



Chancellor's Advisory Council Meeting Agenda – January 17, 2014

District Board Room
1:30-3:30 p.m.

AGENDA TOPIC	PURPOSE	DISCUSSION LEADER
I. Welcome	I	Linda
II. Approval of 11/15/13 Meeting Summary (<i>Attachment 1</i>)	A	Linda
III. HRAC Update	I	Dorene
IV. Legislative Principles (<i>Attachment 2</i>)	D/A	Linda
V. Policies Reviewed Electronically (<i>Attachment 3</i>) <u>New and revised policies and procedures</u> BP and AP 2710 Conflict of Interest (new) BP 2715 Code of Ethics and Standards of Practice (revised) BP 2716 Political Activity (new) BP 2717 Personal Use of District Resources (new) BP 2720 Communications Among Board Members (new) BP 2725 Board Member Compensation (revised) BP 3441 Animals on Campus (revised) BP 6130 Honors, Special and Advanced Skills Programs (revised) AP 6740 Citizens' Bond Oversight Committee (revised) <u>Board policy to be retired</u> BP 6141 Public Domain	Consent/A	Linda
VI. Policies (<i>Attachment 4</i>) BP 6125 Grading (revised)	D/A	Linda
VII. Other Information and Updates	I	All

Distribution: Linda Thor, Orlando Aguon, Margaret Bdzil, Randy Bryant, Karen Chow, Leo Contreras, Mayra Cruz, Dolores Davison, Isaac Escoto, Araceli Kaliasgara, Rich Hansen, Kevin Haral, Truly Hunter, Kevin McElroy, Judy Miner, Olivia Patlan for Blanche Monary, Joe Moreau, Brian Murphy, Dorene Novotny, Manny Respicio, George Robles, Stacie Rowe/DASB, Roberto Sias, Adiel Velasquez/ASFC



**CHANCELLOR'S ADVISORY COUNCIL
SUMMARY
November 15, 2013**

Present

Linda Thor, Orlando Aguon, Charles Allen, Margaret Bdzil, Randy Bryant, Karen Chow, Leo Contreras, Isaac Escoto, Araceli Kaliangara, Meredith Heiser for Rich Hansen, Kevin Harral, Kevin McElroy, Judy Miner, Shelley Schreiber for Blanche Monary, Brian Murphy, Dorene Novotny, Roberto Sias, Adiel Velasquez

I. Welcome

Chancellor Thor welcomed the council to the first physical meeting of the 2013-2014 academic year and asked members to introduce themselves.

II. Review of CAC Charge

The council reviewed its charge, purpose, and ground rules.

III. Approval of June 14, 2013, and October 18, 2013, E-Meeting Summaries

The June 14, 2013, and October 18, 2013, e-meeting summaries were approved without changes.

IV. New Board Policies and Administrative Procedures

BP 2200 Board Philosophy, Mission, and Roles and Responsibilities
BP and AP 6740 Citizens' Bond Oversight Committee (CBOC)

Linda explained that when the policies and procedures listed in the October 18, 2013, e-meeting summary were sent out to the council electronically for review in early September, De Anza Academic Senate President Mayra Cruz asked that the proposed new Board Philosophy, Mission, and Roles and Responsibilities (BP 2200) policy and the new policy and procedure regarding the Citizens' Bond Oversight Committee (BP/AP 6740) be discussed further by the council.

She shared Mayra's suggestion that the Board create more intentional language regarding standards, expectations, and/or goals for student success and student achievement in BP 2200 and Mayra's concern regarding the statement in AP 6740 that the Board, "in its sole discretion" is responsible for establishing the priority and order of bond projects. Linda clarified that BP 2200 incorporates the Board's previously approved mission, philosophy, and roles and responsibility statements into policy. Additionally, she advised that section 3.5(b) of AP 6740 reflects the language of the CBOC bylaws adopted by the Board of Trustees when the committee was initially established and that the questioned statement is intended to distinguish between the roles of the Board and the CBOC.

The Council approved BP 2200, BP 6740, and AP 6740 as presented by consensus. Linda noted that the policies would be presented to the Board of Trustees for first reading and approval at a future meeting to be determined.

V. Board Policies to Be Retired

BP 1160 Catalogs
BP 1200 Public Performances by Students
BP 1210 Contests for Students
BP 1220 Use of Students as Volunteers in Community Services Projects

Linda reported that Mayra also asked for further discussion of board policies regarding catalogs (BP 1160), public performances by students (BP 1200), contests for students (BP 1210), and use of students as volunteers in community services projects (BP 1220) that were recommended for retirement. She noted that the referenced policies were adopted over 20 years ago, have not been reviewed since adoption, and are not legally required, legally advised, or recommended as best practice. Randy reported that the De Anza College Academic Senate agreed that the policies should be retired but wanted to make sure that each college develops a process to ensure that electronically searchable catalogs are maintained.

The council approved by consensus the retirement of BP 1160, BP 1200, BP 1210, and BP 1220.

V. Other Information and Updates

Dorene advised that Human Resources recently concluded open enrollment and is getting ready for the next round of discussions regarding 2015 benefits. She confirmed that employees will see the recently approved cost of living adjustment (COLA) and retroactive pay in November paychecks and explained that the process necessary to implement the increase in Banner was very complicated. Dorene also spoke about implementation of new recruitment and online training programs and provided an update regarding meetings of the District Diversity and Equity Advisory and Human Resources Advisory committees.

Roberto reported that the Foothill College Classified Senate has adopted a student equity focus and mentioned an upcoming joint meeting with the presidents of the De Anza College and Central Services classified senates.

Margaret commented that the De Anza College Classified Senate has filled most of its vacant positions and plans to concentrate on safety/emergency management, professional development and leadership, and employee recognition.

Leo advised that nominations for California School Employees Association officers are underway and that the new officers will be seated January 1.

Brian reported that the police released a composite drawing of the suspect in the recent sexual assault on campus and spoke of the steps being taken to educate students and reassure them of their safety.

Kevin McElroy complimented the team that worked out the issues surrounding the implementation of the COLA and cited positive reports from the state concerning revenue projections and budget stability for 2014-2015.

Judy announced plans to hire 13 new faculty for fall 2014 and discussed new opportunities available for classified staff development.

Charles reported that although visible progress on the demolition of the blue cube at the Education Center site is limited, much of the interior work has been completed.

Kevin Harral advised that Foothill College experienced an 11 percent increase in financial aid applications with 20,000 students receiving \$45 million in assistance during the recently concluded academic year.

Araceli spoke about the upcoming Central Services Classified Senate holiday party, expressed hope that all three classified senates in the district would join together for the retreat again next year, and encouraged those present to complete the training necessary to serve as an equal opportunity representative on hiring committees.

Meredith provided an update regarding the Faculty Association's Political Action Committee student internship program, noting that the current focus is on pension reform and accreditation issues.

Karen, Isaac, and Randy shared information about the recent Academic Senate for California Community Colleges plenary session. They noted that accreditation issues and progress on the associate degree for transfer (ADT) were hot topics. With regard to the community college baccalaureate degree discussion, Randy advised that there was some resistance expressed regarding mission creep, but senators expressed a willingness to keep the discussion open. Linda advised that the Baccalaureate Degree Study Group on which she served will soon submit a report of its work to the California Community Colleges Chancellor's Office. She outlined some of the defined values and principles, including avoiding unnecessary duplication, ensuring adequate funding, and addressing critical workforce needs, and discussed anticipated legislative proposals.

Randy spoke about the Automotive Technology Department's canned food drive, scholarships, and grants.

Adiel advised that the Associated Students of Foothill College (ASFC) is working to market the Ecopass, strengthen the manner in which the budget is handled, and partner with the De Anza Associated Student Body. He also reported that a food bank is available to students Mondays, Wednesdays, and Fridays in the ASFC office from 10:00 a.m. – 2:00 p.m.

Online Education Initiative

The council held a lengthy discussion regarding the \$16.9 million Online Education Initiative grant recently awarded to the district and scheduled to begin December 1. Linda explained that the initiative stems from the governor's desire to make a comprehensive learning management platform available to all 112 community colleges free of charge. In addition to the development of an online course exchange on a common distance education management platform, required components of the grant include development of online associate degrees for transfer (ADT), basic skills strategies and/or support, faculty and staff professional development, credit for prior learning and credit by examination, and comprehensive student services available around the clock. The district is partnering with Butte-Glenn Community College District, which has experience hosting the California Virtual Campus, CCC Apply, and CCC Confer and was recently awarded the state grants for common assessment and education planning. Linda noted that input, participation, and consensus building will be key to making the initiative successful, and the governance structure for the initiative will include a statewide advisory group overseeing

subcommittees that will focus on academic affairs, student services, professional development, and technology. A leadership team of recently retired community college, California State University, and University of California experts has been identified to start work on projects such as environmental scans while a permanent team is recruited.

Linda indicated that the grant provides the opportunity for the district to infuse its values and priorities throughout the system in order to make a significant contribution to student success and equity statewide. She expressed hope that both colleges would be early beneficiaries of the initiative by piloting the platform and advised that there will be significant opportunities for faculty release time and stipends as well as classified staff employment. She noted that in addition to the initial grant award, the district is eligible for supplementary funding of \$10 million each July 1 for four years. Information sessions will be held at both colleges during the second week of the winter quarter.

Chancellor Thor adjourned the meeting at 3:10 p.m.



FOOTHILL-DE ANZA
Community College District

2014 Legislative Principles

Annual legislative principles are adopted by the Board of Trustees to provide policy guidelines for the Chancellor when addressing matters pending before the California Legislature or the United States Congress. For 2014, the Foothill-De Anza Board of Trustees endorses the following advocacy positions:

A. State Legislative Principles

1. Protect the fiscal integrity of the system and stabilize funding, ensuring that funds allocated through the budget process will be provided to the districts, with discrepancies made up by the general fund.
2. Support lowering the vote threshold for the approval of school and community college district parcel tax measures from two-thirds (66%) to a super majority of 55%.
3. Advocate for allocating part of any funding increase in 2014-15 for COLA to address the lack of statutory cost of living adjustments between 2007-08 and 2012-13.
4. Maintain local authority and control in the administration of the colleges.
5. Support use of open textbooks, open educational resources and other appropriate approaches to reduce costs for students and community colleges.
6. Advocate for increasing the authority and flexibility of local districts, including flexibility in setting fees (e.g. health, technology).
7. Support efforts to increase transfer of qualified community college students to the University of California and the California State University.
8. Support a statewide capital construction bond measure that benefits community colleges.
9. Support the preservation and enhancement of state financial aid for community college students.

10. Support efforts to strengthen college preparation and align K-12 and community college curriculum.
11. Support measures that enhance the ability of community colleges to quickly respond to the changing needs of local labor markets.
12. Support programs that enable community colleges to serve disadvantaged and/or underrepresented populations and students who are veterans.
13. Support the advancement of instructional technology to increase access and student success.
14. Support solutions to the escalating costs of health benefits.
15. Support efforts to encourage and sustain public-private partnerships.
16. Support efforts for energy efficiency and sustainability.
17. Support efforts for regional and statewide collaboration that result in lower costs, increased efficiency, and/or improved services to students.
18. Ensure that any new reporting requirements are adequately funded and genuinely serve the interests of students, the colleges and the system.
19. Support expansion of opportunities for high school students to enroll in community college courses through dual enrollment partnerships and remove funding penalties and barriers.
20. Support establishment of an ongoing professional development fund for faculty, staff and administrators.
21. Support authorizing and funding community colleges to offer limited applied baccalaureate degrees.

B. Federal Legislative Principles

1. Oppose a federal ratings system for community colleges and support voluntary accountability measures that accurately reflect the success of community colleges.
2. Support federal student aid and loan repayment programs that ease economic barriers for students and reduce default rates among low-income students.
3. Advocate for robust Perkins Act funding that serves the needs of all types of career-technical education students and maintains flexibility for community colleges.

4. Support programs that enable community colleges to serve diverse and disadvantaged populations.
5. Support the federal DREAM Act, including make DREAM Act students eligible for federal student aid.
6. Support funding to help institutions serve the particular needs of students who are veterans.
7. Include community colleges in efforts to bolster America's competitiveness in science, technology, engineering and math (STEM) fields.
8. Preserve the Community College and Career Training Grant Program (TAACCCT)
9. Support inclusion of community colleges as key partners/training providers in Workforce Investment Act reauthorization, and advocate for revisions in the legislation that would benefit community colleges.
10. Advocate for recognition of institutional autonomy and state and local controls in the delivery of education by community colleges in the reauthorization of the Higher Education Act.
11. Support making permanent the American Opportunity Tax Credit.

1/14/14

DRAFT – NEW (LEGALLY REQUIRED)

Conflict of Interest

2710

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.

A Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the Chancellor shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest as set forth in the conflict of interest code.

See Administrative Procedure 2710 Conflict of Interest

See Board Policy 9200 Conflict of Interest Code

Government Code Sections 1090 et seq., 1126, and 87200 et seq.
Title 2, Sections 18730 et seq.

DRAFT – NEW (LEGALLY REQUIRED)

Conflict of Interest

AP 2710

Incompatible Activities (Government Code Sections 1126 and 1099)

Board members and employees 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. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)

Board members and 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 employees.

A Board member shall not be considered to be financially interested in a contract if his/her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he/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 Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

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/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 employed outside the district in an occupation other than teaching and who also is, at the time or 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.

Financial Interest in a Decision (Government Code Sections 87100 et seq.)

If a Board member or employee determines that he/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 an 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.

- **Publicly identify the financial interest in detail sufficient to be understood by the**

DRAFT – NEW (LEGALLY REQUIRED)

public;

- Recuse himself or herself from discussing and voting on the matter;
- 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.

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.

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.

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.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees.

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 and 89502).

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/her statement of economic interests. The term “honorarium” does not include:

- 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.
- 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.

Representation (Government Code Section 87406.3)

Elected officials and the Chancellor shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for

DRAFT – NEW (LEGALLY REQUIRED)

compensation, any person appearing before that local government agency.

See Board Policy 2710 Conflict of Interest

See Board Policy 9200 Conflict of Interest Code

Education Code Section 72103(b)

**Government Code Sections 1090 et seq., 1099, 1126, 87100 et seq.,
87105, 87200-87210, 87406.3, 89501 et seq.**

Title 2, Sections 18700 et seq.

Approved by the Chancellor's Advisory Council

DRAFT – REVISED (REQUIRED BY ACCREDITATION STANDARDS)

Code of Ethics and Standards of Practice

2715 9210

This Board maintains high standards of ethical conduct for its members. Trustees of the Foothill-De Anza Community College District will adhere to the following code of ethics. Each trustee shall:

- Devote the necessary time, thought and study to the duties and responsibilities of a Trustee to render effective and credible service.
- Work with fellow Board members in a spirit of harmony, respect and cooperation, acknowledging that differences of opinion will arise.
- Base personal decisions upon all available facts in each situation, vote honest conviction in every case, and respect the final majority decision of the Board.
- Deal openly with issues while maintaining strict confidentiality when appropriate or required.
- Remember at all times that an individual Board Member has no legal authority outside the meetings of the Board and conduct all relationships with the college staff, students, local citizenry and media on the basis of that fact.
- Avoid any situations where conflict of interest is real or apparent and promptly and honestly file all conflict of interest statements as required by law. A Board member shall not use position as a Board Member for personal benefit or gain.
- Welcome and encourage input and active cooperation by citizens of the college community and the community at large.
- **Act only in the best interests of the entire community.**
- **Ensure public input into Board deliberations and adhere to the law and spirit of the open meeting laws and regulations.**
- **Communicate through appropriate channels.**

Trustees who violate the Board's code of ethics harm the Board and District. If this situation occurs, the following process shall be followed:

- First, the Chancellor, along with the Board President (or other key trustee) will meet with the member to discuss the perceived violation, obtain the member's explanation of what occurred and attempt to resolve the problem informally.
- As a second step, if necessary, other trustees (less than a quorum) shall talk to the member to help him/her understand the significance of the situation and how to

DRAFT – REVISED (REQUIRED BY ACCREDITATION STANDARDS)

resolve it. To the extent the member's conduct has exposed either him/her or the Board to legal action, the President may arrange a confidential meeting between the President, the member and the District counsel to further discuss the problem.

- Third, if other steps have not resolved the problem, the Board may make public statements of expected Board behavior and/or a Board resolution about what expected behavior is, and/or a reaffirmation of its ethics policy.
- As deemed advisable, the Board shall schedule additional workshops or retreats on codes of ethics and the importance of upholding them.
- Finally, if all other steps have failed, the Board shall consider taking a vote to publicly censure the member.

Notwithstanding the foregoing, if a violation occurs at a Board meeting, the President should take the opportunity to state what the expectations and standards of the Board are, recess the meeting, or otherwise respond to the violation, including, without limiting the President's options, adjourning and continuing the meeting to a later date or time.

Accreditation Standard IV.B.1.a, e, and h

May 4, 1992

Amended: 1/22/96, 2/18/03, 7/12/04

Incorporated as Board Policy: 4/3/06

DRAFT – NEW (LEGALLY ADVISED)

Political Activity

2716

Members of the Board shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.

Education Code Sections 7054 and 7056
Government Code Section 8314

DRAFT – NEW (LEGALLY ADVISED)

Personal Use of District Resources

2717

No trustee shall use or permit others to use district resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Government Code Section 8314
Penal Code Section 424

DRAFT – NEW (LEGALLY ADVISED)

Communications Among Board Members

2720

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Government Code Section 54952.2

DRAFT – REVISED (LEGALLY ADVISED)

Trustee Board Member Compensation

2725 9130

Each publicly elected member of the Board of Trustees shall be compensated in accordance with the provisions and limits of Education Code 72024.

Members of the Board who attend all board meetings shall receive \$750.00 per month. A member of the Board who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the community college district, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

Government Code Section **72024** 72425

Approved 1/8/01

Animals on Campus

3441 1230

~~The Foothill-De Anza Community College District prohibits animals from District-operated buildings, except for therapy animals, service animals necessary for disability access such as guide dogs, and animals required for instructional programs.~~

The Foothill-De Anza Community College District prohibits animals from District-operated buildings except for animals required for instructional programs and service animals necessary for disability access as defined in board policy and administrative procedure 3440 Service Animals. Therapy animals are prohibited from District-operated buildings unless approved in accordance with board policy and administrative procedure 4670 Requesting and Receiving Accommodation(s) under the Americans with Disabilities Act.

~~In addition, w~~**While on District-operated property, animals at all times (except as noted above for animals required for instructional programs) must be attended and on-leash at all times under proper restraint and immediately removed if creating a disturbance. Animal owners/handlers are responsible for picking up and properly disposing of animal waste.**

The walking or riding of horses on either campus except on District established and marked horse trails is prohibited.

The administration will publicize this policy and will use reasonable means of enforcement.

See Board Policy and Administrative Procedure 3440 Service Animals

See Board Policy and Administrative Procedure 4670 Requesting and Receiving Accommodation(s) under the Americans with Disabilities Act

Approved 5/4/64
Amended 3/8/72; 6/2/86; 11/15/93; 5/5/08

DRAFT – REVISED

Honors, ~~Special and Advanced Skills~~ Courses and Programs

6130

The educational philosophy of the District requires that all students will be challenged to achieve their highest attainment level.

In order to accomplish this objective it is important that the Colleges offer ~~special and/or advanced opportunity~~ **honors courses and** programs, ~~in all disciplines where appropriate. Inter-disciplinary honors courses for those students who demonstrate they will profit from the challenge of such offering may be offered.~~ **Enrollment in these may be limited to students meeting established pre- and/or co-requisite coursework or to those students judged most qualified. Each college shall utilize fair and equitable procedures to meet such limitations on enrollment and these shall be published in the colleges' web sites and catalogs.**

Title 5, Sections 58018 and 58106

Approved 6/3/63
Amended 11/17/71

DRAFT – REVISED (LEGALLY ADVISED)

Citizens' Bond Oversight Committee

AP 6740

Section 1. Citizen's Bond Oversight Committee established.

The Foothill-De Anza Community College District (the "District") was successful at the election conducted on June 6, 2006 (the "Election"), in obtaining authorization from the District's voters to issue up to \$490,800,000 aggregate principal amount of the District's general obligation bonds (the "Measure C"). The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Foothill-De Anza Community College District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

Section 2. Purpose

The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure C. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Section 3. Duties

To carry out its stated purposes, the Committee shall perform only the following duties:

3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditure of bond proceeds.

3.2 Review Expenditures. The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the Measure C; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses.

3.3 Annual Report. The Committee shall present to the Board, in public session, an annual written report which shall include the following:

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(a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board and/or Chancellor. Either the Board or the Chancellor, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) Approval of construction contracts,
- (ii) Approval of construction change orders,
- (iii) Expenditure of construction funds,
- (iv) Handling of all legal matters,
- (v) Approval of construction plans and schedules,
- (vi) Approval of all deferred maintenance plans, and
- (vii) Approval of the sale of bonds.

3.5 Voter-Approved Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

- (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
- (b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.
- (c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
- (d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.

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(e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

Section 4. Authorized Activities

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

- (a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.
- (b) Inspect college facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Chancellor.
- (c) Review copies of deferred maintenance proposal or plans developed by the District.
- (d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

Section 5. Membership

5.1 Number.

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member active in a support organization for Foothill College or De Anza College, such as a foundation or advisory council.

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- Two (2) members of the community at-large.

5.2 Qualification Standards.

- (a) To be a qualified person, he or she must be at least 18 years of age and reside within the boundaries of the District.
- (b) The committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest.

By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code.

5.4 Term.

Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than ~~two (2)~~ **three (3)** consecutive terms. At the Committee's first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term.

5.5 Appointment.

Members of the Committee shall be appointed by the Board through the following process:

- (a) appropriate local groups will be solicited for applications;
- (b) the Chancellor or his or her designee will review the applications; and
- (c) the Chancellor or his or her designee, following consultation with the Board President, will make recommendations to the Board.

5.6 Removal; Vacancy.

The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Board of Trustee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy.

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5.7 Compensation.

The Committee members shall not be compensated for their services.

5.8 Authority of Members.

- (a) Committee members shall not have the authority to direct staff of the District,
- (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual, and
- (c) the Committee may only receive copies of reports and documents which have been previously presented to the Board and which are a public record.

Section 6. Meetings of the Committee

6.1 Regular Meetings.

The Committee is required to meet at least once a year but may meet more often as the Committee shall determine, but no more frequently than quarterly.

6.2 Location.

All meetings shall be held within the boundaries of the Foothill-De Anza Community College District.

6.3 Procedures.

All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

Section 7. District Support

7.1 Assistance.

The District shall provide to the Committee necessary technical and administrative assistance as follows:

- (a) preparation of and posting of public notices as required by the Brown Act, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;
- (b) provision of a meeting room, including any necessary audio/visual

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equipment;

(c) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 Attendance

District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 Proceeds to support the committee

No bond proceeds shall be used to provide District support to the Committee.

Section 8. Reports

In addition to the Annual Report required in Section 3.2, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers

The Chancellor shall appoint the initial Chair to serve for an initial one (1) year term. The Committee shall elect an initial Vice-Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as chair only when the Chair is absent

Section 10. Amendment of Bylaws

Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. Termination

The Committee shall automatically terminate and disband 180 days following the date when all Measure C bond proceeds have been spent.

See Board Policy 6740 Citizens' Bond Oversight Committee

Education Code Sections 15278, 15280, and 15282

Approved by the Chancellor's Advisory Council 11/15/13

Recommended for retirement

Public Domain

6141

~~The Foothill-De Anza Community College District supports the creation, use, accessibility, and ongoing maintenance of openly licensed and public domain-based learning materials in accordance with established curriculum standards for educational purposes of the District, using the commonly accepted legal definition of openly licensed and public domain materials.~~

~~The goals of this policy are to provide students with learning materials that are openly licensed and reside in the public domain to augment and/or replace commercially available educational materials, including textbooks where appropriate, to create sustainable academic resources for students, faculty and staff, and to provide opportunities for professional growth of district employees involved in these activities.~~

~~The Chancellor will provide periodic reports, not less than annually, to the Board that detail the progress made toward accomplishing the goals delineated by this policy.~~

~~Approved 12/6/04~~

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Grading

6125

The grading practices of the colleges in the Foothill-De Anza Community College District shall conform to the uniform grading practices set forth in Title 5, (Section 55751). These practices shall include credit-no credit options (Section 55752), provisions for credit by examination (Section 55753) and plus/minus grading (Section 55758).

Grading records shall be maintained by use of the academic record symbols and grade point average system prescribed in Title 5, Section 55758, and procedures for grade changes shall conform to Section 55760. Course repetition regulations shall be consistent with the regulations set forth in Title 5, Sections 55761-55763. Academic regulations shall conform to Title 5, Sections 55764 and 55765.

Standards for probation, procedures for appeal of probationary status, and standards for removal from probation shall be consistent with Title 5, Sections 55754 and 55755. Standards for dismissal shall conform to Title 5, Section 55756, and notification of probation and dismissal shall be carried out as prescribed in Section 55759.

These grading practices shall apply to all graded courses which meet the course standards set forth in Title 5, Section 55002.

Each college shall publish in every edition of the college catalog detailed explanations, procedures, and regulations for the implementation of this policy. Challenges to an assigned course grade must occur within ~~3~~ **two** years as stated in the college catalog.

Education Code Sections 70901, 76000, 76224,
Title 5, Sections 55002, 55751- 55756, 55758, 55759, 55760, 55761-55765

Approved 1/19/81
Amended 3/2/98; 4/19/04
Approved 4/5/10