



District Consultation Council Meeting

April 25, 2016

2:00 p.m.

Anaheim Campus Room 105

**Videoconferencing of the meeting will be available at Cypress College Room 301 and
the Fullerton College President's Conference Room A**

AGENDA

SUMMARY:

1. March 28, 2016 Summary F. Williams

PLANNING ITEMS

1. Budget Update B. Fahnestock

POLICY ITEMS

1. Chapter 2, Board of Trustees F. Williams
Revised AP2431, Chancellor Selection
Revised AP2710, Conflict of Interest
2. Chapter 6, Business and Fiscal Affairs F. Williams
Revised BP6320, Investments
Revised AP6150, Designation of Authorized Signatures

OTHER ITEMS

1. Policies and Procedures Workgroup F. Williams

DISTRICT CONSULTATION COUNCIL
March 28, 2016

SUMMARY

MEMBERS PRESENT: Brenda Carpio, Dana Clahane, Victoria Deemer, Brian Fahnestock, Sam Foster, Adam Gottdank, Jolena Grande, Tina Johannsen, Cherry Li-Bugg, Rod Lusch, Valentina Purtell, Irma Ramos, Greg Schulz, Bryan Seiling, Bob Simpson, Pete Snyder, Kai Stearns Moore, and Fred Williams.

SUMMARY: The summary of the February 22, 2016, meeting was approved as amended.

PLANNING ITEMS

Budget Update: Brian Fahnestock, Interim Vice Chancellor of Finance and Facilities, reported that current estimates indicate an additional \$600,000 in ongoing dollars due to additional FTES. Mr. Fahnestock also distributed a handout outlining District budget transfers from the General Unrestricted Fund from fiscal years 2012-13 through 2014-15, and noted that he would be available to answer any questions related to the transfers.

Strategic Plan Fund Proposal: District-wide Universal Design Initiative: Cherry Li-Bugg, Vice Chancellor of Educational Services and Technology, presented the Universal Design Development Project proposal for Strategic Plan funding consideration. The proposal, submitted by Adam Gottdank, would include the participation of 25 faculty members per campus in a voluntary professional development project to explore the concept of universal design and its impact on student learning, instruction, and use of instructional space. Two proposals were received from vendors that ranged between \$149,000 and \$202,300, with an additional \$41,625 earmarked for stipends and catering costs. During the discussion, Dr. Gottdank requested an additional \$95,106 to fund a full-time Coordinator, for 1-½ years, which would increase the total cost of the project to \$339,031.

During the ensuing discussion, questions were raised regarding measureable outcomes, compensation for participation in a staff development activity, implementation, and current interest in the concept of universal design. Academic Senate representatives noted that while the Universal Design project had been presented to the Senates, no official vote had occurred, and they voiced slight apprehension about moving forward on a faculty participation project prior to a vote. Ultimately it was determined that a subcommittee would be formed to review both vendor proposals and revise the funding proposal request, and that the item would return to the May 23 meeting for further consideration.

POLICY ITEMS

Chapter 2: Board of Trustees:

Revised BP2200, Board Duties and Responsibilities: BP2200 was presented with a revision to Section 2.6 and an update to the "Reference" section. **There was consensus to approve revised BP2200 and it will now be forwarded to the Board of Trustees for consideration.**

Chapter 6: Business and Fiscal Affairs:

Revised BP6320, Investments: BP6320 was presented with a revision to Section 1.0 to include the Other Post Employment Benefit (OPEB) Irrevocable Trust. In the ensuing discussion questions were raised related to the OPEB trust and the Investment Policy Statement. **This item will return to the April meeting for further review and consideration.**

OTHER ITEMS

Policies and Procedures Workgroup: Interim Chancellor Williams shared that in preparation for the October 2017 accreditation visit, the District must conduct a review all Board Policies and Administrative Procedures to ensure that the District is in compliance. Mr. Williams expressed a desire to create a policy and procedure workgroup to review all policies and procedures, and also to implement a regular review cycle moving forward. It was noted that a large number of policies and procedures will need to be updated to reflect the ACS accreditation requirements for the School of Continuing Education.

ADJOURNMENT: The meeting adjourned at 3:27 p.m.

DRAFT

DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: April 19, 2016

From: Fred Williams

Re: Agenda Item for District Consultation Council Meeting of April 25, 2016

1. AGENDA ITEM NAME

**Chapter 2, Board of Trustees
Revised AP2431, Chancellor Selection
Revised AP2710, Conflict of Interest**

2. AGENDA ITEM ACTION (Please check one and fill in date, if appropriate.)

Information Only		Second Reading	
Review/Discussion		Action	X
First Reading	X	Required Decision Date	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: **15 minutes**

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM:

Revised AP2431, Chancellor Selection: The Reference section was updated to reflect the correct ACCJC accreditation standard and WASC/ACS standards for the School of Continuing Education. Additional changes were made to update "Director of Equity and Diversity" to "District Director of Diversity and Compliance."

Revised AP2710, Conflict of Interest: Changes throughout AP2710, including the Reference section, were made at the request of the California Fair Political Practices Commission (FPPC).

5. RECOMMENDATION: **It is recommended that upon DCC consensus, that revised AP2431 and AP2710 be posted on the District's website where they will be accessible by students, staff, and the general public.**

6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM
Chancellor's Staff, League Update #28, and FPCC Consultants

AP 2431 Chancellor Selection

Title 5, Section 53203(f), 53024; (Add Sections 53200-53206, Section 51023.5, Section 51023.7;
Ed. Code 70901.2(a), Section 70902(b)(7), Section 70109.2(a);
CCLC Trustee Handbook Chapters 24, 26, 27;
NOCCCD Policies and Administrative Procedures: BP and AP7120-4;
Accreditation Standard ~~IV.B.1, IV.B.1~~; [IV.D.1-2, 4, 7](#)
[WASC/ACS Criterion 2, Indicator 2.4](#)

1.0 Application

- 1.1 Selecting a Chancellor is the most important decision that a Board will make. A well-designed search process reflects positively on the Board and the district. A good search process is developed and directed by the Board, involves appropriate constituencies in the institution and community, and is based on district goals and priorities. A successful search results in the selection of a person that the Board, District employees, students, and community can fully support.
- 1.2 This procedure is established by the Board of Trustees pursuant to the provisions of Board Policy 2431, Chancellor Selection, and shall apply to the selection of the Chancellor for the North Orange County Community College District. The process by which the Chancellor is selected is the prerogative of the Board. The final authority for hiring the Chancellor rests with the governing Board.

2.0 Development and Distribution of Job Announcement

2.1 Development of Job Announcement

- 2.1.1 The job announcement for the position shall be developed by the Vice Chancellor of Human Resources under the direction of the Board of Trustees with consideration of recommendations from the screening committee and shall include the following information:
 - 2.1.1.1 The position;
 - 2.1.1.2 The major duties of the position, which shall also include the following statement: "Sensitivity to and understanding of the disabilities and diverse academic, socioeconomic, cultural, and ethnic background of students;"
 - 2.1.1.3 The qualifications for the position, which shall include the minimum qualifications for service as required by law and/or such other qualifications as established by the District;
 - 2.1.1.4 The desirable qualifications for the position, which would clearly render the applicant better able to perform the job, but which are not required for satisfactory performance. Desirable qualifications must be bona fide occupational qualifications which are specific and directly reflective of the screening criteria to be utilized in the selection process.

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2.1.2 The Vice Chancellor of Human Resources shall review the job description for accuracy, clarity, and consistency with legal requirements and District policy, and shall prepare and publish a final job announcement, which shall include complete information regarding the application procedure and requirements.

2.2 Distribution of Job Announcement

2.2.1 In consultation with the Board of Trustees, the Vice Chancellor of Human Resources shall determine the closing date for the position such that the job announcement will be distributed at least six weeks prior to the closing date.

2.2.2 The District Office of Human Resources will advertise and distribute position announcements, as practicable and appropriate.

3.0 Application Requirements

3.1 Applications shall be submitted to the District Office of Human Resources.

3.2 A complete application packet must include the following:

3.2.1 Letter of application, which provides examples from background and experience to demonstrate how the candidate's knowledge and expertise apply to the position;

3.2.2 Current resume of education and professional experience;

3.2.3 Academic transcripts of graduate course work (unofficial transcripts may be submitted with application; candidates selected for employment will be required to provide official transcripts and verification of experience prior to the first day of service);

3.2.4 A job description of the applicant's most recent position;

3.2.5 Additional requirements as may be established by the Board of Trustees.

3.3 Required application materials must be submitted as a complete packet. Applicants shall bear the sole responsibility for ensuring that application packets are complete when submitted. FAX applications, applications/materials received after the closing date, and loose materials submitted independently of the application packet will not be accepted.

4.0 Screening Committee

4.1 A screening committee shall have membership that is inclusive of representation from the District's constituent groups. The committee will participate in the screening and interviewing of candidates and will recommend finalists for the Board's consideration.

AP 2431 Chancellor Selection

4.2 Screening Committee Composition: The screening committee shall include the following:

4.2.1 Representatives from District Constituency Groups

4.2.1.1 The screening committee shall include the following representatives from the District's constituent groups:

4.2.1.1.1 One (1) management representative from Cypress College appointed by the District Management Association;

4.2.1.1.2 One (1) management representative from Fullerton College appointed by the District Management Association;

4.2.1.1.3 One (1) management representative from the School of Continuing Education appointed by the District Management Association;

4.2.1.1.4 One (1) management representative from the District appointed by the District Management Association.

4.2.1.1.5 One (1) faculty representative from Cypress College appointed by the Cypress College Academic Senate;

4.2.1.1.6 One (1) faculty representative from Fullerton College appointed by the Fullerton College Faculty Senate;

4.2.1.1.7 One (1) faculty representative from the School of Continuing Education appointed by the School of Continuing Education Academic Senate;

4.2.1.1.8 One (1) faculty representative appointed by United Faculty;

4.2.1.1.9 One (1) faculty representative appointed by Adjunct Faculty United.

4.2.1.1.10 Four (4) classified employee representatives, one each from Cypress College, Fullerton College, the School of Continuing Education, and the District Office appointed by CSEA;

4.2.1.1.11 One (1) management representative who reports directly to the Chancellor, appointed by the

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Chancellor's Staff;

4.2.1.1.12 One (1) confidential employee representative appointed by the Confidential Employees Group.

4.2.2 Student Representatives: The screening committee shall include the following representatives from the District's student groups:

4.2.2.1 One (1) student representative appointed by the Cypress College Associated Students.

4.2.2.2 One (1) student representative appointed by the Fullerton College Associated Students.

4.2.2.3 One (1) student representative appointed by the appropriate School of Continuing Education student representative body.

4.2.3 Community Representatives: The screening committee shall include two community representatives appointed by the Board of Trustees.

4.2.4 Equal Opportunity/Diversity Representative: The District Director of Equity and Diversity and Compliance Officer or the District Director of Human Resources shall serve as the non-voting equal opportunity/diversity representative.

4.2.5 Committee Chair: An executive officer of the District appointed by the Board of Trustees shall serve as the non-voting chair of the screening committee, except that where the Board elects to retain a search consultant to administer the hiring process, the Board may designate the consultant as the chair of the committee.

4.2.6 Constituent groups and the Board of Trustees are encouraged to consider diversity when making appointments to the committee.

4.3 Responsibilities of Screening Committee Members

4.3.1 Responsibilities of All Committee Members

4.3.1.1 Committee members shall participate in all aspects of the process, including, but not limited to, the following:

4.3.1.1.1 Training regarding the hiring procedure and equal opportunity employment objectives of the District;

4.3.1.1.2 Development of recommended desirable qualifications;

4.3.1.1.3 Development of rating criteria and interview questions;

AP 2431 Chancellor Selection

- 4.3.1.1.4 Development of protocols for performance tests;
- 4.3.1.1.5 Evaluation and rating of candidates;
- 4.3.1.1.6 Interviewing of candidates;
- 4.3.1.1.7 Recommendation of finalists.
- 4.3.1.2 Committee members shall maintain strict confidentiality throughout the entire hiring process and after the process is completed.
- 4.3.1.3 A committee member who fails to participate in any aspect of the process may be removed from the committee at the discretion of the committee chair.
- 4.3.2 Responsibilities of Committee Chair
 - 4.3.2.1 The committee chair shall be responsible for the following:
 - 4.3.2.1.1 Ensuring compliance with District policies and procedures in conjunction with the hiring process;
 - 4.3.2.1.2 Convening and conducting committee meetings, according reasonable consideration to the schedules of committee members;
 - 4.3.2.1.3 Coordinating candidate interviews;
 - 4.3.2.1.4 Communicating with applicants, as required;
 - 4.3.2.1.5 Maintaining committee records;
 - 4.3.2.1.6 Performing other duties determined by the Board of Trustees.
 - 4.3.2.2 The committee chair will be a nonvoting member of the committee and, except as to performance of the responsibilities described in section 4.3.2.1, will not participate in paper screening or deliberations regarding the selection of candidates.
- 4.3.3 Responsibilities of the Equal Opportunity/Diversity Representative
 - 4.3.3.1 The Equal Opportunity/Diversity Representative shall ensure that no candidate is discriminated against on the basis of race, color, gender, sexual orientation, religion, national origin, age, disability, veteran, or marital status, and shall serve as the committee liaison to the Vice Chancellor of Human Resources

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with responsibility for reporting noncompliance.

4.3.3.2 Any allegation of noncompliance shall be investigated by the **District** Director of ~~Equity and Diversity~~ **and Compliance** and reported to the Vice Chancellor of Human Resources, who shall take appropriate corrective action, if warranted.

4.3.3.3 The Equal Opportunity/Diversity Representative will be a nonvoting member of the committee and, except as to performance of the responsibilities described in section 4.3.3.1, will not participate in paper screening or deliberations regarding the selection of candidates.

4.4 Screening Committee Procedures

4.4.1 Committee decisions shall be made by a simple majority vote. No additions or replacements to the committee membership shall be made subsequent to the initial meeting of the screening committee.

4.4.2 The screening committee shall develop the following for use in evaluating candidates against the advertised job announcement, which shall be reviewed by the **District** Director of ~~Equity and Diversity~~ **and Compliance** and approved by the Vice Chancellor of Human Resources prior to consideration of applicant materials by the screening committee:

4.4.2.1 Paper screening criteria and interview questions;

4.4.2.2 Protocol for an administrative demonstration, writing sample, and/or other performance indicators appropriate for the position;

4.4.2.3 Parameters for conducting interviews and administration of performance tests.

4.4.3 Initial Screening of Applications

4.4.3.1 The District Office of Human Resources will examine each applicant's materials for completeness and evidence of compliance with the required qualifications as advertised in the job announcement. Incomplete applications will not be considered.

4.4.3.2 Complete applications will be independently assessed by each member of the selection committee, using the rating criteria developed by the committee.

4.4.3.3 Committee members shall avoid any discussion of ratings, rankings, or recommendations of candidates until independent evaluations of all candidates have been completed by each committee member.

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4.4.3.4 The committee will then discuss the ratings and evaluate the merits of the candidates to determine if there is an adequate pool of professionally qualified candidates with which to continue the selection process.

4.4.3.4.1 If the pool is deemed adequate by the committee, the committee shall proceed with the selection of candidates for interview.

4.4.3.4.2 If the pool is not deemed adequate by the committee, the committee chair shall discuss the matter with the Board of Trustees who shall determine the action to be taken.

4.4.4 Selection of Candidates for Interview

4.4.4.1 After initial screening of the applicants, if the committee determines there is an adequate pool of professionally qualified candidates, the committee will determine the candidates it will interview.

4.4.4.2 The committee chair will establish an interview schedule in consultation with the committee and will notify the candidates to be interviewed.

4.4.4.3 The committee chair will provide each interview candidate a confirmation letter detailing the interview appointment and place, a map and parking permit, and other appropriate materials.

4.4.5 Interview and Performance Tests

4.4.5.1 The circumstances of each interview and performance test, if conducted, shall be as similar as is practicable.

4.4.5.2 Each committee member shall independently assess each candidate using the rating criteria developed by the committee.

4.4.5.3 Committee members shall avoid any discussion of ratings, rankings, or recommendations of the candidates until all interviews and performance tests have been completed and independent evaluations have been completed by each committee member.

4.4.6 Selection of Finalists

4.4.6.1 Following the interviews, the committee chair shall lead discussion, which shall focus on the strengths and weaknesses of the candidates, to determine the candidates to be recommended by the committee as finalists for consideration by

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the Board of Trustees.

- 4.4.6.2 In the event there are fewer than three (3) candidates the committee recommends as finalists, the committee chair will meet with the Board to clarify the committee's reasons for the number of candidates recommended.

5.0 Board of Trustees

- 5.1 If the Board is satisfied with the finalists recommended by the screening committee, the Board will interview the finalists.
- 5.2 If the Board is not satisfied with the pool of recommended finalists, it may meet with the committee to articulate its concerns and discuss the rationale for the recommendations that were advanced. If the Board still feels the process has yielded insufficient choices, it may then ask the committee to forward additional candidates. If a majority of the committee agrees that there are no additional candidates it can recommend to the Board, the committee may decline to do so and the committee chair will meet with the Board to clarify the committee's reasons for adhering to the initial list. The Board may then decide whether to reconsider the initial candidates, extend the search process, or terminate the process and restart the search for a Chancellor.
- 5.3 The Chancellor's Staff group will interview the finalists and provide feedback to the Board in a manner prescribed by the Board.
- 5.4 Campus forums shall be conducted as part of the hiring process and in such manner as the Board may determine to introduce candidates to the District's constituents and the community.
- 5.5 Site visits may be conducted as part of the hiring process at the discretion of the Board. If site visits are conducted, the Board shall determine the composition of the visiting team(s).
- 5.6 Reference checking of candidates may be conducted at the discretion of the Board and in such manner as the Board may determine.
- 5.7 The Board shall make the final decision regarding the candidate to be offered the position and reserves the right to discontinue the process or extend the recruitment at any time, at its discretion.

Date of Adoption: May 14, 2013

Presented to DCC 04/25/16

AP 2710 Conflict of Interest

Reference:

Government Code Section 8715; [81000, et seq.](#); [87103\(e\)](#); 87200-87210; [89501](#); [89502](#); [89503](#)
Title 2, Section 18700 et seq,

- 1.0 **Incompatible Activities (Government Code Section 1126):** Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District.
 - 1.1 A board member shall not simultaneously hold two public offices that are incompatible.
 - 1.2 When two offices are incompatible, a board member shall be deemed to have forfeited the first office upon acceding to the second.
- 2.0 **Financial Interest (Government Code Section 1090 et seq.):** Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as designated employees.
 - 2.1 A board member shall not be considered to be financially interested in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).
 - 2.2 A board member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in the contract and if the remote interest is disclosed during a board meeting and noted in the official board minutes. The affected board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Sections 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.
- 3.0 **No Employment Allowed (Education Code Section 72103(b)):** An employee of the District may not be sworn in as an elected or appointed member of the governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).
- 4.0 **Financial Interest in a Decision (Government Code Section 87100 et seq.):** If a board member or designated employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. A board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter:

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- 4.1 Publicly identify the financial interest in detail sufficient to be understood by the public.
 - 4.2 Excuse himself or herself from discussing and voting on the matter.
 - 4.3 Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A board member may, however, discuss the issue during the time the general public speaks on the issue.
- 5.0 **Gifts (Government Code Section 89503):** Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.
- 5.1 Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
 - 5.2 The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.
 - 5.3 Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.
 - 5.3.1 A gift of travel does not include travel provided by the District for board members and designated employees.
 - 5.4 Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501, 89502).
 - 5.5 Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:
 - 5.5.1 Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
 - 5.5.2 Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction for income tax purposes.

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6.0 **Representation (Government Code 87406.3):** Elected officials shall not, for a period of one year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

7.0 CONFLICT OF INTEREST CODE

7.1 **Legal Requirements:** The Political Reform Act (Government Code Sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Reg. Sec. 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of Title 2, California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendix, designating ~~officials and employees~~ **positions** and establishing disclosure categories, shall constitute the conflict of interest code of the North Orange County Community College District.

7.2 **Filing of Statements:** **Individuals holding Designated** ~~employees and officials~~ **positions** shall file statements with the North Orange County Community College District who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Statements ~~for all designated employees and officials~~ will be retained by the North Orange County Community College District.

7.2 Officials Who Manage Public Investments

7.3.1 It has been determined that the following positions manage public investments and will file a Statement of Economic Interests pursuant to Government Code Section 87200:

7.3.1.1 Elected members of the Board of Trustees;

7.3.1.2 Student trustees.

7.3.1.3 An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations, if they believe their position has been categorized incorrectly. The Fair Political Practices Commission makes the determination whether a position is covered by Section 87200.

~~7.3.2 Subject to the provisions of Government Code Sections 87200 through~~

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 Board of Trustees

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~~87210, an official in this category shall disclose:~~

~~7.3.2.1 Interests in real property located within the jurisdiction of the District;~~

~~7.3.2.2 Business positions or investments in business entities or income from sources which plan to do business, are currently doing business, or have done business within the jurisdiction of the District during the previous two (2) years.~~

7.4 Designated Positions and Disclosure Categories

7.4.1 It has been determined that the following positions within the District involve the making or participation in the making of decisions which may foreseeably have a material effect on a financial interest of a person holding the position and will file a Statement of Economic Interests pursuant to Government Code Section 87302:

7.4.1.1 <u>District Positions</u>	<u>Disclosure Categories</u>
Chancellor	1, 2(a), 3
Vice Chancellor, Educational Services and Technology	1, 2(b), 3
Vice Chancellor, Finance and Facilities	1, 2(b), 3
Vice Chancellor, Human Resources	1, 2(b), 3
Provost, School of Continuing Education	1, 2(b), 3
District Director, Facilities Planning/Construction	<u>1</u> , 2(b), 3
District Director, Fiscal Affairs	<u>1</u> , 2(b), 3
District Director, Printing and Design	2(b)
District Director, Information Services	2(b)
District Director, Public & Governmental Affairs	2(b)
District Director, Purchasing	2(b), 3
<u>District Director, Human Resources</u>	<u>2</u>
District Manager, Fiscal Affairs	2(b), 3
Administrative Assistant/Purchasing	2(b)
District Director, Risk Management	2(b)
Manager, District Facilities Planning/Maintenance	2(b)
Manager, District Facilities and Construction Contracts	2(b)
Buyer	2(b)
7.4.1.2 <u>College Positions</u>	
President	1, 2(a), 3
Executive Vice President, Educational Programs and Student Services	1, 2(b), 3
Vice President, Administrative Services	1, 2(b), 3

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Vice President, Instruction	1, 2(b) , 3
Vice President, Student Services	1, 2(b) , 3
Manager, SCE Administrative Services	<u>1</u> , 2(b) , 3
<u>Project Manager, Campus Capital Projects</u>	<u>1,2</u>
Dean, Counseling/Student Development	2(b) <u>3</u>
Dean, Library/Learning Resources	2(b) <u>3</u>
Dean, Student Support Services	2(b) <u>3</u>
Director Bookstore	2(b) <u>3</u>
Manager, Campus Communications	2(b) <u>3</u>
Manager, Campus Accounting	2(b) <u>3</u>
Manager, Maintenance and Operations	<u>1</u> , 2(b) , <u>3</u>
Director, Physical Plant/Facilities	<u>1</u> , 2(b) , <u>3</u>
Director, Student Activities	2(b) <u>3</u>
Dean, <u>Divisions</u> Academic Services	2(b) <u>3</u>
Director, Budget/Finance	<u>1</u> , 2(b) , 3
Director, Academic Computing Technologies	2(b) <u>3</u>
Manager, Systems Technology Services	2(b) <u>3</u>
Manager, Instructional Technology Services	2(b) <u>3</u>
Executive Director, Foundation and Community Relations	2(b) <u>3</u>

7.4.1.3 Consultants

7.4.1.3.1 Consultants/New Positions shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:

7.4 .1.3.2 With respect to consultants or new positions, the Chancellor may determine in writing that a particular Consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such ~~written~~ determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chancellor's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008)

7.4.2 Disclosure Categories

7.4.2.1 Category 1: Designated employees whose duties are broad and undefinable positions assigned to this category must

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~~report: Subject to the provisions of the applicable codes, a designated employee in this category shall disclose:~~

7.4.2.1.1 ~~Interests in real property located within the jurisdiction of the District~~ that are used by the District as well as real property within two miles of the use or potential use.

7.4.2.1.2 ~~Business positions or investments in business entities or income~~ (including receipt of gifts, loans, and travel payments) from sources of the type which plan to do business, are currently doing business, or have done business with the District within the previous two (2) years that engage in the acquisition or disposal of real property or are engaged in building construction or design for school districts.

7.4.2.2 ~~Category 2: Designated employees whose duties involve contracting or purchasing~~ positions assigned to this category must report: ~~Subject to the provisions of the applicable code, a designated employee in either of the two following sub-categories shall disclose:~~

7.4.2.2.1 ~~Contracts or makes purchases for entire District or college:~~ Investments and business positions in business entities or income (including receipt of gifts, loans, and travel payments) from sources of the type which plan to do business, are currently doing business, or have done business with the District or college within the previous two (2) years and which provide services, supplies, materials, machinery or equipment of the type utilized by the District that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the District.

~~7.4.2.2.2~~ ~~Contracts or makes purchases for specific department:~~ Investments and business positions in business entities or income from sources of the type which plan to do business, are currently doing business, or have done business with the District or college within the previous two (2) years and which provide services, supplies, materials, machinery or

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~~equipment of the type utilized by the designated employee's department or division.~~

7.4.2.3 **Category 3: Designated employees whose decisions may affect real property interests positions assigned to this category must report:** ~~Subject to the provisions of the applicable code, a designated employee in this category shall disclose:~~

7.4.2.3.1 Investments and business positions in business entities or income **(including receipt of gifts, loans, and travel payments)** from sources of the type ~~which plan to do business, are currently doing business, or have done business with the District or college within the previous two (2) years and which engage in land development, construction or the acquisition, lease, or sale of real property, and all interests in real property within the jurisdiction of the District~~ **that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the designated position's department.**

Date of Adoption: June 24, 2003

Date of Last Revision: November 18, 2015 Chancellor's Staff
February 23, 2015 District Consultation Council
November 30, 2011 Chancellor's Staff
December 12, 2006
July 25, 2006
June 1, 2004

Presented to DCC 04/25/16

DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: April 12, 2016

From: Fred Williams

Re: Agenda Item for District Consultation Council Meeting of April 25, 2016

1. AGENDA ITEM NAME

Chapter 6, Business and Fiscal Affairs

Revised BP6320, Investments

2. AGENDA ITEM ACTION (Please check one and fill in date, if appropriate.)

Information Only		Second Reading	X
Review/Discussion		Action	X
First Reading		Required Decision Date	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: 10 minutes

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM:

Revised BP6320, Investments: Section 1.1 was added to include the Other Post Employment Benefit (OPEB) Irrevocable Trust and its separate Investment Policy Statement.

5. RECOMMENDATION: It is recommended that upon DCC consensus, that revised BP6320 be forwarded to the Board of Trustees for consideration.

6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM
Chancellor's Staff

BP 6320 Investments

Reference:

Government Code Section 53600 et seq.

1.0 **Investment Philosophy:** It is the policy of the North Orange County Community College District ("District") to invest surplus monies not required for immediate necessities available in all District funds, in a manner which will provide the maximum security of principal invested with secondary emphasis on achieving the highest yield while meeting the daily cash flow needs of the District and conforming to all applicable State and County statutes governing the investment of public funds.

[1.1 All District funds adhere to this policy, with the exception of the Other Post Employment Benefit Irrevocable Trust, that was established to fund retiree health benefits, and that is governed by a separate Investment Policy Statement which is available on the District website.](#)

2.0 **Objectives:** The primary objectives, in priority order, of the District's investment activities shall be:

2.1 Safety of Principal: Safety of principal is the foremost objective of the District. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

2.2 Liquidity: Liquidity is the second most important objective of the District. The District's investments will be sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated. "Liquidity" refers to the ability to sell at any given moment with a minimal chance of losing some portion of principal or interest.

2.3 Yield: Yield is the third most important objective of the District. The District's investments shall be designed to attain a short-term current market rate of return throughout budgetary and economic cycles.

3.0 **Delegation of Authority:**

3.1 The Board of Trustees of the North Orange County Community College District ("the Board") is responsible for establishing the investment policy and ensuring investments are made in compliance with this policy. The Investment Committee is charged with the responsibility of renewing the investment policy and recommending modifications to the Board.

3.2 The Board of Trustees delegates investment authority to the Vice Chancellor Finance and Facilities for a one-year term. Subject to review, this delegation may be renewed pursuant to this section each year. The Chancellor is ultimately responsible for compliance with this policy. The District may employ the services of a Registered Investment Advisor ("Advisor") for implementing the policy. This policy will be reviewed and approved at least annually by the Board.

4.0 **Prudence:**

4.1 The standard of prudence to be used in the investment function shall be the "prudent investor" standard and shall be applied in the context of managing the

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overall portfolio. This standard states “investment shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of their capital as well as the expected income to be derived.”

- 4.2 The Chancellor, Vice Chancellor Finance & Facilities, or the Advisor, acting in accordance with written procedure and this policy, shall not be held personally liable for a specific security’s credit risk or market price change, provided that any unexpected deviations are reported in a timely manner and that appropriate action is taken to control adverse developments.
- 5.0 **Ethics and Conflicts of Interest:** Trustees, employees and investment officials involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Trustees, employees and investment officials shall disclose any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment position that could be related to the performance of the District’s portfolio.
- 6.0 **Authorized Investments:** To the extent not inconsistent with the objectives stated above and Investment Restrictions outlined below, all monies shall be invested according to the following guidelines:
- 6.1 Fund Segmentation: Given the various natures of the Fund’s obligations, a certain portion of the Fund should be allocated to a short duration/maturity fixed income portfolio while the remainder should be invested with an objective of higher, longer-term returns. The Fund’s allocation to the short duration/maturity fixed income portfolio should be conservatively based on an actuarial assessment of the Fund’s expected cash needs for withdrawals and benefits. The Chancellor, Vice Chancellor Finance and Facilities and the Board should review this allocation at least annually. Guidelines and restrictions for each approved investment portion are described below.
- 6.2 Maximum Maturity. Restrictions of the maximum maturity will vary on the different styles employed:
- 6.2.1 Short Duration/Maturity Fixed Income: Investments in the short duration/maturity portfolio are subject to a maximum stated term of three years. Term or tenure shall mean the remaining time to maturity when purchased.
- 6.2.2 Core Fixed Income: Investments in the core fixed income style are restricted to five year terms to maturity. Term or tenure shall mean the remaining time to maturity when purchased.
- 6.3 Permitted Investments:
- 6.3.1 State of California Local Agency Investment Fund (LAIF): LAIF is a pooled fund managed by the State Treasurer whose permitted investments are identified in the Government Code Section 16429.2.

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6.3.2 Orange County Investment Pool (OCIP): Orange County Treasury Investment Pool is managed by the Orange County Treasurer whose permitted investments are identified in Government Code 53600, et.seq.

6.3.3 U.S. Treasuries: United States Treasury notes, bonds, bills, or certificates of indebtedness, for which the full faith and credit of the United States are pledged for the payment of principal and interest.

6.3.4 Federal Agencies: Obligations, participations, or other instruments, including those issued by or guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

6.3.5 Corporate Notes: Corporate and depository institution debt securities issued by corporations organized and operating within the United States or depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated "A" or better. The maximum remaining maturity shall be five years or less and shall not exceed 30% of the District's investments. Furthermore, no more than 10% is to be invested in any one company.

6.3.6 Asset-Backed Securities: Any mortgage pass-through security, collateralized mortgage obligation, or other pay through bond, equipment lease-backed certificate, or consumer receivable pass-through certificate, consumer receivable back bond. Securities eligible for investment under this subdivision shall be issued by an issuer having an "A" or higher rating for the issuer's debt as provided for by a nationally recognized rating service. For maturity purposes the average life of the securities return of principal will be used as the implied maturity and will not exceed five years. The investments shall not exceed 20% of the District's investments.

6.3.7 Commercial Paper: Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization (NRSRO). The entity that issues the commercial paper shall meet all of the following conditions: (1) Is organized and operating in the United States as a general corporation, (2) has total assets in excess of five hundred million dollars (\$500,000,000), and (3) has debt other than commercial paper, if any, that is rated "A" or higher by a nationally recognized statistical-rating organization; or (1) Is organized within the United States as a special purpose corporation, trust, or limited liability company, (2) has program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond, and (3) has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization (NRSRO). Eligible paper shall have a maximum maturity of 270 days or less. The District shall not invest more than 25% of their money in eligible commercial paper. Furthermore, the District shall not purchase more than 10% of the outstanding commercial paper of any single issuer.

BP 6320 Investments

6.3.8 Negotiable Certificates of Deposit: Negotiable certificates of deposit issued by a nationally or state-chartered bank or state or federal association with total assets of at least one billion dollars or by a state-licensed branch of a foreign bank, provided such foreign bank is one of the 75 largest foreign banks in terms of total assets. The investments shall not exceed 30% of the District's investments.

6.3.9 Repurchase Agreements: Investments in repurchase agreements (pursuant to section 53601(i) "repurchase agreement") means a purchase of securities pursuant to an agreement by which the seller will repurchase the securities on or before a specified date and for a specified amount and will deliver the underlying securities to the District by book entry, physical delivery, or by third party custodial agreement. The term of repurchase agreements shall be for one year or less. The term "securities" for the purposes of repurchase agreements shall mean securities issued or guaranteed by the U.S. Government and its agencies or instrumentalities. The Investment Restrictions enumerated below shall further limit such securities. With respect to any repurchase agreement the District will require the seller to maintain the market value of such securities that underlie the repurchase agreement at 102% of the repurchase price (including accrued interest). Furthermore, the investments provided should have certain standards of qualifications (i.e. the highest short-term rating or AA rating).

6.3.10 Bankers Acceptances: Known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchases of bankers acceptances may not exceed 180 days maturity or 40 percent of the District's money that may be invested pursuant to this section. However, no more than 10 percent of the District's money may be invested in the bankers acceptances of any one commercial bank pursuant to this section.

6.3.11 Money Market Fund: Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940.

6.3.12 If additional types of securities are approved for investment by public funds by State Statute, they will not be eligible for investment by the District until this policy is amended and the amendment is passed by the Board. (Calif. Govt. Code Sect 53600, et.seq.)

6.4 Investment Restrictions And Prohibited Transactions. The following types of transactions are restricted or prohibited:

6.4.1 Borrowing for investment purposes ("Leverage") is prohibited.

6.4.2 Reverse Repurchase Agreements, as defined by California Government Code Sections 53601(i) and 53636(i) or otherwise are prohibited.

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6.4.3 The District shall not invest in instruments known as Structured Notes (e.g. inverse floaters, range notes, mortgage-derived, interest-only strips, leveraged floaters, structured certificate, or deposit, equity-linked securities) or any security that could result in zero interest accrual if held to maturity. Investment in any instrument which is commonly considered a “derivative” instrument (e.g. options, futures, swaps, caps, floors, collars) is prohibited.

6.4.4 No more than 10% of total assets may be invested in securities of any one issuer with the exception of LAIF, the OCIP or obligations of the U.S. Government and its agencies or instrumentalities.

6.4.5 All investments will be U.S. dollar denominated.

6.4.6 Securities that are downgraded below the minimum acceptable rating levels should be reviewed for possible sale within a reasonable amount of time following a downgrade.

7.0 **Diversification:** It is the policy of the District to diversify its investment portfolio. Within each investment style, invested funds shall be diversified to minimize the risk of loss resulting from over concentration of assets in a specific maturity, specific issuer, or specific class of securities. Diversification strategies shall be established and periodically reviewed. At a minimum, diversification standards by security type and issuer shall be:

7.1	State of California Local Agency Investment Fund (LAIF)	100%
7.2	Orange County Investment Pool	100%
7.3	U.S. Treasuries and securities having principal and interest guaranteed by the U.S. Government	100%
7.4	U.S. Government agencies, instrumentalities and government sponsored enterprises	no more than 50%
7.5	Corporate notes	no more than 30%
7.6	Asset-backed securities	no more than 20%
7.7	Commercial Paper	no more than 25%
7.8	Fully insured or collateralized CD's	no more than 30%
7.9	Negotiable Certificates of Deposit	no more than 30%
7.10	Repurchase Agreements	no more than 50%
7.11	Bankers Acceptances	no more than 40%
7.12	Money Market Fund	no more than 10%
7.13	The Chancellor, Vice Chancellor Finance and Facilities, or the designated investment advisor shall also be required to diversify maturities, and to the extent possible, will attempt to match investments with anticipated cash flow requirements. Matching maturities with cash flow dates will reduce the need to sell securities prior to maturity, thus reducing market risk.	

8.0 **Authorized Financial Dealers And Institutions:**

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- 8.1 The Chancellor, Vice Chancellor Finance and Facilities, or Investment Advisor may place orders for the execution of transactions with or through such brokers, dealers, banks and repurchase agreement counterparties as may be selected from an approved list of broker/dealers.
- 8.2 The District or the Advisor shall maintain a list of broker/dealers that are authorized to provide investment services to the District. Institutions shall provide their most recent "Consolidated Report of Condition" (call report) at the request of the District. At a minimum, the District or the Advisor shall conduct an annual evaluation of each institution's creditworthiness to determine whether it should be on the "Qualified Institution" listing.
- 9.0 Performance Evaluation:**
- 9.1 The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles commensurate with the investment risk constraints and the cash flow needs of the District.
- 9.2 The District shall maintain an active investment strategy. Given this strategy, the basis used by the Vice Chancellor Finance and Facilities to determine whether market yields are being achieved shall be to identify a comparable benchmark upon establishing the structure of the portfolio.
- 10.0 Reporting:**
- 10.1 The Chancellor, Vice Chancellor Finance and Facilities, and the Advisor shall submit a monthly list of transactions to the Board of Trustees and quarterly reports to the Investment Committee and the Board of Trustees. The quarterly report shall state compliance of the portfolio to the statement of investment policy or the manner in which the portfolio is not in compliance.
- 10.2 The monthly reports shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, market value as of the date of the report, and shall include the source of this same valuation.
- 11.0 Safekeeping and Custody:** All funds managed by an investment advisor shall be held by a third party custodian. All security transactions, including collateral for repurchase agreements, entered into by the District shall be conducted on a delivery-versus-payment (DVP) basis. All securities will be held by a third-party custodian except for LAIF, OCIP and money market fund because these securities are not deliverable. The Treasurer shall maintain evidence of delivery. Securities shall be held by a third party custodian designated by and approved by the Investment Committee. The third party custodian shall be required to issue a safekeeping statement to the District listing the specific instrument, rate, maturity and other pertinent information.
- 12.0 Collateralization:** In order to anticipate market changes and provide a level of additional security for all funds, collateralization shall be required on the following types of investments:
- 12.1 Repurchase Agreements: For repurchase agreements, the minimum collateralization level shall be 102% of the market value of principal and accrued interest.

BP 6320 Investments

13.0 **Bond Proceeds:** The investment of bond proceeds shall be governed by the bond documents relevant to each specific bond issuance and the County Investment Policy Statement. If the bond documents are silent as to permitted investments, then this policy shall govern the investment of bond proceeds. In such case, Guaranteed Investment Contracts (GICs) shall be deemed permitted investments, solely for the purpose of bond proceeds and shall be limited in the following manner (1) investment agreements with providers with claims-paying, financial strength, or whose obligations are fully guaranteed by a company, rated at least "AA-" and "Aa3" by S&P and Moody's, respectively or (2) collateralized investment agreements with providers with claims-paying, financial strength, or whose obligations are fully guaranteed by a company, rated at least "A-" and "A3" by S&P and Moody's, respectively.

Date of Adoption: May 13, 2014 Re-adopted
May 14, 2013 Re-adopted
May 8, 2012 Re-adopted
April 26, 2011 Re-adopted
February 12, 2002

Date of Last Revision: June 14, 2005

Presented to DCC 03/28/16; revised for 4/25/16 meeting.

DISTRICT CONSULTATION COUNCIL

Agenda Item Submittal Form

Date: April 15, 2016

From: Fred Williams

Re: Agenda Item for District Consultation Council Meeting of April 25, 2016

1. AGENDA ITEM NAME

**Chapter 6, Business and Fiscal Affairs
Revised AP6150, Designation of Authorized Signatures**

2. AGENDA ITEM ACTION (Please check one and fill in date, if appropriate.)

Information Only		Second Reading	
Review/Discussion		Action	X
First Reading	X	Required Decision Date	

3. ESTIMATED TIME REQUIRED FOR PRESENTATION/DISCUSSION: 10 minutes

4. BRIEF NARRATIVE SUMMARY OF AGENDA ITEM:

Revised AP6150, Designation of Authorized Signatures: Section 1.1.9 was added to include "Manager, Campus Accounting" formerly the "Director of Budget and Finance" and to also update the Public Contract Code Section dollar amount in Section 1.5.

5. RECOMMENDATION: **It is recommended that upon DCC consensus, that revised AP6150 be posted on the District's website where it will be accessible by students, staff, and the general public.**

6. OTHER PEOPLE CONSULTED, INFORMED OR ATTENDING MEETING ABOUT THIS ITEM
Chancellor's Staff

AP 6150 Designation of Authorized Signatures

Reference

Education Code Section 85232; 85233

- 1.0 The Chancellor has appointed the positions below as authorized signers for orders and other transactions.
 - 1.1 For Checks, Contract Agreements of \$5,000 or less (excluding grant agreements), Short-term Facility Use Agreements, and Tax Forms:
 - 1.1.1 Chancellor
 - 1.1.2 Vice Chancellors
 - 1.1.3 College Presidents
 - 1.1.4 Provost
 - 1.1.5 Vice President, Administrative Services
 - 1.1.6 Director, Fiscal Affairs
 - 1.1.7 Director, Budget & Finance
 - 1.1.8 Manager, Administrative Services
 - [1.1.9 Manager, Campus Accounting](#)**
 - 1.2 For Checks and Tax Forms:
 - 1.2.1 Manager, Campus Accounting
 - 1.3 For Tax Forms, County Transactions, excluding checks:
 - 1.3.1 Director, Fiscal Affairs
 - 1.3.2 Manager, Fiscal Affairs
 - 1.3.3 Manager, Payroll
 - 1.4 For Health Services Agreements:
 - 1.4.1 Chancellor
 - 1.4.2 Vice Chancellor, Finance & Facilities
 - 1.5 For Purchase of Supplies, Materials, Apparatus, Equipment, and Services

AP 6150 Designation of Authorized Signatures

not to exceed the amounts specified by the Public Contract Code Section 20651 (~~\$84,100~~ **\$87,800** adjusted annually). Construction services not to exceed the amount specified by Contract Code 22030 (\$175,000 CUPCCAA (California Uniform Public Construction Cost Accounting Act) adopted by the Board on 10/08/13).

1.5.1 Chancellor

1.5.2 Vice Chancellor, Finance & Facilities

1.5.3 Director, Purchasing

2.0 For banking and investment accounts, other authorized signers will be submitted to the Board for approval annually or as needed.

Date of Adoption: February 12, 2002

Date of Last Revision: August 25, 2014, District Consultation Council
February 25, 2013, District Consultation Council
February 22, 2010, Chancellor's Cabinet
December 13, 2004

Presented to DCC 04/25/16