**References:**

Education Code Section 81800;  
Public Contract Code Sections 20650 et seq. and 22000 et seq.

The Associate Vice Chancellor of Facilities Development and Operations shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

The Associate Vice Chancellor of Facilities Development and Operations shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Board for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

The Associate Vice Chancellor of Facilities Development and Operations shall develop plans and specifications for all construction projects. Approval from the Department of State Architect is obtained for fire, life and safety issues. Bids are developed per AP 6345.

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 and AP6345.

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**Date Approved: November 6, 2017**



**Business and Fiscal Affairs**

**AP 6360 CONTRACTS – ELECTRONIC SYSTEMS AND MATERIALS**

**References:**

Education Code Sections 81641 et seq., and 81651;  
Public Contract Code Sections 20651 et seq.

The District may contract with any vendor who has submitted one of the three lowest responsible competitive proposals or competitive bids for the purchase or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software, and related material, goods and services.

Except as otherwise stated here, bids shall be solicited and contracts shall be awarded in accordance with AP 6340 titled Bids and Contracts.

Criteria to determine what constitutes a responsive bid shall be established by the Department of General Services, along with the following:

- Associate Vice Chancellor of Information and Educational Technology
- West Valley and Mission College Vice Presidents of Administrative Services

Supplemental instructional software packages may be purchased without taking estimates or advertising for bids.

Sale and leaseback of data-processing equipment or another major item of equipment is permissible if the purchaser agrees to lease the item back to the district for use by the District following the sale. The Board shall first adopt a resolution finding that the sale or leaseback is the most economical means for providing electronic data-processing equipment or other major items of equipment to the District.

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**Date Approved: February 27, 2017**

**Business and Fiscal Affairs****AP 6365 CONTRACTS – ACCESSIBILITY OF INFORMATION TECHNOLOGY****References:**

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d); 36 Code of Federal Regulations Sections 1194.1 et seq.; Government Code Section 11135; Title 5 Sections 59300 et seq.

The Chancellor delegates the authority to the Associate Vice Chancellor of Information and Educational Technology and/or designee to ensure that all information technology-related contracts address accessibility requirements per 29 U.S. Code, Section 794d.

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self contained closed products such as copiers, and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

"Accessibility and Electronic and Information Technologies. Contractor hereby warrants that any goods or services, including any hardware or software products or services, to be provided under the Agreement comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, part 1194. Contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services which is brought to its attention and will designate a contact person for expediting any complaints applicable to California Government Code §11135. Contractor further agrees to indemnify, defend, and hold harmless the District, the Chancellor's Office of the California Community Colleges, and any California community college using the Contractor's

products or services from any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of the Agreement. Contractor and any of their Subcontractors shall provide credible, third-party verification demonstrating compliance of product accessibility per current requirements of the revised US Section 508 Standards or Web Content Accessibility Guidelines 2.0, Level AA (WCAG 2.0, AA) upon initial deployment and with each major subsequent release prior to production use by faculty, staff, or students. Appropriate documentation detailing the testing, including evaluation results, will be current and maintained.”

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**Date Approved: April 3, 2019**

**Business and Fiscal Affairs**

**AP 6370 CONTRACTS – PERSONAL SERVICES**

**References:**

Education Code Section 88003.1;  
Government Code Section 53060

The District may enter into personal services contracts to achieve cost savings when each of the following conditions is met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor's wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of district employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable non-discrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a firm; and

- The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Personal service contracts are also permissible when any one of the following conditions is met:

- The contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;
- The services are not available within the District or cannot be satisfactorily performed by district employees;
- The services are incidental to a purchase or lease contract;
- The policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- The work meets the criteria for emergency appointment;
- Equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- The services are of an urgent, temporary, or occasional nature.

### **Professional Experts**

Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal, or administrative matters. They must be specially trained, experienced and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

### **Consultant Contract**

To be determined a consultant, substantial conformance with the following conditions must exist:

- The consultant controls the way in which work is performed.
- The consultant sets his or her own hours.
- The consultant is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.
- No District employees have duties similar to the consultant.

- The District does not provide assistants to the consultant.
- The duration of employment is for a specific job, not for a specified period of time.
- The District does not furnish tools, training, or equipment to the consultant. Consultants should be able to perform their services without the District's facilities (e.g., equipment, office furniture, machinery).
- The consultant's investment in his or her trade must be real, essential, and adequate.
- The consultant has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.
- The individual is not presently employed by the District to do the same type of work.
- Consultants are hired to provide a result and usually have the right to hire others to do the actual work.
- Consultants are hired for the final result, and therefore should not be asked for progress or interim reports.
- Consultants are generally responsible for their incidental expenses.

Consultants should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:

- If the consultant hires and pays assistants;
- If the consultant has his own office, equipment, materials, or facilities;
- If the consultant has continuing and reoccurring liabilities;
- If the consultant has agreed to perform specific jobs for prices agreed upon in advance;
- If the consultant's services affect his own business reputation.

Consultants are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.

- Are of an advisory nature;
- Provide a recommended course of action or personal expertise;

- Have an end product which is basically a transmittal of information either written or verbal; and
- Are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.

The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

The District cannot employ consultants who have a relationship with STRS if the work is considered creditable service. PERS retirees need to be processed through payroll as the District is required to report earnings to both of these agencies.

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**Date Approved: July 24, 2017**

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**Business and Fiscal Affairs**

**AP 6380 SOLICITATION OF FUNDS & OTHER OUTSIDE VENDORS**

**References:**

No specific references

Permitting a vendor to operate on a District campus entails the following policies and procedures:

- BP and AP 3600 titled Auxiliary Organizations
- BP and AP 3900 titled Speech: Time, Place, and Manner
- BP and AP 6300 titled Fiscal Management
- BP 6340 titled Contracts
- AP 6340 titled Bids and Contracts
- BP and AP 6500 titled Property Management
- BP and AP 6540 titled Insurance

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service*



**Business and Fiscal Affairs**

**AP 6400 AUDITS**

**References:**

Education Code Sections 84040(b) and 81644

The District shall establish and maintain an efficient organization for managing and reporting financial information and providing supportive services in the following areas:

- Accounts payable and receivable
- Budget preparation
- General ledger accounting
- Human resources
- Information systems
- Insurance
- Investments
- Payroll
- Plant and facilities operations
- Police operations
- Programs funded by external sources
- Purchasing
- Revolving cash fund
- Safety

- Student financial aid accounting oversight

On or before April 1 of the fiscal year, the Board shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy.

The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain: A statement that the audit was conducted pursuant to standards and procedures developed in accordance with the Education Code and a summary of audit exceptions and management recommendations.

The audit shall be conducted in accordance to Generally Accepted Government Auditing Standards.

An auditing firm's contract shall be for four years. The contract can be extended in one-year increments by mutual consent of both the District and the Audit Firm.

Audit reports for the preceding fiscal year must be presented to the Board and submitted to the state Chancellor's Office by January 31.

The results of the annual audit shall be received annually by the Board at a public meeting. A representative of the audit firm shall be present at the meeting.

The Board will receive progress reports on audit recommendations semi-annually.

District Administrative Services, under the direction of the Associate Vice Chancellor of Finance and Administration, is responsible for insuring that all related federal, state, county, and District procedures are adhered to and that the necessary accounting and audit records are monitored and maintained within approved guidelines.

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs**

**AP 6450 WIRELESS OR CELLULAR TELEPHONE USE**

**References:**

Vehicle Code Sections 12810.3, 23123, and 23124;  
Internal Revenue Code (I.R.C.) Sections 274(d)(4) and 280F(d)(4)

The Chancellor shall determine if it is in the best interests of the District to provide a cellular or wireless telephone at District expense. Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee's gross income.

The value of a cellular telephone provided by the District primarily for non-compensatory business purposes is excludable from an employee's income. Employees will generally not be required to keep notes of business and personal use of District-issued cellular telephones when the telephones are issued for non-compensatory business reasons.

This procedure allows the District to meet IRS regulations and meet its fiduciary responsibility to the taxpayers of the State of California by providing guidelines for the use of cell phones for business purposes.

**Intent**

The District recognizes that certain job functions require that an employee be accessible when away from the office or during times outside scheduled working hours. For this reason, the District will provide cellular telephones to select employees from one pre-selected vendor and one point of contact.

The selection of one vendor and one point of contact will enable the District to apply standards to the equipment and service plans, provide a system to monitor cellular usage patterns so that plans can be routinely modified to better meet the needs of the District, and to simplify and manage the District's relation with service provider.

Only the authorized contract coordinated through District General Services shall be utilized for cellular telephone services.

## **Guidelines**

The District has identified positions that must carry a cellular telephone or radio for the conduct of District business. Employees in these positions (administrators and other individuals who have been clearly identified) are required to be in contact with the campus(es) if either an emergency occurs on the campuses or an emergency is likely to occur.

The assignment of a cellular telephone or radio to a classified employee does not indicate that that employee is "on call" for contract purposes. Those classified employees who are "on call" for contract purposes will be identified separately.

Assigned telephones are provided for business purposes. The occasional use of an assigned phone for personal purposes is acknowledged as long as personal use does not interfere with the conduct of District business. In the event that the audit of the cellular telephone statement shows that an employee's phone use exceeds 300 minutes, 100 texts, or 1GB of data in any monthly period, the employee and the respective manager will review phone use to determine the appropriate amount to be paid by the department or by the employee for personal use of the phone.

All District-provided cellular telephones are to be acquired through the Associate Vice Chancellor of Finance and Administration's Office. No department is authorized to acquire District cellular telephones independently without the written approval of the Associate Vice Chancellor of Finance and Administration or his/her designee.

The college Presidents or Associate Vice Chancellor of Finance and Administration, through the respective site consultation process, will determine which employees need a District purchased cellular telephone for business purposes. Wireless telephone service is available to employees who have an official business need. Circumstances that qualify as an official business need include: the employee travels frequently, the employee has technical/logistical support responsibilities requiring frequent movement among various locations, or the employee is a member of key personnel who are needed in the event of an emergency.

The employee must read and sign a District-Purchased Cell Phone Procedure form. The form must then be approved by the appropriate dean, vice president, or president. These signatures indicate that all parties have read and understand this cellular telephone policy.

Any telephone upgrade must be justified and approved by the appropriate dean, vice president, or president.

Failure to adhere to District policies will result in reimbursement to the District for inappropriate charges, disciplinary action, and possible termination.

The District shall monitor the wireless or cellular telephone usage of its employees to ensure their compliance with this procedure. These rules do not apply to wireless or cellular telephones owned by employees. Any reimbursements to employees for use of their own wireless or cellular telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

District-owned cellular equipment provided to employees remain the property of the District and must be returned to the department manager or designee whenever the equipment is no longer needed or if the employee terminates their employment with the District. It is the employee's responsibility to pay for lost or damaged cellular equipment.

**Accessories**

The District will not provide additional accessories. Individuals and departments may purchase whatever accessories they require out of their own budgets.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device. Drivers may use a wireless or cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. Drivers of motor trucks or truck-tractors, farm vehicles, tow trucks, a listed or described implement of husbandry, or a commercial vehicle, used in commercial agricultural operations may use a digital two-way radio service that utilizes a wireless or cellular telephone.

There is no expectation of privacy in the use of a District-issued cellular telephone.

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**Date Approved: July 24, 2017**

**Business and Fiscal Affairs**

**AP 6500 PROPERTY MANAGEMENT**

**References:**

Education Code Sections 70902 and 81300 et seq.

The Chancellor shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

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**Date Approved: January 18, 2012**

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**Business and Fiscal Affairs****AP 6520 SECURITY FOR DISTRICT PROPERTY****References:**

ACCJC Accreditation Standard III.B.1

**Allocation of Responsibilities for Maintenance**

The District's Maintenance Department has personnel to manage, control, and protect the buildings and grounds of the District. On-going maintenance service is scheduled by the Maintenance Department. If a specific problem occurs, a work order should be submitted to the Maintenance Department for dispatching a maintenance or grounds technician. Additional concerns on the District's buildings and grounds should be directed to the Associate Vice Chancellor of Facilities Development and Operations.

**Distribution of Keys**

The District's Maintenance Department, in cooperation with the District Police Department, is responsible for issuing keys to faculty and staff as needed. A work order must be submitted requesting specific keys. All keys must be picked up at the Maintenance Department office. A "Key Control Identification Card" must be completed and signed prior to distribution of keys.

**Fire Alarms**

The District's Maintenance Department is responsible for maintaining the Fire Alarm System. The Fire Alarm System is remotely monitored by a private company. If a fire alarm is activated, the monitoring company will dispatch the local fire department. The Director of Facilities Maintenance of each campus is responsible for silencing any activated fire alarms.

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**Date Approved: March 7, 2016**

**Business and Fiscal Affairs**

**AP 6530 DISTRICT VEHICLES**

**References:**

- Title 13, California Code of Regulations, Division 1, Chapter 1
- California Vehicle Code section 1808.01, Employer Pull Notice (EPN)
- California Vehicle Code section 233, 15278
- California Public Contract Code section 10326.1

All District vehicles and drivers must comply with the California Vehicle Code and Title 13 (Motor Carrier Safety).

All drivers of District-owned or leased vehicles, both on and off campus, must have a current license appropriate for the vehicle to be driven.

All drivers of District-owned or leased vehicles that carry ten or more persons including the driver must have a current Class B license, a current medical certificate and a current First Aid Certificate.

All drivers of District owned or leased vehicles will provide their driver's license information to the District Police, who will be responsible for requesting the employee's driving record from the Department of Motor Vehicles. The District Police will maintain the driver information for the District until the employee separates employment from the District. The employee's department will be responsible for notifying the District Police when the employee separates employment. In the event an employee is separated from employment from the District for more than 12 months and is rehired, the employee must notify the District Police, who will implement the Employer Pull Notice (EPN) process.

**Motor Vehicle Use – Employment**

All employees who use a personal vehicle during the course of employment shall be properly licensed and provide personal auto insurance.

All employees who use a District vehicle during the course of employment shall be properly licensed and cleared prior to driving a District vehicle.



## **District Vehicles**

District Vehicles made available to District personnel are only for use in the course and scope of employment.

District pool vehicles are the responsibility of the college's Vice Presidents of Administrative Services. They are responsible for controlling access to and the use of all District vehicles assigned to their campus for college use.

District Facilities vehicles are the responsibility of the Associate Vice Chancellor of Facilities Development and Operations. He/she is responsible for controlling access to and the use of all District Facilities vehicles.

District Police vehicles are the responsibility of the District Police Chief. The Chief is responsible for controlling access to and the use of all District Police vehicles.

The colleges' Vice Presidents of Administrative Services are responsible for controlling access to and use of all District vehicles assigned to that location.

## **Special Use Vehicles**

Any vehicle that carries ten or more persons including the driver is defined in the Vehicle Code as a bus. All operators of buses must have a current Class B license, a current medical certificate, and a current First Aid Certificate.

All District facilities maintaining vehicles defined as buses must keep records of driver's hours, vehicle maintenance, and vehicle inspection records. All of these records must be made available to the California Highway Patrol (CHP). The CHP is required to inspect the records at least once every 13 months.

All District vehicles with equipment for transporting the disabled must comply with all applicable laws and regulations regarding such vehicles.

The District shall not operate or lease a 15-passenger van unless the driver holds both a valid class B driver's license, and an endorsement for operating a passenger transportation vehicle issued by the Department of Motor Vehicles.

Automobiles owned by the District and operated by District personnel may be replaced after 100,000 miles or ten (10) model years in age, whichever occurs first. Replaced vehicles shall be disposed of via the established District procedure for disposal of surplus property (AP 6550).

Regular or occasional garaging of District-owned vehicles at any location other than at the District is permitted only within the course and scope of employment. Prior written approval by the appropriate authority (or Associate Vice Chancellor of Finance and

Administration) is required whenever a vehicle is used or kept outside of regular work hours. Home garaging shall be permitted if any one of the criteria listed below is met:

- Employees whose duties require regular or frequent reporting to locations other than their regular headquarters before or after regular working hours.
- Employees who are regularly or frequently subject to call before or after regular working hours.
- Employees with assigned vehicles who are headquartered at locations lacking secured overnight garaging facilities.

The name, home address, employee number, California driver's license number and social security number of any employee to be authorized to drive District vehicles must be submitted to the Associate Vice Chancellor of Facilities Development and Operations prior to final granting of authorization.

Also see BP/AP 4300 titled Field Trips and Excursions as well as BP/AP 7400 titled Travel.

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**Date Approved: February 6, 2019**

**Business and Fiscal Affairs**

**AP 6535 USE OF DISTRICT EQUIPMENT**

**Reference:**

Education Code Section 70902

Each member of the District staff shall be responsible for equipment under his or her control. Loss of equipment and unauthorized removal of equipment should be reported immediately to the appropriate administrator.

Equipment that is lost or stolen may be replaced upon submission of a request through the appropriate administrative office. The request must include an explanation about the loss or theft of the equipment and a justification that replacement is essential to the activity served.

District equipment shall not be loaned to persons not employed by or enrolled in the District.

District equipment shall only be used for District operation or for approved college activities. Any unauthorized use shall be the personal liability of the individual involved, including, but not limited to reimbursement for any unauthorized use.

Equipment shall only be removed from campus with proper authorization[s].

A historical inventory of property with a value of \$5000 or more shall be maintained.

The historical inventory shall be verified at least biannually by a physical inventory.

All District equipment (cell phones, cars, telephones, computers, email, et cetera) shall only be used for District operation or for approved College activities. No other use, except that which is incidental and minimal, by any individual or organization is authorized. Any unauthorized use shall be the personal liability of the individual involved, including, but not limited to reimbursement for any unauthorized use.

Equipment shall only be removed from campus with proper authorization. Equipment used at off-site locations is subject to the same rules, regulations, and recordkeeping as on-site equipment.

Upon receipt of the merchandise the Warehouse Services department will inventory the equipment and place a bar code for re-inventory purposes.

The following information will be kept at the time of receipt:

- Serial Number
- Model Number
- Brand
- Purchase Order
- Date of Purchase
- Original Cost
- Department Name & Location
- College

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs**

**AP 6540 INSURANCE**

**References:**

Education Code Sections 70902, 72502, 72506, and 81601 et seq.

The requirement to provide for insurance coverage may be met by the District joining in a joint powers agreement pursuant to Education Code Section 81603.

Liability insurance is required for the personal liability of the members of the Board and of the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment.

Types of liability coverage are:

- Fire insurance
- Real property damage
- Personal property loss or damage
- Insurance for district vehicles
- Insurance against “other perils” [Education Code Section 81601]
- Workers compensation insurance
- Actuarial evaluation of the future annual costs of health and welfare benefits

Note: Education Code Section 81602 specifically authorizes a district to contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within limits and for amounts specified by the board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs****AP 6550 DISPOSAL OF PROPERTY****References:**

Education Code Sections 70902(b)(6), 81360 et seq. and 81450 et seq.

The District may sell for cash any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

The cash shall be deposited into the original fund used to purchase the property or equipment. In a case where the fund involves grants that have been discontinued, the cash shall be deposited into a similar grant or program as determined by the District Finance Office. In all instances where the funding source cannot be identified, the cash shall be deposited in the general fund to be included in the fund balance. Refer to OMB Circular 200.313.2 for federal compliance pertaining to equipment purchased with federal money.

In accordance with the applicable provisions of the Education Code, the Board, by unanimous vote of those members present, shall determine if the surplus property, whether one or more items, exceeds the value of \$5,000. Whenever possible, the value of surplus property shall be determined in an objective manner through the use of independent sources (such as published value guides or industry advisors). Recommendations concerning the value of the surplus property shall be done by persons who do not have a conflict of interest with any subsequent sale or other disposal of that property.

All surplus District property valued in excess of \$5,000 shall be offered for sale through a public bid process or public auction only after appropriate public notice in accordance with applicable provisions of the Education Code. If no qualified bid is received for such surplus property, it may be sold at private sale without advertising.

When an employee of the District is retiring or leaving the District, and, if the department has declared the computer/laptop used by this individual is surplus, and, if there is sufficient funds in the budget to acquire new equipment, the District is authorized to sell the computer to the individual employee. The life expectancy, according to the Information Systems Technology Refresh standards are as follows:

- Desktop Computer - 4-5 years.

- Laptop Computers - 3-4 years.
- Tablet / IPADS - Limited information, but typical refresh would be 3 years in order to keep up with technology

The value of the computer/laptop will be determined by the General Services Department as described above.

If the surplus property is of insufficient value, the Chancellor or designee may donate the property to a public, charitable, civic, or non-profit organization or may otherwise dispose of the property, but it may not be given to or sold to employees.

No trustee or anyone acting on his/her behalf shall be eligible to purchase or bid on material or equipment that is declared surplus. (See AP 2710 titled Conflict of Interest and AP 2712 titled Conflict of Interest Code)

District employees or anyone acting on their behalf who are involved in determining the property to be declared as surplus, establishing the property's value, or enhancing the property's value through repairs or alterations, are not eligible to participate in bidding on or purchasing such property.

Prior to obtaining the services of someone who is not a District employee to assist in the disposal of property (identifying items as surplus or valuing or selling such items), an agreement must be secured from that person not to participate in bidding on or purchasing such property, either in person or through an agent.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

**Where to obtain forms:**

Forms can be downloaded and/or printed from PARIS or can be obtained from the Department of General Services.

**How forms are processed:**

After completing the form and obtaining approval by the appropriate administrator, the form is forwarded to the Executive Director of General Services. The department must request from Facilities that the identified property be removed from its original area and moved to the appropriate storage/disposal site.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if **all** of the following criteria are met:

- The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.
- The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.
- The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

Trustees or District employees may not buy property declared to be surplus.

The District uses an authorized auction firm to sell District property.

If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000), the property may be sold by the Chancellor or designee at private sale without advertising.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the District and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

The Executive Director of General Services shall sell the property to the highest responsible bidder or shall reject all bids.

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Executive Director of General Services at private sale without advertising.

In addition, the Board may sell or lease real property belonging to the District under the following conditions:

If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the district, of any real property of the District.

Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold



or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board has determined that the District has no anticipated need for additional sites or building construction for the five-year period following sale or lease.

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**Date Approved: March 7, 2016**

**Business and Fiscal Affairs**

**AP 6600 CAPITAL CONSTRUCTION**

**References:**

Education Code Sections 81005 and 81820;  
Title 5 Sections 57150 et seq.

The Chancellor will annually report to the Board and to the State Chancellor's Office a five year capital outlay program. The Program will consist of the plans of the District concerning its future academic and student service programs, and the effects of such programs on construction needs.

Specifically, the five year capital outlay program will include the following:

- Statement of educational plans
- Statement of energy plans
- Statement of disabled persons' barrier removal plan
- Location of program delivery
- Location of other owned lands
- District-wide priority lists
- District-wide capacity/load ratios
- District-wide supporting detail

**Contracts**

Construction contracts will be let in accordance with AP 6350 titled Contracts – Construction and will comply with applicable laws relating to public works.

## **Conversion of Buildings**

State funds earmarked for capital outlay financing may be used to acquire an existing government-owned or privately-owned building and to pay the necessary costs of converting such a building to community college use if **all** of the following criteria apply:

- The building was constructed as, and continues to qualify as, a school building, as provided by Education Code Sections 81130 et seq., or the building is determined to have, or is rehabilitated to an extent that it is determined to have, a pupil safety performance standard that is equivalent to that of a building constructed pursuant to Education Code Sections 81130 et seq. The determination of the pupil safety performance standard must meet all of the requirements of Education Code Section 81149(a)(1)&(2).
- The total cost of purchasing and converting the existing building to community college use is not greater than the estimated cost of constructing an equivalent building.
- The land associated with the building will be owned by, or controlled through a long-term lease of at least 50 years by, the District.
- The District has complied with facility site review procedures and guideline recommendations of the California Postsecondary Education Commission pursuant to Education Code Section 66904.
- The funding for the purchase and conversion of an existing building does not supersede funding for facilities that have previously been prioritized by the Board of Governors and are awaiting state funding.

The Facilities Department is responsible for maintaining the design integrity and architectural image of all facilities.

- The Associate Vice Chancellor of Facilities Development and Operations has primary responsibility for oversight of all District facilities, in collaboration with the facilities and safety advisory committee at each of the Colleges.
- Authority to instruct the project architect, engineer, and consultants resides with the Associate Vice Chancellor of Facilities Development and Operations.

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs**

**AP 6700 CIVIC CENTER AND OTHER FACILITIES USE**

**References:**

Education Code Sections 82537 and 82542;  
Public Resources Code Section 42648.3

**General Provisions**

District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the Vice President of Administrative Services at each college, but shall be sufficiently frequent and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Vice President of Administrative Services is responsible for the coordination and implementation of these procedures. The Associate Vice Chancellor of Finance and Administration, in coordination with the Vice Presidents of Administrative Services, District Finance and General Services, shall determine all applicable fees to be charged.

Whenever a District Services department provides staffing or equipment to a facilities use event, or will otherwise receive revenue from such an event, the Vice President of Administrative Services, or designee, shall automatically provide applicable District department managers or supervisors with timely copies of all documents necessary to allow for the timely scheduling and estimation of costs as well as accurate tracking of rental costs, impacts, or revenue associated with those events.

Any person, group, or organization not directly affiliated with the District shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities and shall also be required to provide a Certificate of Insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District. (ref §82548)

## **Civic Centers**

Eligible persons, groups, or organizations may use District buildings or grounds designated as the Civic Center for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to this procedure.

The groups of the kind and nature identified in Education Code Sections 82542(a) will be permitted, "when an alternative location is not available," as described in the statutes, to use District facilities upon payment only of the following:

- The cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- The cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
- The cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- Cost of public safety (police/parking) services and equipment.
- The cost of utilities and parking directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs or fair rental value of District facilities and grounds. "**Direct costs**" shall include the share of the costs for supplies, utilities, janitorial services, services of any District employees, and salaries (inclusive of taxes and benefits) paid to employees to operate or maintain District facilities or grounds proportional to the organization's use of the District facilities or grounds. (ref §82542(c)) Direct costs shall also include the share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the facility renter. (ref §82542(d)(1)(B)).

The Share of the costs for maintenance, repair, restoration and refurbishment shall not apply to classroom-based programs that operate after school hours, such as after-school programs, tutoring programs, or child care programs, and shall not apply to organizations retained by the District to provide instruction or instructional activities to students during school hours. (ref §82542(d)(2)(A)(B))

By December 31, 2015, the Chancellor of the California Community Colleges shall develop, and the Board of Governors of the California Community Colleges shall adopt regulations to be used by a governing board in determining the proportionate share and the specific allowable costs that the District may include as direct costs for the use of its facilities or grounds. (ref §82542(e)).

A charge equal to fair rental value for the use of District facilities shall be charged for the following:

Use of District facilities or grounds by any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of such services upon the terms and conditions that the board deems proper. (ref §82542(g) and (h));

Entertainment or meetings where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes, for the use of District facilities, property, and grounds. (ref §82542(i)).

“Fair rental value” means the direct costs to the District, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized. (ref §82542(f)).

The American Red Cross or other public agencies may request use of District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees, or its designated delegate, to be necessary to meet the needs of the community. (ref §82542(k))

#### **Priority for the Use of District Facilities**

District facilities shall be made available for community use, subject to the restrictions imposed by the educational requirements of the District. Approval for the use of District facilities shall be given, in priority order, as follows:

- Educational programs of the Colleges.
- Educationally related programs of the Colleges or District, such as noncredit forums, workshops, and conferences.
- District or College-sponsored activities.
- Nonprofit groups and institutions which qualify under the terms of the Civic Center Act.
- Student clubs and organizations.
- Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District.

- Parent-teachers' associations.
- School-community advisory councils
- Commercial activities
- All others

No use of District facilities shall be inconsistent with the use of the buildings or grounds for College purposes, or interfere with the regular conduct of instruction. The District reserves the right to withhold the use of its facilities if such use would be detrimental to College property.

The Chancellor or College President may cancel or revoke a contract for any of the following reasons:

- If she/he declares a state of emergency;
- If there is a conflict with a College function;
- If the group fails to comply with rules and regulations established by the College or District;
- If the conduct of the group is unsatisfactory;
- If any youth group meets without satisfactory adult supervision; or
- If incorrect or misleading information has been given on the application or advertised to the public.

The Vice Presidents of Administrative Services at the Colleges are responsible for maintaining the schedule for use of District facilities. The Chancellor or College President reserves the right to reassign space or cancel a contract to use District facilities, up to 48 hours preceding the scheduled event, when a need for the facilities for educational purposes arises.

## **RULES FOR FACILITIES USE**

### **Applications for Facilities Use.**

Applications for use of the District's Civic Center must be submitted at least 10 days in advance of the first date of use being requested and shall be on forms provided by the District. District Staff may, if sufficient time is provided, accept Applications for Use of Classrooms submitted less than ten (10) days in advance. Any person(s) applying for use of District facilities or grounds on behalf of any group or organization shall be a member of the group or organization and must be twenty-one (21) years of age or older

and present written authorization to represent the group or organization. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property. No Application for Facilities Use will be considered unless and until the Application Fee of \$35.00 is received by the College.

Permission to use facilities shall be granted by the College's President or Vice President of Administrative Services or designee only after that office confers with the other District departments whose services will be required to ensure that adequate staffing, parking spaces, etc., are available. The College's President or Vice President of Administrative Services or designee shall also ensure that fees for those areas are collected and deposited into the appropriate district accounts.

### **Short-term Use**

Consistent with the Board's general delegation of authority and state and federal law, and subject to any reporting and ratification requirements, the Chancellor and his/her designees are specifically empowered to execute appropriate documents for the short-term lease of any District buildings, grounds, or space, together with any personal property, for a period not exceeding fourteen separate or consecutive calendar days, or portions of those days, in each fiscal year.

### **Consecutive and/or Recurring Use.**

Consistent with the Board's general delegation of authority and state law, and subject to any reporting and ratification requirements, the Chancellor and his/her designees are specifically empowered to execute appropriate documents, pursuant to the Civic Center Act, for the use of any District buildings, grounds, or space, together with any personal property, for a period not exceeding one hundred eighty days (180) separate or consecutive days, or portions of those days, in the fiscal year. Any licensed use of District Facilities pursuant to the Civic Center Act exceeding one hundred eighty (180) days in the fiscal year shall be presented to and approved by the Board at a regularly scheduled meeting of the Board prior to approval by the Chancellor and/or his/her designees. Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.

### **Estimated Charges.**

Persons or organizations renting District facilities will be presented an invoice of estimated charges, due and payable a minimum of three days in advance of the date of facilities use. Following the use of facilities, the District reserves the right to issue an amended Facilities Use Invoice for any additional charges incurred as a result of the use of facilities, such invoice shall be due and payable fourteen days from the date of issue. In the event the estimated charges paid exceed actual charges, a credit or refund will be issued.

### **Post Event Invoicing**

Following the event, applicable departments shall provide the Office of the Vice President of Administrative Services with an invoice for equipment or services provided. The Office



of the Vice President of Administrative Services shall prepare and deliver the invoice for facilities use to the renter. The invoice will be broken into the following categories:

- Application fee;
- Rental cost of facility identified by daily or hourly rate;
- Charge for an employee's presence, itemized by service provided (police, facility supervision, parking officer), if that employee would not otherwise be present as part of his or her normal duties;
- Cost of parking services;
- Cost of police services;
- Cost of janitorial services;
- Cost of utilities; and
- Cost of parking permits or parking lot rental for the purpose of parking vehicles

District account numbers identifying where the funds are to be deposited will be included on the invoice for timely processing once fees are received. Funds collected for direct costs shall be deposited into a special fund that shall only be used for purposes of this section. (ref §82542(d)(3)).

### **General Rules**

No department, program, or individual employee may directly schedule or rent any college facility to any other group, organization, agency, or individual, or collect fees for such rental. Proceeds from College facility use will not be for the exclusive support of a particular department or program. Employees may not use without charge any facilities, grounds, or property of the District to generate any personal business benefit for the employee. Employees of the District who wish to use College facilities must comply with this procedure and District policies, regulations, and procedures and must submit a facilities use application.

No person who is not an authorized District employee applying for use of District property shall be issued a key to District facilities.

Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property, failure to pay promptly for any damage to District property and/or violations of District prohibited activities.

### **Youth Activities.**

Youth groups with youths under eighteen (18) years of age must be chaperoned by an adequate number of adults, aged twenty-one (21) years of age or older, based upon the nature of the activity. This includes, but is not limited to, providing sufficient adult

supervision to cover all areas being used by the PERMIT HOLDER. The District reserves the right to determine how many chaperones is an adequate number of chaperones.

### **Cancellation of PERMIT HOLDER'S Scheduled Use of Facilities.**

Should the PERMIT HOLDER, for PERMIT HOLDER's own convenience, desire to cancel schedule use of the Premises, PERMIT HOLDER will be charged for such cancellation as follows:.

#### **1. All Facilities**

- (i) If scheduling was less than 10 days in advance there will be no refund.
- (ii) Cancellation of scheduled use with less than fifteen (15) business calendar days' notice, including no-show, will incur fully one-hundred percent (100%) charges for facilities use.
- (iii) Cancellation of scheduled use with less than thirty (30) calendar days' notice will incur fifty-percent (50%) of the charges for the scheduled facilities use.
- (iv) Cancellation of scheduled use of with less than sixty (60) days' notice will incur twenty-five (25%) of the charges for scheduled facilities use.
- (v) Cancellation of scheduled use with greater than sixty (60) days' notice will not be charged for the scheduled facilities use.

### **Prohibited Activities**

No illegal intoxicants or illegal controlled substances shall be brought onto the property of the District. Alcoholic beverages shall only be brought onto campus with prior authorization (see BP6700 - Public Safety Review). Special Events that include alcohol use or sales on District property require proper State of California ABC permits and approval by the college president and District Police.

Tobacco possession on campus is permitted, however, the smoking of all forms of tobacco, or other legal smoking medium, is prohibited within 25 feet of buildings and outside of parking lots.

No weapons, or replica weapons, or fireworks of any type, shall be permitted on District property without prior approval from the District Police.

Amplified sound shall not exceed the established maximum decibel levels identified by the college or District. Sound levels shall be measured using a decibel meter, also known as a sound level meter, positioned at the perimeter of the campus at the point closest to the source of the amplified sound. At Mission College decibel level measurements taken at the perimeter of campus shall not exceed 70 decibels unless special approval has been granted by the Associate Vice Chancellor of Finance and Administration or College President. At West Valley College decibel level measurements shall not exceed 60 decibels between 7:00am and 7:00pm, 50 decibels between 7:00pm and 10:00pm, and 45 decibels between 10:00pm and 7:00am.

Tailgating in a parking lot, with or without alcohol, is prohibited without prior approval by the College President or designee, and the Police Chief. Tailgating shall be defined as the use of one or more tailgating related items in a parking lot, and outside of a vehicle, for the purpose of an outdoor gathering by one or more people prior to, during, or after an event. Items associated with tailgating include, tables, chairs, canopies or umbrellas, coolers, barbecues, grills, games, generators, televisions, sound systems, food or drink, and food or drink preparation or serving equipment.

### **Public Safety Review**

The District may require public safety personnel as a condition of use whenever it is deemed to be in the District's best interests.

The college rental office shall forward facility use requests to the District Police liaison and Manager of Parking and Traffic Operations for review to determine public safety needs and staffing. The District Police Chief, or his designee, shall have the final decision to the public safety (police/parking) staffing levels for specific events.

### **Facilities Modifications**

No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Associate Vice Chancellor of Facilities Development and Operations.

All decorative materials, including but not limited to draperies, hangings, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

### **Parking Permit Sales and Parking Lot Rentals**

In accordance with Education Code 76360(e), all parking fees collected shall be deposited directly into the District Parking Fund. Parking fees shall be defined as all revenue generated by the sale of parking permits or the rental of parking lots for the purpose of parking vehicles. In those instances where a parking lot is rented for a purpose other than the parking of vehicles, a portion of the revenue, consistent with the current lot rental rate, shall also be considered a parking fee and deposited in the District Parking Fund. All additional revenue generated by the rental of a parking lot for a purpose other than the parking of vehicles shall be deposited in the designated college account.

Renters wishing to purchase parking accommodations for event attendees may purchase parking permits in bulk. Event organizers shall be responsible for notifying all event guests of the District's parking permit requirement, as well as for the distribution of all purchased parking permits. Bulk permit sales shall be considered a preferred parking accommodation for rental events.

In those instances where it is not possible for event organizers to distribute parking permits in advance of an event, the college shall encourage the purchase of one-day "daily" parking permits by event attendees at the parking permit machines located throughout the parking lots.

The rental of a parking lot may be accommodated on a non-exclusive use basis when all of the following conditions are met:

- When sufficient parking space is available to accommodate event attendees without significant impact to parking lot users associated with educational operations
- It is determined that the bulk purchase of parking permits by event organizers, or the use of one-day permit machines by event attendees, is not feasible
- The lot rental is not estimated to result in an overall net loss of parking revenue to the District when compared with the estimated average permit sales and enforcement revenue for the same lot during the same period

Whenever a parking lot rental or bulk permit purchase is approved, the Vice President of Administrative Services, or designee, will notify the Parking and Traffic Division of the District Police Department no less than 14 calendar days in advance of the event so that the enforcement suspension can be scheduled and published, or the permits created and disseminated.

Parking fee waivers are not normally authorized for standard external rental events. However, extraordinary external rental events may be eligible for a partial or complete parking fee waiver if:

- The event is granted college sponsorship by the college president or designee;
- The college waives indirect costs, such as building or campus use fees, at the same percentage as the parking fees;
- The public relations or recruitment benefits of waiving the parking fees are significantly greater than the negative impact on the parking fund.

Parking lots may not be rented or otherwise used for the purpose of overnight habitation.

#### **Additional Rules Governing Permit Holder's Use of Facilities.**

In addition to the rules set forth herein, execution of the Non-Exclusive Facilities Use Application and Agreement by Permit Holder shall be deemed to be Permit Holder's acknowledgement, acceptance and agreement to comply with all terms and provisions in the Facilities Use License Terms, which are incorporated herein by reference as though fully set forth herein in their entirety.

#### **Recycling: Large Venues and Events**

"Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the District per day of operation of the venue facility.

"Large event" means an event that charges an admission price or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event.

A District with a large venue or large event shall, on or before July 1, 2005, and on or before July 1, biennially thereafter, meet with recyclers and with the solid waste enterprise that provides solid waste handling services to the large venue or large event to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large event. In determining feasible solid waste reduction, reuse, and recycling programs, the operator may do any of the following:

- Develop solid waste reduction, reuse, and recycling rates and a solid waste reduction, reuse, and recycling plan that would achieve those solid waste reduction, reuse, and recycling rates.
- Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

See BP/AP 6750 titled Parking

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**Date Approved: May 9, 2016**

**Business and Fiscal Affairs**

**AP 6740 CITIZENS' BOND OVERSIGHT COMMITTEE**

**References:**

Education Code Sections 15278, 15280, and 15282

The Citizens' Bond Oversight Committee is established according to the following:

**Purposes**

- To inform the public about the expenditure of bond revenues;
- To review and report on the proper expenditure of taxpayers' money for school construction; and
- To advise the public as to the District's compliance with the Proposition 39 requirements as contained in the California Constitution.

**Activities**

- Receive and review copies of the annual, independent performance audit;
- Receive and review copies of the annual, independent financial audit;
- Visit school facilities and grounds to ensure that bond revenues are expended in properly;
- Receive and review project summaries, project scope and descriptions, and project schedules;
- Receive and review copies of any deferred maintenance proposals or plans developed by the District; and
- Review efforts by the District to maximize bond revenues by implementing cost-saving measures.

## **Members**

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39. Members will serve for a term of two (2) years and for no more than two (2) consecutive terms. Members shall serve without compensation.

The committee shall be comprised of at least:

- One member active in a business organization representing the business community located in the District.
- One member active in a senior citizens' organization.
- One member active in a bona fide taxpayers' organization.
- One student enrolled and active in a community college support group at either West Valley or Mission College
- One community members active in a District/College support organization, such as a foundation.
- Two members of the community-at-large.

No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

To be a qualified person, he or she must be at least 18 years of age.

The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse.

## **Assistance**

The District shall provide the committee with the necessary technical or administrative assistance to publicize its conclusions. Administrative support may include the preparation of and posting of public notices as required by the Brown Act; provision of a meeting room; preparation and copies of any documentary meeting materials, such as agendas and reports; and retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

## **Public Meetings**

The Committee is required to meet at least once per year but may meet more often if necessary. Meetings shall be open to the public and notice provided in accordance with the provisions of open meetings laws. All meetings shall be held within the West Valley-Mission Community College District, located in Santa Clara County and Santa Cruz County, California.

**Reports**

At least once a year, the committee shall issue a report on the result of its activities. Minutes from its proceedings, all documents received, and reports issued are a matter of public record and shall be made available on an internet website maintained by the District.

The Committee shall automatically terminate and disband 180 days following the date when all bond proceeds are spent.

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**Date Approved: January 18, 2012**



**Business and Fiscal Affairs**

**AP 6750 PARKING**

**References:**

Education Code Section 76360  
Vehicle Code Section 21113, 40202, 40215

It shall be the responsibility of the Chancellor and Chief of Police, or designee, to establish such administrative procedures as are necessary for the performance of parking and traffic operations within the District. These procedures are intended to promote safe and orderly movement of traffic within District property and for the safe and orderly parking of vehicles and bicycles.

**Legal**

Pursuant to California Vehicle Code 21113(a), the District shall maintain the right to regulate parking and traffic on District property.

In accordance with California Vehicle Code section 21113(c), the Governing Board, or designee, shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section. Regulations, fee requirements, and parking violation penalties enacted by the Board of Trustees shall be published in the District's Parking and Traffic Regulations brochure and a copy shall be maintained at the Office of the Board of Trustees and the District Police Department for public viewing (note: required by law).

Pursuant to California Vehicle Code 21113(c), and with the exception of any special conditions imposed or regulations enacted by the Board of Trustee's pursuant to Vehicle Code 21113(a), all provisions of the California Vehicle Code relating to traffic upon the highways shall also be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

In accordance with Education Code 76360(e) all parking fees collected shall be deposited directly into the designated Parking Fund in accordance with the California Community Colleges Budget and Accounting Manual. Parking fees shall be defined as all revenue generated by the sale of parking permits or the rental of parking lots for the purpose of

parking vehicles. Parking fines collected shall also be deposited directly into the designated Parking Fund. All parking fees and fines collected shall be expended only for parking services. Parking services is defined as the purchase, construction, operation and maintenance of parking facilities for motor vehicles.

### **Parking and Traffic Rules and Regulations**

The Chief of Police or designee will maintain, update, and distribute the District's parking and traffic regulations to reflect current laws and district regulations as well as erect, place and maintain signs giving notice of special conditions or regulations imposed under Vehicle Code section 21113(a).

All persons who enter District property are charged with knowledge of the provisions of the Parking and Traffic Regulations and are subject to the penalties for violations of such provisions.

Parking of motor vehicles and bicycles is limited to specially designated areas. Fee permits are required for all motor vehicles with three or more wheels. Vehicles or bicycles parked in violation of the provisions of the Parking and Traffic Regulations are subject to fines, towing, or impoundment

Overnight Parking is prohibited without prior authorization from the District Police Department. Students, staff, or faculty members attending college related functions may obtain approval to park vehicles overnight. Parking a vehicle on campus for the purpose of habitation is strictly prohibited. Unauthorized vehicles found to have been parked on campus between 12:00 am and 5:00 am may be towed at owner's expense.

### **Enforcement**

It shall be the duty of the District Police Department to enforce all applicable provisions of the District Parking and Traffic Regulations, the California Vehicle Code, and the California Penal Code.

Parking permit requirements are enforced Monday through Sunday from 7am to 10pm, excluding designated District holidays. All other parking and traffic laws and regulations are enforced seven days a week, 24 hours a day, including holidays.

Pursuant to California Vehicle Code 40202 et seq., the presence of a properly issued parking citation is considered to be prima facie evidence that a violation has occurred. In accordance with California Vehicle Code, parking citations are legal documents that shall be issued and processed in strict accordance with all applicable laws and regulations. Any person, including the issuing officer and any member of the officer's department or agency, or any peace officer who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed the face of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the processing agency or with a person authorized to receive the deposit of the parking penalty, is guilty of a misdemeanor. Under no circumstances shall

a personal relationship with any officer, public official, or law enforcement agency be grounds for cancellation.

Parking Citation appeals shall be collected, processed, and maintained in accordance with California Vehicle Code section 40215 et seq. Under no circumstances shall a parking citation be dismissed without the submission and review of a citation appeal form that clearly demonstrates a legal basis for the dismissal of the citation.

### **Maintaining Parking Lots and Roadways**

It is the responsibility of the District Facilities Department, in cooperation with the Parking and Traffic Division of the District Police Department, to ensure that all parking lots and roadways are safe, clearly marked and in compliance with all applicable laws and regulations.

To ensure adequate and efficient parking and roadway facilities, the Parking and Traffic Division shall also research, evaluate and provide information related to the current and projected parking lot and roadway usage and requirements. When applicable, proposals to modify, upgrade, or otherwise improve parking lot and roadway conditions shall be produced.

### **Use of Parking Lots and Roadways**

The District reserves the right to limit the use of parking areas to specific vehicle types, or for specific events, and to change or close, either temporarily or permanently, any campus parking area or roadway.

### **Parking Fee Waivers**

Parking fee waivers may be granted for extraordinary or unusual events only when the public relations or recruitment benefits of such suspensions are significantly greater than the negative impact such suspension will have on parking fund revenue.

A parking fee waiver may be granted as either a Permit Fee Waiver or a Lot Fee Waiver.

- Permit Fee Waiver - provides free parking permits to event guests
- Lot Fee Waiver - suspends all parking permit requirements and all parking permit enforcement operations in a designated parking lot during a specified time period.

Due to the significantly higher financial impact associated with a Lot Fee Waiver, every attempt will be made to accommodate all approved parking fee waiver requests via a Permit Fee Waiver, rather than a Lot Fee Waiver. Parking fee waiver requests that cannot be accommodated via Permit Fee Waiver shall be subject to strict scrutiny prior to the approval of a Lot Fee Waiver.

Internal events such as graduations, building grand openings, fundraisers, scholarship or award ceremonies, and major recruitment, donor, or college showcase events may be approved for a parking fee waiver on a case by case basis. Fee waivers shall not be authorized for normal student events such as theater productions, music shows, fashion shows, new student orientations, testing sessions or sporting events. Nor will they be

authorized for events planned for, and primarily attended by, faculty, staff or students such as guest lectures, fairs, workshops, or staff development events.

Parking fee waivers are not normally authorized for standard external rental events. However, extraordinary external rental events may be eligible for a partial or complete parking fee waiver if:

- The event is granted college sponsorship by the college president or designee;
- The college waives indirect costs, such as building or campus use fees, at the same percentage as the parking fees;
- The public relations or recruitment benefits of waiving the parking fees are significantly greater than the negative impact on the parking fund (See BP 6700 – Civic Center and Other Facilities Use)

Pursuant to the requirements and procedures established herein, the College President, or designee, may approve Permit Fee Waivers, as well as Lot Fee Waivers requests that do not exceed two parking lots or 15 hours in duration. Lot fee waiver requests that exceed two parking lots or 15 hours in duration must be approved by both the College President, or designee, and the Vice-chancellor, or designee.

To request a parking fee waiver, an event representative shall submit a completed copy of the request form to the designated office no less than fourteen (14) calendar days in advance of the event. Failure to submit a completed request form at least fourteen (14) calendar days in advance of the event may be grounds for automatic denial. Under no circumstances shall an event representative advertise or otherwise broadcast free parking accommodations for an event prior to written approval being received for such accommodations.

The Parking and Traffic Division of the District Police Department shall have sole authority for the creation, maintenance, approval and distribution of district-wide Parking Fee Waiver Request Forms and all associated documents.

### **Parking Permits**

All valid parking permits are issued solely by the authority of the District Police Department. It shall be the duty of the District Police Department to create, order, issue, and distribute all parking permits authorized for use on District property, and to facilitate the sale of such permits through various offices, machines, and third party vendors. All parking permits remain the property of the District and are not transferrable. In instances of abuse, the District Police may confiscate parking permits and make recommendations for the suspension or revocation of the permit holders parking privileges.

A staff parking permit will be provided to regular staff and faculty members, and to Professional Expert employees, at no cost. All other categories of hourly or volunteer workers/employees are not eligible for staff parking privileges. Such hourly workers or volunteers who are not District students may receive one free student parking permit per semester upon written request to the District Police by the hourly employee's supervisor.

Visitor permits are available for official visitors or invited guests. Visitor permits can be requested through a division office or the District Police Department.

Long-term temporary permits must be requested through the District Police Department.

Valid staff permits from other community colleges in Santa Clara County are also valid for use in all staff or student parking areas.

In accordance with California Vehicle Code Section 21113a, it shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in these procedures.

See BP/AP 5030 titled Fees

See BP/AP 6700 titled Civic Center and Other Facilities Use

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**Date Approved: March 17, 2016**

**Business and Fiscal Affairs**

**AP 6800 SAFETY**

**References:**

Cal/OSHA;  
Labor Code Sections 6300 et seq;  
Title 8 Section 3203;  
Code of Civil Procedure Section 527.8;  
Penal Code Sections 273.6, 626.9, 626.10, and 12021

The Executive Director of General Services shall maintain a written Employee Injury and Illness Prevention Program which complies with all applicable regulations and related laws governing educational and workplace safety and security.

- The program will promote safe practices among employees by emphasizing training in safety awareness, recognition of early warning signals of potential workplace violence, clear lines of employer/employee communication, use of safety devices and mechanical safeguards, implementation of timely response and investigation procedures, and regular program evaluation.
- The program will include the method for identifying, reporting, and evaluating hazards and potential and actual threats to safety, and the means for correcting unhealthy and potentially dangerous conditions and practices in a timely manner.

**Definitions**

Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual or property.

A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual or property.

Workplace includes off-campus locations as well as college-sponsored activities where faculty, staff or student employees are engaged in college business or locations where incidents occur as a result of the person's relationship to the college community.

### **Emergencies**

Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire or medical personnel by first dialing 911 and then notifying law enforcement. The District Police will take appropriate action if the incident involves injuries or criminal activity.

### **Equipment and Sanitation**

Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation and working conditions shall be forwarded to the Associate Vice Chancellor of Facilities Development and Operations for review and recommendation.

### **Crisis and Conflict Intervention**

It is the responsibility of all employees to immediately report threats, acts of violence or any other behavior which deliberately hurts or harms another person at the college to their immediate supervisor and the District Police. Such reports will be promptly and thoroughly investigated. The District will provide Violence in the Workplace training for all employees.

Any employee experiencing a possible violence in the workplace situation should immediately contact his/her supervisor or the Associate Vice Chancellor of Human Resources. The supervisor shall immediately notify Human Resources and the District Police Department about any acts or threats of violence.

### **Restraining Orders/Court Orders**

An employee shall notify the District Police Department of any restraining orders/court orders when named as a plaintiff. A copy of the order should be given to the District Police Department if possible. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact District police to ensure they are aware of it, and that they have a copy of the restraining order on file.

Also see BP/AP 3500 titled Campus Safety, BP/AP 3505 titled Emergency Response Plan, and BP/AP 3510 titled Workplace Violence Plan

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs**

**AP 6850 HAZARDOUS MATERIALS**

**References:**

Title 8 Sections 340 et seq.

The District must post at least one CAL/OSHA Notice in each location where business is conducted in a conspicuous place where notices to employees are customarily posted.

Where employers are engaged in activities that are physically dispersed such as construction or transportation, the notice required shall be posted at each location to which employees report each day.

Where employees do not usually work at, or report to, the notice or notices shall be posted at the location or locations from which the employees operate to carry out their activities.

Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

The notice shall inform employees that employers who use any substance listed as a hazardous substance by Cal/OSHA regulations must provide employees with information on the contents of material safety data sheets (MSDS) or equivalent information about the substance which trains employees to use the substance safely. The notice must also state that the employer is required to make available on a timely and reasonable basis a MSDS on each hazardous substance in the workplace upon request of an employee, collective bargaining representative, or an employee's physician.

The notice must also state that employees have the right to see and copy the medical record and other records of employee exposure to potentially toxic materials or harmful physical agents.

If the District is required to conduct tests or to engage in monitoring or measuring to determine employee exposure to hazards by specific standards, it shall notify the affected employee or employees or their representative, prior to commencement of the date, time and place of the testing, monitoring or measuring of employee exposure.



The District must provide the an employee or employees, or their representatives with the opportunity to observe the testing, sampling, monitoring, or measuring undertaken pursuant to such standards.

Whenever any employee has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by applicable standard, order, or special order, the District must promptly notify any employee so affected in writing of the fact that the employee has been exposed, and of the corrective action being taken.

MSDS are located in each college facility office and each college department that uses hazardous materials. An annual inventory of hazardous materials will be performed by the colleges and district and forwarded to the Associate Vice Chancellor of Facilities Development and Operations.

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**Date Approved: January 18, 2012**

**Business and Fiscal Affairs**

**AP 6900 BOOKSTORES**

**Reference:**

Education Code Section 81676

See BP/AP 3600 titled Auxiliary Organizations and BP 6900 Bookstores.

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**Date Approved: January 18, 2012**

## Business and Fiscal Affairs

**AP 6950 DRUG AND ALCOHOL TESTING (U.S. DEPARTMENT OF TRANSPORTATION)****Reference:**

49 Code of Federal Regulations Part 40

**NOTE:** *These procedures are **legally required** for those vehicles that are covered by the federal regulations. Currently, there are no District vehicles covered by this procedure.*

The District must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District must comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Adoption of a policy and/or procedure is one of the District's obligations under the regulations.

This procedure sets forth the rights and obligations of covered employees. Employees who are covered by these requirements should familiarize themselves with the provisions of this procedure. Employees shall refer any questions regarding his/her rights and obligations under this procedure to **[designate position]**.

Employees covered by this procedure should be aware that they are still required to comply with the provisions of the District's other policies and procedures regarding drugs and alcohol. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the policy.

An employee may be given a written exemption from this procedure signed by the Associate Vice Chancellor of Finance and Administration, if, although the employee's classification is listed above, the employee does not fall within the definition of "covered employee" listed below.

Individuals who operate the following commercial motor vehicles are covered employees:

- A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

- A vehicle with a gross vehicle weight of at least 26,001 pounds;
- A vehicle designed to transport 16 or more passengers, including the driver; or
- A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

Covered employees include regularly employed drivers, casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. A covered employee also includes all persons applying to drive a commercial motor vehicle.

The FHWA exempts those employees from mandatory drug and alcohol testing who are:

- Also covered by the FTA and required to comply with FTA alcohol and/or controlled substances testing. e.g., municipal bus drivers.
- Granted a full waiver from the requirements of the commercial driver's license program; e.g., the State of California exempts non-civilian military personnel operating military vehicles and individuals operating farm equipment which incidentally moves over a highway from obtaining a commercial driver's license.
- Granted an optional State of California waiver from the federal commercial driver's license requirements (49 Code of Federal Regulations Part 383), e.g., fire fighters holding noncommercial driver's licenses. The State of California issues noncommercial driver's licenses which permit a fire fighter or volunteer fire fighter to operate fire-fighting equipment, but not to transport passengers.

### **FTA Agencies**

Employees who perform "safety sensitive functions" as described below are "covered employees." (**NOTE:** *Regardless of the definition of "safety sensitive functions" below, volunteers are only covered if they operate vehicles designed to transport 16 or more passengers.*)

Covered employees may not be under the influence or in possession of controlled substances or alcohol during work hours. Further, certain conduct is prohibited while performing and prior to performing safety sensitive functions.

### **Safety Sensitive Function**

The following are safety sensitive functions for FHWA Agencies:

- All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The following are safety sensitive functions for FTA Agencies:

- Operation of a revenue service vehicle. (**NOTE:** *A vehicle is in revenue service when the vehicle is available to the general public and there is a reasonable expectation of carrying passengers that directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This would include bus drivers, subway operators, drivers of van pools, etc. Drivers who operate federally funded van pools for commuting are currently covered by these regulations. Revenue service excludes school buses and charter buses which are not federally funded.*)
- Operation of a non-revenue service vehicle that meets the FHWA weight standards (See the applicable section above). (**NOTE:** *This category includes drivers of snow plows, which are employed by or under contract to the transit entity and meet the designated weight requirements to require a commercial driver's license.*)
- Controlling dispatch or movement of a revenue service vehicles or equipment used in revenue service. (**NOTE:** *This includes the dispatchers for the buses, subways, vans, etc.*)
- Maintaining a revenue service vehicle. (**NOTE:** *This includes maintenance workers.*)

### **Prohibitions**

The following conduct is prohibited (**NOTE:** *Add the following clause if the District has bargained for it with the applicable employee associations*) and may result in discipline, up to and including termination:

- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater;
- Performing a safety sensitive function within four hours of using alcohol;
- Being on duty or operating a vehicle described above, while possessing alcohol;
- Using alcohol while performing a safety sensitive function;
- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle;
- Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;
- Refusing to submit to any alcohol or controlled substances test required by this procedure. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test;
- A refusal to submit to an alcohol or controlled substances test required by this procedure includes, but is not limited to:
  - A refusal to provide a urine sample for a drug test;
  - An inability to provide a urine sample without a valid medical explanation;
  - A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
  - An inability to provide breath or to provide an adequate amount of breath without valid medical explanation;
  - Tampering with or attempting to adulterate the urine specimen or collection procedure;
  - Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
  - Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager (who has the responsibility to make a determination as to whether to send the employee for a post-accident drug and/or alcohol test) was not obtained.
- Consuming alcohol during the eight hours immediately following an accident (**NOTE:** *The following clause only applies under the FTA - unless the covered employee has been informed that his or her actions have been completely*

*discounted as a contributing factor as a contributing factor to the accident) or until the employee undergoes a post-accident alcohol test, whichever occurs first.*

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988. All employees covered by this procedure have previously been provided with a copy of the City's Drug Free Workplace Statement, and have signed an acknowledgment that they have read the statement and agreed to comply with it.

**NOTE:** *Although the following paragraph is not specified as a prohibition, the District may want to bargain to include it as a prohibition and also to include it as conduct that is subject to discipline.*

### **Consequences for Employees**

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his/her safety sensitive position for at least (24 hours under FHWA and eight hours under FTA).

### **Drug and Alcohol Testing**

Drug and alcohol testing will be imposed on covered employees in the following circumstances.

### **Pre-Employment Testing**

All applicants for classifications which are covered by the DOT regulations (See "covered employees" above) as well as all employees who transfer from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug testing. Applicants will not be assigned to a safety sensitive position if they do not pass the test.

### **Post-Accident Testing**

#### **FHWA Agencies**

Post-accident drug and alcohol testing will be conducted on employees following an accident. Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

An accident occurs when as a result of an occurrence involving the vehicle an individual dies or when a state or local law enforcement authority issues a citation to the covered employee driver for a moving violation arising from the accident.

If no citation is issued, each surviving driver who was performing safety-sensitive functions with respect to the vehicle will be tested if the accident involved the loss of human life.

## **FTA Agencies**

Post-accident drug and alcohol testing will be conducted on employees following an accident unless the District determines, using the best information available at the time of the decision, that the covered employee's performance could be completely discounted as a contributing factor to the accident. Not only will the operator of the vehicle be tested but so will any other covered employee whose performance may have contributed to the accident, such as a maintenance person.

Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

An accident occurs in the following circumstances: a) when an individual dies as a result of an occurrence involving the vehicle; b) when an individual suffers bodily injury as a result of an occurrence involving the vehicle; or c) when a vehicle suffers disabling damage.

Disabling damage means damage to the vehicle which precludes departure from the scene in its usual manner in daylight after simple repairs.

## **Random Testing**

Covered employees will be subject to random alcohol and drug testing as follows: A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (e.g., driving) while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The District will subject at least 10% of the total number of covered employees to random alcohol testing per year.

A random drug test will be administered to at least 50% of the total number of covered employees per year. Some employees may be tested more than once in a year, while others are not tested at all depending on the random selection.

On the date an employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a written notice in the morning indicating the time he/she is to report to the lab for testing.

## **Reasonable Suspicion Testing**

Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath. The supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test.

The reasonable suspicion alcohol test will be administered within two hours of the observation. If not, the employer must provide written documentation as to why the test



was not promptly conducted. No test may be administered after eight hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

### **Return to Duty/Follow-up Testing**

A covered employee who has violated any of the prohibitions of this procedure must submit to a return to duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation.

### **Testing Procedures**

#### **Alcohol Testing**

Alcohol testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.

A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

The procedures that will be utilized by the lab for collection and testing of the specimen are:

#### **Drug Testing**

Drug testing will be conducted pursuant to the procedures attached to this procedure.

The urine specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.

If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.

The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.

All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the District.

With all positive drug tests, the physician (a.k.a. medical review officer) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the physician determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the District as "negative."

### **Records**

Employers are obligated to maintain records of the drug and alcohol misuse prevention programs, report the results in a management information system, and control access to the recorded information.

Employers are required to maintain the following records for a period of five years:

- The results of an employee's alcohol test which indicates an alcohol concentration level of 0.02 or higher;
- The results of an employee's controlled substances test which are positive;
- Documentation of any employee who refused to submit to a required alcohol/drug test; Calibration documentation; and
- Employee evaluations and referrals by substance abuse professionals.

Employers must retain records documenting the collection process for the alcohol and controlled substances tests and the training of supervisors for two years.

Employers must retain the records of any negative or canceled drug test or any alcohol test result which is less than 0.02 for one year.

By March 15 of each year, all covered employers must make available to the public a report summarizing the results of the alcohol misuse and controlled substances prevention program.

Employers may not release information concerning covered employees to third parties unless specifically authorized by statute. Employees, however, may request in writing to receive copies of any records pertaining to the employee's use of drugs or alcohol contained in the employee's file.

### **Consequences of Failing an Alcohol and/or Drug Test**

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination.

If a covered employee is not terminated, the employee:

- Must be removed from performing any safety-sensitive function;
- Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his/her alcohol or drug abuse. The District is not required to pay for this treatment;
- May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
- Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position. (*See above.*)
- The District has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse.
- The District provides employees with information concerning the effects of alcohol and controlled substances and available methods of intervention.

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**Date Approved: January 18, 2012**