

BP 6100 Delegation of Authority

Reference:

Education Code Sections 70902(d); 81655, 81656

The Board delegates to the President of the College the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

No contract shall constitute an enforceable obligation against the District until it has been approved or ratified by the Board. (See Board Policy 6340).

The President of the College shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

See Administrative Procedures #6100

AP 6100 Delegation of Authority

Reference:

Education Code Sections 70902(d); 81644, 81655, 81656
Public Contract Code Sections 20651, 20658, 20659
Accreditation Standard 10C.2

The Vice President of Administrative Services is delegated authority from the President of the College 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 Board policy and law. Responsibility for the development of internal policies and procedures consistent with the provision of this regulation remains with the Vice President of Administrative Services. This delegated authority is subject to the condition that certain of these transactions be submitted to the President of the College for review and approval from time to time as determined by the President of the College.

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 Vice President of Administrative 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 Vice President of Administrative 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.

BP 6150 Designation of Authorized Signatures

Reference:

Education Code Section 85232, 85233

Authority to sign orders and other transactions on behalf of the Board is delegated to the President of the College and other officers appointed by the President of the College.

The authorized signatures shall be filed with the Santa Clara County Superintendent of Schools.

See Administrative Procedures #6150

AP 6150 Designation of Authorized Signatures

Reference:

Education Code Section 85232, 85233

The President or Vice President of Administrative Services is hereby designated as the District officer authorized to sign warrants on behalf of the District.

Proper documentation regarding signing District warrants shall be filed with the county superintendent of schools.

The Vice President of Administrative Services will withhold approval of District warrants 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.

BP 6200 Budget Preparation

Reference:

***Education Code Section 70902(b)(5);
Title 5, 58300 et seq.***

Each year, the President of the College shall present to the Board a budget, prepared in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations, and provide adequate time for Board study.

Budget development shall meet the following criteria:

The annual budget shall support the District's master and educational plans.

Assumptions upon which the budget is based are presented to the Board for review.

A schedule is provided to the Board by February of each year that includes dates for presentation of the tentative budget, required public hearing(s), Board study session(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.

The target unrestricted general reserves shall be no less than 10% of the unrestricted general fund up to a maximum reserve of \$1.5 million.

Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.

Budget projections address long-term goals and commitments.

See Administrative Procedures #6200

AP 6200 Budget Preparation

Reference:

Accreditation Standard 9; Education Code Section 70902(b)(5); Title 5, Sections 58300 et seq.

The Board philosophy dictates that the budget planning supports institutional goals and is linked to other institutional planning efforts.

The budget calendar will include presentation of the tentative and final budgets. The tentative budget shall be presented 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 budget shall be held on or before September 15 [Title 5, Section 58301].

The Budget development process will include consultation with appropriate groups.

The Budget will include criteria and institutional guidelines for financial planning and budgeting.

Submission of appropriate forms (311's) will be submitted to the CCC Chancellor's Office.

Two copies of the adopted budget will be submitted to the CCC Chancellor's Office on or before September 30 [Title 5, Section 58305(d)].

BP 6250 Budget Management

Reference:

Title 5 Sections 58307, 58308

The budget shall be managed in accordance with Title 5 and the CCC Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

Revenues accruing to the District in excess of amounts budgeted shall be added to the District's reserve for contingencies. They are available for appropriation only upon a resolution of the Board that sets forth the need according to major budget classifications in accordance with applicable law.

Board approval is required for changes between major expenditure classifications. Transfers from the reserve for contingencies to any expenditure classification must be approved by a two-thirds vote of the members of the Board. Transfers between expenditure classifications must be approved by a majority vote of the members of the Board.

See Administrative Procedures #6250

AP 6250 Budget Management

Reference:

Title 5, Sections 58305, 58307, 58308

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 may be made from the reserve for contingencies to any expenditure classification by written resolution of the Board, and must be approved by a two-thirds vote of the members of the Board.

Transfers may be made between expenditure classifications by written resolution of the Board, and may be approved by a majority of the members of the Board. Excess funds must be added to the general reserve of the District, and are not available for appropriation except by resolution of the Board setting forth the need according to major classification.

BP 6300 Fiscal Management

Reference:

***Education Code Section 84040(c);
Title 5 Section 58311***

The President of the College shall establish procedures to assure that the District's fiscal management is in accordance with the principles contained in Title 5, section 58311, including:

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.

As required by law, the Board shall be presented with a quarterly report showing the financial and budgetary conditions of the District.

As required by the 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 fund.

See Administrative Procedures 6300, 6305, 6310 and 6315

AP 6300 Fiscal Management

Reference:

Education Code Section 84040(c); Title 5 Section 58311; Accreditation Standard 9.B and C

The District fiscal management shall:

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 revenues 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.

AP 6305 Reserves

Reference:

Budget and Accounting Manual, Chapter 5; Appendix A; Accreditation Standard 9(C)(4)

The target unrestricted general reserves shall be no less than 10% of the unrestricted general fund up to a maximum reserve of \$1.5 million.

AP 6310 Accounting

Reference:

Accreditation Standard 9(B); Budget and Accounting Manual, Chapters 3 and 4

The District's accounting will comply with the Community College Budget and Accounting Manual (BAM) and auditing standards. Procedures and processes will be followed as specified in the Business Office Handbook.

AP 6315 Warrants

Reference:

Education Code Section 85230 et seq.

Procedures and processes will be followed as specified in the Business Office Handbook.

BP 6320 Investments

Reference:

Government Code Section 53600 et seq.

The President of the College is responsible for ensuring that the funds not required for the immediate needs of the District are invested. Investments shall be in accordance with law, including California Government Code Sections 53600, et seq.

Investments shall be made based on the following criteria:

- The preservation of principal shall be of primary importance.
- The investment program must remain sufficiently flexible to permit the District to meet all operating requirements.
- Transactions should be avoided that might impair public confidence.

See Administrative Procedures #6320, 6322, and 6325

AP 6320 Investments

Reference:

Government Code Section 53600 et seq.; Accreditation Standard 9.B.3

The Vice President of Administrative Services 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 governing board in accordance with the Government Code Sections cited above and the following:

Funds that 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 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 16429.1). District funds deposited with the LAIF shall be invested by the State Treasurer in securities prescribed by Government Code 16430, or the Surplus Money Investment Fund and as determined by the Local Investment Advisory Board (Government Code 16429.2).

Other Investments - Other investments as permitted by Government Code Section 53600 et seq., and in particular Government Code sections 53601 and 53635,* may be made by the Vice President of Administrative Services subject to prior approval of the governing board.

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

AP 6322 Employee Indemnity Bonds

Reference:

Title 5, Section 58318

Each employee of the District shall be bonded under a suitable bond indemnifying the District against loss of District funds and District property.

AP 6325 Payroll

Reference:

Education Code Section 70902

Pay periods will be by the calendar month for permanent employees, with warrants issued and payable on the last working day of the month.

Pay periods for the non-permanent employees, will have warrants issued and payable on the working day closest to or on the 10th day of the month.

Procedures and processes will be followed as specified in the Business Office Handbook.

BP 6330 Purchasing

Reference:

***Education Code Section 81656;
Public Contracts Code Section 20650***

The President of the College is delegated the authority to purchase supplies, materials, apparatus, equipment and services as necessary to the efficient operation of the District. No such purchase shall exceed the amounts specified by Section 20651 of the California Public Contract Code as amended from time to time.

All such transactions shall be reviewed by the Board every 60 days.

See Administrative Procedure #6330

AP 6330 Purchasing

Procedures and processes will be followed as specified in the Business Office Handbook.

BP 6340 Contracts

Reference:

Education Code Sections 81641, et seq.;
Public Contracts Code Sections 20650, et seq.

The Board delegates to the President of the College the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

Contracts are not enforceable obligations until they are ratified by the Board. Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Board.

When bids are required according 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 reject all bids.

If the President of the College concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contracts Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition or purchase order through any other public corporation or agency in accordance with Public Contracts Code Section 20652, the President of the College is authorized to proceed with a contract.

See Administrative Procedures 6340, 6350, 6360, and 6370

AP 6340 Bids and Contracts

Reference:

Education Code Sections 81641 et seq.;
Public Contracts Code Sections 20103.7, 20112, 20650 et seq., 22000 et seq.;
Labor Code 1770 et seq.

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 Contracts Code will require documented quotes.
- Purchase of goods or services in excess of the limits set out in the Public Contracts Code will require formal advertised bids.

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

Note: The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651(d). The <i>current</i> bid minimum can be found at http://www.cde.ca.gov/fg/ac/co/

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 published within the District a notice calling for bids or proposals, stating the work to be done materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the Vice President of Administrative Services or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Vice President of Administrative Services or designee 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 Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all

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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 Vice President of Administrative Services or designee 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 Vice President of Administrative Services or designee shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon 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

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

1. Any and all bids and contract proposals may be rejected by the District.
2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
3. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
4. 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.
5. For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of 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.
6. "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.

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Purchase without Advertising for Bids

The Vice President of Administrative Services or designee is authorized to make purchases from firms holding county contracts without calling for bids where it appears advantageous to do so.

The Vice President of Administrative Services or designee may, without advertising for bids within the same county, city, town or district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Vice President of Administrative Services or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General 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 Vice President of Administrative Services or designee may make a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the board.

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.

Note: The following sections apply if funds from the Kindergarten-University Public Education Facilities Bond Acts of 2002, 2004, or 2006 are used for a public works project.
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Kindergarten- University Public Education Bond Art Project

For projects funded by 2002, 2004, or 2006 Bond Funds, the Vice President of Administrative Services or designee 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 shall be required to maintain and, at designated time, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.

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- 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 Vice President of Administrative Services, designee, or 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 established 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 Vice President of Administrative Services or designee 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.

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AP 6350 Contracts – Construction

Reference:

Education Code Section 81800;

Public Contracts Code Sections 20650 et seq., 22000 et seq.

The Vice President of Administrative Services 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 Vice President of Administrative Services 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.

Services and the State Chancellor's Office, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding.

See Administrative Procedure 6340

Approved by the Board of Trustees: April 9, 2002

Amended by the Board of Trustees: December 8, 2009

Amended by the Board of Trustees: October 11, 2011

AP 6360 Contracts – Electronic Systems and Materials

References:

Education Code Sections 81641 et seq., and 81651; Public Contracts Code Section 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.

Criteria to determine what constitutes a responsive bid shall be established by the Vice President of Administrative Services.

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

Approved by the Board of Trustees: April 9, 2002
Amended by the Board of Trustees: November 10, 2009
Amended by the Board of Trustees: December 8, 2009

AP 6365 Accessibility of Information Technology

References:

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

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 provisions:

“The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the district from and against 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 this agreement.”

AP 6370 Contracts – Personal Services

Reference:

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 nondiscrimination 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.

BP 6400 Audits

Reference:

Education Code Section 84040(b)

There shall be an annual outside audit of all funds, books and accounts of the District in accordance with the regulations of Title 5. The President of the College shall assure that an annual outside audit is completed.

The Budget Subcommittee of the Board of Trustees will recommend a certified public accountancy firm to the Board with which to contract for the annual audit. On a semi annual basis, the Budget Subcommittee will review the findings and recommendations of the audit report and the progress made by the College to comply with the auditor's recommendations.

See Administrative Procedures #6400

Amended by the Board of Trustees: October 10, 2006

Approved by the Board of Trustees April 9, 2002

AP 6400 Audits

Reference:

***Education Code Section 84040(b), 81644;
Accreditation Standard 9.B.2***

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.

An auditing firm's contract shall be for no longer than 5 years. 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 Education Code Section 84040.5, and
- A summary of audit exceptions and management recommendations.

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

BP 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 280(d)(4)

The Superintendent/President shall determine if it is in the best interests of the District to provide a cellular or wireless phone 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 the 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. Record keeping of business and personal use of District-issued cellular telephones shall not generally be required when the telephones are issued for non-compensatory business reasons.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

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

See Administrative Procedures #6450 and #6451

Amended by the Board of Trustees: October 9, 2012

Approved by the Board of Trustees: December 13, 2011

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 280(d)(4)***

The Superintendent/President 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.

These rules do not apply to wireless or cellular phones 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.

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 shall be no expectation of privacy in the use of a District-issued cellular telephone.

See Administrative Procedure #6451

Amended by the Board of Trustees: August 14, 2012

Approved by the Board of Trustees: October 11, 2011

AP 6451 Cell Phones

Internal Revenue Service regulations now in effect require the District to report the full value of the cost of the cell phone (purchase price plus monthly service fees) as income to employees. According to these regulations it is up to the employee to document the business portion of cell phone usage compared to the portion that is used for personal purposes. The tax impact to each employee who is assigned a District cell phone has caused the District to reevaluate use of cell phones.

The Gavilan Joint Community College District has identified three categories of employee who have different needs for cell phones in support of college operations. The category will determine the amount of cost paid by the District for cell phones. The District may provide either a cell phone to certain employees and a stipend to other employees to offset the employee's cost of using their personal cell phones for District purposes.

Group 1. Executive Administration – Required to have a cell phone and be available at all times including nights, weekends and vacation periods:

- Superintendent/President
- Executive Vice President and Chief Instructional Officer
- Vice President of Student Services
- Vice President of Administrative Services

Group 1 employees receive an automobile and business allowance through their employment agreements. As a condition of receiving the allowance the Group 1 employees will be required to maintain a cell phone and have it available to conduct District business.

For the Group 1 employees, the automobile/business allowance is already reported as income in accordance with existing Internal Revenue Service regulations. No changes in income tax reporting by the District are necessary.

Group 2. Facilities, Security and On-Call and Rotating Duty Personnel – Employees by the nature of the areas of responsibility need to be available to campus personnel as needs arise.

Group 2 employees may be provided with a District paid cell phone or a stipend. Employees in the following positions may be provided with District cell phones:

- Director, Child Development Center
- Director, Management Information Systems
- Director, Facilities Services
- Director, Security and Support Services
- Assistant Director, Management Information Systems
- Student Health Nurse

IRS regulations require the District to report the cost of the cell phone including purchase of the cell phone, accessories and monthly service charges as income to employees. It is the responsibility of the employee to prepare documentation to show the portion of the costs related to District operations and the portion attributed to personal usage.

Approved by the Board of Trustees: April 9, 2002

Adopted: September 8, 2009

Amended by the Board of Trustees: October 11, 2011

The District will acquire three additional cell phones that are not assigned to an individual and that will not be used after the campus is closed. The cell phones will be available to the following departments for on-campus use:

Receiving Department
Security
Multimedia Technician

Group 3. Employees to be paid a stipend for District use of personal cell phone

There are a number of employees who can benefit from use of a cell phone but the cost of the District providing a cell phone is considerably more than using an alternative approach which is to provide a stipend to employees who agree to allow their personal cell phones to be used for District business. The employees in the following positions will be paid a monthly stipend of \$30 per month:

Dean, Career Technical Education
Dean, Liberal Arts and Sciences
Dean, Dept. of Kinesiology & Athletics
Associate Dean, Disability Resource Center
Associate Dean, Extended Opportunities Programs & Services
Associate Dean, Community Outreach and Grants Management
Director, Community and Contract Education
Director, CalWORKs
Director, Instructional Site, Hollister
Director, Instructional Site, Morgan Hill
Director, Public Information

Employees who receive stipends in lieu of cell phones will have the stipend included as income.

In all cases, employees who receive stipends or cell phones paid by the District are responsible for any income tax that may accrue to them. Except for Group I and II, employees may refuse the cell phone or the stipend. In those cases it is the responsibility of the employee to provide the District with a telephone number that can be used to reach them when the need arises.

This procedure will be updated and revised as needed to maintain currency with communications technology.

Approved by the Board of Trustees: April 9, 2002
Adopted: September 8, 2009
Amended by the Board of Trustees: October 11, 2011

BP 6500 Property Management

Reference:

Education Code Sections 81300, et seq.

Property Management

The President of the College is delegated the authority to act as the Board's negotiator regarding all property management matters that are necessary for the benefit of the District. No transaction regarding the lease, sale, use or exchange of real property by the District shall be enforceable until acted on by the Board itself.

The President of the College shall establish such procedures as may be necessary to assure compliance with all applicable laws relating to the sale, lease, use or exchange of real property by the District.

Physical Facilities

It is the responsibility of all employees to help protect the District buildings, grounds and equipment. Any person who willfully damages or destroys property belonging to the District will be liable for replacement or repair of such property.

Physical Plant/Aesthetics

The District shall maintain and enhance the college setting by having an aesthetically pleasing campus.

Public Art

The Board shall approve any artistic display located on the exterior of any college facility or inside college facilities designated as multipurpose or public access areas exclusive of the Gavilan Art Gallery and its exhibitions and collections. This includes, but is not limited to sculpture, paintings, metal work, murals, weavings, photographs and other works of art. The Board acknowledges and supports constitutionally guaranteed principles of free expression in creative works displayed on college property. The President of the College shall establish procedures for the implementation of this policy.

(Approved by the Board of Trustees August 13, 2002)

Smoke Free Buildings

All smoking and use of all tobacco products and non-regulated nicotine products is prohibited on all Gavilan Joint Community College District owned, leased, or operated property, except for designated smoking areas as defined in Board Policy 3570 and Administrative Procedure 3570.

(Approved by the Board of Trustees June 14, 2011)

See Board Policy 3570 and Administrative Procedures 3750 and 6500.

Approved by the Board of Trustees: April 9, 2002

Amended by the Board of Trustees: December 13, 2011

AP 6500 Property Management

Reference:

Education Code Section 70902; 81300 et seq.; Accreditation Standard 8.1 and 2

Property Management

The Vice President of Administrative Services 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.

Physical Plant/Aesthetics

Buildings:

The construction of buildings shall be consistent with the original design and materials of the structures. This does not necessarily mean that all new construction management must replicate the actual design of the original construction. However, it should harmonize with such design elements as to present a consistent aesthetic appearance.

Landscaping and Grounds:

There shall be an emphasis of native drought-resistant and low maintenance plantings that shall be chosen to enhance the unique design of the campus. The design of benches and trash containers shall be uniform and useful in maintaining the cleanliness of the campus.

Signage:

Signs shall be uniform and functional in design.

Memorial Donations

The location of statutes and plaques and other memorials donated shall receive Board of Trustees approval prior to placement.

Smoke Free Buildings

All individuals at Gavilan College, all buildings and all Gavilan-owned vehicles are covered by the Smoke-Free Building Policy. Gavilan College supports and assists efforts to stop smoking by providing literature, referrals to community cessation programs and by offering periodic campus smoking cessation programs at reduced cost to participants.

Implementation of the campus smoke-free environment policy will be the responsibility of every student, faculty member, staff person and visitor on campus.

BP 6520 Security for District Property

Reference:

Education Code Section 81600 et seq.

The President of the College shall establish procedures necessary to manage, control and protect the assets of the District, including but not limited to ensuring sufficient security to protect property, equipment, and information from theft, loss, or significant damage.

See Administrative Procedures 6520, 6530, 6535

AP 6520 Security for District Property

Reference:

Accreditation Standard 8.3

Security for District property shall include:

- Allocation of responsibilities for patrolling district property
- Allocation of responsibilities for maintenance (e.g., lighting, pruning, locks)
- Distribution of keys
- Responsibility for publication of warnings about unsafe areas of campus
- Emergency notification procedures
- Fire alarms
- Locking software for computers

Procedures and processes will be followed as specified in the Security Handbook.

AP 6530 District Vehicles

Reference:

Title 13, California Code of Regulations, Division 1, Chapter 1

Vehicles made available to the district personnel are for use in the conduct and operation of district business.

The administrative officer of a location is responsible for controlling access to and use of all district vehicles and district rented or leased vehicles assigned to that location.

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

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

The name and California driver's license number of any employee to be authorized to drive district vehicles must be submitted to the area administrator prior to final granting of authorization.

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

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.

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.

It is the general policy of the Board of Trustees not to loan any school equipment for off-campus use. However, tax exempt organizations within the Gavilan College District may request use of a limited number of equipment items, such as folding chairs, folding tables, and risers.

Equipment shall only be removed from campus with proper authorization from the Vice President of Administrative Services.

Use of District equipment is for District business only i.e. phones, mail, e-mail, internet etc.

Employee and Student Personal Property

The District assumes no liability for the loss, damage, or theft of employee or student personal property brought onto campus.

BP 6540 Insurance

Reference:

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

The President of the College shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities described in Education Code Section 72506 as follows:

Liability for damages for death, injury to persons, or damage or loss of property;
Personal liability of the members of the Board and 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. The President of the College may authorize coverage for persons who perform volunteer services for the District.
Worker's compensation insurance.

Insurance also shall include fire insurance and insurance against other perils.

The District may join in a joint powers agreement pursuant to Education Code Section 81603 for the purposes described in this policy.

See Administrative Procedures #6540

AP 6540 Insurance

Reference:

Education Code Sections 70902; 72502; 72506; 81601 et seq.; Accreditation Standard 9.C.2

The District insurance coverage is met by the District joining in a joint powers agreements pursuant to Education Code Section 81603. The regulations required by the JPA are adopted. District insurance coverage includes:

Liability insurance for damages for death, injury to person, or damage or loss of property.

Liability insurance 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.

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

BP 6550 Disposal of Property

References:

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

The Superintendent/President is delegated authority by the Board to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

See Administrative Procedures #6550

Amended by the Board of Trustees: October 9, 2012
Amended by the Board of Trustees: December 13, 2011

Approved by the Board of Trustees April 9, 2002

AP 6550 Disposal of Property

References:

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

Procedures for the disposal of property shall include:

- Delegation by the Superintendent/President to appropriate administrator(s) of authority to dispose of property to highest bidder after payment has been received by the district;
- Schedule for disposal of personal property (e.g., library books, theatre props);
- Schedule for disposal of equipment (e.g., computers, copiers, vehicles);
- Dollar limits on value of property that can be disposed of without prior approval;
- Authority to dispose of property in lots;
- Requirement for posting in at least three public places in the district for not less than two weeks, or publication at least once a week for a period of not less than two weeks in a district newspaper;
- Provision that staff may dispense with posting/publication and sale to the highest bidder if:
 - the surplus property is exchanged with, sold, or donated to a school district, community college district, or other public entity and
 - proceeds from sale or lease are expended for capital outlay purposes related to qualified community college facilities and the district complies with specified conditions.
- Schedule for reporting to board (e.g., annually, quarterly);
- Provision, if district chooses to include it, that district employees may not buy property declared to be surplus (this is an element of conflict of interest), and
- Provision for board action for disposal of property under \$5,000.

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.

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 not such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is not such newspaper, then in a newspaper having a general circulation in the county in which the district or any part thereof is situated. The designee shall sell the property to the highest responsible bidder, or shall reject all bids.

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.

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:

- a) 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;
- b) 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, and
- c) 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.

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 designee at private sale without advertising,

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450 above, but for which no qualified bid was received, may be sold by designee 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 the sale or lease.

Amended by the Board of Trustees: August 14, 2012
Amended by the Board of Trustees: October 11, 2011
Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees April 9, 2002

BP 6600 Capital Construction

Reference:

Education Code Section 81005, 81820; Title 5, Section 57150 et seq.

The President of the College is responsible for planning and administrative management of the District's capital outlay and construction program.

District construction projects shall be supervised by the President of the College. The designate shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The designate shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Board shall approve and submit to the Board of Governors a five-year capital construction plan as required by law. The President of the College shall annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

See Administrative Procedures #6600

Amended by the Board of Trustees: November 13, 2007

Approved by the Board of Trustees April 9, 2002

AP 6600 Capital Construction

References:

***Education Code Sections 81005 and 81820;
Title 5 Sections 57150 et seq.;***
Accreditation Standard 9.A.3

Capital Outlay Program

The President of the College 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, and
- District-wide supporting detail.

Contracts

Construction contracts will be let in accordance with Administrative Procedure 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 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 the requirements of Education Code Sections 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 longterm lease of at least 50 years by, the District;

Approved by the Board of Trustees: April 9, 2002

Amended by the Board of Trustees: November 13, 2007

Amended by the Board of Trustees: October 11, 2011

- The District has complied with facility site review procedures and guideline recommendations of the California Postsecondary Education Commission pursuant to Education Code Section 66904, and
- 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 waiting state funding.

Approved by the Board of Trustees: April 9, 2002
Amended by the Board of Trustees: November 13, 2007
Amended by the Board of Trustees: October 11, 2011

BP 6620 Naming Buildings, Classrooms and Other College Facilities

All recommendations for naming buildings, classrooms and other college facilities shall be submitted to the Board by the President of the College for action.

Amended by the Board of Trustees Nov. 12, 2002

Approved by the Board of Trustees April 9, 2002

BP 6700 Civic Center and Other Facilities Use

Reference:

Education Code Sections 82537 and 82542

There are Civic Centers at the college. Use of the Civic Center shall be granted as provided by law. The President of the College shall establish procedures regarding the use of District property and facilities, including property designated by the District as a Civic Center for community groups, outside contractors, and others.

The administrative procedure shall reflect the requirements of applicable law, including Education Code Section 82537, regarding Civic Centers. The procedure shall include reasonable rules regarding the time, place, and manner of use of District facilities. They shall assure that persons or organizations using District property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs or other activities of the District on behalf of students.

No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics or on any basis prohibited by law.

Use of the District's Civic Centers will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts" in order to "engage in supervised recreational activities" or "meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside" (Education Code Section 82537(a)). In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

See Administrative Procedures #6700

Approved by the Board of Trustees: April 9, 2002

Amended by the Board of Trustees: December 13, 2011

Amended by the Board of Trustees: July 9, 2013

AP 6700 Civic Center and Other Facilities Use

References:

Education Code Sections 82537 and 82542;

Public Resources Code Section 42648.3

Clark v. Community For Creative Non-Violence (1984) 468 U.S. 288, 104 S.Ct. 3065, 82 L. Ed.2d 221

General Provisions

Civic Centers at the college are the chapel, classrooms, pool, student center, theater and others. 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 time identified by the Vice President of Administrative Services or designee, 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 or designee is responsible for the coordination and implementation of these procedures. The Vice President of Administrative Services or designee shall determine all applicable fees to be charged.

Outside the designated public forum areas, the following shall apply: All user groups 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. All user groups 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.

Civic Centers

Eligible persons or groups 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 identified in Education Code Section 82542(a) will be permitted, "when an alternate location is not available," as described in the statute, 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 need, 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
- The cost of utilities directly attributable to the organization's use of the facilities.

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Amended by the Board of Trustees: October 11, 2011

Amended by the Board of Trustees: June 11, 2013

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities. The following shall be charged fair rental value for the use of District facilities:

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 and

Entertainments or meetings where admission fees are charged or contributions are 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.

The American Red Cross or other public agencies may use District facilities, grounds and equipment for mass care and welfare shelters during disasters or other emergencies affect the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees to be necessary to meet the needs of the community.

Rules for Facilities Use

Requests for use of District's Civic Center must be made at least 30 days in advance of the first date of use being requested. Requests shall be on forms provided by the District. Permission to use facilities shall be granted by the Vice President of Administrative Services or designee. For off-site locations, permission to use facilities shall be granted by the administrative officer at that location.

Note: This request requirement does not apply to groups intending to use available designated public forums for expressive activities. In those circumstances, only three business days' notice is required, as described in the procedure for Speech: Time, Place, and Manner (AP5550). In addition, the request requirement for a memorial service may be shortened.

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. All charges for the use of District facilities are payable in advance.

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he/she is an officer of the group, must present written authorization to represent the group. 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.

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

No person 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 and failure to pay promptly for any damage to District property.

No alcoholic beverages, intoxicants, controlled substances or tobacco in any form shall be brought onto the property of the District. See "Administrative Procedure 3560 – Alcoholic

Approved by the Board of Trustees: April 9, 2002

Amended by the Board of Trustees: October 11, 2011

Amended by the Board of Trustees: June 11, 2013

Beverages" for exceptions. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.

No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Vice President of Administrative Services or designee.

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.

Priority for the Use of District Facilities

Priority for the use of District Civic Center facilities will be as follows:

1. Student clubs and organizations;
2. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District;
3. Parent-teachers' associations, and
4. School-community advisory councils.

After the above organizations, other priorities may be considered.

See Administrative Procedure 3560

BP 6740 Citizens Oversight Committee

References:

Education Code Sections 15278, 15280, 15282;

California Constitution Article XIII A Section 1(b), Article XVI Section 18 (b)

If a bond measure has been authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the President of the College shall establish a Citizens Oversight Committee in accordance with the applicable law and necessary regulations.

AP 6740 Citizens' Oversight Committee

Reference:

Education Code Sections 15278, 15280, 15282

The Citizens' Oversight Committee is established.

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 Gavilan Joint Community College 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;
- Inspect school facilities and grounds to ensure that bond revenues are expended in properly;
- Receive and review copies of any deferred maintenance proposals or plans developed by the Gavilan Joint Community College District and
- Review efforts by the Gavilan Joint Community College District to maximize bond revenues by implementing cost-saving measures.

Members

The committee shall consist of at least seven (7) members to serve for a term of two (2) years and for not 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 within the District;
- One member active in a senior citizen's organization
- One member active in a bona fide taxpayer's organization;
- One member of a student both currently enrolled in the Gavilan Joint Community College District and active in a campus group. The student may serve up to six (6) months after his or her graduation;
- One member active in the support and organization of a district

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

Assistance

The Gavilan Joint Community College District shall provide the committee with any necessary technical or administrative assistance, as well as other resources, to publicize its conclusions.

Public Meetings

Meetings shall be open to the public and notice provided in accordance with the provisions of open meeting laws.

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.

Approved by the Board of Trustees: December 13, 2011

BP 6750 Parking

Reference:

Education Code Section 76360;
Vehicle Code Section 21113

The President of the College shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures.

Parking fees may be established in accordance with these board policies. (See Board Policy 5030)

See Administrative Procedures #6750

AP 6750 Parking

Reference:

Education Code Section 76360; Vehicle Code Section 21113

These procedures are intended to promote safe and orderly movement of traffic within District property for the safe and orderly parking of vehicles and bicycles.

All applicable provisions of the California Vehicle Code are expressly applicable both on and off paved roadways.

Parking of motor vehicles and bicycles is limited to specially designated areas. Fee permits are required. Vehicles or bicycles parked in violation of the provisions of this code are subject to fines, towing, or impoundment.

All persons who enter on the college are charged with knowledge of the provisions of this procedure and are subject to the penalties for violations of such provisions.

Parking fees are as follows:

\$40 per semester (7:00 a.m. – 10:00 p.m.)

\$20 per semester (3:00 p.m. – 10:00 p.m.)

.75 cents per day (7:00 a.m. – 10:00 p.m.)

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

BP 6800 Safety

Reference:

49 C.F.R., Part 40 C.F.R. Part 655; Title 8, Section 3203; 29 C.F.R. 1910.101 et seq.; Health & Safety code Section 104420

The President of the College shall establish administrative procedures to ensure the safety of employees and students on District sites, including the following:

- Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.
- Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.
- Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials, received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.
- Prohibition of the use of tobacco in all public buildings.

See Administrative Procedure #6800 and 6850

Amended by the Board of Trustees: November 13, 2007

AP 6800 Safety

Approved by the Board of Trustees April 9, 2002

Reference:

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

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 campus security.

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 Vice President of Administrative Services for review and recommendation.

Crisis and Conflict Intervention

Any employee experiencing an unsafe work condition should immediately contact his/her supervisor or the Vice President of Administrative Services. The supervisor shall immediately notify the Vice President of Administrative Services about any acts or threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

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 campus security. Such reports will be promptly and thoroughly investigated.

Acts or Threats of Violence

In the event of an act or threat of violence, the Director, Security and Support Services will investigate the incident and forward the results of the completed investigation to the Vice

President of Administrative Services for consideration. Law enforcement will take appropriate action if the incident involves injuries or criminal activity. Internal and external coordination will be specified in the District's Safety Manual: Emergency Plan and Procedures Guide.

Restraining Orders/Court Orders

An employee shall notify law enforcement of any restraining orders/court orders when named as a plaintiff, and provide a copy of the order to the Vice President of Administrative Services. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact the Vice President of Administrative Services to ensure that they are aware of it, and that they have a copy of the restraining order on file.

AP 6850 Hazardous Materials

Reference:

Title 8, Section 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, a single location 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.

BP 6900 Bookstore

References:

Education Code Section 81676

Civil Code Section 1798.90

College bookstore shall be established and operated by either the District or by a qualified vendor.

Contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board for approval, and awarded in the best interests of the students.

College bookstore shall comply with the requirements of the Reader Privacy Act.

Amended by the Board of Trustees: October 9, 2012

Amended by the Board of Trustees: December 13, 2011

Approved by the Board of Trustees April 9, 2002

AP 6950 Drug and Alcohol Testing (US Department of Transportation)

Reference:

49 CFR Part 40

No District vehicles or District rented or leased vehicles are subject to these regulations.

No District employee shall operate the following commercial motor vehicle:

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.