

Board Policies
Chapter 6
Business and Fiscal Affairs

Policies:

BP 6100	Delegation of Authority
BP 6150	Designation of Authorized Signatures
BP 6200	Budget Preparation
BP 6250	Budget Management
BP 6300	Fiscal Management
BP 6320	Investments
BP 6330	Purchasing
BP 6340	Contracts
BP 6400	Audits
BP 6450	Wireless or Cellular Telephone Use
BP 6500	Management of Real Property
BP 6520	Security for District Property
BP 6540	Insurance
BP 6550	Disposal of Property
BP 6600	Capital Construction
BP 6620	Naming Buildings
BP 6650	Sustainability
BP 6700	Civic Center and Other Facilities Use
BP 6740	Citizens' Oversight Committee
BP 6750	Parking
BP 6800	Safety
BP 6900	Bookstores
BP 6910	Housing

BP 6100 Delegation of Authority

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

Board Approved: 11/09/05

Reviewed and Reapproved: 03/09/11

The Board delegates to the President/Superintendent 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 President/Superintendent shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

See Administrative Procedure #6100.

BP 6150 Designation of Authorized Signatures

Reference: *Education Code Section 85232, 85233*

Board Approved: 11/09/05

Reviewed and Reapproved: 03/09/11

Authority to sign orders, contracts and other transactions on behalf of the Board is delegated to the President/Superintendent and other officers appointed by the President/Superintendent.

See Administrative Procedure #6150.

BP 6200 Budget Preparation

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

Board Approved: 11/09/05

Amended: 04/13/11

Each year, the President/Superintendent 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.
- A schedule is provided to the Board by March of each year that includes dates for presentation of the tentative budget, required public hearing, Board study session(s), and approval of the final budget. At the public hearing, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.
- Unrestricted general reserves shall be no less than 5 % of the general fund
- 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 Administrative Procedure #6200.

BP 6250 Budget Management

Reference: *Title 5 Sections 58307, 58308.*

Board Approved: 11/09/05

Reviewed and Reapproved: 04/13/11

The budget shall be managed in accordance with Title 5 and the California Community Colleges 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.

See Administrative Procedure #6250.

BP 6300 Fiscal Management

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

Board Approved: 11/09/05

Reviewed and Reapproved: 04/13/11

The President/Superintendent 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 exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.

The books and records of the District shall be maintained 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.

See Administrative Procedures #6300.

BP 6320 Investments

Reference: *Government Code Section 53600 et seq.*

Board Approved: 11/09/05

Amended: 05/11/11

The President/Superintendent is responsible for ensuring that the funds of the District are invested. 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 Administrative Procedure #6320.

BP 6330 Purchasing

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

Board Approved: 11/09/05

Amended: 05/11/11

The President/Superintendent 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 Administrative Procedures #6330.

BP 6340 Contracts

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

Board Approved: 11/09/05

Amended: 07/13/11

The Board delegates to the President/Superintendent 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.
- When bids are subject to further requirements in addition to Public Contract Code Section 20651, the Board shall award such contracts as provided for in Education Code Sections 81641, et seq.

If the President/Superintendent 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 President/Superintendent is authorized to proceed with a contract.

See Administrative Procedures #6340.

BP 6400 Audits

Reference: *Education Code Section 84040(b)*

Board Approved: 11/09/05

Reviewed and Reapproved: 05/11/11

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 President/Superintendent shall assure that an annual outside audit is completed. The President/Superintendent shall recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

See Administrative Procedure #6400.

BP 6450 Wireless or Cellular Telephone Use

References:

Vehicle Code Sections 12810.3, 23123, and 23124;

Internal Revenue Code (I.R.C.) Sections 274(d)(4) and 280F(d)(4)

Board Approved: 07/13/11

Amended: 08/08/12

The President/Superintendent shall determine if it is in the best interests of the District to provide a cellular or wireless phone at District expense for the purpose of conducting District business. District provided cellular or wireless phones are not meant to replace or serve as "personal equipment".

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. Record keeping of business and personal use of District-issued cellular telephones shall not generally be required when the telephones are issued for non-compensatory business reasons.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device and shall comply with all requirements of California law regarding the use of wireless or cellular telephones in vehicles.

There shall be no expectation of privacy in the use of a District-issued cellular telephone. Use of District-issued cellular telephones capable of accessing, storing or processing data shall be governed by the District's Administrative Procedure for system use (AP 6450).

See Administrative Procedures #6450.

BP 6500 Property Management

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

Board Approved: 11/09/05

Amended: 06/08/11

The President/Superintendent 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 President/Superintendent 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.

See Administrative Procedures #6500.

BP 6520 Security for District Property

Reference: *Education Code Section 81600 et seq.*

Board Approved: 11/09/05

Reviewed and Reapproved: 06/08/11

The President/Superintendent 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.

See Administrative Procedures #6520.

BP 6540 Insurance

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

Board Approved: 11/09/05

Amended: 06/08/11

The President/Superintendent 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 President/Superintendent 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), 81360 et seq. and 81450 et seq.*

Board Approved: 11/09/05

Amended: 08/10/11, 07/11/12

The President/Superintendent 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 as they are sold. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

See Administrative Procedures #6550.

BP 6600 Capital Construction

Reference: *Education Code Sections 81005, 81820;*
Title 5, Section 57150 et seq.

Board Approved: 11/09/05

Amended: 07/13/11

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

District construction projects shall be supervised by the President/Superintendent. The President/Superintendent 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 President/Superintendent shall assure compliance with laws related to use of stand funds to acquire and convert existing buildings.

The Board shall approve and submit to the Board of Governors a five year capital construction plan as required by law. The President/Superintendent 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.

See Administrative Procedure #6600.

BP 6620 Naming Buildings

Board Approved: 11/09/05

Amended: 09/12/07, 08/10/11

All recommendations for naming buildings shall be submitted to the Board by the President/Superintendent for action.

All recommendations shall comply with the following criteria:

- Proposals may honor people or organizations who have supported the District through major gifts
- Proposals may honor people who supported the District through exemplary service
- Proposals may recognize names that have historical or cultural significance to the District
- Persons currently serving in publicly elected office or currently employed by the District cannot be considered

See Administrative Procedure #6620.

BP 6650 Sustainability

Board Approved: 12/17/03

Amended: 07/13/11

The Ohlone Community College District recognizes its responsibility to exercise environmental stewardship and to economically manage the use of buildings, land, and natural resources. The District is committed to the following principles:

1. Conservation of natural resources and avoidance of negative long-term effects on the environment.
2. Maximization of environmental quality, use of renewable resources, energy efficiency and utilization.
3. Facilitation of alternate forms of transportation, fuels and systems.
4. Design of all major new building and renovation projects to meet United States Green Building Council LEED certification standards for energy and environmental design.

BP 6700 Civic Center and Other Facilities Use

Reference: *Education Code Sections 82537; 82542*

Board Approved: 11/09/05

Amended: 08/10/11

There is a Civic Center at each of the Ohlone campuses. The Civic Centers are designated large auditoriums or other facilities suitable for public use. Use of the Civic Center shall be granted as provided by law. The President/Superintendent shall establish procedures regarding the use of District property, including but not limited to facilities, equipment and supplies, by community groups and other outside contractors.

These administrative procedures shall reflect the requirements of applicable law, including Education Code Section 82537, regarding Civic Centers. The procedures shall include reasonable rules regarding the time, place and manner of use of District facilities. They shall assure that persons or organizations using District 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 of the District on behalf of students.

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, or on any basis prohibited by law.

Use of the District's Civic Centers will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts" in order to "engage in supervised recreational activities" or "meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside" (Education Code Section 82537(a)). In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

See Administrative Procedures #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)*

Board Approved: 11/09/05

Reviewed and Reapproved: 08/10/11

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

See Administrative Procedure #6740.

BP 6750 Parking

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

Board Approved: 11/09/05

Reviewed and Reapproved: 08/10/11

The President/Superintendent 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. Parking fees may be established in accordance with these board policies. (See Board Policy 5030)

See Administrative Procedure #6750.

BP 6800 Safety

Reference: *49 C.F.R., Part 40; 49 C.F.R. Part 655; Title 8, Section 3203; 29 C.F.R. 1910.101 et seq.; Health & Safety Code Section 104420*

Board Approved: 11/09/05

Amended: 09/14/11

The President/Superintendent 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.

See Administrative Procedure #6800.

BP 6900 Bookstores

Reference: *Education Code Section 81676; Civil Code Section 1798.90*

Board Approved: 11/09/05

Amended: 09/14/11, 07/11/12

College bookstore(s) shall be established and operated by either the District or by a qualified vendor. College bookstore(s) shall comply with the requirements of the Reader Privacy Act.

If the bookstore(s) is run by the District, operational costs of the college bookstore(s) shall be paid from revenue earned from the bookstore.

Fiscal management of the bookstore(s) 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

If a qualified vendor is to provide bookstore services, contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board for approval, and awarded in the best interests of the students. Student organizations shall be encouraged to submit bids and given preference if they meet all other bid criteria.

See Administrative Procedure #6900.

BP 6910 Housing

Reference: *Education Code Sections 94100 et seq.*

Board Approved: 11/09/05

Amended: 09/14/11

The President/Superintendent is delegated the authority to enter into agreements with nonprofit entities to finance the cost of constructing student, faculty, and staff housing near the campus(es) of the District.

See Administrative Procedure #6910.