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QUARTERLY BUDGET REPORT

F3110

The Superintendent/President shall quarterly inform the governing board of the financial condition of the district. The report shall include, among others, significant events for the quarter and any significant fiscal problems that must be addressed.

Education Code Section 84043

Approved 3/9/54; Revised 4/14/71
Non-substantive update 4/00

DISTRICT PURCHASING POLICY

F3310

All purchasing for the Board of Trustees shall be delegated to the Vice President, Business and Finance. However, by law, the Board of Trustees has the sole responsibility for all purchase contracts of the district, and this responsibility cannot be delegated.

All purchasing activities shall be conducted in compliance with the legal requirements of the *Education Code*, the *Government Code*, the *Public Contracts Code*, and such other codes and legal requirements found in the laws of the State of California pertaining to community college districts.

The Board of Trustees shall designate district officials who shall be authorized to sign purchase orders and other purchase or contractual obligations of the district.

The Vice President, Business and Finance, is authorized to obligate the district for the purchase of any budgeted item of supplies, materials, or equipment and services not to exceed the limits stated in *Public Contracts Code* Section 20651 in any one transaction, without prior approval of the Board of Trustees.

The Board of Trustees shall approve, prior to committing the district, transactions in excess of the above limits and transactions that are in excess of budgeted amounts. The Board of Trustees shall review all other transactions.

Purchasing personnel shall not use their names, office, district accounts, or the influence of the district in purchasing goods or services for the benefit of private citizens.

See Purchasing Handbook.

Reference: *Education Code* Section 81656, *Public Contracts Code* Section 20651
Approved 3/8/79; Revised 4/9/87

MILEAGE REIMBURSEMENT

F3340

The district will reimburse board members and employees at the mileage rate allowed by the Internal Revenue Service for authorized use of their personal vehicles on district business.

See administrative regulations to policy F3350.

Reference: *Education Code* Section 87032

Approved 10/4/80; Revised 5/9/85

Education Code Update: 4/00

VEHICLES

F3345

It is the policy of the Napa Valley Community College District that employees shall meet minimum standards established by the district before driving district vehicles or personal vehicles on district business.

Personal Vehicles: Only employees having a valid driver's license and automobile liability insurance shall drive a personal vehicle on district business. The driver's license and automobile liability insurance information shall be on file with the district.

The district will pay automobile allowance or mileage reimbursement to which an employee may be entitled only if the information is on file.

District Vehicles: Only employee who have a valid California Driver's License and have been approved pursuant to district procedures shall be authorized to drive a district vehicle.

TRAVEL AND CONFERENCE EXPENSES

F3350

The Superintendent/President or his/her designee shall approve in advance all travel and conference requests. The district shall reimburse all actual and necessary travel expenses of any board member or employee incurred in the course of performing services for the district. Actual and necessary expenses include the following: registration fees, meals, lodging, and travel.

Travel reimbursement may be made for use of a board member's or employee's automobile, provided the total reimbursement for meals while traveling, mileage, bridge tolls, and parking is limited to the cost of economy or coach air fare plus ten dollars.

See accompanying administrative regulations (adopted 3/28/96)

Reference: *Education Code* Section 87032

Approved 10/9/80

Correction in Adoption date of administrative regulations: 4/00

CONSULTING SERVICES

F3360

The Superintendent/President of the district, in considering any contracts for personal consulting services, except those set forth below, shall do all the following:

1. examine the abilities of the employees of the district to provide services
2. examine the abilities of the employees identified by the Office of the County Superintendent of Schools pursuant to *Education Code* Section 1241.5
3. examine the abilities of employees of other community college districts with special expertise and experience in the subject matter
4. contact other public entities to ascertain if they have material the district could use
5. ascertain from potential suppliers if free or reduced-cost consulting services are available

Before the governing board ratifies a consultant contract, the Superintendent/President shall enter into the minutes of a meeting of the governing board that the district has followed steps 1, 2, 3, 4, and 5, above, and has determined that the services available from those sources will not meet the needs of the district.

The following personal consulting services are exempt from this policy:

- a. services directly to students in a classroom setting for less than \$200 per day and for a total amount not to exceed \$500 per year per individual contractor
- b. legal services
- c. services for the fiscal audit of district finances by a private auditing firm

Adopted 9/8/83

CLAIMS AND ACTIONS AGAINST THE DISTRICT FOR PROPERTY AND LIABILITY

F3325

Any and all claims for money or damages against the Napa Valley Community College District must be presented to and acted upon in accordance with Governing Board policy and administrative regulations. Compliance with procedures is a pre-requisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and claims procedures set forth in the Government Code.

Pursuant to the authority contained in section 935 of the Government Code of the State, the following claims procedures are established for those claims against the Napa Valley Community College District for money or damages now governed by State or local laws:

- (a) Employee claims: Notwithstanding the expectations contained in Section 905 of the Government Code of the State, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, and any other expenses or allowances claimed due from the Napa Valley Community College District, when a procedure for processing such claims is not

otherwise provided by State or local laws shall be presented with the time limitations and in the manner prescribed by Sections 910 through 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Board.

- (b) Contract and other Claims: In addition to the requirements of sub-section (a) of this section, and notwithstanding the exemptions set forth in Section 905 of the Government Code of the State, all claims against the Napa Valley Community College District for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the matter prescribed by Section 910 through 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Board.

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

Revised 4/00; Former title Limitations on Liability and Property Claims

PROCEDURE FOR CONSIDERATION OF CLAIMS

F3320

- A. A claim is a written document authorized by Section 910 of the *Government Code* setting forth a monetary claim against a public entity. The claim must contain the following elements to be valid:
1. Name, address, and phone number of the claimant
 2. Name, address, and phone number of the attorney, if any
 3. An address to which all notices can be sent
 4. A concise statement of the circumstances of the claim, including date, time, location, injury, entity allegedly liable, and the estimated extent of the injuries in dollar amounts
- B. All claims received by the district shall immediately be hand carried to the Risk Management Office. If the document has not yet been date-stamped for receipt, it must be date-stamped upon arrival in the Business Office.
- C. The Director, Campus Planning and Construction, shall, within two working days, inform district counsel of the claim and forward a copy to district counsel.
- D. The Director, Campus Planning and Construction, shall initiate such preliminary investigation, preservation of documents, or other action as may be deemed necessary by district counsel in order to obtain information to submit to the Board of Trustees.
- E. The, Director, Campus Planning and Construction, shall place the matter on the executive session agenda for the next regular or special board meeting following receipt of the claim.

- F. Should said claim be rejected by the governing board, the Director, Campus Planning and Construction, shall complete the form set as Attachment A in the Administrative Regulations portion of this section and mail it with first class postage to the address set forth in the claim and receipt of notice. The Vice President, Business and Finance, shall cause a copy of the notice of rejection to be attached to an affidavit of mailing executed by an employee within his/her office who personally deposited the letter in a public mailbox.

- G. Where counsel feels that the claim is legally insufficient in form, counsel will prepare the proper notice of rejection.

Approved 1/25/79
Policy Title Updates, 6/00
Title Updates 6/09

PERSONAL PROPERTY LIABILITY

F3330

Pursuant to the provisions of *Education Code* Section 72510, the Board of Trustees of Napa Valley Community College District will reimburse employees of the district for the loss, destruction, or damage by arson, theft, or vandalism of employees' personal property used in connection with their duties in the district.

See accompanying administrative regulations.

Reference. *Education Code* S 72510
Approved 6/14/79

RECORDS RETENTION AND DESTRUCTION

F3500

The Board of Trustees hereby authorizes the Superintendent/President to establish a procedure to review all records and to classify and/or destroy them according to provisions established under Chapter 2.5 (Sections 59020 through 59029 of Division 10, Part VI) of *Title 5, California Administrative Code*. District records shall be retained or destroyed only as provided for in the adopted procedure for records retention and destruction.

The Board of Trustees may make for official purposes microfilm or photographic copies of any records of the district. The original of any record of which a photographic copy or microfilm copy has been made may be destroyed in accordance with the adopted procedure when provision is made for permanently maintaining such photographic or microfilm copies in the files of the district, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1 succeeding the completion of the audit.

Approved 5/17/79

DISTRIBUTION OF BOOKSTORE PROFITS

F3510

Net proceeds from the operation of the Napa Valley College Bookstore shall be used for the general benefit of the student body as determined by the Board of Trustees.

See accompanying administrative regulations.

Reference: *Education Code* Section 84676
Adopted 7/23/81
Non-substantive update 4/4/00

**PUBLIC NOTICE AND PRESENTATION OF
COLLECTIVE BARGAINING INITIAL PROPOSALS**

F3610

1. The initial proposals of both the exclusive representatives and the governing board shall be placed on the meeting agendas of the governing board and shall be made public at such meetings. For the purpose of this policy, "initial proposal" shall refer to the document presented by the exclusive representative or the district, setting forth the issues to be negotiated and the proposed changes of the respective parties. The document shall refer to matters within the scope of representation which are mandatory subjects of collective bargaining, as defined by the Educational Employment Relations Act
2. The exclusive representative(s) shall first submit a written initial proposal to the district, in accordance with timelines specified in their respective collective bargaining agreement.
 - a. The district shall place the item on the agenda as an information item on the next regularly scheduled meeting of the board, unless the superintendent decides to place it on the agenda of a special meeting.
 - b. Notice on the agenda shall be sufficiently clear so as to advise the public of the availability of the exclusive representative's initial proposal.
 - c. Extra copies of the initial proposal shall be available at the noticed board meeting and on request.
3. Presentation of the governing board's initial proposal shall proceed as follows:
 - a. The governing board's proposed initial proposal shall be placed on the agenda as an information item. Copies of the proposed initial proposal shall be available to the public at the meeting or upon request at the district President's Office.
 - b. The public shall be notified at the presentation of the proposed initial proposal of its right to comment either in writing or orally during the public comment portion of the board agenda.
 - c. Subsequent to the public's opportunity to comment, the governing board shall adopt its initial proposal in open session at a public meeting. The adoption shall be placed on the agenda of the board meeting as an action item.
4. Negotiations on the initial proposals shall not commence until after the public has had a reasonable opportunity to comment on the proposals and the governing board has adopted an initial proposal.
5. Subjects within the scope of representation that are added to negotiations but not originally included in either initial proposal shall be made public within 24 hours by posting at board agenda locations. If a vote is taken on such new subjects by the governing board, the vote of each member voting will also be made public within 24 hours, either at the board meeting or by posting, as above.
6. Nothing in this policy shall preclude the governing board from meeting in closed session in accordance with *Government Code* Section 3549.1.

Reference: *Government Code* Sections 3547, 3549.1; Title 8, *Calif. Administrative Code*, Section 32900
Original policy adopted 3/10/83, new policy adopted 9/13/90

The Napa Valley Community College District will establish an auxiliary organization or organizations consistent with appropriate provisions of the Education Code and Title 5 of the California Code of Regulations.

1. **Recognition and Establishment of Auxiliary Organizations.**

Recognition of the establishment of an auxiliary organization by the Board of Trustees pursuant to *Education Code* Section 72670 et seq. and California Code of Regulations Title 5 Sections 59255 and 59257 (a) shall require:

- a. A recommendation submitted to the Board of Trustees by the superintendent/president;
- b. Prior to the recognition of an auxiliary organization, a public hearing is to be held at a time, place and in the manner determined by the Board of Trustees; and
- c. Approval by the Board of Trustees, which shall include a designation of the recognized services, programs, and functions and an identification of the number and category or categories of members of the board of directors of the auxiliary organization; and
- D. The approval of a written agreement between the district and the auxiliary organization under which one or more of the services, programs, or functions described in Section 59259 are to be performed.

2. **Recognized Services, Programs and Functions.**

An auxiliary organization may be recognized and established for the purpose of providing supportive services and specialized programs for the benefit of the Napa Valley Community College District. The services, programs, and functions which may be undertaken by auxiliary organizations and which have been determined by the Board of Trustees and the Board of Governors to be appropriate are:

Commercial, Advocacy and other services related to the Viticulture and Winery Technology Program
Student Association or organization activities;
Bookstores;
Food and campus services;
Associated Student Body programs;
Facilities and equipment, including parking;
Loans, scholarships, grants-in-aid;
Workshops, conferences, institutes, and federal projects;
Alumni activities;
Supplementary health services;
Gifts, bequests, devises, endowments, and trusts; and
Public relations programs.

No auxiliary organization shall be authorized by the Board of Trustees to engage in any other function unless the Board of Governors amends Section 59259 of Title 5 by adding said function to the list of approved functions of auxiliary organizations; or unless said function is essential to satisfy the non-profit corporation or tax laws of the State of California or the federal tax laws.

In accordance with *Education Code* Section 72671, the services, programs, and functions may be performed by an auxiliary organization as part of a joint powers agreement.

3. Composition of Board of Directors.

The board of directors of each auxiliary organization shall have the following composition:

- a. The board of directors of student associations shall consist primarily of students. The superintendent/president or his/her representative shall attend and participate in meetings of the board of directors in order to advise on policy and to provide for the control and regulation required by *Education Code* Section 76060.
- b. Any other district- approved auxiliary organization that is established pursuant to Section 72670, *et seq.*, of the *Education Code* shall have a board of directors appointed in accordance with the organization's articles of incorporation or bylaws and consisting of voting membership from one or more of the following categories: administration, faculty, members of the community; and students.
- c. The size of the Board of Directors of an auxiliary organization shall be at least large enough to accommodate the one or more categories from which board members are selected.
- d. Each non-profit corporation that existed prior to the effective date of this policy, and that is subsequently reorganized and established as an auxiliary organization under this policy, may continue to be governed by the Board of Directors existing at the time of recognition.
- e. Each auxiliary organization formed pursuant to Section 72670, *et seq.*, of the *Education Code* shall have the benefit of the advice and counsel of at least one attorney admitted to practice in the State of California and at least one licensed certified public accountant; however, neither the attorney nor the certified public accountant shall be a member of the Board of Directors.

4. Business Meetings

The board of directors of an auxiliary organization shall conduct its business in public meetings in accordance with Section 54940, *et seq.*, of the *Government Code*, and shall, during each fiscal year, hold at least one business meeting each quarter.

5. Salaries, Working Conditions, and Benefits of Full-time Employees

- a. Except as otherwise provided in this board rule, the board of directors of each auxiliary organization shall, pursuant to *Education Code* Section 72672, provide salaries, working conditions, and benefits for its full-time employees that are comparable to those provided district employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to the services performed by district employees, the salaries established shall be comparable to the salaries prevailing in other educational institutions in the area of commercial operations of like nature in the area.
- b. The Board of Directors of each auxiliary organization may provide retirement benefits different from those provided comparable district employees and may withhold retirement

benefits or permanent status benefits or both from temporary employees. For the purpose of this rule, a temporary employee is:

1. an employee employed for a specific research project, workshop, auxiliary organization, continued institute, or other special project funded by any grant, contract, or gift; or
 2. an employee whose contract of employment is for a fixed term not exceeding three years.
- c. The Board of Directors of each auxiliary organization may withhold permanent status benefits from executive employees. For the purposes of this rule, an executive employee is any management employee with responsibility for the development and execution of the auxiliary organization's policies and includes, but is not limited to, general manager, managers, directors, and the like, as determined by the Board of Directors of each organization.
- d. Should retirement benefits be provided, they may, but need not, be provided by the Public Employees' Retirement System. Any newly created auxiliary organization is exempted from providing retirement benefits for a period not to exceed one year from the date on which the Board of Trustees recognizes the establishment of the auxiliary organization.
6. **Expenditures and Fund Appropriation**
The board of directors of an auxiliary organization shall approve all expenditure authorizations. Appropriations of funds for use outside of the normal business operations of the auxiliary organization shall be approved in accordance with the Board of Trustees Policy and further consistent regulations adopted by the superintendent/president.
7. **Accounting and Reporting**
The Boards of Directors of an auxiliary organizations, except those exempted in Section 72673 of the *Education Code*, shall;
- a. Utilize a standard accounting and reporting system established by the superintendent/president in consultation with representatives of the Board of Governors;
 - b. Implement financial standards which that will assure fiscal viability. Such standards shall include proper provision for professional management, adequate working capital, adequate reserve funds for current operations, capital replacements, contingencies and adequate provisions for new business requirements.
 - c. Should the superintendent/president determine that any program or appropriation planned by an auxiliary organization is not consistent with District policy, the program or appropriation shall not be implemented. Further, should a program or appropriation that has received approval, upon review be determined by the superintendent/president to be operating outside the acceptable policy of the Board of Governors or the District, then that program or appropriation shall be discontinued by direction of the superintendent/president until further review is accomplished and an adjustment is made.

8. **Funds**

- a. All money collected by or on behalf of a student organization recognized as an auxiliary organization under this policy shall be deposited in the trust account by the chief fiscal officer of the district. All such money shall be accounted for properly and, subject to the approval of the superintendent/president or designee and the appropriate officer of said organization, be deposited or invested in any one or more of the ways specified in Section 76063 and 76064 of the *Education Code*.

The chief fiscal officer of the district shall be custodian of all unexpended funds and money collected by or on behalf of a student body auxiliary organization and shall provide the necessary accounting records and controls for such funds. These funds may be expended by the custodian only upon the submission of an appropriate claim scheduled by officers of said organization.

- b. Trust funds shall be used specifically for the purpose designated in the instrument creating the trust.
- c. Funds of an auxiliary organization shall be used for purposes consistent with district policy, where applicable, and shall not be used:
 1. To support or oppose any candidate for public office, whether partisan or not.
 2. To make personal loans for non-educationally related purposes, except that such loans be made when specifically authorized by a trust instrument under which the funds were received.
- d. An indemnity bond shall be obtained by an auxiliary organization for its fiscal officer who is responsible for handling funds of the auxiliary organization.
- e. Grants, bequests, trusts, donations, and gifts accepted by an auxiliary organization shall be maintained in accordance with policies and regulations established by the District.
- f. No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the district, to any of its auxiliary organizations for the purpose of either avoiding laws or regulations which constrain community college districts or providing the district with an unfair advantage with respect to the application of any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, funding for programs and services for handicapped students.

9. **Authority and Responsibility of Auxiliary Organizations**

- a. Auxiliary organizations shall not offer courses or programs for which state funding is received.

- b. All services, programs, and activities that may be undertaken by an auxiliary organization shall be maintained for the general benefit of the educational program of the district. Upon approval by the Board of Trustees, an auxiliary organization may assume any of the services, programs, and activities listed in Section 1.2 in order:
 - 1. to provide the fiscal means and the management procedures that allow the district to carry on educationally related activities not normally funded by the state;
 - 2. to eliminate the undue difficulty that would otherwise arise under the usual governmental budgetary, purchasing, and other fiscal controls; or
 - 3. to provide fiscal procedures and management systems that allow effective coordination of the auxiliary activities with the district in accordance with sound business practices.
- c. The superintendent/president shall decide, after consulting with the donor, whether a donor's proposed gift to the district should be accepted by the district or referred to an auxiliary organization. Gifts to the district shall be accepted under the provisions of *Education Code* Section 72241 or 72303. Gifts to an auxiliary organization shall be accepted as authorized by these rules.
- d. An auxiliary organization may not enter into contract or other business arrangement involving real property either by lease involving payments of more than \$25,000 per annum and duration terms of more than one year, or by purchase without prior notification and consultation with the Board of Trustees.
- e. Student loans, scholarships, stipends, and grants- in-aid shall only be given to currently admitted students. In no case shall the scholarship, stipend, or grant-in-aid exceed the amount necessary to cover books, school fees, and living expense, except as provided in a trust under Rule VIII B. A record of such financial assistance shall be forwarded on a timely basis to the campus financial aids office and shall be documented on student financial aid recipient records kept in that office. All such financial assistance provided from student body organization funds shall be approved by the campus financial aids office before such funds are expended, and shall not exceed amounts to be provided under regulations of federal and state financial aid programs.
- f. The district shall maintain a list of all auxiliary organizations in good standing.
 - 1. All auxiliary organizations which, after periodic review in the manner specified by board rules are found to be in compliance with applicable laws and regulations, shall be included in this list.
 - 2. When the president has reason to believe that a particular organization should be removed from this list, he or she shall give the board of directors of such organization reasonable notice that a conference will be held to determine whether grounds for removal do in fact exist, and representatives of said board shall be entitled to be present at such conference and to be heard. Based upon such conference, the president shall decide whether a particular organization should be removed from the list. The president

may remove such an auxiliary organization from said list and may make such other provisions consistent with law as may be appropriate with respect to an auxiliary organization not included on the list. Such actions shall be reported to the Board of Trustees who may conduct a *de novo* hearing and confirm or reverse the decision of the president.

9. **Record Keeping**

- a. **Records and Annual Audit.** An auxiliary organization shall maintain adequate records and shall prepare an annual report showing its operations and financial status as may be required by the Board of Governors or district.
- b. **Review by President.** For an auxiliary organization serving the district, the president shall inspect and review all auxiliary organization procedures and practices to determine compliance with policies, rules, and regulations of the Board of Governors and the district and make his/her recommendations to the board of directors of the auxiliary organization regarding said procedures and practices. This shall be done at the end of the first complete year after approval and at least every three years thereafter. The decision of the president shall be made after he/she has invited comments from the board of directors of the auxiliary organization. Reports and statements shall cover all activities of the organization.
- c. **Audit.** Each auxiliary organization shall have an annual fiscal audit of any and all funds. The audit shall be performed by a certified public accountant in accordance with procedure prescribed by the Board of Governors, as contained in the California Community College Auxiliary Organization Accounting and Reporting System. Copies of the annual audit report shall be submitted to the Board of Trustees and to the Board of Governors' Office within thirty days after it is received by the auxiliary organization. Thereafter it shall be a public record, except as otherwise provided by law. Such audits may be conducted as part of a fiscal audit of the district itself. Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible and be available to any person on request. A reasonable fee may be charged to cover the costs of providing a copy.

11. **Written Agreement.**

A written agreement between the Napa Valley Community College District and each auxiliary organization is required for the performance by such auxiliary organization of any of the services, programs, and functions listed in Rule III. If any auxiliary organization performs more than a single services, program, or function, then the written agreement may cover any number of the functions it performs or a separate agreement may cover each function performed.

The written agreement shall, among other things, provide for the following:

- a. the services, programs, or functions the auxiliary organization is to manage, operate, or

- administer
- b. a statement of the reasons for administration of the functions by the auxiliary organization instead of by the district or college under usual district procedures
- c. the areas of authority and responsibility of the auxiliary organization and the district or college
- d. the facilities and services to be made available by the district to permit the auxiliary organization to perform the services, programs, or functions specified in the written agreement
- e. the charge or rental to be paid to the district by the auxiliary organization for the facilities used or services provided in connection with the performance of its function. The charge or rental specified shall not require involved methods of computation and should be identified in sufficient time before it is incurred so that the organization may determine to what extent it shall be liable therefore.
- f. full reimbursement to the district for services performed by the district or by district employees under the direction of or in support of the auxiliary organization. Student body auxiliary organizations may be exempt from reimbursing all or any portion of the costs for such services. Methods of prorating costs for services performed by district employees for the organization shall be simple and equitable.
- g. a simple but equitable method of determining in advance to what extent the organization shall be liable for indirect costs relating to federally sponsored programs.
- h. the responsibility for maintenance and payment of operating expenses
- i. the proposed expenditures for public relations or other purposes which would serve to augment district appropriations for operation of the district. With respect to expenditures for public relations or other purposes which would serve to augment district appropriations for operation of the district, the auxiliary organization may expend funds in such amount and for such purposes as are approved by the board of directors of the auxiliary organization. The board of directors shall file with the president a statement of such policy on accumulation and use of public relations funds for all auxiliary organizations. The statement shall include the policy and procedure on solicitation of funds, source of funds, amounts, and purpose for which the fund will be used, allowable expenditures, and procedures of control.
- j. the disposition to be made of net earnings derived from the operation of the auxiliary organization, including earnings derived from facilities owned or leased by the auxiliary organization, and provisions for reserves
- k. the disposition to be made of net assets and liabilities on dissolution of the auxiliary organization or cessation of the operations under the agreement
- l. the covenant of the auxiliary organization to maintain its organization and to operate in accordance with Sections 72670 et seq. of the Education Code and with the regulations contained in Chapter 5 (commencing with Section 59250) of Division 10, Part IV of Title 5 of the California Code of Regulations, as well as District Board Rules.

12. Use of College or District Name.

Except for student associations organized and operating under Education Section 76060, et seq., no organization may use the name Napa Valley Community College District or otherwise represent a relationship with the Napa Valley Community College District unless it has been recognized and established as an auxiliary organization by the Board of Trustees and is in good standing with the district.

13. **Administrative Authority.**

The superintendent/president or his/her designee shall provide and may from time to time revise rules and procedures for the administration of and in conformance with these rules.

14. **Definitions**

a. Board of Directors

The term Board of Directors as used herein means the governing board of an auxiliary organization.

b. Board of Trustees

The term Board of Trustees as used herein means the Board of Trustees of the Napa Valley Community College District.

c. Board of Governors

The term Board of Governors as used herein means the Board of Governors of the California Community Colleges.

d. Superintendent/president

The term superintendent/president as used herein means president of Napa Valley College and Superintendent of the Napa Valley Community College District.

Education Code 72670 et seq., 76060, 76063, 76064, 72241, 72303
Title 5, Sections 59255 and 59257

Adopted 2/9/84
Revised 2/8, 2007

EMERGENCY LOAN PROGRAM

(deleted 5/14/09)

DELEGATION OF AUTHORITY

BP 6100

The board delegates to the superintendent/president 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 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.

The superintendent/president shall make appropriate period reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

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

Approved 2/26/04

CAPITAL CONSTRUCTION

BP 6600

The superintendent/president is responsible for planning and administrative management of the District's capital outlay and construction program.

District construction projects shall be supervised by the superintendent/president. 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 laws. The superintendent/president 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.

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

Approved 2/24/04

CONTRACTS

BP 6340

The Board delegates to the superintendent/president 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 *et seq.* shall require prior approval by the Board.
- When bids are required according to Public Contracts Code Section 20651 *et seq.*, 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.

- When change orders are required according to Public Contract codes Section 20659, the Board shall delegate to the Superintendent/President the authority to approve change orders not to exceed the amount in the referenced code.

If the superintendent/president 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 superintendent/president is authorized to proceed with a contract.

Reference: Education Code Sections 81641, et seq
Public contracts Code Sections 20650, et seq.

Approved 2/24/04

INFORMAL BIDDING

BP 6610

California Uniform Cost Construction Accounting Act permits Community Colleges to establish an informal bidding procedure to expedite contracts of \$125,000 or less. (Section 22000, et seq. of the Public Contract Code).

Informal Bid Procedures. Public projects, as defined by the Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Contractors List. A list of contractors shall be developed and maintained in accordance with the limits listed in Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. Each October a request for contracts shall be published in construction trade journals as specified by the California Uniform Construction Cost Account Commission Section 22034. Such list

shall be renewed each November with a listing of each of the categories as required by the college: electrical, concrete, general, plumbing, carpentry, etc.

Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provisions of the policy, a notice inviting informal bids shall be mailed, or faxed, or e-mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Contractors list above in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at

the discretion of the department/agency soliciting bids, provided however:

- (1) If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
- (2) If the project or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Award of Contracts

The Vice President, Business and Finance and/or the Director, Campus Planning and Construction are each authorized to award informal contracts pursuant to this Section. The board shall be informed of the bid award in one of the next two regularly scheduled board meetings.

Sections 22000, 22032, 22034, 22036.

Approved 10/09/08