

**San Jose/Evergreen Community College District**

**Board Policies  
Chapter 6**

**Business & Fiscal Affairs**

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## **BP 6100     Delegation of Authority**

Reference: *Education Code Sections 70902(d); 81655, 81656*

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

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

The Chancellor or designee shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

### Fraud Policy

Sound business conduct requires that each employee assume responsibility for safeguarding and preserving the assets and resources of the District, for which he or she is responsible. The following represent the District's expectations concerning this basic commitment and responsibility:

1. All revenues generated by the District and all expenditures for goods and services, must be recorded and accounted for within the financial accounting system of the institution.
2. No false or artificial entries are to be made in the accounting records of the District for any reason. No payment on behalf of the District is to be approved or made with the knowledge that any part of such a payment is to be used for any purpose other than that described by the documents supporting the payment.
3. The use of District funds or assets for any personal, unlawful, or improper purpose is prohibited.
4. The misuse of any District equipment, supplies, or facilities for a revenue generating activity that benefits an individual employee is strictly prohibited.
5. No person in a supervisory or management position is to use the authority of that position to assign an employee to perform non-employment related tasks.
6. Managers have a responsibility to develop and implement controls to minimize opportunities for fraud to occur.

See Administrative Procedure AP 6100.

**BP 6150      Designation of Authorized Signatures**

*Reference: Education Code Section 85232, 85233*

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

See Administrative Procedure AP 6150.

## **BP 6200      Budget Preparation**

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

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

Budget development shall meet the following criteria:

- The annual budget shall support the District's master and educational plans.
- Assumptions upon which the budget is based are presented to the Board for review.
- Unrestricted general reserves shall be no less than the prudent reserve defined by the Chancellor's Office of the California Community Colleges.
- Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.
- Budget projections address long term goals and commitments.

See AP 6200.

## **BP 6250      Budget Management**

Reference: *Title 5 Sections 58307, 58308.*

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

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

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

During the final quarter of the fiscal year, budget categories shall be examined and the year-end status of each shall be estimated. Before the close of the fiscal year, appropriate amounts shall be transferred from those accounts in which a surplus is anticipated into those in which a deficit is anticipated. To expedite year-end closing processes, the Chancellor or his/her designee may make such transfers without Board approval.

See AP 6250.

## **BP 6300      Fiscal Management**

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

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

- Adequate internal controls.
- Fiscal objectives, procedures, and constraints that are communicated to the Board and employees.
- Adjustments to the budget, made in a timely manner.
- A management information system that provides timely, accurate, and reliable fiscal information.
- Clear delineation of responsibility and accountability for fiscal management.
- Maintenance of the books and records of the District pursuant to the California Community Colleges Budget and Accounting Manual.

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

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

The Chancellor or designee may accept, on behalf of and in the name of the District, such gifts, donations, bequests, and devices as are made to the District. Such gifts, donations, bequests, and devices may be made subject to such conditions or restrictions as the Governing Board may prescribe.

No employee of the District shall use District funds to attend any agency, organization, group, club, foundation, fellowship or service organization, public or private, that discriminates by policy against anyone for the reasons of race, sex, sexual orientation, ethnic background, creed or disability.

See AP 6300.

## **BP 6320      Investments**

Reference: *Government Code Section 53600 et seq.*

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

Investments shall be made based on the following criteria:

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

See AP 6320.

**BP 6330 Purchasing**

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

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

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

See AP 6330.

## **BP 6340      Contracts**

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

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

- Contracts are not enforceable obligations until they are ratified by the Board.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Board.
- When bids are required according to Public Contracts Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or reject all bids.

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

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

See AP 6340.

**BP 6400     Audits**

Reference: *Education Code Section 84040(b)*

There shall be an annual outside audit of all funds, books and accounts of the District in accordance with the regulations of Title 5. The Chancellor or designee shall assure that an annual outside audit is completed. The Chancellor or designee shall recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

See AP 6400.

## **BP 6500      Property Management**

Reference: *Education Code Sections 81300, et seq.*

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

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

In consultation with the bargaining units, the Chancellor or designee shall establish standards of maintenance for district buildings and grounds.

See AP 6500.

## **BP 6520      Security for District Property**

Reference: *Education Code Section 81600 et seq.*

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

### Accident Reports – Vehicles

In case of an accident involving a District-owned vehicle, Campus Police shall be immediately notified as well as District Administrative Services

### Loan of Equipment

No loan of any District equipment is permitted for activities unrelated to District business.

See AP 6520.

**BP 6530      District Vehicles**

Reference: *Title 13, California Code of Regulations, Div. 1*

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

The Board delegates to the Chancellor or designee the authority to establish procedures for the use of all District vehicles.

**BP 6535      Use of Equipment**

The Chancellor or designee shall establish procedures for the use of district equipment.

## **BP 6540 Insurance**

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

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

- Liability for damages for death, injury to persons, or damage or loss of property;
- Personal liability of the members of the Board and the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment. The *Chancellor or designee* may authorize coverage for persons who perform volunteer services for the District.
- Worker's compensation insurance.

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

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

**BP 6550      Disposal of Property**

Reference: *Education Code Section 70902(b)(6), 81452*

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

See AP 6550.

**BP 6550.1 Real Property**

The District can sell or lease real property belonging to the community college district only if the provisions of the Education Code relating to such sale or lease are met.

**BP 6560      Gifts**

The Chancellor or designee shall define procedures for the acceptance of gifts by the district.

## **BP 6600      Capital Construction**

Reference: *Education Code Section 81820; Title 5, Section 57150 et seq.*

The Chancellor or designee is responsible for planning and administrative management of the District's capital outlay and construction program.

District construction projects shall be supervised by the Chancellor or designee. The District shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work.

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

### **BP 6600.3 Neighborhood Outreach**

The Board of Trustees is committed to clear, proactive communication with the colleges' neighbors regarding campus development. This procedure establishes a protocol for the dissemination of information related to capital projects and encourages early and frequent communication between District staff and the public.

#### Outreach Procedures

The campus will prepare a community outreach plan for each large capital project. The scale of the outreach effort will be designed to match the size and scope of the project and the likely level of community interest. In all cases, the California Environmental Quality Act (CEQA) requirements for notification will serve to denote the minimum level of effort.

#### Outreach Modes

1. Web Site

All capital projects will be posted on the web site. When the project size warrants, electronic means may be used to provide ongoing updates to interested parties.

2. Community Meetings

For projects that are exceptionally large or that may otherwise generate significant neighborhood interest, there should be at least one community meeting no fewer than 30 days prior to the end of the public review period as defined by CEQA. It is preferable to conduct the community meeting early in the CEQA process. Midweek evening meetings are preferred. A minimum of two weeks should be allowed for notifying the community of the meeting.

3. Other Outreach

The minimum level of effort should include a letter to the campus neighbors outlining the purpose and composition of the project, the schedule of activities, and what construction activity may be expected. The convening of periodic community meetings is appropriate in the case of particularly large projects or those with significant neighborhood interest.

See AP 6600.

## **BP 6620      Naming Buildings**

The Board of Trustees shall approve the naming of any building or facility. For purposes of this section, a facility is considered to be any of the following: rooms, hallways, commons areas, grounds, interior pathways, and other physical locations on District property.

See AP 6620.

## **BP 6700      Civic Center and Other Facilities Use**

Reference: *Education Code Sections 82537; 82542*

Use of any district facility (civic center) shall be granted as provided by law. The Chancellor or designee shall establish procedures regarding the use of college property, including but not limited to facilities, equipment and supplies, by community groups and other outside contractors.

The master agreement between the District and the Foundation shall define the basis for use of district property by the Foundation.

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

No group or organization may use District property for purposes that discriminate on the basis of race, color, religion, ancestry, national origin, disability, sex (i.e., gender), or sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

### Advertisements

No advertisements shall be disseminated on the College premises without permission of the Chancellor or his/ her designee.

See AP 6700.

**BP 6740      Citizens' Oversight Committee**

Reference: *Education Code Sections 15278, 15280, 15282; California Constitution Article XIII A Section 1(b), Article XVI Section 18 (b)*

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

See AP 6740

**BP 6750     Parking**

Reference: *Education Code Section 76360; Vehicle Code Section 21113*

The Chancellor or designee shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures. All drivers must follow the vehicular laws of California and District procedures while on District property.

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

See AP 6750.

## **BP 6800     Safety**

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

- Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.
- Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.
- Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.
- Prohibition of the use of tobacco in all public buildings.
- A written emergency preparedness plan that complies with California's Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). As required by law, all district employees may be placed into service as Disaster Service Workers.

See AP 6800.

**BP 6900     Bookstores**

Reference: *Education Code Section 81676.5*

The College bookstore shall be established and operated by the District.

Operational costs of the college bookstores shall be paid from revenue earned from the bookstore.

Fiscal management of the bookstores shall be in accordance with the California Community Colleges Budget and Accounting Manual. An annual audit of the records and accounts of the bookstore shall be provided to the Board

**BP 6910     Housing**

Reference: *Education Code Sections 94100 et seq.*

The Chancellor or designee is delegated the authority to enter into agreements with nonprofit entities to finance the cost of constructing student, faculty, and staff housing near the campuses of the district.