

Membership

Academic Senate

Glen Baghdasarian
Charles Daniel
Angela Echeverri
Jeff Hernandez
Robert L Stewart Jr.*
Eddie Tchertchian

Faculty Guild

Ruby Christian Brougham
Joseph Guerrieri
Sandra Lee
John McDowell
Olga Shewfelt
Joanne Waddell

Unions/Association

Tom Aduwo
Hazel Alonzo
Mary-Jo Apigo
Harry Ziogas
Vacant-Build & Trade
Vacant-Local 99

College Presidents

Aracely Aguiar **
Seher Awan
Luis Dorado **
Mary Gallagher *
Barry Gribbons
James M. Limbaugh
Armida Ornelas **
Albert Román
Katrina VanderWoude

STUDENT TRUSTEE REPRESENTATIVE

vacant

* Co-chairs

**Interim

District Budget Committee

Dec 8 2021

1:30 pm – 3:30 pm

Zoom Meeting

<https://laccd.zoom.us/j/94194007668>

Meeting ID:941 9400 7668

One tap mobile

+16699006833,,xxxxxxx# US (San Jose)

+13462487799,,xxxxxxx# US (Houston)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

Find your local number: <https://laccd.zoom.us/u/adoLZ6l0Sx>

- Call to Order (*Mary Gallagher.*)
- Approval of Agenda
- Approval of Minutes for Nov 10, 2021
- Chancellor's Remarks/Updates
- ECDBC Reports and Recommendations
- Enrollment Update & Reporting (Cornner)
- FON Update (Gutierrez)
- 2021-22 1st Qtr Results by location (Gordon)
- Information: Chapter 6 Administrative Procedures (Gordon)
- DBC Recommendations to the Chancellor
- Items to Be Addressed by ECDBC
- Other Business

Future DBC Meetings: ~~Jan 12~~, Feb 9, Mar 9, Apr 13, May 11, Jun 8

Future ECDBC Meetings: Dec 21, Jan 25, Feb 22, Mar 22, Apr 26, May 24, Jun 21

Archived documents can be found on the DBC website:

<http://laccd.edu/Departments/DistrictLevelGovernance/DBC/Pages/default.aspx>

District Budget Committee Meeting Minutes
November 10, 2021
1:30-3:30 p.m., Zoom Meeting

Roll Call X Indicates Present

Academic Senate

| | |
|------------------------|---|
| Glen Baghdasarian | X |
| Charles V. Daniel | X |
| Angela Echeverri | X |
| Jeffrey Hernandez | X |
| Robert L. Stewart Jr.* | X |
| Eddie Tchertchian | X |

L.A. Faculty Guild

| | |
|-------------------------|---|
| Ruby Christian Brougham | X |
| Joseph Guerrieri | X |
| Sandra Lee | X |
| John McDowell | X |
| Olga Shewfelt | X |
| Joanne Waddell | X |

Unions/Association

| | |
|-----------------------------------|---|
| Tom Aduwo; Local 721 | |
| Hazel J. Alonzo; Local 1521A | X |
| Vacant; SEIU Local 99 | |
| Mary-Jo Apigo; Local 911 Teamster | X |
| Harry Ziogas; Class Mgmt. Rep | X |
| Vacant-Build & Cost Trade | |

College Presidents

| | |
|---------------------|---|
| Aracely Aguiar** | X |
| Seher Awan | X |
| Luis Dorado** | X |
| Mary Gallagher* | X |
| Barry Gribbons | X |
| James M. Limbaugh | X |
| Armida Ornelas** | X |
| Albert Román | X |
| Katrina VanderWoude | X |

Student Trustee Rep

* DBC CO-chairs

** Interim

Also Present

| <u>Resources</u> | <u>Guests</u> | <u>Guests</u> | <u>Guests</u> |
|---------------------|-------------------|------------------|-----------------|
| Ryan Cornner | Tangelia Alfred | Kevin Jeter | Rolf Schleicher |
| Jeanette L. Gordon | Violet Amrikhas | Greg Mazzarella | Sarah Song |
| Mercedes Gutierrez | Myeshia Armstrong | Jose Mendoza | Brian Walsh |
| Debora La Teer | Silvia Barajas | Rasel Menendez | Hao Xie |
| Melinda Nish | Kriisti Blackburn | Valencia Moffett | Jason Zhu |
| Maury Pearl | Jennifer Cole | Asha Omar | |
| Francisco Rodriguez | Amanda Gong | Reagan Romali | |
| Maria Luisa Veloz | Daniel Hall | La Vergne Rosow | |

1. **Call to Order** - at 1:33 p.m. by Robert L. Stewart Jr.
2. **Approval of Agenda** – The items on the agenda was approved.
3. **Approval of Minutes** - The minutes of the October 13, 2021 meeting were approved.
4. **Chancellor’s Remarks/Updates**
 - The Chancellor encourages everyone to attend the District-wide Enrollment Town Hall meeting on Monday, November 15, 2021, from 12:00-1:30 p.m. featuring reports and presentations regarding what the District is doing in regards to enrollment and its importance.
 - The District plans on receiving \$9m in faculty hiring dollars in permanent funding for the hiring of full-time faculty. Chancellor shared a planning document that shows the distribution of 65 hires with each college receiving a minimum of 4, the remaining distribution based on how far a college is away from the 75/25 ratio. Encourage the colleges to hire in the area of ethnic studies and noncredit.
5. **ECDBC Reports and Recommendations**
 - The ECDBC reviewed the items submitted at the last meeting and concluded that these items are part of the individual college processes.
6. **Enrollment Update & Reporting (Cornner)**
 - Fall 2021 11% down in headcount and 13% down in duplicated enrollment
 - Winter 2021: 24% in-person; 4% hybrid; 72% remote
 - Reported 87,000 FTES on the P1 320 report.
 - Effective Spring 2022, Board Rule 2900 vaccination requirement will be enforced for in-person learning.
7. **FON Update (Gutierrez)**
 - The District Fall 2021 FON compliance report submitted to the State shows faculty count is 27.5 above the FON.
 - A document titled *Fall 2021 Full-Time Faculty Obligation Calculations by College as of October 29, 2021*, was presented and discussed.
 - A report outlining the percentage of Part-Time Faculty who were hired into full-time faculty tenured track positions was requested.
8. **Chapter 6 Board Policies (Gordon)**
 - Motion was submitted to approve the Chapter 6 Board Policies with the following amendment to BP 6200 Budget Preparation to add: *The budget process includes input from the District Budget Committee to ensure the participation of all constituencies in the development of the Budget.*
9. **DBC Recommendations to the Chancellor**
 - No recommendation to the Chancellor.
10. **Items to Be Addressed by ECDBC**
 - None
11. **Other Business**

The meeting was adjourned at 2:56 p.m.

**Los Angeles Community College District
2021-22 Current Budget Allocation and Projected Expenditures
Unrestricted General Fund
As of September 30, 2021**

| College | Current Budget | Projected Expenditure as of June 30, 2020 | Additional College Revenues | Other Savings | Other Adjustment | Revised Total Budget with College Augmentation | Projected Balance |
|--------------|--------------------|---|-----------------------------|---------------|------------------|--|-------------------|
| | a | b | c | d | e | f = a + c + d + e | g = f - b |
| City | 65,497,344 | 64,772,267 | 0 | 0 | 0 | 65,497,344 | 725,077 |
| East | 135,605,179 | 127,473,375 | 0 | 0 | 0 | 135,605,179 | 8,131,804 |
| Harbor | 39,465,746 | 39,448,197 | 0 | 0 | 0 | 39,465,746 | 17,549 |
| Mission | 40,711,081 | 36,088,771 | 569,121 | 0 | 0 | 41,280,202 | 5,191,431 |
| Pierce | 80,627,439 | 73,810,327 | 0 | 0 | 0 | 80,627,439 | 6,817,112 |
| Southwest | 32,026,759 | 30,660,164 | 0 | 0 | 0 | 32,026,759 | 1,366,595 |
| Trade-Tech | 75,944,947 | 70,649,012 | 0 | 0 | 0 | 75,944,947 | 5,295,935 |
| Valley | 75,628,780 | 68,750,806 | 0 | 0 | 0 | 75,628,780 | 6,877,974 |
| West | 44,579,149 | 48,698,413 | 789,037 | 0 | 0 | 45,368,186 | (3,330,227) |
| ESC | 51,163,430 | 47,548,710 | 0 | 0 | 0 | 51,163,430 | 3,614,720 |
| Total | 641,249,854 | 607,900,042 | 1,358,158 | 0 | 0 | 642,608,012 | 34,707,970 |



LOS ANGELES COMMUNITY COLLEGE DISTRICT

AP 6100 Delegation of Authority, Business and Fiscal Affairs

References:

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

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

When transactions do not exceed the dollar limits established in the Public Contract Code, the Education Code or other laws pertaining to the taking of competitive bids, the Vice Chancellor/Chief Financial Officer may contract for goods, services, equipment and rental of facilities so long as the transactions comply with law and any limitations or requirements set forth therein. Furthermore, the Vice Chancellor/Chief Financial Officer may amend the terms and conditions of any contractual arrangement so long as the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable law or regulation.

Also see BP 6100 Delegation of Authority, Business and Fiscal Affairs.



LOS ANGELES COMMUNITY COLLEGE DISTRICT

AP 6150 Designation of Authorized Signatures

References:

Education Code Sections 85232 and 85233

The Vice Chancellor/Chief Financial Officer is hereby designated as the District officer authorized to sign warrants on behalf of the District.

The Vice Chancellor/Chief Financial Officer will withhold approval of District warrants when:

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



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AP 6200 Budget Preparation

References:

Education Code Section 70902 subdivision (b)(5);

Title 5 Sections 58300 et seq.;

ACCJC Accreditation Standard III.D

Chancellor's Budget

The Chancellor shall submit to the Board of Trustees a budget reflecting his/her recommendations for the District's educational plan in terms of the planned expenditure of fiscal resources.

Tentative Budget

The Tentative Budget shall be prepared in accordance with the approved Budget Calendar, presented for adoption at a regular meeting of the Board, and filed with the County Office of Education on or before July 1. The Tentative Budget provides budgetary authorization at the start of the fiscal year. Following adoption of the Tentative Budget, but no earlier than May 15, up to fifty (50%) percent of any appropriation in the Tentative Budget, and up to one hundred (100%) percent of designated appropriations may be encumbered or expended. Upon adoption of the Final Budget, all appropriations may be encumbered or expended as authorized.

Final Budget

On or before the 15th of September, the Board shall adopt and file such Budget with the County Superintendent of Schools on the appropriate State forms.

A Public hearing will be held during or prior to the adoption of the Final Budget and at which any taxpayer in the District may appear and object to the proposed Budget or any item in the Budget.

District Allocation Model

The LACCD Allocation Model is designed to distribute General Fund Unrestricted resources which supports the basic operations and mission of the District. The model was developed with the following guidelines.

Funding Principles

- Aligns with the State's Student Centered Funding Formula (SCFF) in support of student access, equity and success.



LOS ANGELES COMMUNITY COLLEGE DISTRICT

- Allocation Model should be easily understood, fair and predictable.
- Recognizes there are core services and unique characteristics associated with a College regardless of size.
- Recognizes that there are Districtwide costs and Educational Service Center operations that must be funded.
- Balances will be retained by Colleges and Educational Service Center locations.

I. Parameters used to determine State Apportionment Revenue 1. Base Allocation

The Base Allocation is the enrollment-based component of the State Student Centered Funding Formula (SCFF) and is the sum of the Basic Allocation funding (which is based on the number of colleges and centers in a district and its size) and the funding for enrollment in credit (utilizing a three-year average), noncredit, and career development and college preparation (CDCP) noncredit courses, as well as enrollment of special admit students and inmates in correctional facilities.

For fiscal year 2018-19, the basic allocation base rate is:

- | | | |
|---------------------------|-------------|----------------|
| • FTES >= 20,000 | \$4,866,469 | large college |
| • 10,000 <= FTES < 20,000 | \$4,258,160 | medium college |
| • FTES < 10,000 | \$3,649,851 | small college |

For fiscal year 2018-19, the FTES allocation rates are:

- | | |
|------------------------------|---------|
| • Credit | \$3,727 |
| • Special Admit Credit | \$5,457 |
| • Incarcerated Credit | \$5,457 |
| • Non-Credit | \$3,347 |
| • Non-Credit Enhanced (CDCP) | \$5,457 |

2. Supplemental Allocation

The Supplemental Allocation of the SCFF recognizes that districts must provide additional support to remove barriers to access and success for certain groups of students. It is determined based on the number of low-income students in a district.

For fiscal year 2018-19, the Supplemental Allocation rates are:

- | | |
|------------------------------------|-------|
| • Pell Grant Recipients | \$919 |
| • College Promise Grant Recipients | \$919 |



LOS ANGELES COMMUNITY COLLEGE DISTRICT

- AB 540 students \$919

3. Student Success Allocation

The Student Success Allocation encourages progress on outcomes linked to the goals included in the State Chancellors Office *Vision for Success*. This allocation assigns funding rates for eight outcomes with additional funding for outcomes attained by students who received Pell Grants and College Promise Grants (Equity). For fiscal year 2018-19, the Student Success Allocation rates are:

- Associate degree for transfer (ADT) \$440
- Associate degree granted \$440
- Baccalaureate degree granted \$440
- Credit certificate granted \$440
- Transfer-level Math or English course \$440
- Transfer to four-year university \$440
- Completion of nine or more CTE units \$440
- Attainment of regional living wage \$440

For fiscal year 2018-19, the Equity Allocation rates are:

- Associate degree for transfer (ADT) \$111
- Associate degree granted \$111
- Baccalaureate degree granted \$111
- Credit certificate granted \$111
- Transfer-level Math or English course \$111
- Transfer to four-year university \$111
- Completion of nine or more CTE units \$111
- Attainment of regional living wage \$111

4. COLA

COLA (cost of living adjustment) will be distributed as specified in the State Apportionment notice.

5. Growth

Growth will not be budgeted until earned and distributed only to the extent in which it is paid by the State.

II. Parameters to Allocate State Apportionment Revenue 1. Educational Services Center (ESC)

The District recognizes that there are certain services that are provided more efficiently through a central operation. Examples of these services include Human Resources,



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Payroll, Accounts Payable and Purchasing. Funding for the ESC will be determined by a percentage of LACCD Base Allocation determined by the state Student Centered Funding Formula (SCFF). During the three-year implementation of the SCFF, the percentage will be determined by the formula: Prior Year Allocation + Current Year COLA + Board Approved Adjustments +/- cost transfers from/to other locations, divided by the Total Base Allocation of the Total Computation Revenue. This methodology is the equivalent of 6% of the 2018-19 General Fund Unrestricted Revenue budget (less dedicated revenue). Funding for the ESC will come off the top of the Base Allocation, the remaining Base Allocation will be proportionately reduced across all locations and shall be distributed to colleges based on their proportion of the Districts funded FTES. The percentage and methodology will be reviewed a few years after the SCFF is fully implemented.

2. Districtwide (Centralized) Accounts

There are annual expenditures which support the District as a whole or that cannot be easily broken out by college require resources. Examples of these expenditures include Property & Liability Insurance, Legal, Audit, etc. Budgets in these accounts do not carryover but are replenished each year. Funding for the Districtwide Accounts is based on need, the Presidents will make budget recommendation on Districtwide Accounts to the District Budget Committee. Funding for the Districtwide Accounts will come off the top of the Base Allocation, the remaining Base Allocation will be proportionately reduced across all locations and shall be distributed to colleges based on their proportion of the Districts funded FTES.

3. Other Districtwide Accounts

There are Districtwide projects and expenditures that are one time in nature that tend to take multiple years to complete. Budgets in these accounts carryover until project completion or are self-supporting operations. Examples of these expenditures include the President and Dean Academy, DAS professional college, DAS sustainability and Van de Kamp. Funding for these other Districtwide accounts come from one-time budget requests or from unique funding streams and does not come from the Base Allocation.

4. Reserves

The District shall maintain a District General Reserve of six and a half percent (6.5%) and a Contingency Reserve of three and a half percent (3.5%) of total unrestricted general fund revenue at the districtwide account level. Such reserves shall be established to ensure the District's financial stability, to meet emergency situations or budget adjustments due to any revenue projection shortfalls during the fiscal year. Use of the reserve must be approved by the Board prior to any expenditure. State Apportionment Base Allocation Revenue will be utilized to maintain the General Reserve (6.5%) and replenish the Contingency Reserve (3.5%).

5. College Set Asides

One percent (1.0%) of total college unrestricted allocation is to be set aside in the college budget to ensure College financial stability, to meet emergency situations or budget adjustments due to any revenue projection shortfalls during the fiscal year.



LOS ANGELES COMMUNITY COLLEGE DISTRICT

6. Other Set Asides

The District shall maintain a Deferred Maintenance fund, setting aside two percent (2.0%) of total unrestricted general fund revenue at the districtwide account level. State Apportionment Base Allocation Revenue will be utilized to establish the Deferred Maintenance fund each budget year.

7. College Allocation a. College Minimum Base

To recognize that there are fixed expenses and core services associated with a College regardless of size, each College will receive an annual minimum base allocation determined by the following parameters:

- i. Minimum Administrative Staffing:
 1. (1) President;
 2. (3) Vice Presidents;
 3. (1) Institutional Research Dean;
 4. (1) Facilities Manager;
 5. Deans
 - a. (4) Deans => small colleges (FTES<10,000);
 - b. (8) Deans => medium colleges (FTES>=10,000 and <20,000);
 - c. (12) Deans => large colleges (FTES>=20,000).
- ii. Maintenance and Operations costs based on average cost per gross square footage.

b. Remaining State Apportionment Allocation

The colleges shall receive 100 % of their earned Supplemental Allocation and 100% of their earned Student Success Allocation, as well as their proportional share of their earned amount of the remaining Base Allocation (after ESC, Districtwide and Reserves).

III. Parameters to Allocate Other Revenue 1. Non-Resident Tuition/Enrollment Fees

Revenue shall be distributed to colleges based on college projections of tuition earnings.

2. Local Revenue and Other Federal and State Revenue (Dedicated Revenue)

Revenue that is directly generated by colleges shall be distributed to colleges based on college projections and adjusted for actual.

3. Lottery Revenue

Revenue shall be distributed to colleges based on the proportion of a college's prior year FTES over the total District FTES and adjusted for actual.

4. Interest and Other Federal, State, and Local Income Not Directly Generated by the Colleges.



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Interest and other federal, state, and local income that is not directly generated by colleges shall be utilized to fund the District's reserves.

IV. Parameters for Allocations

1. A College total budget shall be the sum of the adjusted base allocation, 100% of the calculated supplemental allocation, 100% of the calculated student success allocation, plus other revenue; minus college deficit payments; plus, balances.
2. Additional funding received by the District after Final Budget, not directly attributable to an individual college, shall be distributed through the new allocation model as delineated in the Revenue Parameters above.
3. In the event that actual revenues are less than the amounts projected and allocated to colleges for the fiscal year, the college budgets will be recalculated and adjusted accordingly.
4. During the implementation years of the Student Centered Funding Formula, Colleges experiencing an enrollment/FTES decline (to be determined when the First Principal Apportionment Recalculation becomes available) shall be held harmless in the current year of the decline in an amount equal to the revenue loss associated with the FTES reduction in that year.
5. Colleges shall keep their year-end balances up to five percent (5.0%) of their prior fiscal year's Unrestricted General Fund budget, excluding prior year balances. Colleges are allowed to carry over their accumulated balances from fiscal year 2013-14 and subsequent fiscal years up to ten percent (10%) of their prior year Unrestricted General Fund budget. Colleges will be allowed to use up to \$5 million or twenty-five percent (25%) of their ending balances, whichever is less and within the limits of the above parameters. College balance amounts prior to 2013-14 are not to be included in this calculation. Additional access is allowed with the Chancellor's approval.
6. The Educational Services Center shall retain its prior year ending balance including open orders. Open orders for Educational Services Center and Districtwide Accounts shall be funded up to the available balances from these locations. Any uncommitted balances in Districtwide Accounts shall be redistributed to colleges.
7. The college president is the authority for college matters within the parameters of law and Board operating policy. The college president shall be responsible for the successful operation and performance of the college.
8. During Budget Preparation, the Presidents will make a recommendation on Districtwide (Centralized) Accounts allocation to the District Budget Committee.
9. Prior to Budget Preparation, the Presidents will meet to forecast FTES and other metrics and set goals to maximize revenues to be generated by the colleges.
10. Each operating location shall prepare a quarterly report to include annual projected expenditures and identify steps necessary to maintain a balanced budget.



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11. The budget allocation will be recalculated using this mechanism at Final Budget, First Principal Apportionment (February), and at year-end.

[Also see BP 6200 Budget Preparation, BP/AP 6250 Budget Management, BP/AP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.](#)



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AP 6250 Budget Management

References:

Title 5 Sections 58305, 58307, and 58308

Total amounts budgeted as the proposed expenditure for each major classification of expenditures shall be the maximum expended for that classification for the academic year, except as specifically authorized by the Board of Trustees.

Transfers may be made from the reserve for contingencies to any expenditure classification by approval of the Board and must be approved by a two-thirds (2/3) vote of the members of the Board.

Transfers may be made between expenditure classifications by approval of the Board, and may be approved by a majority of the members of the Board.

Excess funds must be added to the general reserve of the District and are not available for appropriation except by approval of the Board setting forth the need according to major classification.

Budget Changes

Changes between major objects of expenditures shall be submitted to the Board of Trustees for approval. Requests for such changes are expected to be few in number and to be based on circumstances that could not reasonably have been anticipated at the time of Budget preparation. A statement of purpose of the proposed change shall accompany the request. Under no circumstances shall work be done or commitments be made before approval of the change.

However, the Chancellor or his/her authorized representative may make and change such appropriations and allotments as he/she deems necessary.

Interim Financial Reports

Financial reports showing the current status of the income and expenditures of the District in relation to the Budget shall be prepared by the ~~Chief Financial Officer/Treasurer and/or Vice Chancellor of Finance and Resource Development ("VCFRD")~~ Vice Chancellor/Chief Financial Officer and submitted to the Chancellor as of the last day of each month, October through June, inclusive. The Chancellor shall provide the District's quarterly financial status report to the Board of Trustees.



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Major Objects of Expenditure

A major object of expenditure is the amount of money authorized by the Board for the particular use indicated by the designated classification established in accordance with Education Code Section 85200. The classifications are: 1000 Certificated Salaries; 2000 Non-Certificated Salaries; 3000 Employee Benefits; 4000 Books, Supplies, and Equipment Replacements; 5000 Contract Services and Other Expense; 6000 Sites, Buildings, and Equipment; 7000 Other Outgo.

[Also see BP/AP 6200 Budget Preparation, BP 6250 Budget Management, BP/AP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.](#)



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AP 6300 Fiscal Management

References:

Education Code Section 84040 subdivision (c);

Title 5 Section 58311;

ACCJC Accreditation Standard III.D.9;

2 Code of Federal Regulations Parts 200.302 subdivision (b)(6)-(7), 200.305, and 200.400 et seq.

Definition

"Chief Fiscal Officer," as used in this chapter is synonymous with "Chief Accounting Officer," as used in the Education Code.

Expenditure Authorization of Chief Fiscal Officer

The following sections ~~7650.10 through 7695~~ indicate Board authorization of the Chief Fiscal Officer to make payments and issue warrants in specific circumstances.

Utilities

The Chief Fiscal Officer is authorized to make payments for utility services, including electricity, gas, telephone and telegrams, U.S. Postage, and water, the rates for which are regulated by public regulatory bodies, after review and approval by appropriate administrator of the amounts to be paid, without further reference to the Board.

Annual Supply Contracts

The Chief Fiscal Officer is authorized to pay for invoices for supplies, materials and/or services ordered and received under annual supply and services contracts, without further reference to the Board, in accordance with the terms of these contracts and subject to approval of the invoices by an appropriate administrator.

Perishable Materials

The Chief Fiscal Officer is authorized to pay for direct purchases 1) standard perishable materials required for use by the cafeteria, home economics, or science materials, which cannot be readily obtained through the regular ordering procedures, provided, that such direct purchases do not exceed maximum amounts therefore established by the Chancellor through the Business Manager, pursuant to the provisions of the Education Code, and determined by average daily attendance, or the needs of each particular class, or both directly to the seller, or if the purchaser pays the seller therefore, such payment shall be refunded to said purchaser; provided, that itemized bills therefore, properly certified and approved by an appropriate administrator, shall be submitted by the claimant.



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Sales and Use Tax

The Chief Fiscal Officer is authorized to remit directly to the State Board of Equalization all sales and/or use taxes, which are payable under California law and which are not collected by the vendor at time of purchase.

Revolving Cash Fund

A Revolving Cash Fund, in the sum of twelve thousand five hundred dollars (\$12,500) for each college and the District Office, is hereby authorized. The Chief Fiscal Officer shall use these funds for services or material, the securing or purchasing of which is a legal charge against the District.

Interim Financial Reports

Financial reports showing the current status of the income and expenditures of the District in relation to the Budget shall be prepared by the ~~Chief Financial Officer/Treasurer and/or Vice Chancellor of Finance and Resource Development ("VCFRD")~~ Vice Chancellor/Chief Financial Officer and submitted to the Chancellor as of the last day of each month, October through June, inclusive. The Chancellor shall provide the district's quarterly financial status report to the Board of Trustees.

Employee Group Funds

Employee groups recognized by the College President or the District may, with the College President's approval, use the College Finance Office as a depository for Association funds. The College Fiscal Administrator is responsible for accounting functions for such funds.

[Also see BP/AP 6200 Budget Preparation, BP/AP 6250 Budget Management, BP 6300 Fiscal Management, AP 6305 Reserves, AP 6310 Accounting, and AP 6315 Warrants.](#)



LOS ANGELES COMMUNITY COLLEGE DISTRICT

AP 6305 Reserves

Reference:

**[Budget and Accounting Manual, Chapter 5; Appendix A
District Allocation Model](#)**

Reserve Standards

The District shall maintain a District General Reserve of six and a half percent (6.5%) and a Contingency Reserve of three and a half percent (3.5%) of total unrestricted general fund revenue at the districtwide account level. Such reserves shall be established to ensure the District's financial stability, to meet emergency situations or budget adjustments due to any revenue projection shortfalls during the fiscal year. Use of the reserve must be approved by the Board prior to any expenditure. State Apportionment Base Allocation Revenue will be utilized to maintain the General Reserve (6.5%) and replenish the Contingency Reserve (3.5%).



LOS ANGELES COMMUNITY COLLEGE DISTRICT

AP 6307 Debt Issuance and Management

References:

Government Code Section 8855;
Title 4 Sections 6000 et seq.

Attachment I

DEBT ISSUANCE POLICY

The Board of Trustees (the "Board") of the Los Angeles Community College District (the "District") wishes to establish goals and policies for the issuance of debt obligations of the District and to outline certain procedures in connection therewith. The within Debt Issuance Policy (the "Debt Policy") shall remain in place from its date of adoption by the Board until withdrawn, replaced or amended by further action of the Board. Senior District staff is directed to take all action required to implement this Debt Policy and to adhere to its precepts.

For purposes of the Debt Policy, the term "debt obligations" shall include all types of obligations, whether taxable or tax-exempt as to interest, which the District may incur pursuant to State law. Such obligations include, but are not limited to, general obligation bonds (whether issued directly by the District or by the County of Los Angeles (the "County") in the name and on behalf of the District) ("G O. Bonds"), certificates of participation ("Certificates of Participation") representing lease or base rental payments due from the District, other lease- purchase agreements which are capital in nature ("Leases"), bond anticipation notes ("BANS") and tax and revenue anticipation notes ("TRANS").

Goals and Objectives

The Board establishes the following principal goals and objectives with respect to proposed debt issues.

- Necessity. The District shall not incur any debt unless it is required by circumstances to do so.
- Cost-Effectiveness and Risk Profile. The District shall borrow, when required, in the most cost-effective manner possible, reducing the impact on its General Fund. In the context of G O. Bonds and BANs, the District shall seek to borrow on such terms as are most beneficial to the taxpayers of the District, given the necessity for borrowing, the nature of the financing and the then-prevalent market conditions. The District shall pursue financing vehicles with the lowest possible risk to the District and



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its taxpayers, avoiding elaborate and novel financing structures unless there shall be good cause shown.

● Efficiency. District staff shall insure adequate advance planning for the authorization and issuance of each debt obligation and shall keep the Board apprised of the need and schedule for any borrowing, at the earliest possible time.

● Exigent Circumstances. The Board recognizes that due, among other things, to the vagaries of State funding of community colleges, there may be circumstances that prevent District staff from providing much advance notice to the Board of the need to incur debt; under such circumstances, District staff will accompany any request for the incurrence of debt with a detailed explanation as to why advance notice was not

possible.

● Small, Local, Emergina. and Disabled Veteran-Owned Businesses ("SLEDS'). For each and every debt offering, the District shall, whenever consistent with the above goals and objectives, include as underwriters, to a minimum of thirty-percent (30%) participation, Small, Local, Emergina, and Disabled VeteranOwned businesses to serve as senior manager, co-manager and/or syndicate member. "Small" businesses are those firms identified as having a net capital for underwriting of less than \$100 million dollars based on its most recent uarterl Focus Part II filin . "Local" businesses are those firms which have a primary or substantial investment banking presence in the—Los Angeles County

within or which are domiciled in the service area of the District, withiD or in Southern California or which are emeF9i9g—businesses that can evidence primary headquarters in the City of Los Angeles. "Emer in " businesses are those firms that have been in business in their substantially current form for less than five (5) years. Small. Local. Emerging, and Disabled Veteran-Owned businesses are collectively designated in this policy as "SLEDs. Firms will be required to provide information about their physical presence in the District's service area and in California overall. Firms will also be required to provide information about their corporate citizenship, e.g., by demonstrating active roles in the communities they serve, including development or participation in charitable programs or scholarships, and policies with regard to the use of womenowned, minority-owned and disadvantaged business enterprises. Staff will make every effort to communicate proactively and give local firms the opportunity to participate in the process when releasing an RFQ for services in connection with a debt issuance



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- Compliance with State and Federal Law. At all times, the District shall maintain strict compliance with State and Federal law applicable to its debt instruments. In particular, the District's G.O. Bonds and BANs issued under the provisions of Proposition 39 ("Proposition 39"), being Article XIII A of the California Constitution and related provisions of the Education Code of the State, shall meet all the requirements of Proposition 39, and all tax-exempt debt obligations of the District shall meet all applicable requirements of the Internal Revenue Code of 1986, as amended (the "Tax Code").
- Sizing of Transactions. The District's public offerings of debt shall be offered in the principal amounts that reflect the projected capital needs of the District for at least the upcoming calendar year, taking into account the costs of issuance of each transaction, interest rates that are obtainable for larger versus smaller financings and the amount of staff time available to support each financing. In the case of TRANS, the District shall issue notes in a principal amount sufficient to cover the projected cash flow deficits of the District during the fiscal year in which issued.

Procedures in Connection with Debt Obligations

The Board directs District staff to adhere to the following procedures in connection with each proposed debt issue, subject to scheduling requirements, changes in market conditions, imminent changes in tax law or State law respecting debt obligations of community colleges, or exigent circumstances.

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The following providers of related services in connection with a debt issue shall be selected by the CFO, upon the advice of the FA, based upon written proposals solicited from no less than two companies:

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It shall not be necessary for the CFO to request a proposal from an existing Trustee or Paying Agent to provide Escrow Agent services in connection with a refunding of an existing debt obligation of the District, which may instead be sole-sourced.



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The following provider of services in connection with a debt issue shall be selected by the General Counsel of the District ("General Counsel"), based upon a formal RFQ process:

*

Ratings and Rating Agencies. Each publicly offered issue shall be rated by one or more of the national rating agencies (each, a "Rating Agency"), as the CFO shall elect, upon consultation with the FA, at the then-prevailing charges by such Rating Agencies. The CFO shall, from time to time, provide updated financial and operational data to the Rating Agencies in order to maintain the rating of the District at the highest achievable level. The CFO shall confer either in person, by telephone or video conference with the Rating Agencies, as he or she shall elect, prior to the sale of each public issue of debt as a part of the issuance process, with the goal of achieving the highest possible rating for such issue and the lowest possible interest rate or rates.

Selection of Underwriting Pool and FAS. The CFO shall publish each RFQ for Underwriters and FAS in accordance with District policy and shall circulate copies to all companies that, prior to the date of the RFQ, have requested a copy of the CFO in writing. Upon receipt of submissions (each, a "Proposal"), the CFO shall (a) eliminate non-conforming Proposals, notify each affected company; and (b) circulate copies of each Proposal to the Bond Review Panel (the "Panel").

The Panel shall consist of the CFO, Executive Director of Facilities, appointee of the Chancellor and appointee of the Finance and Audit Committee chair and appointee of the Board President. The panel's recommendation shall include local firms in the senior tier and co-manager tier. The Panel shall review each conforming Proposal and shall, at the direction of the CFO, meet and evaluate the Proposals in writing. In the case of review of Proposals from Underwriters, the FA then serving shall be an ex-officio member of the Panel. Other ex-officio members may be appointed as well, depending on need for specialized expertise. In the case of review of Proposals from FAS, the Bond Counsel then serving shall also be an ex-officio member of that Panel. The Panel shall recommend one or more professionals under each RFQ, and the CFO shall submit such recommendations to the Board Finance and Audit Committee for confirmation and approval. The Panel shall include in its recommendations 2 lists, one of Underwriters with the capability of underwriting and serving as senior manager for an assumed District debt offering of no less than \$250 million, and one list of those



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Underwriters designated as co-managers. The accompanying report of the CFO shall reflect compliance with this Debt Policy.

Vendors under Leases. In the event that one of the colleges or the Executive Director of Facilities should request that a Lease be entered into with a vendor (each, a "Vendor") that will be providing equipment or furnishings, the CFO shall determine whether that Lease is the most cost-effective manner of financing the same and shall report the justification provided by the college or the Executive Director as part of the supporting staff report to the Board. No Vendor Lease shall be approved or executed without the prior review and approval of the CFO; Vendor Leases intended to be tax-exempt as to interest shall also be reviewed and amended, if necessary, by Bond Counsel.

Manner of Borrowing. The Board has determined that the following methods shall have the listed priority, in electing how the District shall borrow for stated capital purposes, in each case, with a preference first for tax-exempt debt and second for taxable debt:

1. General Obligation Bonds
2. Bond Anticipation Notes
3. Vendor Leases
4. Certificates of Participation

In the event that a staff report to the Board requesting a debt issue shall recommend anything other than item 1 above, that staff report shall include a justification therefore.

TRANS shall be issued, in accordance with applicable provisions of the Government Code of the State, when necessary to address projected cash flow deficits of the District, and the proceeds applied to such purposes. The proceeds of tax-exempt TRANS may not be applied to the payment of any other tax-exempt obligation of the District.

Certificates of Participation. Certificates of Participation shall be issued by or on behalf of the District only for those projects for which G.O. Bonds are not available under Proposition 39, or when a stated revenue source other than the General Fund, such as energy savings, may be used to pay lease payments. The proceeds of Certificates of Participation may be applied only to the acquisition of equipment, furnishings, real property and improvements, with the maturity dates of such Certificates of Participation not in excess of limits established under the Education Code and the Tax Code.



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Factors in Structuring Each Debt Offering. At the discretion of the CFO, any debt offering may be pursued as (1) a competitive sale; (2) a negotiated offering or (3) a private placement. In making his or her election under this provision, the CFO shall consider conditions in the municipal markets, the type and complexity of the transaction, the timing of the issue and the costs of issuance as describe below:

Competitive Sales of Debt. The CFO shall structure an offering for competitive sale under the following conditions.

1. Bond prices are stable and/or demand is strong
2. Marketing timing and interest rate sensitivity are not critical to pricing
3. Participation from LSE-S SLEDs is not a factor
4. The District then has a credit rating of A+ or better
5. There are no complex explanations required during marketing concerning the District's projects, media coverage, political structure, popular support, and funding or credit quality
6. The debt type and features are conventional
7. Municipal bond insurance ("Bond Insurance") is available and expected
8. The transaction is less than \$100,000,000 in principal amount

Negotiated Sales of Debt. The CFO shall structure an offering for negotiated sale under the following conditions:

1. Bond prices are volatile
2. Demand is weak or supply of competing bonds is high
3. Market timing is important, either due to funding deadlines or the desire to effect a refunding of other debt
4. There is a need to coordinate multiple components of a single financing (such as combining tax-exempt with taxable obligations)
5. Participation from LSEs-SLEDs is desired
6. The District's credit rating has been downgraded since the most recent transaction



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7. The sale and marketing of the bonds will require complex explanations about the District's projects, media coverage, political structure, popular support, and funding or credit quality
8. The bond type and/or features are non-standard, such as a forward delivery bond sale or the intended use of derivative financial products
9. Bond Insurance is not available or not expected
10. Early structuring and market preparation by the Underwriters are desired
11. The par amount of the offering is in excess of \$100,000,000
12. Demand for the bonds by retail investors is expected to be high

Private Placements. The CFO shall structure an offering as a private placement when critical timing issues prevent use of either a competitive or negotiated sale of debt. Private placements shall be subject to a bid within the Pool (as defined below.)

Procedures Applicable to Each Debt Offering. Prior to commencing documentation for any public debt offering, the CFO, in conjunction with the FA, will prepare and submit to the Board his or her choices for the Underwriters' syndicate (the "Pool") for that offering, detailing the Senior and/or Co-Senior Manager and the Co-Managers. The CFO shall demonstrate compliance with the District's local firm preference policy. The CFO shall rotate the Senior and/or Co-Senior Manager positions within the Pool in such a way that no Underwriter shall serve as either Senior or Co-Senior Manager on two consecutive public offerings. The CFO shall

establish allocations of debt instruments among members of the Pool in a fair manner, taking into account past performance of Pool members on the District's prior debt issues. The proposed underwriting group and all other consultants participating in this debt issuance shall provide a completed Form 700 to be kept on file with the District. The proposed underwriting group for that issue shall be provided on an informational basis to the Board prior to the Board's considering an action to authorize the debt issue.

In connection with a proposed private placement, the CFO shall offer the transaction to all members of the Pool and shall, after considering the costs of issuance and proposed interest cost, select the Underwriter or Underwriters submitting proposals for purchase of the obligations on the best terms for the District, with such results provided on an informational basis to the Board prior to the Board's considering an action to authorize the private placement.

Refundings. Refundings of tax-exempt debt, whether advance refundings or current refundings, shall be done as negotiated offerings pursuant to



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the above provisions; no new proposals to act as Paying Agent shall be required in connection with a refunding. Refundings shall be considered by the CFO and recommended to the Board when present value savings reach or exceed 3%, based on calculations by the FA. Refundings of G.O. Bonds shall be considered by the CFO and recommended to the Board when present value savings reach or exceed 3%, based on calculations by the FA. BANs shall be refunded, or "rolled over" by other BANs or paid off by the issuance of subsequent G.O. Bonds in accordance with their terms, without any requirement of a showing of savings, as their pay off is required by the Education Code. Certificates of Participation may be refunded with the proceeds of G.O. Bonds at any time, without a demonstration of present value savings.

- Changes to Pool Following Selection. Recognizing that investment bankers and investment banking firms have transferred, changed focus, merged and gone out of business over the years, the Board authorizes the CFO to delete from the Pool any Underwriter which: (a) withdraws from active participation in the California municipal marketplace; (b) has been the subject of a material adverse action taken by the Securities and Exchange Commission or the Municipal Securities Rulemaking Board; or (c) terminates or loses the services of the senior bankers included in their Proposal as the District's primary point of contact. The CFO shall notify the deleted Underwriter in writing and shall so advise the Board at its next meeting in an informational item
- Credit Enhancement of Debt Issues. The CFO, upon consultation with the FA, shall determine whether it is financially advantageous to the District to purchase Bond Insurance to secure the repayment of its publicly offered debt obligations. The costs of Bond Insurance on tax-exempt offerings must demonstrate an interest rate savings to the District and/or its taxpayers. For other than G.O. Bond issues, the CFO may, upon consultation with the FA, determine to obtain credit enhancement through the issuance of letters of credit or standby purchase agreements, upon his or her determination that it is financially advantageous to the District to do so.
- Post Closing. The CFO shall take such actions and maintain such records regarding the District's debt issues as may be required pursuant to the Tax Code and

pertinent regulations, including, without limitation, information required to calculate arbitrage rebate due to the Department of the Treasury, and to insure compliance with the District's continuing disclosure obligations incurred pursuant to Rule 15c212 of the Securities and Exchange Commission.

[Also see BP 6307 Debt Issuance and Management.](#)



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AP 6310 Accounting

Reference:

Budget and Accounting Manual, Chapters 3 and 4

Definition

"Chief Fiscal Officer," as used in this chapter is synonymous with "Chief Accounting Officer," as used in the Education Code.

Major Objects of Expenditure

A major object of expenditure is the amount of money authorized by the Board for the particular use indicated by the designated classification established in accordance with Education Code Section 85200. The classifications are: 1000 Certificated Salaries; 2000 Non-Certificated Salaries; 3000 Employee Benefits; 4000 Books, Supplies, and Equipment Replacements; 5000 Contract Services and Other Expense; 6000 Sites, Buildings, and Equipment; 7000 Other Outgo.

Write-off of Assets

Write-off of assets, including but not limited to accounts receivable must be submitted to the College President for prior approval.

Protection of Funds

1. Receipts shall be issued whenever money is received.
2. All cash collections, including checks, shall be deposited daily.
 - a. All Student Body monies shall be deposited in a bank or savings and loan association insured by a Federal agency.
 - b. Funds held in trust (faculty, alumni, scholarship, etc.) are considered separate valid trusts and may be carried in the same bank or savings and loan organization, but must be maintained in separate cash accounts in the records maintained by the College Fiscal Administrator.
3. Combinations to safes and vaults should be changed each time there is a change of personnel having access to such equipment.
4. Losses by vandalism, theft, burglary or robbery shall be reported promptly to:
 - a. The President of the college



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- b. The local police department
- c. The College and the District's Sheriff's Office
- d. The District Insurance Office
- e. The College Fiscal Administrator, by copy of the police report, which will be the basis for making inventory adjustments and filing insurance claims.

"A" Scholarship Accounts

"A" scholarship accounts are established only by transfer of Associated Students funds and/or by donations from individuals or groups within the Associated Students Organization.

1. "A" scholarship accounts shall be established only with the prior written approval of the College President.
2. "A" scholarship awards may be made only to paid members of the Associated Students Organization.
3. "A" scholarship funds shall be used only for the purpose of assisting worthy students as determined by the College President or his designee, to remain in the college. "A" scholarship awards shall be considered gifts which may be repaid at the will of the recipient.
4. "A" scholarship accounts, in total, may at no time exceed an amount equal to two dollars (\$2) per unit of average daily attendance for the preceding year.
5. "A" scholarship accounts derived from Associated Students funds fall into three major classes:
 - a. Scholarship Investments - Invested funds where interest alone is used for scholarship purposes.
 - b. Scholarship Trusts - Funds placed in trust and the principal used for scholarship purposes.
 - c. Direct Budget Allocations - Which shall be limited to two percent (2%) of the total budget, and which shall not be made where scholarships exceed the allowable maximum.



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6. Interest earned by “A” scholarship accounts other than specified Scholarship Reserves (5-a above) shall be credited to the Associated Student Body Fund and not to the scholarship account.

“B” Scholarship Accounts

“B” scholarship accounts are established and increased only through donations by individuals or groups outside the active Associated Students Organization.

1. Donations to any college for scholarship purposes must receive prior written approval of the College President.
2. “B” scholarship monies given to a student shall constitute a gift, unless a particular account was accepted by the Associated Students with other provisions.
3. Interest earned from investment of “B” scholarship funds shall be credited to the “B” scholarship account.
4. Scholarship/Gifts for students are recommended to be reviewed by the College’s Financial Aid Office (outside scholarship coordination) in order to prevent any overawards.

Clearing Accounts

1. Clearing accounts may be established for funds held temporarily and paid out promptly in full, such as United Crusade drive receipts and faculty professional dues.
2. At no time may a clearing account be overdrawn.

Board of Trustees Trust Accounts

1. Board of Trustees Trust Accounts are used for money belonging to the District and such funds may not be used for Associated Student activities.
2. These accounts include collections of money for lost, damaged, and/or broken District property as well as fees, charges, contributions and deposits collected as authorized by the Board of Trustees.



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3. Balances in these accounts shall be remitted monthly to the District Accounting Office, unless otherwise authorized by the District Chief Financial Officer/Treasurer.

[Also see BP/AP 6300 Fiscal Management.](#)



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AP 6315 Warrants

References:

Education Code Sections 85230 et seq.

Warrant Signature

The ~~Chief Financial Officer/Treasurer and/or VCFRD~~ Vice Chancellor/Chief Financial Officer shall be designated as the Chief Fiscal Officer and the Chancellor as alternate, shall be certified in accordance with the provisions of Education Code Sections 85232 and 85233, to sign "A" and "B" warrants on behalf of the District and the Board of Trustees.

Withholding Warrant Signature

The Chief Fiscal Officer is authorized to withhold signature from District warrants when:

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

Taxes

The Chief Fiscal Officer is authorized to issue warrants to transfer the amounts to an approved depository, in accordance with the procedure established by the U.S. Treasury Department.

Fees

The Chief Fiscal Officer is authorized to deposit with the County Treasurer in the usual manner, amounts received from the Veterans Administration as enrollment fees. Also he/she is authorized to refund any overpayment of enrollment fees remitted to the District.

Compensation Refunds

The Chief Fiscal Officer is authorized to issue warrants refunding overpayments of wage loss benefits, upon written request from the State Compensation Insurance Fund. The Chief Fiscal Officer is also authorized to issue warrants to reimburse employees for excess payments of wage loss benefits which have been remitted to the District by the State Compensation Insurance Fund.

Fee Refunds



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The Chief Fiscal Officer is authorized to make refunds of fees from employees participating in in-service training point projects based upon requests certified by the Division of Human Resources.

Refunds

The Chief Fiscal Officer is authorized to issue warrants for payments necessary to correct deposit errors, refund deposits, or refund overpayments received by the District. It is understood that:

- A. Each case will be investigated, and a recommendation made by the Chief Accountant or his/her respective principal assistant.
- B. The recommendations will be reviewed by the Chief Fiscal Officer.
- C. A file will be maintained of all such transactions which will be available for review by the contract auditors or any other authorized persons.

[Also see AP 6150 Designation of Authorized Signatures.](#)



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AP 6320 Investments

References:

Government Code Sections 53600 et seq.

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

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

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

- County Treasurer's Investment Pool. Investment of District funds may be delegated to the County Treasurer. In accordance with county procedures, District funds may be pooled with other local agencies and invested by the County Treasurer in accordance with the investment guidelines specified by Government Code Section 53635 and investment policies adopted by the County Board of Supervisors.
- State's Local Agency Investment Fund (Government Code Sections 16429.1-16429.3). District funds not required for immediate needs of the District may be remitted to the State Local Agency Investment Fund (LAIF) for the purpose of investment (Government Code Section 16429.1). District funds deposited with the LAIF shall be invested by the State Treasurer in securities prescribed by Government Code Section 16430, or the Surplus Money Investment Fund and as determined by the Local Investment Advisory Board (Government Code Section 16429.2).



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- Other Investments - Other investments as permitted by Government Code Sections 53600 et seq., and in particular Government Code Sections 53601, 53601.8, 53635, and 53635.8 may be made by Vice Chancellor/Chief Financial Officer subject to prior approval of the Governing Board.

Also see BP 6320 Investments.



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AP 6325 Payroll

Reference:

Education Code Section 70902

Effective Date of Employment

The effective date of employment for a new employee will be the date that the Request for Personnel Action is approved by the Chancellor or his designee. Employment will not commence before such approval has been granted. Payment for time worked prior to the approval of a Request for Personnel Action will not be made unless approved by an action of the Board of Trustees.

Payroll Input

The Chief Fiscal Officer is responsible for procedures and systems to determine the accuracy of employee time reporting for payroll purposes.

Recovering Overpayments to Employees

Upon discovering that an overpayment was inadvertently made to an employee, the Chancellor or his/her designee shall promptly notify said employee in writing of the overpayment and seek immediate reimbursement of the District funds. Reimbursement methods may include a personal check from the employee payable to the District for the entire amount of the overpayment or the establishment of a payment plan whereby the employee reimburses the District for an agreed upon amount each pay period.

If after the third request, an employee refuses to either reimburse the District entirely or to set up an agreeable payment, the Chancellor or his/her designee is authorized to initiate legal action against the employee in the appropriate court of law.

Payroll Savings Bonds

The ~~Chief Financial Officer/Treasurer and/or VCFRD~~ Vice Chancellor/Chief Financial Officer is authorized to establish a Voluntary Payroll Savings Plan for the purchase of U.S. Savings Bonds, Series E, in accordance with U.S. Treasury Department regulations, by payroll deductions authorized by employees, and that the Chief Accountant be directed to act on behalf of the District as Issuing Agent and other matters related to the administration of the Plan.

Also see BP/AP 6300 Fiscal Management.



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AP 6330 Purchasing

References:

Education Code Section 81656;

Public Contract Code Sections 20650 and 20651

Competitive Bidding

Procurement actions shall be by competitive negotiations and bidding in compliance with statutes with award to the lowest responsible bidder meeting the specifications. The "lowest responsible bidder" is the lowest bidder whose offer responds in quality, fitness and capacity to fulfill and perform the particular requirements set forth by District.

- a. **Specifications.** Specifications shall be descriptive of materials desired and sufficiently broad to conform to law and to promote competitive bidding.
- b. **Qualified Bidders.** An effort shall be made to attract and develop a maximum of responsible bidders capable of offering the best prices consistent with quality, delivery and service.

Purchases

Bids for all purchases which exceed the amount permissible for ratification by law shall be submitted to the Board of Trustees for approval prior to award to vendor.

Guarantees

A performance guarantee may be required in the form of a bond from a surety company or on a form acceptable to the District.

Purchase Orders for Subsequent Year

Following adoption of the Tentative Budget, but not earlier than May 15, purchase orders may be issued for delivery during the subsequent year in an amount not to exceed fifty percent (50%) of any approved appropriation in the Tentative Budget.

Purchase of Cafeteria Supplies

The College President, or designee, is authorized to negotiate with vendors for furnishing perishable merchandise, food for preparing meals and related supplies not provided for by a Districtwide contract at the lowest possible cost consistent with the needs of the cafeteria with respect to service, delivery and quality. The College President is responsible for adhering to all procedures, rules and regulations established by District administration for accounting, control and payment authorization for such materials obtained.



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Opportunities for Small, Local, Emerging, and Disabled Veteran Owned Businesses

Outreach, Advertising, Training, and Mentoring

In order to further the goal stated herein, the Board directs that the Chancellor, or his/her designee, undertake appropriate targeted outreach, advertising, and training programs directed at SLEDV businesses. These programs shall endeavor to identify potential SLEDV lessees and vendors and educate them on the District's business processes and procedures to increase SLEDV participation in all District business activities. The Board also directs that the Chancellor, or his/her designee, initiate an appropriate mentoring program directed to SLEDV business owners to improve their business skills and likelihood of success in doing business with the District. These outreach, advertising, training, and mentoring programs shall be implemented in all District and Build Program leasing, procurement, and purchasing operations.

Definitions

- A. "Small" shall mean a business that has met the applicable ownership, operation, and size requirements, and has been certified by a Federal agency or a California public agency as a small business enterprise.
- B. "Local" shall mean a business that has its principal place of business in the County of Los Angeles.
- C. "Emerging" shall mean a firm that has been in business in its substantially current form for up to five (5) years.
- D. "Disabled Veteran Owned" business shall mean a business that is fifty-one-percent (51%) owned and operated by one or more disabled veterans certified by the State of California Department of General Services or a Federal government agency.

Evaluation of Bids and Proposals

All bids and proposals involving leases of District owned facilities or space and all procurements and purchases of goods, services and equipment shall be conducted in compliance with applicable laws, these Board Rules, and District regulations and procedures. In order to further the goal stated herein, the Board directs that the Chancellor, or his/her designee, promulgate regulations that will require that at least ten-percent (10%) of the total number of available points, or 10% of the total evaluation metric, used to evaluate bids or proposals be awarded based on whether the bidder or proposer is a SLEDV business.

Annual Evaluation

The Board directs that the Chancellor, or his/her designee, conduct an annual review to determine whether the bids and proposals evaluation process developed [above](#) has been



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effective in increasing the participation of SLEDV businesses and in meeting the goal established by the Board. The Chancellor shall report his/her findings to the Board at the close of each fiscal year.

Procedures related to procurement are contained in the District's Business Operations Policy and Procedures Manual (PP-04-00 to PP-04-21), the District's Purchasing Card Policies and Procedures Manual and the Asset Management Policies and Procedures.

Also see BP 6330 Purchasing, BP/AP 6340 Bids and Contracts, AP 6345 Bids and Contracts Under the UPCCAA, AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6360 Contracts – Electronic Systems and Materials, AP 6365 Contracts – Accessibility of Information Technology, AP 6370 Contracts – Personal Services, and AP 6380 Vendors.



AP 6340 Bids and Contracts

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;
Labor Code Sections 1770 et seq.;
Government Code Section 53060;
ACCJC Accreditation Standard III.D.16;
2 Code of Federal Regulations Part 200.318

Detailed Procedures for bids and contracts are found in the District's Business Operations Policy and Procedures (PP-04-00 to 04-21) Manual.

Delegation of Authority to Enter Into and Amend Contracts.

When such transactions do not exceed the dollar limits established in the Education Code or other laws pertaining to the taking of competitive bids, the Chancellor, Deputy Chancellor, Vice Chancellor/Chief Financial Officer, Vice Chancellor / Chief Facilities Executive, the Director of Facilities Planning & Development and the Director of Business Services and such additional positions or individuals which have been authorized by the Chancellor, may:

- a. Contract for goods, services, equipment and rental of facilities as authorized by statutes in conformance with any limitations or requirements set forth therein.
- b. Amend the terms and conditions of any contractual arrangement provided that the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable state or federal law.
- c. Agree to binding arbitration if the Chancellor, Deputy Chancellor, Vice Chancellor/Chief Financial Officer, Vice Chancellor / Chief Facilities Executive, the Director of Facilities Planning & Development or the Director of Business Services determines that it is an appropriate business decision to do so.
- d. **Delegation Authority:** Effective December 1, 2000, except for contracts funded by the proceeds of the bond issues authorized by Proposition A on the April 10, 2001, election ballot, the Chancellor shall have the authority to delegate contracts which do not require formal, competitive bidding to College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting or day-to-day substitute(s) for the Vice Presidents of Administration/Administrative Services in their absence.



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Any such delegation shall be in writing. The Chancellor shall issue regulations for such delegation and its implementation.

- e. Effective October 1, 2001, the Chancellor shall have the authority to issue purchasing cards to District employees for the purpose of buying low-value materials, supplies and services, including business travel-related items. The Chancellor may delegate to the College Presidents, Deputy Chancellor, Vice Chancellor/Chief Financial Officer, Vice Chancellor / Chief Facilities Executive, the Director of Facilities Planning & Development and the Director of Business the authority to (a) designate District employees under their control to be issued purchasing cards, and (b) establish spending limits and other controls on the use of such cards. The Chancellor shall issue [procedures](#) establishing the use of purchasing cards and the associated delegation of authority.
- f. In accordance with Education Code Section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his/ her authority may be disciplined. In addition, in accordance with Education Code Section 81655, any such employee may be personally liable to the District for any and all moneys of the District paid as a result. District funds incurred as a result of such actions may be charged to the location which created the liability, as determined by the Chancellor or his designee.
- g. Effective March 8, 2012, the Executive Director of Facilities Planning and Development shall make future determinations of "substantial complexity" for purposes of allowing retention proceeds in excess of five percent in accordance with Section 7201 of the Public Contract Code, which generally limits retention proceeds in public construction contracts to five percent of the total contract payment unless (1) the governing body or its designee approves a finding during a regular and properly noticed public meeting that the proposed project is "substantially complex" and requires a retention amount greater than five percent and (2) the public entity includes both the finding and the designated retention amount in the bid documents for the project.

Emergency Contracts

In an emergency, as defined by the Education Code, a contract may be awarded on behalf of the District by the Chancellor, or designee, the Deputy Chancellor or designee, the Vice Chancellor / Chief Financial Officer, or designee, the Vice Chancellor / Chief Facilities Executive, or designee, the Director of Business Services, or designee, and the Director of Facilities Planning & Development for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids. Such



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contracts shall be reported to the Board of Trustees at the earliest possible date and in all circumstances within thirty (30) days after issuance.

[Education Code Sections 81648, 81656](#)

Non-Discrimination

Any contractor performing work or providing services for the Los Angeles Community College District must certify that there is no discrimination in the contractor's hiring or employment practices [pursuant to the protected status categories enumerated in BP/AP 3410 Nondiscrimination](#). All contractors must agree to comply with applicable federal and California anti-discrimination laws, including but not limited to the California Fair Employment and Housing Act beginning with Sections 12900 of the California Government Code. In addition, the contractor must agree to require compliance by all subcontractors employed on the work by him/her.

When working for the District, contractors and their subcontractors who employ workers in any apprenticeable craft or trade, and who refer apprentices to the Los Angeles Community College District for enrollment, are subject to the provisions of the California Apprenticeship Law, the California Plan in Apprenticeship and the Affirmative Action Plan adopted by the Board of Trustees.

California Fair Employment and Housing Act, Government Code 12900 et seq.; Labor Code Section 1735; California Apprenticeship Law, Labor Code Sections 3070 et seq.; Code of Federal Regulations, Part 30.

[Also see BP/AP 3410 Nondiscrimination.](#)

Discriminatory Trust and Restraints of Trade

Contractors shall be required to abide by Sections 16721 and 16721.5 of the California Business and Professions Code pertaining to unlawful discrimination in commercial transactions and unlawful restraints of trade.

[Education Code Section 81641](#)

Interests of Employees and Board Members

Employees of the District and members of the Board of Trustees shall not have an interest in any contract, other than their individual employment agreement, made by the Board. ([See BP/AP 2710 Conflict of Interest](#))

[Education Code Section 72533](#)



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Ratification of Transactions

All transactions and amendments thereto, entered into [pursuant to board policies and administrative procedures](#) shall be reported to the Board of Trustees for ratification within sixty (60) days of such transactions.

Rejection of Bids

Any and all bids may be rejected by the District for good and sufficient reason.

Advertisement for Bids

The Business Services Division shall advertise for bids in accordance with the provisions of the Education Code.

[Education Code Section 81641](#)

CONTRACTS

Contracts, involving expenditure amounts which require competitive bidding in compliance with law, shall require approval by the Board of Trustees prior to award and will be administered as indicated below:

Bid and Contract Forms

Bid and contract forms shall be prepared by the Business Services Division. A file of the basic forms shall be prepared and maintained by the Division. All applicable statutory provisions and Board Rules shall be observed in preparation of the forms.

All bid notices issued by the Los Angeles Community College District shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices.

All bid submissions shall contain all documents necessary to assure the ability to comply with these California Labor Code Sections.

Failure to provide such documentation shall cause any such bid to be deemed incomplete.

Bid Guarantees



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

Distribution of Bid Documents and Receipt of Bids

The Business Services Division shall make available to the prospective bidders Bid Forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.

A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

The Business Services Division shall receive the bids, open and read them aloud in public at the time and place specified in the bid, check them for regularity and compliance with legal requirements, and tabulate them.

[Education Code Section 81641](#)

Responsive Bids

An award shall be made to the lowest responsive bidder who meets District specifications and requirements in conformance with law. The Business Services Division shall be responsible for [ensuring](#) that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

Public Works Bonds

Material and Labor Bond and Performance Bonds shall be issued for not less than one hundred percent (100%) of the contract price by a surety or sureties satisfactory to the District and in a form prescribed by the District.

Acceptance of Completion for Material and Labor Contract

When the entire work has been completed, as provided for in the contract, the Business Services Division shall submit a recommendation for Board acceptance of completion of the contract. After acceptance, a Notice of Completion of contract shall be filed with the County Recorder.



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The following procedures shall be followed when staff recommends that a contractor, vendor, subcontractor, supplier and/or individual(s) be debarred, declared not responsible or terminated from having status as prequalified for a contract award.

The Chancellor or designee shall make a recommendation to the President of the Board of Trustees regarding the appropriate hearing committee or officer, in light of the particular facts and circumstances in question. The President shall have the authority to delegate the conduct of an evidentiary hearing to an appropriate hearing officer or committee.

If the hearing is conducted by a body subject to the Ralph M. Brown Act, the hearing shall be conducted in a public session pursuant to the Ralph M. Brown Act.

At the conclusion of the hearing, the designated hearing officer or committee shall direct staff to prepare a draft of a written recommendation. The final recommendation shall be presented to the full Board for approval or disapproval promptly upon completion of the written recommendation.

The Chancellor may adopt [procedures](#) implementing appropriate hearing procedures, which may be adjusted or changed as deemed appropriate by the hearing officer or committee.

I. Delegations

- A.** As used in this regulation, "College President" means a person appointed by the Board as the regular or interim president, and will not apply to anyone serving in an acting or day-to-day substitute capacity unless specifically authorized in writing by the President.
- B.** As used in this regulation, "Vice President" means a person appointed as the regular or interim Vice President of Administration/Administrative Services. However, a College President may, pursuant to Section III, designate in writing to the Chancellor for contracts to be executed by an acting or day-to-day substitute for the Vice President of Administration/ Administrative Services.
- C.** As used in this regulation, "Deputy Chancellor" means a person appointed by the Board as the regular or interim Deputy Chancellor, and will not apply to anyone serving in an acting or day-to-day substitute capacity unless specifically authorized in writing by the Deputy Chancellor.
- D.** As used in this regulation, "Vice Chancellor / Chief Facilities Executive" means a person appointed by the Board as the regular or interim Executive Director, and



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will not apply to anyone serving in an acting or day-today substitute capacity unless specifically authorized in writing by the Executive Director.

II. Delegation of Authority to College Presidents, Deputy Chancellor and Vice Chancellor / Chief Facilities Executive

A. Effective December 1, 2000, the Chancellor hereby delegates the authority and the responsibility to the College Presidents to negotiate, draft, sign and enter into the following contracts:

- 1) Purchase orders which do not require formal bidding
- 2) Grant agreements and agreements with subgrantees which do not require formal bidding
- 3) Music and other licensing of intellectual property for District use (excluding licensing issues with employees)
- 4) Student intern agreements, including CalWorks
- 5) Work study contracts
- 6) Unconditional donations
- 7) Permits for Use/Civic Center permits
- 8) Insurance for special events
- 9) Contracts for student government organizations
- 10) Revenue sharing agreements, such as with local fire and police agencies
- 11) Contract education
- 12) Designation of Branch locations for the Colleges which may include leases for no more than five dollars (\$5.00) annually
- 13) Educational travel

B. Effective February 1, 2001, the Chancellor delegates the authority and the responsibility to the College Presidents to negotiate, draft, sign and enter into the following contracts:

- 1) Disposal of surplus property pursuant to Education Code Section 81450
- 2) Software and campus master planning consultants
- 3) Student Health Centers
- 4) Conditional donations
- 5) Rent/lease and maintenance of equipment not involving financing
- 6) College Foundation master agreements
- 7) Instructional software agreements and non-instructional software agreements which do not require formal bidding
- 8) Service agreements which do not require formal bidding



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C. The responsibility and the authority for the following contracts remains with the Deputy Chancellor, the Vice Chancellor / Chief Facilities Executive, the Director of Business Services and the Director of Facilities Planning & Development:

- 1) Contracts requiring formal bidding under state or federal law or by District policy
- 2) Financing
- 3) Real property transactions, such as purchases, leases and joint occupancy agreements with the exception of leases developed pursuant to Section II A. (12)
- 4) Contracts with insurers, except for special events
- 5) Approvals of levels of insurance required
- 6) Architects whose plans or specifications are related to public works which require a Project Manager; auditors and attorneys
- 7) Special agreements with College Foundations
- 8) Non-instructional software which requires formal bidding
- 9) Purchase orders above formal bidding limits, currently \$83,400
- 10) Any other contract, purchase order or agreement which has not been expressly delegated

D. Effective October 1, 2001, the Chancellor authorizes the use of purchasing cards to make purchases of materials, supplies and services, including travel-related items, not exceeding \$2,500 per transaction and \$10,000 per month for each card. The Chancellor delegates to the College Presidents, Deputy Chancellor and Vice Chancellor / Chief Facilities Executive the authority and responsibility to:

(a) designate District employees under their control to be issued purchasing cards, and (b) establish spending limits and other controls on the use of such cards. Issuance of purchasing cards to College Presidents shall be subject to approval by the Chancellor. Use of purchasing cards shall be governed by policies and procedures established by the Director of Business Services. The College Presidents, Deputy Chancellor and Vice Chancellor / Chief Facilities Executive shall be accountable for the appropriateness and legality of any purchasing card transactions made by employees they designate as cardholders.

E. Effective December 10, 2003, the Chancellor delegates to the College Presidents the authority to sign contracts utilizing Proposition A or Proposition AA funds for contracts up to \$10,000. The College Presidents do not have the authority to commit or expend Proposition A or Proposition AA funds for contracts in excess of \$10,000 in the absence of written approval by the Chancellor, Deputy Chancellor or Vice Chancellor / Chief Facilities Executive, or their designees.

III. Delegation of Authority by College Presidents to Vice Presidents



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- A. The College Presidents may delegate to their respective Vice Presidents of Administration or Administrative Services and to acting or day-to-day substitutes for the Vice Presidents of Administration/Administrative Services, the authority for all, some or none of the contracts within the College Presidents' delegated authority. Any person that is delegated authority by a College President must participate in the Districtwide Contracts Training Sessions. The College President continues to be accountable for the appropriateness and legality of any agreement(s) signed by designated employees.
- B. Delegations by College Presidents shall be made in writing to the Chancellor, and copied to the Deputy Chancellor, the Chief Financial Officer, the Director of Business Services and the General Counsel. Delegations must be limited to a specific period of time, but such delegations will be revocable at any time by the Chancellor, or by the College President, in writing, with a copy to the Deputy Chancellor, the Chief Financial Officer, the Director of Business Services, the General Counsel, and the Vice President.

IV. Use of Forms

- A. In exercising their delegated authority, College Presidents, Vice Presidents and acting or day-to-day substitutes for the Vice Presidents of Administration/Administrative Services will use forms authorized by the Chancellor, Deputy Chancellor or the Director of Business Services with standard provisions and such additional provisions that are reasonable, necessary, legal and prudent.
- B. Any modifications to the standard provisions in the authorized forms will require advance approval by the Deputy Chancellor, Director of Business Services or Contracts and Purchasing Manager.
- C. Additional provisions which overrule, eliminate or modify the standard provisions shall not be included.

V. Ratification by the Board of Trustees

In accordance with Education Code Section 81655, the District shall not be bound to any contract unless and until that contract is authorized or ratified by the Board of Trustees. Any employee who signs a contract in violation of law or in violation of his/ her authority may be disciplined. In addition, in accordance with Education Code Section 81655, any such employee may be personally liable to the District for any and all monies of the District paid as a result. District funds incurred as a result of such actions may be charged to the location which created the liability, as determined by the Chancellor or his designee.



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Expenditures of Proposition A or Proposition AA funds pursuant to this delegated authority are subject to audit and review as may be directed by the Chancellor, Deputy Chancellor, Vice Chancellor / Chief Facilities Executive, Chief Financial Officer, or their designees.

I. Development of EIR Schedule

- A. No later than two (2) weeks after the execution of the contract for the CEQA Consultant, the CEQA Consultant should prepare a draft EIR processing schedule.
 1. The draft schedule should detail projected dates for the entire EIR process, including but not limited to Notice of Preparation, completion of technical studies, screencheck draft review, public review period, community meetings, Final EIR preparation, and Board certification. The draft schedule should be coordinated with the Master Plan Consultant and the College Project Manager to ensure that the EIR is processed and certified in time to allow the Master Plan to be approved and construction to proceed on the first phases of implementing projects at the earliest feasible date.
 2. The CEQA Consultant should distribute the draft schedule to the entire Project Team for review and comment.
 3. As much as possible without creating undue delay, the schedule should allow for and include the following:
 - a. **FOUR WEEKS BEFORE PUBLIC EIR MEETINGS** – The CEQA Consultant should send a draft list of groups to receive notices to Chancellor for distribution to the Board.
 - b. **TWO WEEKS BEFORE PUBLIC EIR MEETINGS** – The CEQA Consultant should send an announcement of public meetings regarding EIR to the Chancellor for distribution to the Board.
 - c. **ONE MONTH PRIOR TO BOARD VOTE ON EIR** – The CEQA Consultant should send the draft EIR to Chancellor for distribution to Board. The College President should make a request to the Executive Director of Facilities Planning and Development to schedule the presentations for the Board meetings.
 - d. **ONE BOARD MEETING PRIOR TO BOARD VOTE ON EIR** – The College President and CEQA Consultant should make a presentation regarding the master plan and draft EIR to the Board, as well as hold the public hearing before the Board regarding the EIR.



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- e. CERTIFICATION – The College President and CEQA Consultant should make a presentation to the Board to follow up on the public hearing/Board comments; the Board should take an action regarding the certification of the EIR.
4. General parameters for the forwarding of materials
 - a. There is a package of information sent to the Board members the Friday before each Board meeting. In order to have material included in that package, the material should arrive in the Chancellor's Office by the Thursday morning prior to the Board meeting.
 - b. In the event that a regularly-scheduled package is not available within these time constraints, a special package may be sent on "off" Fridays if the College President or Vice President contacts the Executive Assistant to the Chancellor at least forty-eight (48) hours in advance.
 - c. Copies should be made back-to-back, with no plastic tabs.
- B. No later than four (4) weeks after the execution of the contract for the CEQA Consultant, the CEQA consultant should issue the final EIR processing schedule.

II. Public Outreach

- A. Public Meetings. In addition to all project scoping meetings, agency consultations, public notices and review opportunities required by CEQA, the Project Team shall hold at least two (2) public meetings at the college during the 45-day Draft EIR public review period. One meeting shall be held approximately 7-10 days into the review period, and the second meeting shall be held approximately 35-37 days into the review period. The purpose of the meetings will be to present the conclusions of the Draft EIR and receive comments from the college community and the public at large concerning the project impacts, mitigation measures and alternatives. Written comments and a summary of oral comments received at the meetings should be included, with a response, in the Final EIR.
1. Circulation of Draft Notices and Distribution Lists. The CEQA Consultant shall circulate the proposed notice and distribution list in draft form to the Extended Project Team and each member of the District Board of Trustees at least seven (7) days prior to the proposed public distribution, so that the Extended Team and Board may have an opportunity to identify additional groups and individuals that should receive notice.



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2. **Notice of Public Meetings.** Notice of each public meeting and of the availability of the Draft EIR for public review should be widely circulated by mail, posting, publication, and other reasonable means, including but not necessarily limited to: (i) delivery to each member of the District Board of Trustees; (ii) mailing to residents and businesses located within 1000 feet of the college; (iii) posting flyers on the college campus; (iv) posting notices on the college and District websites; (v) publication in newspapers, including newspapers serving non-English speaking communities; and (vi) mailing to public agencies, elected officials, and community and civic organizations that may have an interest in the project.
 3. **Presentation to the Board of Trustees.** In addition to the public meetings at the college as described above, the CEQA Consultant should expect to make a brief informational presentation on the Draft EIR to the District Board of Trustees at the Board's first available regular Board meeting following public release of the Draft EIR. College staff and the District Chancellor will confirm the meeting date, and will determine the scope and format of the presentation, which may be combined with a presentation on the progress of the Facilities Master Plan. Additional presentations to College and District committees and groups may be required.
- III. The Project.** A separate EIR will be prepared for each of the nine colleges in the District. Each college will select a CEQA consultant from the list of approved firms maintained by the District Program Manager. The "project" to be analyzed in the EIR will be the college's proposed Facilities Master Plan and development, rehabilitation and reconfiguration of college facilities as identified in the Facilities Master Plan.
- IV. The Project Team.** District personnel and consultants having a role in the EIR process will include:
- **Core Team:**
- A. **CEQA Consultant.** Prepares the EIR and related notices and documentation. May include technical specialists (traffic, biologic, etc.) inhouse, as subconsultants, or under separate contract to District.
 - B. **CEQA Counsel.** Assigned and supervised by Facilities Planning and Development; reviews EIR and notices; prepares resolutions and findings as needed.
 - C. **Master Plan Consultant.** Prepares the Facilities Master Plan for the college.



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- D. College President or designee. Provides information and direction for the project team.
- E. College Project Manager. Each college has a Project Manager firm managing Prop. A projects at the college. As part of these duties, the College Project Manager will supervise the CEQA Consultant.

► Extended Team:

- F. District Program Manager. Coordinates the building program at the District level. Responsible for contract processing and District-wide reporting.
- G. District Executive Director of Facilities or designee Provides supervision and direction for the building program and the District Program Manager.
- V. **Lead Agency.** The “lead agency” for the project will be the Los Angeles Community College District. The District’s Board of Trustees will decide on certification of the EIR and will adopt findings, mitigation measures and/or project alternatives as appropriate.
- VI. **Scope of the EIR.** Each EIR will be a “program” EIR, but should contain sufficient “project-level” detail concerning each proposed Master Plan facility so as to provide environmental clearance without further CEQA documentation for each facility to the maximum extent feasible. (See Section 15168(c) of the State CEQA Guidelines, 14 Cal. Code Regs. §15168.)
- VII. **Timing for the EIR Process.** Generally, it is anticipated that the EIR process will take 5-9 months, from execution of the CEQA Consultant’s contract to EIR certification by the Board of Trustees.
- VIII. **Selected Issues re: Content of the EIR.** In addition, to traffic analysis, air quality analysis, and other applicable contents, the EIR should address the following:
 - A. Sustainability. In analyzing impacts related to the consumption of energy and other natural resources, the EIR should discuss the Sustainability Guidelines adopted by the District Board of Trustees for the Prop. A program.
 - B. Zoning Consistency. Although state law permits District classroom facilities to be exempted from local zoning control, the EIR should address consistency between the proposed Master Plan facilities and existing zoning regulations of the applicable jurisdiction (City of L.A. or County of L.A.). District representatives will be meeting with City and County officials to present the facilities plan and identify and resolve any zoning issues.



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C. **Student Growth Projections.** A key threshold issue for impact analyses throughout the EIR will be the forecast of future student enrollment. The CEQA Consultant should consult with College staff and the Master Plan Consultant to identify at the outset a reasonable time horizon and student growth forecast for the EIR analysis. Projecting too little growth may understate impacts and diminish the useful life of the EIR, while overestimating growth may lead to overstating impacts and excessive costs for mitigation. One possible approach would be to provide in the EIR and Mitigation Monitoring Program for phased mitigation, whereby one set of mitigation measures (e.g. traffic and parking improvements) would be required with the initial phase of facilities construction, and another set of measures could be deferred to a later phase.

IX. Document Review by CEQA Counsel and the Core Project Team. The CEQA Consultant is responsible for making sure that CEQA Counsel and the Core Project Team review all notices and documents before being issued. For the Draft EIR, the CEQA Consultant should allow in the schedule at least seven (7) days for internal review of a “screencheck” draft by CEQA Counsel and the Core Project Team. After the document has been revised in response to internal comments on the screencheck draft, CEQA Counsel should review the revised draft to verify that any material issues have been addressed before the Draft EIR is printed and circulated for public review. The schedule should also allow at least three days for review of the responses to comments and Final EIR before it is circulated to commenting agencies and the Board of Trustees.

X. Certification by the Board of Trustees. Before the Final EIR is placed on the Board of Trustees’ agenda for certification, a meeting of the Extended Project Team should be held to discuss anticipated issues in controversy and coordinate the presentation to the Board.

XI. Incorporation of State CEQA Guidelines. These guidelines are intended to supplement, not supersede, the provisions of CEQA and the State CEQA Guidelines, which are hereby incorporated by reference. In the event of any conflict, the provisions of CEQA and the State CEQA Guidelines will control.

XII. Responsibility. The CEQA Consultant and the College Project Manager share joint responsibility for monitoring the progress of the EIR process and using reasonable efforts to meet the schedule.

Conflict of Interest Checking Procedure

I. Introduction



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On April 26, 2012, the Chancellor issued an interim directive mandating a conflict-of-interest checking process for the building program, and directed the development of a comparable procedure for the District's operational matters. (Chancellor's Directive #152, or "the Directive") The Directive shall continue to apply to the building program. This regulation describes the procedure for contracts for regular operational matters as well as specially-funded programs, except for those contracts are managed under the program for Proposition A and AA and Measure J.

Conflicts of interest may occur as a direct, financial conflict of interest, or may involve non-financial interests, such as contract awards to a closely-related family member. The District has procured a digital database system for the filing of disclosure forms required consistent with the Fair Political Practices Commission regulations ("Form 700"). In recognition that the financial disclosures did not address non-financial conflicts of interest, the Directive included a Conflict of Interest form to address those interests ("Form C-13A"). Form C-13A and the related procedure have now been applied to all formal competitive processes, and all contract ratifications pursuant to Procurement Policies and Procedures 04-05 through 04-08 will include an affirmative step of checking for direct, financial conflicts of interest. This Administrative Regulation is to confirm and document those processes.

This procedure is to be used in conjunction with the District's other established procedures for procurement and public works.

II. Conflict of Interest Checking Procedure ("COICP")

A. College-Based Contracts

1. Contract Initiator Review

When a contract is initiated at a college based on authority delegated to the College President, the College Procurement Specialist ("CPS") shall review any Form 700 filed by that initiator. If the CPS does not identify a potential conflict of interest for the contract initiator, the CPS may proceed with the contract.

2. Review by Vice President of Administrative Services

If the CPS identifies a potential conflict of interest for the contract initiator, the CPS shall review any Form 700 filed by that Vice President of Administrative Services. If the CPS does not identify a potential conflict of interest for the Vice President of Administrative Services, the CPS shall obtain a written determination from the Vice President of Administrative Services regarding the



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potential conflict of interest for the contract initiator and the outcome of the contract award.

3. Review by College President

If the CPS identifies a potential conflict of interest for the Vice President of Administrative Services, the CPS shall review any Form 700 filed by that College President. If the CPS does not identify a potential conflict of interest for the College President, the CPS shall obtain a written determination from the College President regarding the potential conflict of interest for the contract initiator and the outcome of the contract award.

4. Review by the Educational Services Center

If the CPS identifies a potential conflict of interest for the College President, the CPS shall follow the COICP for Educational Services Center-Based Contracts.

B. Educational Services Center-Based Contracts Below Bidding Thresholds

1. Contract Initiator Review

For contracts based at the Educational Services Center ("ESC"), the Deputy Chancellor's designee, or for Facilities Planning and Development, the Chief Facilities Director's designee ("Lead Contract Staff person or "LCS"), shall review any Form 700 filed by that initiator. If the LCS does not identify a potential conflict of interest for the contract initiator, the LCS may proceed with the contract.

2. Review by Head of Office

a. If the LCS identifies a potential conflict of interest for the contract initiator, the LCS shall review any Form 700 from the applicable Head of Office. If the LCS does not identify a potential conflict of interest for the applicable Head of Office, the LCS shall obtain a written determination from the applicable Head of Office regarding the potential conflict of interest for the contract initiator and the outcome of the contract award.

b. For purposes of this Administrative Regulation, Head of Office shall mean one of the following: the Vice Chancellors, the Deputy Chancellor, the Chief Facilities Executive, the Chief Financial Officer, the Directors, the General Counsel, the Vice President of Administrative Services assigned to the ESC and the Personnel Director.

3. Review by Deputy Chancellor

If the LCS identifies a potential conflict of interest for the applicable Head of Office, the LCS shall review any Form 700 filed by the Deputy Chancellor. If the LCS does not identify a potential conflict of interest for the Deputy



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Chancellor, the LCS shall obtain a written determination from the Deputy Chancellor regarding the potential conflict of interest for the contract initiator and the outcome of the contract award.

4. Review by the Chancellor

If the LCS identifies a potential conflict of interest for the Deputy Chancellor, the LCS shall review the Form 700 filed by the Chancellor. If the LCS does not identify a potential conflict of interest for the Chancellor, the LCS shall obtain a written determination from the Chancellor regarding the potential conflict of interest for the contract initiator and the outcome of the contract award.

5. Conflict Alternatives

- a. If the LCS identifies a potential conflict of interest for the Chancellor, the LCS shall consult with the Office of General Counsel regarding recommendations for potential alternatives and advice regarding decision-making authority.
- b. If the matter involves a contract for the Office of General Counsel, the LCS may consult directly with the counsel designated as the alternate counsel for the Internal Audit Unit on whistleblower complaints.

C. Contracts Awarded by Formal Bidding

1. Awards to the Lowest Bidder

Where a formal bidding process is conducted, and the award is based on the lowest, responsible and responsive bidder, the LCS shall be responsible for providing a written caution to the primary author(s) or developer(s) of the specifications that specifications may not be prepared in a manner that unduly skews or narrows the specifications to apply to only a single provider.

2. Awards by Scoring or Judgment

- a. Where a formal, competitive process is conducted that involves the exercise of judgment, a selection from amongst lowest bidders, or another type of scoring, the LCS shall conduct obtain a completed Form C-13A and review the Form 700 for each person who will be involved in the scoring process, prior to review of the bids or proposals.
- b. When a participant's Form 700 or Form C-13A identify potential conflicts of interest, the LCS shall follow the procedures in Section II(B)(2) through (5) as may be necessary.

3. Duty to Self-Monitor and Self-Identify



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People participating in scoring processes are expected to be mindful of potential conflicts of interest, and report them to the LCS person promptly upon discovery.

D. Other Potential Conflicts of Interest

The District has in place Procurement Policies and Procedures that mandate quotes or other measures designed to ensure appropriate diligence for obtaining the best terms for the District. The Deputy Chancellor or designee(s) shall pursue appropriate methods of obtaining review regarding both financial and non-financial conflicts of interest for contracts not included in this procedure.

III. Pre-Award Review

- A.** Prior to submission for approval by the Board of Trustees, the CPS or LCS shall be responsible for reviewing whether the recommended vendor has been identified on a Form 700 on file for any current employee or consultant. If a potential conflict of interest is identified, the CPS or LCS shall follow the COICP for ESC-based contracts beginning with the Head of Office before placing it on the draft Board agenda.

Hearing Procedures For Proceedings for Debarment, Revocation of Prequalification or Finding of Nonresponsibility

The following procedures are established pursuant to [board policy](#). These procedures may be adjusted by the hearing officer or committee as deemed appropriate for the particular case.

1. Designation of Hearing Committee or Hearing Officer
 - a. District staff will make a recommendation to the President of the Board regarding the appropriate hearing officer or Board committee, depending on the particular case.
 - b. If the hearing is a meeting of a standing Board of Trustees' committee, it is required to be conducted in a public session pursuant to the Ralph M. Brown Act.
2. Presentation
 - a. Each side will be allocated equal time for presentation ("Presentation Time"). The Executive Director of Facilities Planning and Development or designee will be responsible for determining the appropriate time for any particular case, and will be responsible for providing appropriate notice.



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- b. Each side may make an opening statement, which will be deducted from its Presentation Time.
 - c. Since the proceedings are administrative, evidentiary objections will be limited to relevance. Objections to evidence such as hearsay and lack of foundation will be reserved for a closing statement, and will go to the weight of the evidence, rather than its admissibility.
 - d. Once each side has made its full presentation, if it has Presentation Time remaining, up to five (5) minutes may be used for a closing statement.
 - e. The Hearing Committee members or Hearing Officer will be entitled to ask questions of witnesses, and after each side's closing statements. However, time spent asking and answering questions put forward by the Hearing Committee members or Hearing Officer will not be deducted from each side's Presentation Time.
3. Testimony and exhibits
- a. A court reporter will record the proceedings. Transcripts may be made available to anyone upon request, at the expense of the requesting party.
 - b. The court reporter will swear in all witnesses.
 - c. If one side seeks to cross-examine a witness, the time spent on cross-examination will be deducted from its Presentation Time.
 - d. Each side should be prepared with its exhibits pre-marked, and supply twelve (12) copies. The District staff will use sequential letters, and the respondent will use sequential numbers. Exhibits will be included in the court reporter's transcript as part of the official record.
4. Decision
- a. At the conclusion of the presentations, if the matter is being heard by a standing committee of the Board of Trustees, the Hearing Committee will deliberate in public session regarding its recommendation to the Board of Trustees. The Hearing Committee will then direct staff to prepare a draft of a written recommendation, and designate which member of the Hearing Committee will review the draft for finalization. If the matter is being heard by a Hearing Officer, the Hearing Officer will direct staff in the preparation of a recommended decision.



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- b. The final recommendation will be presented to the full Board of Trustees for approval or disapproval promptly upon completion of the written recommendation.

[Also see BP 6340 Bids and Contracts, BP/AP 2710 Conflict of Interest, and AP 2712 Conflict of Interest Code.](#)



AP 6360 Contracts – Electronic Systems and Materials

References:

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

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

Except as otherwise stated here, bids shall be solicited and contracts shall be awarded in accordance with AP 6340 Bids and Contracts. District staff should also consult the Business Operations Policy and Procedure Manual for detailed procedures.

License of Software and Other Intellectual Property – See the District’s Internal document - PP-04-12

I. OVERVIEW

A license provides the right to use an asset. Unlike a lease which grants exclusive rights to utilize an asset, a license provides a non-exclusive right to use an asset, intending that the asset also could be used by other parties, either at the same time or at different times during the term of the license. Under a license, the party that authorizes the use of the asset is the “licensor.” The party that receives the right to use the asset is the “licensee.” Typically, the licensee pays for the right to use the asset for a specified period of time, which could be unlimited in duration. A license is often used for “selling” the right to use computer software or other so-called “intellectual property,” such as copyrighted material or patented processes.

Since a licensee does not own the licensed property but only possesses the right to use it, the licensee typically does not have the right to sell or otherwise transfer the property to another party, such as through an assignment, without the express permission of the licensor.

II. PROCESS

A. A license of software or other intellectual property that qualifies as educational material for student instructional may be procured without soliciting competitive bids or proposals pursuant to Education Code section 81651. The procurement of licenses for all other types of software and other intellectual property costing more than the statutory bid threshold must be accomplished through competitive methods in accordance with Education Code section 81645. Licenses costing less than the bid threshold are to be procured in the same manner as purchases of supplies, materials and equipment under the bid threshold.



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B. A large computer system software license or other similar intellectual property is generally procured by an RFP through the District Contracts and Purchasing Section. Small purchase of single user license for commercial “off the shelf” software satisfying the following criteria below may be purchased by college or College Purchasing Specialist.

1. Is intended for a single-user application.
2. Requires installation on a single-user computer desktop or laptop and does not involve the purchase of a site license or installation on a network server.
3. Costs less than the statutory bid threshold.

An “off the shelf” software license is generally entered into the purchasing system as a purchase order (PO) document type, whereas a larger-scale software license purchase, including any software maintenance agreement, is entered as a Request for Contract (RFC) document type. The PO is subject to the approval of the Vice President of Administrative Services even if the user agrees to the license when installing or downloading the product. . These transactions are initiated at the Colleges and require approval by the Vice President of Administrative Services. Contracts not requiring formal bid are routed by the College to either the College Procurement Specialist (accompanied by any quotes collected) to review, release and convert. Contracts requiring formal bid or involving special circumstances are sent directly to the District Contracts & Purchasing Manager to review, release and complete.

C. When engaging in transactions involving software and intellectual property licenses the purchaser must consult with and receive prior approval from their local information technology department in order to determine whether the license provisions are applicable and reasonable in relation to the software asset being licensed. In addition, the local information technology department will evaluate whether the software is compatible with the existing operating system targeted for installation, if the software is free from possible viruses, and whether the local information technology department can support such a program.

D. Large software systems are often licensed through complex agreements that are thoroughly negotiated by the parties. When considering such agreements, particular attention should be paid by District negotiators to the following contractual issues:

1. Duration: Whether the license term is in perpetuity (unlimited) in exchange for a one-time payment or for a period of subscription while incremental payments are made. Specify events that could terminate the license prematurely.



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2. Users: The number of users permitted and whether this is defined as “concurrent users”, a maximum number of named users, or whether license used is based by location or overall customer. Consider the process and cost for adding additional users, whether individually or in blocks.
3. Product: The specific software applications included, the exact release and version of the software is being licensed, and the functionality of the various applications expected. Whether source or object code is being furnished and what the rights of the user are to modify or change the source code, either by itself or by a third-party configuration consultant.
4. Delivery: Agreement on when the software is to be delivered, under what conditions (e.g., partial payment), and in what medium. (In California, the license of software delivered in intangible form such as electronically directly to a server or on disk loaded directly onto a server by the licensor is exempt from sales and use tax.)
5. Installation/implementation: Specification of who is to install, configure, or implement the software and what their responsibilities are for the performance of the software relative to the licensor and licensee. If a third-party implementation contractor is engaged, permission from the licensor must be secured under the license and warranty responsibilities allocated between the licensor and implementation contractor for the correct functioning of the software.
6. Compatibility: Whether the software warranty covers the specific hardware used by the licensee. If the software must interact with other software such as enterprise applications software exchanging information with database software furnished by another licensor needs to have compatibility with the interacting software and should be confirmed as part of the license.
7. Acceptance testing: The tests to be conducted before the software product is deemed accepted by the District as licensee.
8. Documentation: Technical manuals, the number of copies of such manuals and other documentation to be furnished by the licensor in support of the software.
9. Training: Training curriculum and number of hours of training to be provided to licensee’s technology staff, users and internal trainers; number of staff eligible for training and location of classes and the availability of supplemental training, either within the license or for additional fees.
10. Warranty: Scope and duration of warranty, including methods and timing of licensor’s response to software malfunctions. Events that invalidate or lessen licensor’s warranty obligation (e.g., modification of software by party other than licensor). Coordination of the warranty period with any maintenance contract purchased by the licensee (some licenses provide for the maintenance term to overlap the warranty that comes with the software license, thereby effectively providing no warranty period).



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11. Rights in data: Obligations for nondisclosure of protected information by either party to the license and penalties for disclosure. Ownership of new intellectual property developed under the license, such as modifications to the software paid for by the licensee and proposed for inclusion by the licensor in a future release of the software. Access to source code in the event licensor goes out of business (some licenses provide for the licensor to deposit source code in an escrow account, with the code automatically released by the escrow holder to licensees in the event of liquidation of the licensor's business).

12. Default: Define events that constitute default of the license by either party and the rights and remedies of the injured party to recover damages.

13. Maintenance: Term (commonly one year), scope and cost of maintenance services purchased under separate contract; whether maintenance includes entitlement to new releases and versions of the licensed software and whether modifications to the earlier version will be supported under the maintenance contract.

E. The software license and its related maintenance agreement should be filed together and kept by the procurement area responsible for the software license purchase.

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

[Also see BP/AP 6330 Purchasing, BP/AP 6340 Bids and Contracts, AP 6345 Bids and Contracts \(UPCCAA Option\), AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6365 Contracts – Accessibility of Information Technology, AP 6370 Contracts – Personal Services, and AP 6380 Vendors.](#)



AP 6365 Contracts – Accessibility of Information Technology

References:

Government Code Sections 7405 and 11135;

Title 5 Sections 59300 et seq.;

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794 subdivision d);

36 Code of Federal Regulations Parts 1194.1 et seq.

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

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

"The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. Vendor agrees to respond promptly to and resolve any complaints regarding accessibility of its products or services that are brought to its attention. Vendor further agrees to indemnify and hold harmless the Los Angeles Community College District from and against any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement."

Also see BP/AP 3720 Computer and Network Use, BP/AP 6330 Purchasing, BP/AP 6340 Bids and Contracts, AP 6345 Bids and Contracts Under the UPCCAA, AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6360 Contracts – Electronic Systems and Materials, AP 6370 Contracts – Personal Services, and BP/AP 6380 Vendors.



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AP 6370 Contracts – Personal Services

References:

- Education Code Section 88003.1;
- Government Code Section 53060;
- Labor Code Section 3353;
- Public Contract Code Section 10335.5

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

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

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

- the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;
- the services are not available within the District or cannot be satisfactorily performed by district employees;
- the services are incidental to a purchase or lease contract;
- the policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- the work meets the criteria for emergency appointment;



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- equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- the services are of an urgent, temporary, or occasional nature.

Professional Experts

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

[Also see the District's Business Operations Policy and Procedures Manual PP 04-08](#)

Independent Contractors

To be an independent contractor, substantial conformance with the following conditions must exist:

- The contractor controls the way in which work is performed.
- The contractor sets his/her own hours.
- The contractor is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.
- No District employees have duties similar to the independent contractor.
- The District does not provide assistants to the contractor.
- The duration of employment is for a specific job, not for a specified period of time.
- The District does not furnish tools, training, or equipment to the contractor. Contractors should be able to perform their services without the District's facilities (e.g., equipment, office furniture, machinery).
- The contractor's investment in his/her trade must be real, essential, and adequate.
- The contractor has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.
- The individual is not presently employed by the District to do the same type of work.
- Contractors are hired to provide a result and usually have the right to hire others to do the actual work.
- Contractors are hired for the final result, and therefore should not be asked for progress or interim reports.
- Contractors are generally responsible for their incidental expenses.



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- Contractors should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:
- If the contractor hires and pays assistants
 - If the contractor has his/her own office, equipment, materials, or facilities
 - If the contractor has continuing and reoccurring liabilities
 - If the contractor has agreed to perform specific jobs for prices agreed upon in advance
 - If the contractor's services affect his/her own business reputation

Contractors can't be fired so long as they produce a result that meets the contract specifications.

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

Consultants

Consulting services contracts refer to all services that:

- are of an advisory nature,
- provide a recommended course of action or personal expertise,
- have an end product which is basically a transmittal of information either written or verbal, and,
- are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.
- The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

This [procedure](#) applies to bond measure and mixed-funding projects managed through the Bond Program. Mixed-funding projects are defined as projects that are at least 50% funded by Proposition A, Proposition AA, and/or Measure J proceeds.

ARCHITECT/ENGINEER FEE GUIDELINES

Architect/Engineer Fee Guidelines for Basic Services - New Construction/Renovation/Additions

Basic Services Include:

- Schematic Design (requires Board Approval) SD
- Design Development DD
- Construction Documents CD



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- Bidding Support BS
- Construction Administration CA

The above services to be performed, as applicable, by the following disciplines:

- Civil
- Architectural
- Structural
- Mechanical – HVAC
- Plumbing
- Fire Protection
- Electrical
- Hardware
- Landscaping
- Sustainability Consultant
- FF& E
- Signage and Graphics

- The deliverables consist of:
 - Drawings
 - Specifications
 - Basis of Design Report
 - Cost Estimating Report
 - BIM modeling (where applicable per contract)

For further definition of scope and deliverables refer to Design Consultant Services Agreement.

LACCD PROPOSITION A/AA AND/OR MEASURE J BOND PROGRAM - ARCHITECT/ENGINEER'S BASIC SERVICES FEE GUIDELINES

| NEW CONSTRUCTION | |
|-------------------------|-----------------------------|
| Basic services | |
| Fee | Construction Cost (Dollars) |
| Max Percentage | |
| 8.50% | Under 1 million |
| 8.25% | 1 to 2.5 million |
| 8.00% | 2.5 to 5 million |
| 7.75% | 5 to 7.5 million |
| 7.50% | 7.5 to 10 million |
| 7.25% | 10 to 15 million |



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| | |
|---|-------------------|
| 7.00% | 15 to 45 million |
| 6.75% | 45 to 70 million |
| 6.50% | 70 to 100 million |
| 6.25% | Over 100 million |
| RENOVATION PROJECTS | |
| Add Percentage to Basic Services Above | |
| Fee | |
| Max Percentage | Construction Cost |
| 2.50% | Under 7.5 million |
| 2.25% | 7.5 to 60 million |
| 2.00% | Over 60 million |

Construction budget is published with any Request for Proposal for a design consultant. Construction budget is considered 70% of total project budget and does not include furniture, fixtures and equipment. Increase in construction budget through no fault of the design consultant will be added to the original construction budget and the A/E fee adjusted accordingly.

SUB CONSULTANTS UNDER CONTRACT WITH ARCHITECT/ENGINEER

Sub consultant's services that are additional to the disciplines included above are subject to individual authorization. Fee for these services will be proposed by service provider and negotiated. Architect/Engineer is entitled to a markup of 3% for administration and risk as a contract reimbursable.

Most commonly required sub consultants service areas are:

- Programming
- Security
- Acoustics
- Traffic
- Arborist
- Food Service
- Audio Visual
- Theatre Consultant

1. Purpose and Scope

- a. In order to provide a safe environment for the education of students in the District, the District requires every consultant which performs professional services for the District's BuildLACCD program to certify



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that they have not assigned any individual, whether an employee or independent contractor, or sub-consultant of the consultant, to perform services for the District without first certifying that the consultant has conducted a criminal background check and the individual is not ineligible to provide work to the District.

- b. This administrative [procedure](#) is not intended to apply to consultants which:
 - i. contract with the District outside the BuildLACCD program;
 - ii. provide design, engineering, testing or general construction services for the BuildLACCD program; or
 - iii. provide goods and materials to the BuildLACCD program.

- b. This administrative [procedure](#) shall not apply if the District determines that the consultant is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make facilities safe and habitable.

2. Definitions

The terms below shall be defined as follows for the purposes of this administrative [procedure](#):

- a. "Consultant" shall mean:
 - i. All contractors and their subcontractors under contract with the District to provide personnel for the execution, management, oversight, reporting or administration of the BuildLACCD program.
 - ii. The District is solely responsible for the determination that a contractor is acting in the capacity of a consultant and is required to provide Criminal Background Checks under this [administrative procedure](#).

- b. "Criminal Background Check" shall mean a criminal background check which includes review of both of the following:
 - i. a multi-state and multi-jurisdiction criminal records locator or other similar commercial nationwide database with



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- validation; and
- ii. a search of the United States Department of Justice National Sex Offender Public Web site.
- c. "Prohibited Conviction" shall mean, a conviction for any of the following:
 - i. A sex offense as defined in Education Code [Section 87010](#).
 - ii. A controlled substance offense as defined in Education Code [Section 87011](#).
 - iii. A violent felony as listed in Penal Code [Section 667.5](#), subdivision(c).
 - iv. A serious felony as listed in Penal Code [Section 1192 .7](#), subdivision (c). v.
 - v. Any offense committed in another jurisdiction that includes all of the elements of any of the offenses described in sections 2.c.i-iv.

3. Criminal Background Check

- a. A Consultant shall not assign any individual or allow any subcontractor to assign any individual to provide services to the District unless:
 - i. The Consultant has performed or obtained the results of a Criminal Background Check for the individual proposed to be assigned to provide services to the District within three [\(3\)](#) months of certifying compliance with this administrative [procedure](#).
 - ii. The Criminal Background Check did not indicate the individual:
 - 1. has one or more Prohibited Conviction(s); or,
 - 2. is currently registered on the United States Department of Justice National Sex Offender Public Web site; or,



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3. has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 5500), Chapter 1, Part 1.5, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.
- b. Notwithstanding section a.ii. above, a Consultant may assign an individual or allow any subcontractor to assign an individual to provide services to the District if any of the following circumstances are present:
 - i. the individual received a certificate of rehabilitation and a pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or,
 - ii. the individual's conviction(s) was judicially ordered sealed or expunged; or
 - iii. the individual's conviction(s) is reversed and the individual is acquitted of the offense in a new trial or charges against him/~~er~~ her are dismissed.
- c. A Consultant must act in strict conformity with all applicable [statutes](#) and regulations, including but not limited to the Americans with Disabilities Act, and state and federal anti-discrimination and privacy laws when complying with this administrative [procedure](#).

4. Certification By Consultant

- a. A Consultant must certify in writing that the Consultant has complied with this administrative [procedure](#).
- b. No employee or independent contractor of a Consultant, or of their respective sub-consultants, may perform work for the District until the District has received the completed certification from the Consultant.
- c. The District shall not receive any direct information regarding the Criminal Background Checks performed by a Consultant or respective sub-consultant, nor should a Consultant or respective sub-consultant provide such information to the District.



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[Also see BP/AP 6330 Purchasing, BP/AP 6340 Bids and Contracts, AP 6345 Bids and Contracts Under the UPCAA, AP 6350 Contracts – Construction, AP 6355 Contracts – Job Order Contracts, AP 6360 Contracts – Electronic Systems and Materials, AP 6365 Contracts – Accessibility of Information Technology, and BP/AP 6380 Vendors.](#)



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AP 6400 Financial Audits

References:

Education Code Sections 84040 subdivision (b), 84040.5, and 81644;

Title 5 Section 59102;

ACCJC Accreditation Standard III.D.7

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

An auditing firm's contract shall be for *no* longer than five (5) years. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:

- A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Education Code Section 84040.5, and
- a summary of audit exceptions and management recommendations.

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

Also see [BP 6400 Financial Audits](#).



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AP 6450 Wireless or Cellular Telephone Use

References:

Vehicle Code Sections 12810.3, 23123, and 23124;

26 U.S. Code Sections 274 subdivision (d)(4) and 280F subdivision (d)(4)

The Chancellor shall determine if it is in the best interests of the District to provide a cellular or wireless telephone at District expense.

Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee's gross income.

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

These rules do not apply to wireless or cellular telephones owned by employees. Any reimbursements to employees for use of their own wireless or cellular telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

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

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

Cell Phone Reimbursement

Any trustee or administrator of the District, previously authorized by the Chancellor or a college president, may have the use of a cellular telephone purchased by the District, or may be reimbursed for telephone expenses made from his/her her personal cellular telephone as follows:

- A. **PERSONALLY OWNED.** Employees, who are required to carry a cell phone for business/work-related purposes, may be reimbursed only when they incur



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additional charges for business calls over the plan limit on their personal calling plan. The employee may request for reimbursement, at the excess minute rate, for up to the number of the minutes exceeding the plan limit for the month OR the total of business-related minutes, whichever is less. No reimbursement can be made for business calls made within the plan minutes.

Reimbursement District Related Car Telephone Calls

The following procedures have been established to reimburse members of the Board of Trustees for District-related phone calls made on their personal cell phones:

1. In order for the reimbursement payment to be made, the District must be provided with the original invoice from the telephone company.
2. The invoice should include the following information:
 - a. the name and address of the person to be reimbursed
 - b. a listing of all telephone calls and the circling of those incoming and outgoing calls that pertain to District business
 - c. indicate the total amount of reimbursement being requested
 - d. signature certifying that the request for reimbursement represents costs related to District business
3. The owner must pay for all incoming and outgoing calls prior to filing reimbursement invoice.
4. Submit the invoice to the Chancellor's Office for approval.

The Chancellor's Office will sign the invoice approving it for payment, provide the account number that it should be charged to, and indicate the Board action that authorizes the reimbursement (CD Comm No. 1, 1/20/88). Invoice will then be forwarded to [Accounts Payable](#) for payment.

[Also see BP 6450 Wireless or Cellular Telephone Use.](#)



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AP 6500 Property Management

References:

Education Code Sections 70902, 81300 et seq., and 81523.5

The Vice-Chancellor / Chief Facilities Executive, Vice Chancellor / Chief Financial Officer and the Director of Business Services shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property. Please see below.

Leases

Management of Real Property.

All acquisitions of real property, including appraisals and valuations of real property of improvements; the securing of Title Insurance Policies covering land belonging to the District; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property shall be accomplished through the Business Services Division in coordination with the District's Facilities Department.

Use of Real Property Not Owned by District.

Real property, the ownership of which is not vested in the District, shall not be used for school or administrative purposes except by lease or permit. With the exception of the designation of branch locations for the colleges which may include leases for no more than five dollars (\$5.00) annually, all requests for real property arrangements shall be made through the Business Services Division. Effective December 1, 2000, the Board of Trustees authorizes the Chancellor to delegate the responsibility and authority to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting and day-to-day substitute(s) for the Vice Presidents of Administration/ Administrative Services in their absence, to negotiate, draft, sign and enter into leases for no more than five dollars (\$5.00) annually which involve the designation of branch locations for the college. All leases or permits shall be made in conformance with the Education Code, policies of the Board of Trustees and in accordance with published Business Services procedures. The structural safety of such quarters and the terms and conditions of such arrangements shall be investigated and negotiated by the Business Services Division.

The Vice Chancellor of Business Services, or designee, is authorized to lease facilities for District use, not to exceed the maximum amount set forth in Education Code Section 81640 for materials and supplies.

Education Code Section 81640

Use of Real Property by Third Parties.



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Whenever real property owned by the District is not needed for educational purposes, the District may grant the use of such property either under a Civic Center Permit in accordance with [board policies and related administrative procedures](#), or by lease or permit for use in accordance with [board policies and related administrative procedures](#). All uses of District facilities which include fair rental fees shall be on a form designed by the Chancellor or his or her designee. All civic center permits, leases, permits for use or sales of property shall be made in conformance with law and with policies of the Board of Trustees.

Insurance on Lease.

Lessee of District facilities shall provide evidence of public liability, property and worker's compensation insurance adequate to protect the District against any liability resulting from Lessee's use of the facility. Lessee's insurance policies shall name the District as additional insured and shall conform to dollar limits and other requirements set forth in [board policies and related administrative procedures](#) and as determined by the Business Services Division.

Violation of Lease.

The District, at its discretion, shall have the right to cancel and terminate any lease immediately and without notice upon its discovery of a violation of any term, condition or provision of the lease and/or any of the general terms and conditions for using District facilities as set forth in [board policies and related administrative procedures](#) on the part of the Lessee. Should any such violation occur, the District, at its discretion, shall have the right to deny any future requests by the Lessee for the lease of District property which is the subject of this lease, or for any other District property or facilities.

Real Property Due Diligence

The following [procedure](#) is established to identify the essential elements as a prerequisite for the District's purchase, lease-purchase or lease longer than three years of real property for the benefit of the District.

I. Evaluation

A. Documentation - The College President shall be responsible for documenting the following matters prior to presenting proposed property acquisition to the Board.

1. The rationale for considering the location and services shall be presented; this rationale shall include a viability study for planned instructional uses, an estimate of cost commitment for the property lease or purchase and/or a business plan for proposed revenue enhancement projects.
2. A Viability Study shall include the following components:



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- a. Viability Review Committee composed of college administration and faculty in appropriate positions to research program and course need and render informed recommendations.
 - b. Information gathering relating proposed programs/classes to:
 - i. College Mission;
 - ii. Educational Master Plan;
 - iii. Accreditation requirements;
 - iv. Student demand;
 - v. Service area demand;
 - vi. Impact on college budget and finance; and,
 - vii. Outside expert opinion and analysis.
3. A Business Plan shall include the following components:
- a. A Business Plan review committee composed of the College President, Vice President of Administrative Services, campus faculty leadership, District Facilities Planning Director, District Chief Financial Officer, and others prepared to assess the value and earning potential of identified properties.
 - b. Information gathered to include:
 - i. Market analysis of property value;
 - ii. Review of conceptual site plan;
 - iii. Review of purchase vs. lease possibilities;
 - iv. Assessment of potential partners; v. Revenue analysis; and,
 - v. Evaluation of possible impact on college finances and community relations.

B. Notification



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1. If it is a lease or offsite location for less than three years, then the College's Vice President of Academic Affairs must review it with the Council of Academic Affairs.
 - a. The Council of Academic Affairs shall advise whether the proposed site/program competes with another LACCD institution.
 - b. If there is competition with another LACCD institution, the College Presidents shall attempt to resolve the matter. If they cannot, the Chancellor shall make an appropriate determination.
2. If it is an acquisition, lease-purchase or lease longer than three years, the College President must notify the Chancellor.
 - a. The Chancellor will review the matter with the Cabinet, and determine when the matter should be reviewed with the Board.

C. College President's responsibility for Viability Study and Business Plans

1. The College President is responsible for ensuring that a comprehensive evaluation of the economics, including enrollment projections, is conducted.
2. The College President is responsible for ensuring that the viability study has been reviewed and approved by the Cabinet, or the Cabinet and the Board, as determined by the Chancellor.
3. The College President is responsible for ensuring that before a real estate broker is engaged or solicited for assistance, Board approval should be obtained. To the extent that there is a desire to reserve purchase or lease rights, options may be negotiated with Board approval.

D. Preliminary Business Review

1. In the event of a proposed property purchase, the Facilities Planning & Development Department shall obtain and review a title report early in the transaction to identify title and lien issues; obtain a land survey and American Land Title Association ("ALTA") extended coverage title insurance to locate and protect against easements and encroachments and have a Phase 1 environmental report prepared and reviewed to make certain there are no existing or potential environmental issues on the property.
2. The Facilities Planning and Development Division will obtain an appraisal, performed by a Membership of the Appraisal Institute ("MAI") certified or equivalent appraiser, to ensure that the price is fair and reasonable for the District. For



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preservation of the privileges for attorney-client communications and attorney workproduct, outside counsel should contract with appraiser.

II. Business Review and Financial Commitments

- A. The Vice Chancellor / Chief Financial Officer shall be responsible for reviewing the method of financing, the cost of that financing, the timing for acceptance of title or possession, and the timing for making payments.
- B. The College President is responsible for pursuing the processes for obtaining State approval for an “educational center.”
- C. The Facilities Planning & Development Department shall evaluate local zoning and subdivision control issues, which may apply to activities and facilities outside the educational curriculum, e.g., commercial enterprises.
- D. The Facilities Planning & Development Department shall review or arrange for appropriate architectural or engineering review of structures for compliance with the Field Act, or identify an appropriate exception; plans and specifications for new buildings must go through the Division of the State Architect.
- E. The Facilities Planning & Development Department shall ensure that the facility is accessible for disabled persons, in accordance with applicable building codes.
- F. The Facilities Planning & Development Department shall be responsible for ensuring the facility has been reviewed for appropriate safety conditions.
- G. The Facilities Planning & Development Department shall review the use of the property for compliance with the California Environmental Quality Act. This may require an Environmental Impact Report, a Negative Declaration or a Categorical Exemption, public hearings and notices, and findings by the Board.
- H. Environmental insurance must be obtained for any property acquisition. The College President or designee shall work with the Risk Manager to place the insurance.
- I. The Facilities Planning & Development Department must identify and address any particular issues associated with the site. For example, if the property owner is not amenable to negotiations and condemnation is contemplated, special costs and considerations will have to be weighed.



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- J. The Facilities Planning & Development Department shall work with the College President and other appropriate College representatives in coordinating the preparation of a plan and cost of construction estimate to improve the property to a condition which would accommodate the College's intended use.

III. Due Diligence Responsibilities

- A. The Facilities Planning & Development Department shall arrange for an appropriate Environmental Site Assessment for man-made and natural toxicity issues, as well as any applicable State agency review.
- B. The Facilities Planning & Development Department shall be responsible for reviewing or arranging for appropriate review of whether the property is located within a flood plain.
- C. In addition to the requirements contained herein regarding purchasing real property, if a College is considering acquiring a site or sites for the purpose of constructing a school building as defined by Education Code Section 81130.5, these additional requirements must be satisfied:
 - 1. The College President shall work with the Facilities and Planning Department to have the site(s) thoroughly investigated to evaluate all factors affecting the public interest and whether it is economically feasible to construct on this site, which includes, but is not limited to, the raw land cost.
 - 2. If the site is either located within a special studies zone as identified on a map by the State Geologist pursuant to Public Resources Code Sections 2621 et seq., or within an area designated as geologically hazardous as provided in Government Code Section 65302 [subdivision](#) (g), or if the estimated cost to reconstruct or alter or add to a building which alters structure elements exceeds \$20,000.00, the investigation shall include geological and soil engineering studies to assess the nature of the site and potential for earthquake or other geological hazard damage. The study shall also evaluate the location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions and other factors affecting the costs of the total project. The cost of geological and soil engineering studies may be treated as a capital expenditure.
 - 3. This investigation is not necessary if the site or sites have been subject to adequate prior studies and the College has access to this information.



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4. A copy of each investigative report shall be submitted to the Board of Governors and the Department of General Services.
5. The Facilities, Planning and Development Department is responsible for ascertaining whether the Department of General Services requires geological or soil engineering studies for the construction or alteration of any building on a site not located within a special studies zone.
6. If a proposed site or an existing site where a proposed addition will be made is within two miles of an airport runway or a runway proposed by an airport master plan, the Facilities, Planning and Development Department shall notify the Board of Governors in writing prior to acquiring title to the proposed property or prior to making additions to the existing property. No further action will be taken with respect to the site until such time that the Board of Governors has issued a report on the site and the requirements of Education Code Section 81033 [subdivisions](#) (c) and (d) have been satisfied.

IV. Use of Bond Funds

- A. If bond funds are to be used, the College President must ensure that the property is reviewed by the Program Manager, the College Project Manager, and the Executive Director of Facilities Planning & Development.
- B. The Facilities Planning and Development Department will provide bond counsel with the site location, the applicable college and the proposed use in order to verify whether the use of bond funds is legal.
- C. A memorandum must be sent by the College President to the Chancellor confirming that the College's shared governance processes have been consulted. The memorandum should confirm that the shared governance group supports the action and its timing relative to other projects, and that the support was based on a full understanding of the probable cost.
- D. The College President is responsible for ensuring that the proposed site was anticipated as a use of the bond funds by the community.

V. Legal Processes

- A. The Facilities Planning and Development Department is responsible for assigning appropriate legal counsel.



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- B. Real Property Counsel must review the transaction for any special safety and legal considerations if the planned use involves significant participation by minors.
- C. The Board may discuss real property in closed session only to provide direction to the real property negotiator(s). The Facilities Planning and Development Department shall schedule an appropriate time through the Office of General Counsel.
- D. Public action must be taken by the Board to make the final decision. Closure of the sale shall not be performed until all due diligence has been performed.

Guidelines for the Applicability of Local Development Permits to Los Angeles Community College District Facilities

1. BACKGROUND.

This [procedure](#) is intended to address the applicability of local (city or county) permits to the development of District facilities.

2. BUILDING PERMITS.

District facilities are subject to review and approval by the Division of the State Architect pursuant to the Education Code, and are not subject to local city or county building permit or building code requirements. Limited exceptions may apply for certain joint use (public-private) facilities not intended for occupancy by students.

3. GRADING PERMITS.

All District facilities are subject to local city or county review and approval of grading and drainage plans pursuant to Government Code Section 53097. Generally, this local review and approval will take place through the city's or county's normal grading permit process, initiated by application from the District.

4. ONSITE AND OFFSITE IMPROVEMENTS.

a. Onsite Improvements. Onsite road improvements and the design and construction of onsite improvements that affect drainage, road conditions or grading are subject to local city or county ordinance under Government Code Section 53097. Local review and approval of these items should be coordinated with the processing of grading permits wherever applicable.

b. Offsite Improvements. Local city or county requirements for offsite improvements (traffic signal upgrades, etc.) should be followed in the absence of specific infeasibility findings by the District Board of Trustees. Local permits



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may be required (e.g. “B” permits in the City of Los Angeles) for curb cuts and offsite improvements located in public streets and rights-of-way.

- 5. DEMOLITION PERMITS.** Local city and county demolition permit requirements shall be followed prior to demolition of any District building, except for partial demolitions that are subject to review by the Division of the State Architect under 24 California Code of Regulations Sec. 4-312 (applicable to partial demolitions incidental to repair, rehabilitation or expansion of an existing building).
- 6. ZONING APPROVALS.** Conditional use permits, variances and other local city or county zoning approvals will be required per local zoning ordinance absent zoning exemption by the Board of Trustees pursuant to the District’s separate zoning guidelines.
- 7. APPLICABLE CITY OR COUNTY PERMIT JURISDICTION.** The city or county permitting jurisdictions applicable to each of the District’s main campuses are listed below (satellite campuses and other offsite facilities may be within another jurisdiction):

| Campus | Permitting Jurisdiction |
|-------------------------------|--------------------------------|
| East Los Angeles College | City of Monterey Park |
| Los Angeles City College | City of Los Angeles |
| Los Angeles Harbor College | City of Los Angeles |
| Los Angeles Mission College | City of Los Angeles |
| Los Angeles Pierce College | City of Los Angeles |
| Los Angeles Southwest College | County of Los Angeles |
| Los Angeles Trade Technical | City of Los Angeles College |
| Los Angeles Valley College | City of Los Angeles |
| West Los Angeles College | County of Los Angeles |

Guidelines for Zoning Reviews

1. General Principles



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- a. Each college is required to comply with applicable zoning laws for the jurisdiction in which it is located.
 - b. The colleges are committed to being good neighbors in their communities.
 - c. The Board may declare zoning laws inapplicable to instructional buildings by a two-thirds (2/3) vote. Prior to the Board taking such an action, there is a legal requirement to meet and confer with the local jurisdiction.
 - d. In the interests of meeting these general principles, each college's master plan will be reviewed with the applicable commission, agency or department prior to the final Environmental Impact Report being submitted to the Board of Trustees for certification.
- 2. Zoning Review Team** - The Zoning Review Team ("the Team") for each college will be composed of:
- a. The College President or designee
 - b. The Project Manager
 - c. Zoning Counsel
 - d. Program Director or designee
 - e. Executive Director of Facilities Planning and Development or designee
- 3. Zoning Review**
- a. When the CEQA Consultant prepares the schedule for review and certification of the Environmental Impact Report, the schedule will also include appropriate zoning review meetings.
 - b. The Program Director or designee is responsible for obtaining all zoning information regarding each college.
 - c. The Project Manager shall schedule a meeting of the Team to review the proposed master plan in light of the local zoning provisions.
 - d. The Project Manager shall prepare a memorandum summarizing the zoning issues for the college, which shall be circulated to the Team for review before being finalized and sent to the Chancellor.



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- e. The College President shall be responsible for scheduling an initial meeting for the Team to meet with the local jurisdiction representatives to review the proposed master plan (“Initial Meeting”).
- f. After the Initial Meeting, the Zoning Counsel shall prepare a memorandum which summarizes the results of the Initial Meeting and proposes a plan to address any remaining issues (“the Plan”). The draft shall be circulated to the Team and approved by the College President. The Plan shall be sent to the Chancellor.
- g. The Chancellor shall determine whether materials or briefings need to be provided to the Board of Trustees.

4. Declarations regarding Zoning Laws

- a. Zoning laws shall be addressed when the final EIR is presented to the Board for certification.

[Also see BP 6500 Property Management and BP/AP 6540 Insurance.](#)



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AP 6530 District Vehicles

Reference:

[Title 13, California Code of Regulations, Division 1, Chapter 1](#)

District-Owned or Leased Vehicles

1. Vehicles made available to the District Office or colleges and their personnel are for use in the conduct and operation of District business.
2. Automobiles owned by the District and operated by District personnel may be replaced after sixty thousand (60,000) miles or four (4) model years in age, whichever occurs first.
3. Regular or occasional garaging of District-owned vehicles at any location other than assigned is permitted only with prior written approval of the Chancellor or designee. Home garaging shall meet any one of the criteria listed below:
 - a. Employees whose duties require regular or frequent reporting to locations other than their regular headquarters before or after regular working hours.
 - b. Employees who are regularly or frequently subject to call before or after regular working hours.
 - c. Employees with assigned vehicles who are headquartered at locations lacking secured overnight garaging facilities.
4. All drivers of District-owned or leased vehicles both on and off campus, must have a current California license [appropriate](#) for the vehicle to be driven and must have a clearance to drive as authorized by the Chancellor or [designee](#). These Clearance Forms can be obtained from the Facilities Department on each campus and at the District Risk Management Unit.
5. The name, home address, employee number, California Driver's License number, and Social Security number of any employee to be authorized to drive District vehicles must be submitted to the Facilities Department designee or District Risk Management Unit for clearance prior to final granting of authorization. A copy of the authorized clearance from the campus Facilities Department or District Risk Management Unit must accompany the Request for Contract for the leasing of a vehicle or the lease will not be processed by the Contracts office.



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6. The chief administrative officer of a location is responsible for controlling access to and use of all District vehicles assigned to that location.
7. All District vehicles and drivers must comply with the California Vehicle Code and the California Administrative Code, Title 13 (Motor Carrier Safety).
 - a. All drivers of District-owned or leased vehicles that carry fifteen (15) persons including the driver must have a current Class B license, a current medical certificate and a current First Aid Certificate.

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

- b. All District facilities maintaining vehicles defined as buses must keep records of driver's hours, vehicle maintenance, and vehicle inspection records. All of these records must be made available to the California Highway Patrol (CHP). The CHP is required to inspect the records at least once every thirteen (13) months.
- c. All District off-campus vehicles must be equipped with a fire extinguisher of at least 4BC rating and a First Aid Kit as defined in the California Administrative Code, Title 13.
- d. All District vehicles with equipment for transporting individuals with disabilities must comply with all applicable laws and regulations regarding such vehicles.

Also see BP/AP 4300 Field Trips and Excursions, BP/AP 6540 Insurance, and BP/AP 7400 Travel.



AP 6535 Use of District Equipment

References:

Education Code Section 70902;
ACCJC Accreditation Standards III.B.3 and III.C.4

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

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

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

Equipment shall only be removed from campus with proper authorization(s).

Equipment and Inventory

1. Definition of equipment

Supplies are expendable, consumed or worn out, deteriorating in use, or easily broken, damaged, or lost. Items with a relatively short service life and replaced frequently lost, broken, or worn out and replaced in normal use.

Items should be classified as equipment or supply on the basis of the answers one must give to the following questions. If all answers are no, the item should be classified as equipment. If the answer to any of these questions is yes, classify the item as supply.

- a. Does the item lose its original shape and appearance with use?
- b. Is it consumable, with a normal service life of less than two (2) years?
- c. Is it easily broken, damaged, or lost in normal use?
- d. Is it usually more feasible to replace it with a new unit than repair it?
- e. Is it inexpensive having the characteristics of equipment? Does the small unit cost make it inadvisable to capitalize the item?

2. Authorization of the College President is required for the disposal, sale or trade-in of equipment.



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3. Transactions involving the purchase, sale or exchange of equipment from or to College District Board of Trustees employees are discouraged. Such transactions should be entered into only after thorough and documented investigation and appraisal by an acknowledged competent neutral person, and when specifically approved in writing by the College President.
4. All equipment owned by the Associated Students Organization shall be included in the District equipment inventory. Such inclusion shall identify the Student Organization as owner of the equipment.
5. Transfer of ownership of Associated Students equipment to the District may be permitted under the following conditions:
 - a. The District may at its discretion accept an item as is, or subject to qualifying conditions such as repair or bringing up to standards.
 - b. District commitment for maintenance, retention or replacement is not implied if property title is accepted.
 - c. For inventory purposes, refer to District Asset Management Policies and Procedures, AM 05-04 Asset Acquisitions, Section II; Types of Transactions, Section D; Transfer.
6. The College Fiscal Administrator shall provide the governing body and the College President with an annual inventory of all Associated Student-owned equipment.
7. Presidents of colleges and college fiscal administrators should exercise great care in seeing that such inventory is complete and that estimated values are realistic since this information is the basis for determining insurance coverage and for obtaining adjustments in event of loss.

[Also see the District's Asset Management Policies and Procedures dated April 2009 for details on equipment and inventory.](#)

[Also see BP/AP 6520 Security for District Property and BP/AP 6540 Insurance.](#)



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AP 6540 Insurance

References:

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

Management and Control of Board Insurance

The placement, management and control of all risk insurance authorized by the Board shall be a function of the Business Services Division.

Kinds of Insurance Authorized

All forms of insurance necessary for the protection of, including but not limited to, real property, personal property, negligent acts, employee dishonesty, boiler and machinery, vehicles, employee injury and assigned risk coverage shall be carried as needed and permitted by the Education, Government and Insurance Codes of California.

~~EC 72506, GC 990, IC 11870~~

Placing of Insurance

The various needs for insurance, together with all relevant information, including statements of costs obtained from insurance companies, agents, or brokers, for the placing of such insurance, shall be reported to the Chancellor for authorization by the Board of Trustees. Upon authorization by the Board, the Business Services Division shall place such insurance.

Placing of Insurance in an Emergency

In an emergency, the Business Services Division shall place insurance and the Chancellor, or designee, shall immediately report such placement for ratification by the Board.

Distribution of Insurance

Insurance carried by the District shall be obtained through competitive negotiations and shall be awarded to those insurance companies, agents, and brokers who agree to furnish the coverage required at the lowest and best prices consistent with good service and risk management practices.

Insurance Records

The records of insurance policies shall be maintained by the Business Services Division.

Records to Establish Insurable Values



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Records showing all pertinent data necessary to establish insurable values of District properties shall be maintained by the Business Services Division based upon the District's fixed asset inventory and annual independent property appraisals.

EC 81601

Insurance Premiums

Demands for payment of insurance premiums, based on orders duly issued, and approved by the Deputy Chancellor, or designee, shall be received by the Business Services Division, and paid in the same manner as other demands against the funds of the District.

Cancellation of Insurance Policies

Insurance policies shall be canceled with Board approval when deemed advisable, and the unearned premium forwarded to the Business Services Division for deposit.

Settlement of Losses

When any property covered by insurance is lost, damaged, or destroyed, a notice concerning the loss shall be sent immediately to all affected carriers or their representatives. The Deputy Chancellor, or designee, shall act as adjuster for the Board of Trustees in the settlement of losses and shall sign a Proof of Loss as authorized. The Deputy Chancellor shall recommend, as soon as practicable, a basis for settlement and, upon adoption by the Board, the agreed amounts shall be collected from the insurance companies concerned, and forwarded to the Business Services Division for deposit.

Insurable Replacement Value

The insurable replacement value of a building or its contents may be defined as replacement cost of such building or contents, less the non-insurable items usually excluded.

Valuation of a Building and Personal Property

The term "building", as used in connection with insurance, shall be defined as including all actual construction within the building lines (these lines shall include all porches, arcades, platforms, or steps attached to the building) and all decorations, mechanical or other equipment pertaining to the service, upkeep, maintenance, or operation thereof, and also built-in or fixed equipment for buildings.

The valuation of a building and personal property contents, for insurance purposes, shall be computed by the Business Services Division based upon original costs and independent appraisal services of current market values.

Depreciation of Buildings



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The valuation of buildings may be depreciated for insurance purposes through independent property appraisal services.

Depreciation of Contents

The valuation of contents (personal property) may be depreciated, for insurance purposes, on the basis of any average total depreciation of twenty-five percent (25%).

Insurance Construction Under Contract

The provisions of the follow paragraphs shall be included in all material and labor contracts.

Buildings

Fire insurance shall be carried on new buildings or other structures constructed under contract only upon the acceptance of the completion of the contract by the Board, except when any such building or portion thereof is occupied by the District, prior to acceptance of completion pursuant to provisions of the contract which relieve the contractor of the responsibility for injury or damage to such occupied building or portion thereof.

Existing Buildings

During the performance of contracts for alterations, additions, repairs, reconstruction, rehabilitation, or other work in or on existing buildings, fire insurance shall be carried by the District.

Liability Claims Procedures

All claims against the District for damages or injuries shall be reported to the Board of Trustees and administered by either the Office of General Counsel, the Senior Associate Vice Chancellor for Human Resources or the Director of Business Services, or their designees, as directed by the Chancellor.

The Chancellor, Deputy Chancellor and/or the Director of Business Services or their designees shall be authorized to settle up to \$50,000, subject to ratification by the Board of Trustees.

For claims filed within the District's self-insurance retention amounts, professional insurance adjusting services and attorneys specializing in public liability claims shall be retained to review, investigate, adjust and litigate the claims in the interest of optimally protecting the District.

For claims filed against the District or a contractor pursuant to an owner-controlled insurance program, the Chancellor, Deputy Chancellor and/or the Executive Director of Facilities Planning and Development or their designees shall be authorized to settle up to \$50,000, subject to ratification by the Board of Trustees.



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Amended: ~~12-07-16~~

[Insurance for Auxiliary Organizations \(Also see BP/AP 3600 Auxiliary Organizations\)](#)

1. An auxiliary organization shall secure and maintain insurance adequate to protect its operations from catastrophic losses and as required by law including but not limited to the following:
 - a. Comprehensive liability
 - b. Property and extended coverage, when applicable
 - c. All risks, money and securities
 - d. Fidelity and performance bonds covering its chief fiscal officer
 - e. Automotive liability when applicable
 - f. Workers' Compensation and/or defense base act
2. In any insurance policy secured by the auxiliary organization the District shall be named as additional insured.
3. A copy of each policy or endorsement or insurance certificates setting forth and coverages and limits shall be provided to the District within thirty (30) days from the receipt of the document.
4. In obtaining the insurance coverage, the auxiliary organization may secure the insurance directly through its own broker or through the District.

[Also see BP 2735 Board Member Travel, BP/AP 3810 Claims Against the District, BP/AP 4300 Field Trips and Excursions, BP/AP 5700 Intercollegiate Athletics, BP 6540 Insurance, BP/AP 6800 Occupational Safety, BP/AP 7400 Employee Travel, and AP 7343 Industrial Accident and Illness Leave.](#)



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AP 6550 Disposal of Property

References:

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

- Delegation by the Chancellor to appropriate administrator(s) of authority to dispose of property to highest bidder after payment has been received by the District
- Schedule for disposal of personal property (e.g., library books, theatre props)
- Schedule for disposal of equipment (e.g., computers, copiers, vehicles)
- Authority to dispose of property in lots
- Requirement for posting in at least three public places in the district for not less than two weeks, or publication at least once a week for a period of not less than two weeks in a district newspaper
- Provision that staff may dispense with posting/publication and sale to the highest bidder if:
- the surplus property is exchanged with, sold, or donated to a school district, community college district, or other public entity; or
- the proceeds from sale or lease are expended for capital outlay purposes related to qualified community college facilities and the District complies with specified conditions
- Schedule for reporting to board (e.g., annually, quarterly)
- Provision, if district chooses to include it, that District employees may not buy property declared to be surplus (this is an element of conflict of interest)
- Provision for board action for disposal of property under \$5,000.

Please see detailed Disposal Procedures outlined in the District's Asset Management Policy and Procedures document dated April 2009.



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AP 6560 Environmental Protection

References:

Public Resources Code Sections 40148 et seq.;
Title 5 Sections 57050-57055

Integrated Waste Management

Waste diversion goals shall be attained predominantly by way of source reduction, property and material reutilization, and recycling.

Purchasing and utilizing durable and reusable products shall attain additional waste diversion.

The District shall support new markets for recycled content products, whenever feasible and within fiscal constraints.

The District shall provide responsible staff with current regulatory requirements and develop educational and outreach materials to ensure waste diversion goals are met.

Authorities and Responsibilities

The College President or Chancellor's designee, as applicable, shall approve the site-specific Plan upon review by the Vice President, Administration/Administrative Services or Director, Business Services.

The Vice President, Administration/Administrative Services or Director, Business Services, as appropriate, shall appoint a person to act as Recycling Coordinator for each location.

The Recycling Coordinator shall maintain required records and correspondence and provide administrators, managers, and supervisors with recycling guidelines.

Administrators, managers, and supervisors shall familiarize themselves with the integrated wastes generated by the operations for which they are responsible and:

1. Take steps to reduce waste at its source;
2. Reuse equipment, components, and materials, whenever possible;



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3. Recycle materials according to the site-specific Plan;
4. Purchase durable and reusable products, whenever feasible; and
5. Consider purchasing recycled content products, whenever feasible and within fiscal constraints.

All employees shall recycle at the point of waste generation in accordance with the site-specific Plan.

Waste Diversion Techniques

Source Reduction means any action undertaken by an individual, department, or organization to eliminate or reduce the amount of materials before disposal into the municipal solid waste stream. This action is intended to conserve resources, promote efficiency, and minimize, if not eliminate, the addition of certain materials to the waste stream. Source reduction activities shall include:

1. Use of electronic media to minimize the amount of paper generated.
2. Use of audio/video presentation materials to minimize the number of handouts distributed.
3. Two-sided copying to minimize the amount of paper generated.

Reutilization means making use of discarded property or materials or components thereof. This action is intended to conserve resources, promote efficiency, and delay the addition of materials to the waste stream. Reutilization activities shall include:

1. Salvage of components from broken equipment for use as spare parts to repair similar equipment.
2. Use of waste paper for note pads, draft documents, or meeting notes.
3. Reuse of certain boxes and envelopes for storage and inter-office mail and/or courier mail.
4. Use of newspapers for packing materials.
5. Selling by bid, or donating to charity, all reusable surplus personal property removed from service by the District.



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Recycling means collecting and transporting waste materials for the purpose of remanufacture. This action is intended to conserve resources and divert materials away from the waste stream. Recycling activities shall include:

1. Collection of beverage containers, mixed papers, cardboard, newspapers, magazines, catalogs, telephone books, and other publications for recycling.
2. Collection of tree and brush waste for composting.
3. Grasscycling whenever possible with mulching mowers.
4. Tracking of demolition and excess construction materials in consultation with general contractors to ensure marketable materials are recycled.

Educational/Outreach Programs

- Employees shall be trained in source reduction, reutilization, and recycling techniques prescribed for their assigned workplace(s).
- Recycling Coordinators shall provide periodic information regarding new source reduction techniques, waste diversion goals, and recycling performance.
- The District's Recycling Coordinator shall maintain the overall Plan in compliance with the California Public Resources Code and [Cal/Recycle under Cal/EPA](#) rules.

[Also see BP 6560 Environmental Protection.](#)



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AP 6700 Civic Center and Other Facilities Use

References:

Education Code Sections 81378, 82537, and 82542;

Public Resources Code Section 42648.3;

Title 5 Sections 59601 et seq.;

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

General Terms and Conditions for Using District Facilities

The conditions enumerated in this [administrative procedure and the related BP 6700 Civic Center and Other Facilities Use](#) shall be followed by all persons using District facilities, including usages under civic center permits, leases, and permits for use.

For purposes of this procedure, the terms “college facilities” and “District facilities” are both intended to refer to facilities owned and/or controlled by the Los Angeles Community College District. These facilities may or may not be physically located at one of the nine colleges in the District.

Non-Discrimination.

Any person, group or organization applying to use District-owned facilities must sign a written statement certifying that any program or activity conducted by the applying organization at the District-owned facility will be operated in a manner which is free of discrimination [pursuant to the protected status categories enumerated in BP/AP 3410 Nondiscrimination](#).

Statement Regarding Board of Trustees.

All leases, permit forms, and promotional materials related to the use of District facilities by third parties shall include a statement that the Board of Trustees does not sponsor or endorse the person/organization using the District facilities.

Standards of Conduct.

The use of District facilities is subject to the District’s Standards of Conduct ([BP/AP 3050 Institutional Code of Ethics and BP/AP 5500 Standards of Student Conduct](#)), which includes, but is not limited to, prohibitions against illegal activities such as discriminatory conduct; unlawful possession or use of intoxicating liquors drugs, or narcotics; fighting; betting, conducting a raffle or lottery, or other forms of gambling. Additional exceptions to this provision are enumerated below.

Education Code Section 82537



LOS ANGELES COMMUNITY COLLEGE DISTRICT

Bingo.

Nothing in these Administrative Procedures shall be construed to prevent an auxiliary organization which has been established in accordance with Education Code Sections 72670 et seq. and [BP/AP 3600 Auxiliary Organizations](#) from using college facilities to conduct bingo games. Bingo games conducted under these procedures must satisfy the requirements of Penal Code Section 326.5, and all proceeds from such games must be used to benefit the college where they are held.

Alcoholic Beverages. ([Also see BP/AP 3560 Alcoholic Beverages](#))

Nothing in these administrative procedures shall be construed to prevent an organization which obtains a lease, civic center permit, or permit for use for a college's facility from offering the consumption of alcoholic beverages if the following conditions are met:

- a. Written approval is obtained from the Chancellor at least thirty (30) days in advance of the event.
- b. The event is not primarily a competitive sporting event.
- c. No District employee shall be involved in the sale, transportation or dispensing of any alcoholic beverage.
- d. The required liquor license to serve alcoholic beverages is secured by the renting organization.
- e. Proof of insurance naming the College/District as additional insured in the sum of \$5 million for each event must be submitted at least ten (10) days prior to the scheduled event. The Chancellor or Vice Chancellor of Operations has the discretion to lower this insurance amount at the request of a College President.
- f. No event sponsored by either the District or College may include the sale or consumption of alcoholic beverages.

Business & Professionals Code Section 25608.

Management and Control of Facilities.

Responsibility for the management and control of college facilities, which includes determining whether supervision is necessary while college facilities are being used, is assigned to the respective College Presidents by the Board of Trustees. The College President, Chancellor, or designee reserves the right to require security at the meetings held at college facilities or to call in the police when determined necessary. Under both of these circumstances, the persons/ organizations using the college facilities will be responsible for paying the direct costs associated with these security services. The



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persons/organizations using the college facilities shall not supply their own security guards without prior written approval from the College President.

Jurisdiction of District Employee.

Complete control of facilities is under the jurisdiction of the Los Angeles Community College District employee assigned responsibility for supervising the use of the facility. This includes the right to enter District facilities at all times to enforce District [policies and procedures](#).

Recreational and Athletic Use.

College authorities may supervise activities of those using college grounds, gymnasiums, and other athletic and recreational facilities for civic center purposes. Athletic equipment may be used only when available and special arrangements are made with the college.

Insurance Requirement.

Any person, group or organization requesting the use of District facilities may be required to obtain a certificate of insurance from a liability insurance carrier evidencing a minimum coverage of \$1,000,000 or a higher amount required by the District for any liability for injury or damage to property which may arise out of such use. The certificate of insurance shall name the District as an additional insured and should be provided to the District for approval two (2) weeks prior to using the District property. The certificate of insurance shall be from an admitted insurance carrier in California. [\(Also see BP/AP 6540 Insurance\)](#)

No Violation of Law.

No activity shall be conducted which constitutes a violation of any federal, state, or local law.

Political Campaigns.

College premises shall not be used as political campaign headquarters. All candidates running for a given election shall be given equal access to use of District facilities, as appropriate.

Equipment Belonging to an Associated Student Body Organization.

Arrangements and payments for use of any equipment belonging to an Associated Student Organization shall be made separately with the Associated Student Organization in accordance with [board policies and administrative procedures](#).

Interference with College.

Permission to use college facilities may be granted only when the property is not needed for college purposes. No use shall be inconsistent with the use of the buildings or grounds for college purposes, or interfere with the regular operation of college educational programs and activities.



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Education Code Section 82537

Scheduling.

Use of the facilities will be scheduled only when the facilities are not needed for educational purposes.

Erection of Structures, Etc.

No structures may be erected or assembled on college premises nor may any electrical, mechanical, or other equipment be brought thereon without prior written approval of the District.

Signs.

Signs may be posted on the college premises only with the permission of the College President, or designee, and in places and manners designated by him/her. Without prior written authorization, the signs will not be posted more than one (1) hour prior to the meeting and shall be removed immediately after the meeting by the permittee. A sign may not state or otherwise suggest that either the District or a college sponsors or endorses a particular individual/ organization/activity. Use of the District and/or college name is also prohibited, unless permission is granted by the Board of Trustees in advance. Sponsors may not expect their meeting to be advertised through college media.

Safety Regulations.

The user at all times during the use and occupancy of the premises shall thoroughly comply with all ordinances, laws, and regulations affecting the use and occupancy thereof, including all state and local fire, health, and safety laws, ordinances, and regulations.

No Smoking.

User agrees to enforce "no smoking" signs within any building; also in any other place if such a place is designated as non-smoking.

Spectators.

All spectators must be limited to designated areas while watching the activities.

Fire Hazards.

Except for firework events approved by the District, lighted candles, any devices having any form of open flame, and/or any material or device which constitutes a fire hazard is expressly prohibited.

Gym Floor.



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No person wearing street shoes of any type shall be permitted to walk on the gym floor when so specified and/or when participating in basketball, volleyball, badminton, and similar types of activities.

No Extension of Closing Time.

Teams using college athletic facilities must finish the activities, including showers, within the time designated in the permit.

Closing Time.

College premises shall not be used later than 11 p.m., except upon special permission of the college.

Weapons.

The possession and carrying of firearms and weapons of any kind on college premises shall be prohibited, except for peace officers and policemen. ([See BP/AP 3530 Weapons on Campus](#))

Damages to Property.

The permittee, licensee and/or lessee shall be responsible for and shall pay for any repairs or replacement of District property which are made necessary by reason of the negligence or misuse of said premises. Damage occasioned by acts of God is excepted.

Use of Kitchen.

Permission for the use of any kitchen facility may require the presence of District personnel. The person, group, or organization using the facility shall be responsible for paying the costs associated with this supervision.

These rules shall take effect immediately. Any agreements in place prior to the Board's adoption of amendments shall continue in full force and effect to the extent permitted by law.

The Chancellor shall have authority to issue [procedures](#) and authorize standardized forms for the implementation of this Article.

CIVIC CENTER PERMITS.

- A. The use of college buildings and grounds may be granted to organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities for the purposes of supervised recreational activities and for meetings where they discuss, from time to time, as they desire, any subjects and questions which in their judgment



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appertain to the educational, political, economic, artistic, and moral interests of the citizens of the college community.

The groups identified in Education Code Section 82542 subdivision (a) will be permitted, "when an alternative location is not available," as described in the statute, to use District facilities upon payment as described below:

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

Any persons applying for use of District property on behalf of any groups shall be a member of the groups and, unless he/she is an officer of the group, must present written authorization to represent the group. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property.

- B. The Board of Trustees delegates to the Chancellor, College Presidents and/or their designee(s) the authority to issue civic center permits in accordance with these procedures and in accordance with regulations issued by the Chancellor.

Civic Center Permit Rules.

In addition to the rules governing use of District facilities in general and the limitations set forth below, persons/organizations using District facilities pursuant to civic center permits are also subject to the following rules governing civic center permits.

No Monopoly.

No use shall be granted in such a manner as to constitute a monopoly for benefit of any person or organization.

Education Code Section 82537 subdivision (c)

Cancellation of Permit.

The District reserves the right to cancel any usage under a civic center permit as appropriate, which includes violation of any [board policies or administrative procedures](#) pertaining to use of college facilities and grounds. The college has the right to cancel a permit whenever a need for the facilities for educational purposes arises after issuance of a permit.



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Fourteen (14) Day Limit.

In case of civic center permits, no privilege of using college facilities shall be granted for a period exceeding fourteen (14) days in one (1) fiscal year. Any use beyond fourteen (14) days must be in accordance with [the details below](#).

Cancellation by Permittee.

Facilities shall be held available for the permittee until one-half (1/2) hour after the time designated in the permit for that meeting to begin. Notification of cancellation of meetings, for which there is a service charge, must be received at least two (2) business days prior to the time for scheduled use, if advance payments are to be refunded in whole or in part. Any refund shall be at the discretion of the college. All cancellations, whether a charge was levied or not, shall be reported to the permit-issuing office.

Denial of Civic Center Permits.

- a. **Facilities Required by College for Educational Purposes.** Whenever any college facility or grounds is required for educational purposes, a civic center permit may be denied or canceled.

Education Code Section 82537 subdivision (d)

- b. **Denial Because of Violation of District [Procedures](#).** The college and/or District, at its discretion, shall have the right to cancel and terminate a Civic Center Permit immediately and without notice upon its discovery of a violation of any term, condition, or provision of the permit or practice of discrimination on the part of the permittee. Should any such violation occur, the college or the District, at its discretion, shall have the right to deny any future requests by the permittee for the use of any other college property or facilities.

Facilities shall be held available for the permittee until one-half (1/2) hour.

Food Permits.

Permission for the use of cafeteria and other facilities for the serving of food may be issued in connection with civic center permits only with the consent of the college. However, in the context of a civic center permit, the college's food services operations shall be given the first option of serving any food product. Permittees shall be liable for any loss, breakage, or damage to cafeteria equipment.

Civic Center Permits for Cost.



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If the following conditions are met and an alternative location is not available, use of the facilities will be granted for a charge not to exceed an amount sufficient to pay the cost to the District for: opening and closing the facilities, if no college employee is available to perform this function as a part of his/her regular duties; an employee's presence, such as police officers, while a facility is being used if the college determines that supervision is necessary and the employee would not otherwise be present as part of his/her regular duties; janitorial services, if necessary and would not otherwise be performed; and/or the costs of utilities directly attributable to the use of the facility.

- a. The use is for political, educational, economic, recreational, artistic, or moral interests and activities; and
- b. The permittee is a nonprofit organization, a public agency, a senior citizens' organization, or any organization, club, or association organized for cultural activities and general character building or welfare purposes; and
- c. No admission charge is made or contribution is solicited; if an admission charge is made or a contribution is solicited, the net receipts are expended for the welfare of students of the District or for charitable purposes.
- d. If an admission charge is made or contribution is solicited and the net receipts are not expended for the welfare of students or for charitable purposes, the facility use will be subject to the charges enumerated [below](#).
- e. The Associated Student Body Organization and/or recognized student clubs may use college facilities in keeping with the rules for Civic Center permits. However, under no circumstances may such an organization sponsor an event involving the sale or distribution of alcohol.

Education Code Section 82542

Civic Center Use by Religious Organizations.

Any church or religious organization may use District facilities for the conduct of religious services for temporary periods where such church or organization has no suitable meeting place for the conduct of such services for a charge not to exceed the fair rental value of the facility. Fair rental value is defined as: the cost to the District for supplies, utilities, janitorial services, services of other District employees, salaries of District employees necessitated by use of such property and the amortized costs of the college facilities used for the duration of the activity.

Education Code Section 82542 subdivision (d)

Civic Center Permit at Fair Rental Value.



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If the following conditions are met, use of the facilities will be granted for a charge not to exceed the fair rental value of the facility. Fair rental value is defined as: the costs of supplies, utilities, janitorial services, services of other District employees, salaries paid to District employees necessitated by use of the college facilities and the amortized costs of the college facilities used for the duration of the activity.

- a. The use is for political, educational, economic, recreational, artistic, or moral interests and activities; and
- b. Admission fees, membership dues, or contributions are solicited or accepted and the proceeds are not expended for either the welfare of the students of the District or for charitable purposes.

Education Code Section 82542 subdivision (b)

Advance Payment.

All civic center charges shall be remitted to the college ten (10) business days before the date of the approved civic center permit.

LEASES AND PERMITS FOR USE.

- A. Pursuant to the California Education Code and subject to the limitations contained therein, the Board may lawfully enter into either leases or permits for use for the use of District property or facilities to persons and/or organizations upon such terms agreed upon by the Board and the lessee/permittee when said property is not needed for school classroom buildings or for educational purposes.
- B. Effective December 1, 2000, the Chancellor shall have the authority to delegate leases for less than five (5) days and permits for use for less than fourteen (14) days to the College Presidents, and to the extent authorized by their respective College Presidents, to the Vice Presidents of Administration/Administrative Services and to acting or day-to-day substitute(s) for the Vice Presidents of Administration/ Administrative Services in their absence.

Lease and Permit for Use Rules.

In addition to the rules governing use of District facilities in general, persons and organizations using District property and/or facilities pursuant to a lease or permit for use are also subject to the following rules governing leases and permits for use.

Definitions.



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For the purpose of these procedures, the following definitions apply:

- a. **Lease.** A lease is defined as an agreement between the District and a person or organization which grants the person/organization exclusive use of certain District property and/or facility for a specific period of time, and at least twenty-four (24) hours sequentially. A lease must have formal Board authorization or ratification as required.
- b. **Permit for Use.** A permit for use is defined as an agreement between the District and a person or organization which grants the person/organization limited use of certain District property and/or facility for a specific period of time. A permit for use must have either formal Board authorization or ratification as required.
- c. **Day.** A day is defined as a separate, although not necessarily consecutive, twenty-four (24) hour period. For example, five (5) days in one (1) fiscal year could be either five (5) consecutive days or the first Saturday of the month for a five (5) month period.

Permit for Use over Fourteen (14) Days and Leases over Five (5) Days.

For the purpose of these Administrative Procedures, the following definitions apply:

- a. A use of District property/facility by a person/ organization through a lease which exceeds five (5) days in one (1) fiscal year or permit for use which exceeds fourteen (14) days in one (1) fiscal year, as appropriate, must have formal Board authorization prior to execution.
- b. A use of District property/facility by a person/ organization through either a lease which if five (5) days or less or a permit for use which is fourteen (14) days or less in one (1) fiscal year may be either authorized by the Board in advance or ratified by the Board after the use.
- c. Any lease or permit for use entered into pursuant to this procedure must be executed in accordance with the appropriate Education Code provisions.
- d. Any person/organization that has a civic center permit in excess of these policies prior to the adoption date of these [requirements](#), may enter into a lease or permit for use, as appropriate, with the District for use of the District facility under mutually agreeable terms and in accordance with these procedures and processes.

Education Code 81378



LOS ANGELES COMMUNITY COLLEGE DISTRICT

Applicability of Public Bidding Requirements and Values Associated with Leases and Permits for Use.

Leases and/or permits for use are subject to the following general provisions, as applicable:

- a. Leases or permits for use of District property or facilities for a period of more than six (6) days but less than five (5) years shall be pursuant to terms and conditions agreed upon between the District and the lessee/permittee and in accordance with Education Code.
- b. In addition to the limitations set forth in subsection a, the fair market value of a lease entered into by the District without a public bidding process shall not exceed \$25,000.00 per year, as certified by the Board in a public agenda item prior to executing the lease. Any lease with a fair market value which exceeds \$25,000.00 per year would be subject to the appropriate Education Code provisions, including but not limited to the provisions relating to public notice and bidding.
- c. Leases and permits for use exceeding five (5) years in length must be executed in accordance with the appropriate Education Code provisions, including but not limited to the provisions relating to public notice and bidding.

Education Code 81378.1, 81360 et seq.

Recycling: Large Venues and Events

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

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

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



LOS ANGELES COMMUNITY COLLEGE DISTRICT

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

[Also see BP 6700 Civic Center and Other Facilities Use.](#)

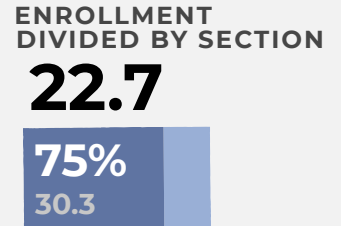
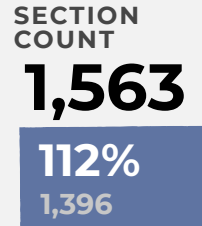
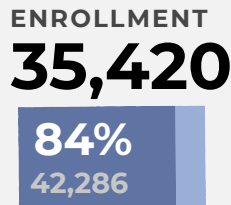
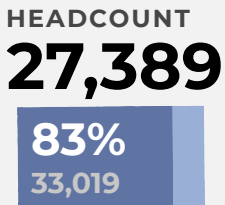


LACCD Enrollment Update

WINTER 2022 TO WINTER 2021 COMPARISONS

DAY -29 - RELATIVE TO THE BEGINNING OF INSTRUCTION

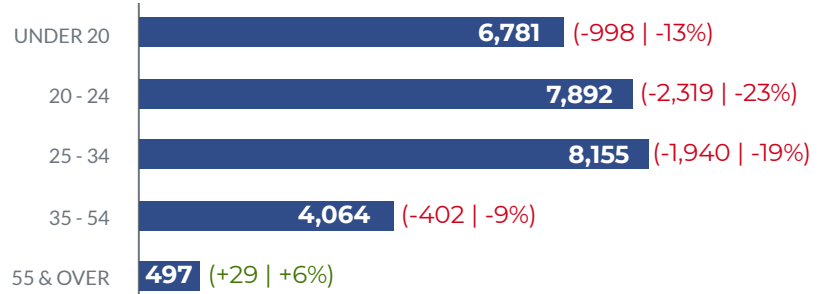
Relative Day Comparisons for Day -29, comparing Winter 2022 (Monday, December 6, 2021) to Winter 2021 (Sunday, December 6, 2020). Data source: LACCD PS Student Information System.



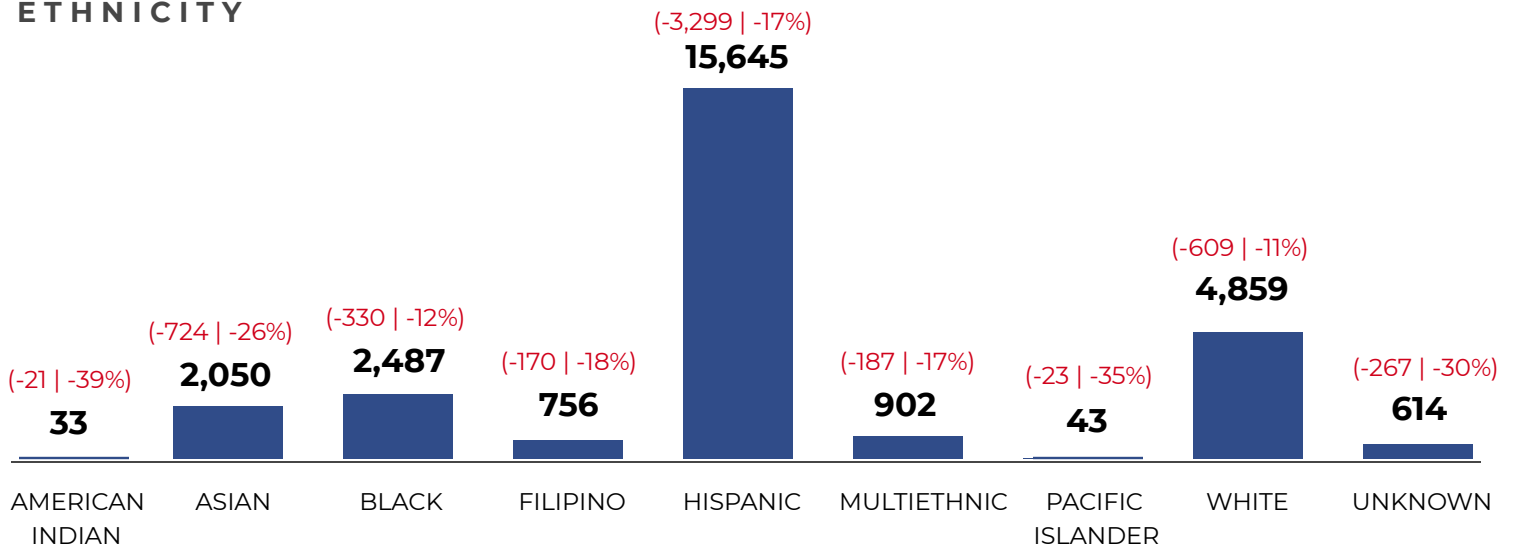
GENDER

| | Winter 2022 | Change from 2021 |
|------------------|-------------|------------------|
| FEMALE | 17,453 | ↓ -4,395 -20% |
| MALE | 9,660 | ↓ -1,404 -13% |
| NON-BINARY | 99 | ↑ +69 N/A |
| UNKNOWN | 177 | ↑ +100 N/A |

AGE



ETHNICITY



CLASS MODALITY & FILL RATE



WINTER 2022: Credit Enrollment Comparison

Census day for most classes in Winter 2022 is 1/10/2022, but varies depending on course start date

Winter 2022 instruction start date: 1/4/2022

| | |
|------------|--|
| Day | Day relative to beginning of instruction |
| -29 | Monday, December 6, 2021 |
| | Sunday, December 6, 2020 |
| | Sunday, December 8, 2019 |

| HEADCOUNT | City | East | Harbor | Mission | Pierce | Southwest | Trade | Valley | West | Total |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Winter 2022 | 3,757 | 6,106 | 1,560 | 2,071 | 3,832 | 1,451 | 2,437 | 3,340 | 2,835 | 27,389 |
| Winter 2021 | 4,382 | 8,268 | 1,806 | 2,226 | 3,998 | 1,580 | 2,680 | 4,364 | 3,715 | 33,019 |
| Winter 2020 | 4,417 | 7,487 | 1,771 | 2,660 | 5,275 | 2,007 | 3,298 | 4,892 | 4,105 | 35,912 |
| 2022 % of 2021 | 86% | 74% | 86% | 93% | 96% | 92% | 91% | 77% | 76% | 83% |
| 2022 % of 2020 | 85% | 82% | 88% | 78% | 73% | 72% | 74% | 68% | 69% | 76% |

| ENROLLMENT | City | East | Harbor | Mission | Pierce | Southwest | Trade | Valley | West | Total |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Winter 2022 | 4,851 | 7,959 | 1,959 | 2,584 | 5,201 | 1,877 | 3,030 | 4,316 | 3,643 | 35,420 |
| Winter 2021 | 5,526 | 10,976 | 2,240 | 2,765 | 5,137 | 2,039 | 3,289 | 5,594 | 4,720 | 42,286 |
| Winter 2020 | 5,672 | 9,726 | 2,240 | 3,362 | 6,892 | 2,694 | 4,064 | 6,298 | 5,411 | 46,359 |
| 2022 % of 2021 | 88% | 73% | 87% | 93% | 101% | 92% | 92% | 77% | 77% | 84% |
| 2022 % of 2020 | 86% | 82% | 87% | 77% | 75% | 70% | 75% | 69% | 67% | 76% |

| SECTION COUNT | City | East | Harbor | Mission | Pierce | Southwest | Trade | Valley | West | Total |
|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|--------------|
| Winter 2022 | 188 | 396 | 63 | 103 | 181 | 87 | 175 | 207 | 163 | 1,563 |
| Winter 2021 | 174 | 369 | 59 | 91 | 144 | 69 | 154 | 169 | 167 | 1,396 |
| Winter 2020 | 167 | 336 | 56 | 94 | 173 | 85 | 174 | 174 | 168 | 1,427 |
| 2022 % of 2021 | 108% | 107% | 107% | 113% | 126% | 126% | 114% | 122% | 98% | 112% |
| 2022 % of 2020 | 113% | 118% | 113% | 110% | 105% | 102% | 101% | 119% | 97% | 110% |

| Enrollment divided by Section | City | East | Harbor | Mission | Pierce | Southwest | Trade | Valley | West | Total |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Winter 2022 | 25.8 | 20.1 | 31.1 | 25.1 | 28.7 | 21.6 | 17.3 | 20.9 | 22.3 | 22.7 |
| Winter 2021 | 31.8 | 29.7 | 38.0 | 30.4 | 35.7 | 29.6 | 21.4 | 33.1 | 28.3 | 30.3 |
| Winter 2020 | 34.0 | 28.9 | 40.0 | 35.8 | 39.8 | 31.7 | 23.4 | 36.2 | 32.2 | 32.5 |
| 2022 % of 2021 | 81% | 68% | 82% | 83% | 81% | 73% | 81% | 63% | 79% | 75% |
| 2022 % of 2020 | 76% | 69% | 78% | 70% | 72% | 68% | 74% | 58% | 69% | 70% |

¹ Source: LACCD Student Information System, PS_CLASS_TBL, PS_STDNT_ENRL tables.

² Enrollment and Section count: Includes Credit PA, WSCH (if applicable), DSCH, Ind Study, and Work Exp. Excludes Non-Credit Adult Ed and Non-Credit Tutoring. 2021 and 2020 Section count reflects the information as of the end of the term (instead of the relative day listed above).

³ Headcount, Enrollment and Section Count numbers for East exclude In-Service Training (IST) classes.

⁴ Headcount and Enrollment numbers exclude students with Waiting status and drops from waitlists.

Estimated Fall 2022 Regular Faculty FTEF Hires Required (December 7, 2021)

| <u>Line</u> | | <u>Total</u> |
|-------------|---|--------------|
| 1 | Fall 21 FON Full-Time Faculty FTE Submitted to State | 1439.3 |
| 2 | "Late" Separations applied to Fall 21 FON | 15.0 |
| 3 | Rough Estimate of "Early" 2022 Separations ^^ | 36.0 |
| 4 | Estimated FTEF Adjusted for Separations (Line 1 minus Line 2 & 3) | 1388.3 |
| 5 | Current Projected Spring/Fall 2022 College Credit Hires † | 62.0 |
| 6 | Estimated FTEF Fall 2022 FTEF (Only Current Projected Hires Included) | 1450.3 |
| 7 | Estimated COMPLIANCE Fall FON 2022 (Assumes Equal to Fall 22 Advance Amount) ^ * | 1466.8 |
| 8 | Rough Estimate of Additional Projected Required to Meet Line 7 Amount (Line 7 minus line 6)* | 16.5 |
| 9 | Rough Estimate of Total Hires Required to Meet Estimated Compliance Number (Line 5 plus Line 8)* | 78.5 |

† Based on Notice of Intent to hire received by HR from campuses as of December 7, 2021.

^ Final Compliance number depends on increase/decrease in 21-22 FTES.

* State Chancellor's Office will add hires associated with \$8.9 M into the Fall 2022 FON P2 Calculation. As the compliance FON is the lower of the Advance amount and the P2, the hires associated with the \$8.9 million will mostly likely impact the Fall 2023 FON.

^^ Total to be at least 19 due to faculty retirees in December 2021 associated with SRP 2.