
**Kern Community College District
Board Policy**
Chapter 6 – Business and Fiscal Affairs

**BP 6100 DELEGATION OF AUTHORITY, BUSINESS & FISCAL
AFFAIRS**

References:

Education Code Sections 70902(d), 81655, and 81656

NOTE: *This policy is legally required.*

The Board of Trustees delegates to the District Chancellor 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 BP 6340 titled Bids and Contracts)

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

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AP 6100 DELEGATION OF AUTHORITY, BUSINESS & FISCAL AFFAIRS

References:

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

NOTE: *A procedure on delegation of authority is **legally advised**. Local practice may be inserted. The following is typical language.*

The Chief Financial Officer is delegated authority from the District 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 Chief Financial Officer. This delegated authority is subject to the condition that certain of these transactions be submitted to the District Chancellor for review and approval from time to time as determined by the District Chancellor.

When transactions do not exceed the dollar limits established in the Public Contracts Code, the Education Code or other laws pertaining to the taking of competitive bids, the 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 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.

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BP 6150 DESIGNATION OF AUTHORIZED SIGNATURES

References:

Education Code Sections 85232 and 85233

NOTE: *This policy is legally required.*

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

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AP 6150 DESIGNATION OF AUTHORIZED SIGNATURES

References:

Education Code Sections 85232 and 85233

NOTE: A procedure to designate authorized signatures is **legally required**. Local practice may be inserted. The following is typical and complies with requirements.

The Chief Financial Officer or designee is designated as the District officer authorized to sign warrants on behalf of the District.

Proper documentation regarding signing District warrants shall be filed with the County Superintendent of Schools. (NOTE: “Proper documentation” may vary from district to district according to Education Code Sections 85233 and 85266)

The Chief Business Officer or designee 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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BP 6200 BUDGET PREPARATION

Rely Primarily Upon the Advice and Judgment

References:

Education Code Section 70902(b)(5):

Title 5 Sections 58300 et seq.:

WASC/ACCJC Accreditation Standard III.D

NOTE: This policy is **legally required**. The language in current KCCD Policy 3A1A1-3A1A6 is consistent with the language reflected in the Policy & Procedure Service's template.

❖ From current KCCD Policy 3A1 titled Budget Development

~~3A1A~~ Each year, the District Chancellor shall present to the Board of Trustees 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. ~~(See Procedure 3A1 of this Manual for Budget Preparation Guidelines. AP 6200 titled Budget Preparation)~~

The budget development shall meet the following criteria:

- ~~3A1A1~~ The annual budget shall support the District-wide master and educational plans; and other districtwide operational plans.
- ~~3A1A2~~ Budget projections shall address long-term goals and commitments.
- ~~3A1A3~~ The annual Budget shall not exceed estimated revenues for the Budget year excluding District-wide or College reserves.
- ~~3A1A4~~ The Budget may include a separate request to use District-wide reserves.
- ~~3A1A5~~ Assumptions upon which the budget is based are presented to Board for review.
- ~~3A1A6~~ A schedule is provided to the Board by December of each year that includes dates for presentation of the tentative budget, required public hearing(s), Board study session(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board regarding the proposed or

any item in the proposed budget. Unallocated District-wide unrestricted general fund reserves shall be no less than fifteen percent (15%).

The budgeted unrestricted general fund reserves calculation will be based upon the projected unrestricted expenditures multiplied by fifteen percent (15%). College budgeted reserves will not be considered as part of District-wide reserves. Each of the colleges shall maintain a minimum reserve of three percent (3%). These reserves will be established as unrestricted reserves for obligations and contingencies. The college reserves shall be calculated on the same basis as the District-wide reserves and will be applied to each institution.

3A1A7 Purpose of Reserves - The District-wide unrestricted general fund reserves are intended to provide resources for cash flow management, unfunded liabilities, risk mitigation, significant emergencies, and a buffer against future budget reductions. The District may incorporate into the annual budget an appropriate level of reserves to provide resources for these purposes. Unless the District is confronted with catastrophic issues, or the Board authorizes a deviation at no time should District-wide reserves fall below the minimum levels reflected above ~~contained in Policy 3A1A6~~. Reserves in excess of these needs may be used for the following purposes:

- a) Provide resources to maintain mission critical educational programs. Provide resources for the expansion, reduction, or restructuring of College/District programs and services.
- b) Provide capital funds to invest in infrastructure that will lower operational costs, improve efficiencies, improve safety/security, and/or enhance the delivery of educational and/or support services.
- c) Excess reserves to be used as directed by the Board.

Also see AP 6305 titled Reserves

3A1A8 Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.

3A1A9 Budget allocations of funds will be made to the Colleges and District Office and will be reviewed by the Board of Trustees and Chancellor's Cabinet. Generally, the allocations to each College and to the District Office shall be based upon the Board-approved allocation model. The District Chancellor ~~or designee~~ shall work with representatives of the College Academic Senates and other District-wide constituent groups represented on the Chancellor's staff in designing the process for development of the District budget.

3A1B College budgets are prepared under the supervision of the College President or designee. The College President or designee shall work with the College Academic Senate in designing the processes for development of the College budget.

3A1C Each of the Colleges will establish unrestricted reserves for obligations and contingencies.

Also see BP/AP 3250 titled Budget Management, BP/AP 6300 titled Fiscal Management, AP 6305 titled Reserves, AP 6310 titled Accounting, and AP 6315 titled Warrants

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AP 6200 BUDGET PREPARATION

References:

Education Code Section 70902(b)(5):

Title 5 Sections 58300 et seq.:

WASC/ACCJC Accreditation Standard III.D

NOTE: *This procedure is **legally required**. Local practice may be inserted and should include or address the following:*

- *A statement of philosophy that includes that budget planning supports institutional goals and is linked to other institutional planning efforts.*
- *A budget calendar that includes presentation of the tentative and final budgets. The tentative budget shall be presented no later than July 1 [Title 5 Section 58305(a)], and the final budget no later than September 15 [Title 5 Section 58305(c)]. A public hearing on the budget shall be held on or before September 15 [Title 5 Section 58301].*
- *Two copies of the adopted budget to be submitted to the California Community College Chancellor's Office on or before September 30 [Title 5 Section 58305(d)].*
- *Budget development processes, including consultation with appropriate groups.*
- *Criteria and institutional guidelines for the financial planning and budgeting.*
- *Submission of appropriate forms (311's) to the California Community College Chancellor's Office.*

❖ **From current KCCD Procedure 3A1 titled Budget Preparation**

Guidelines for budget preparation will include ~~the following~~:

1. A statement of philosophy that includes that budget planning supports institutional goals and is linked to other institutional planning efforts.
2. A budget calendar that includes presentation of the tentative and final budgets. The tentative budget shall be presented no later than July 1 [Title 5, Section 58305(a)], and the final budget no later than September 15 [Title 5, Section

58305(c)]. A public hearing on the budget shall be held on or before September 15 [Title 5, Section 58301].

3. Budget development processes ~~processed~~, will include consultation with appropriate groups.
4. Criteria and institutional guidelines for the financial planning and budgeting.

Budget preparation will be developed using an established process as approved by the District and College's Budget Committees. A budget preparation calendar will be developed annually, which will include the tentative and final budget deadlines.

The adopted budget will be submitted to the California Community College Chancellor's Office upon the submission of the Annual Financial and Budget Report (CCFS-311) no later than October 10th of each fiscal year.

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BP 6250 BUDGET MANAGEMENT

References:

Title 5 Sections 58307 and 58308

NOTE: *This policy is **legally required**. The language in current KCCD Policy 3A1A1D is consistent with the language reflected in the Policy & Procedure Service's template.*

❖ From current KCCD Policy 3A1D titled Budget Management

3A1D Budget Management

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 or Colleges in excess of amounts budgeted shall be added to the District or Colleges reserve for contingencies. They are available for appropriation only upon approval of the Board of Trustees 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. These expenditures transfers will be presented to the Board for approval in February and July of each year.

❖ From current KCCD Policy 3A3 titled Expenditures

3A3A

Expenditures

The approved budget is the District-wide plan for expenditures during the fiscal year.

3A3B Under the direction of the District Chancellor, ~~the college~~ Chief Business Officers at the District and colleges will ascertain that all goods, services, and leases

are obtained at the lowest possible competitive prices taking into consideration desired quality and services. This will entail the consideration of all qualified vendors. Standardization of equipment may be required for efficient maintainability and reliability.

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AP 6250 BUDGET MANAGEMENT

References:

Title 5 Sections 58305, 58307, and 58308

NOTE: A procedure on budget management **legally required**. Local practice may be inserted. Title 5 requires that budget management conforms to the following minimum standards:

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 written resolution of the Board, and must be approved by a two-thirds vote of the members of the Board.

Transfers may be made between expenditure classifications by written resolution 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 resolution of the Board setting forth the need according to major classification.

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BP 6300 FISCAL MANAGEMENT

References:

Education Code Section 84040(c):

Title 5 Section 58311:

WASC/ACCJC Accreditation Standard III.D

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

NOTE: This policy is **legally required**. The language in current KCCD Policy 3A2 is consistent with some of the language reflected in the Policy & Procedure Service's template.

❖ **From current KCCD Policy 3A2 titled Fiscal Management**

The District Chancellor ~~or designee(s)~~ 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 of Trustees 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 California Community Colleges 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 shall establish procedures that satisfy the U.S. Education Department General Administrative Regulations (EDGAR) Second Edition for any federal funds received by the District.

NOTE: *The language in current KCCD Policy 3A2 is shown as struck because of the prescriptive details contained therein. This language is reflected in new AP 6300 titled Fiscal Management.*

❖ **From current KCCD Policy 3A2A titled Income**

Income

~~3A2A1 All money received by the District, regardless of the source, will be deposited according to Education Code and County requirements. (Education Code Sections 41001-41002)~~

~~3A2A2 The Chief Financial Officer will establish a procedure for clearly identifying all sources of income. Such delineation with amounts received will be shown on the budget and all income financial reports.~~

~~3A2A3 All money received by and/or collected by any member College or its auxiliary organizations for any purpose whatsoever must be deposited with the College's Business Services Office.~~

~~3A2A4 All income received for activities and events will be deposited in the same funding sources as the expenses for such activities and events.~~

~~3A2A5 The administration is authorized to prepare and submit federal, state, local governmental and/or local private foundation grant applications that further the Kern Community College District's strategic mission. (See Procedure 3A2E and Appendices 3A2E (1 & 2) of this Manual for Grant Preparation and Submission Procedures and Guidelines)~~

NOTE: *The language in current KCCD Policy 3A14 is shown as struck because of the prescriptive details contained therein. This language is reflected in new AP 6300 titled Fiscal Management.*

❖ **From current KCCD Policy 3A14 titled Fiscal Accountability**

~~3A14A The Chancellor, Chief Financial Officer, and Internal Auditor are delegated the authority to implement the procedures required to properly administer technical duties relative to fiscal responsibility formerly performed by the County Superintendent. Procedures for implementing this policy are detailed in Procedure 3A14A of this Manual.~~

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AP 6300 FISCAL MANAGEMENT

References:

Education Code Section 84040(c):

Title 5 Section 58311:

WASC/ACCJC Accreditation Standard III.D.9

NOTE: Procedures on fiscal management are **legally required**. Local practice may be inserted. Inclusion of the following minimum standards, which are selected from those listed as principles for sound fiscal management in Title 5, will, in part, assure that a procedure complies with requirements. In addition, the District should refer to commonly accepted auditing standards as criteria for fiscal management procedures.

- Provide for responsible stewardship of available resources.
- Provide for safeguarding and managing District assets to ensure ongoing effective operations; maintenance of adequate cash reserves; implementation and maintenance of effective internal controls; determination of sources of revenues prior to making short-term and long-term commitments; establishment of a plan for the repair and replacement of equipment and facilities.
- Provide for an organizational structure that incorporates a clear delineation of fiscal responsibilities and staff accountability.
- Provide that appropriate administrators keep the Board current on the fiscal condition of the District as an integral part of policy and decision-making.
- Provide for development and communication of fiscal policies, objectives, and constraints to the Board, staff, and students.
- Provide for an adequate management information system that gives timely, accurate, and reliable fiscal information for planning, decision making, and budgetary control.
- Provide for appropriate fiscal policies and procedures and adequate controls to ensure that established fiscal objectives are met.
- Provide a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial and educational adjustments.
- Provide both short term and long term goals and objectives, and broad based input coordinated with District educational planning.

NOTE: *The language shown below in **black underlined ink** is from current KCCD Policy 3A14 titled Fiscal Accountability. This language is more appropriate to be codified in an administrative procedure due to the prescriptive details contained therein.*

The District Chancellor, Chief Financial Officer, and Internal Auditor are delegated the authority to implement the procedures required to properly administer technical duties relative to fiscal responsibility formerly performed by the County Superintendent.

NOTE: *The language shown below in **black underlined ink** is from current KCCD Policy 3A2 titled Income. This language is more appropriate to be codified in an administrative procedure due to the prescriptive details contained therein.*

Income

All money received by the District, regardless of the source, will be deposited according to Education Code and County requirements.

The Chief Financial Officer will establish a procedure for clearly identifying all sources of income. Such delineation with amounts received will be shown on the budget and all income financial reports.

All money received by and/or collected by any member College or its auxiliary organizations for any purpose whatsoever must be deposited with the College's Business Services Office.

All income received for activities and events will be deposited in the same funding sources as the expenses for such activities and events.

The administration is authorized to prepare and submit federal, state, local governmental and/or local private foundation grant applications that further the Kern Community College District's strategic mission. (Also see BP/AP 3280 titled Grants)

NOTE: *Consider retaining the language on **budget limitations** in this procedure and reflecting the other more detailed language in a manual of Budget Guidelines (perhaps accessible on the District's intranet?).*

❖ From current KCCD Procedure 3A14A titled Fiscal Accountability Implementation

B-Warrant Audit Procedure

- ~~1) Back-up documentation will be reviewed on all payments exceeding \$5,000.~~
- ~~2) Back-up documentation will be reviewed for any service contract of \$15,000 or more or for any purchase of materials of \$21,000 or more.~~

- 3) ~~There shall be spot-check audits involving review of documentation on any payment(s) deemed appropriate by the Internal Auditor.~~

Payroll-Retirement Audit Procedure

- 1) ~~Back-up documentation will be reviewed for:~~
 - a. ~~Appointment of employees and setting of salaries~~
 - b. ~~Changing employment status~~
 - c. ~~Review and approval of personnel actions by the governing board~~
 - d. ~~Certification status~~
 - e. ~~Overtime pay~~
- 2) ~~Monthly tapes for the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) reports will continue to be provided to the Office of the County Superintendent of Schools for merger with tapes from that office.~~

Warrants

~~Warrants shall be stored in a secured compound within the District Information Technology Services (ITS) office. Accessibility is limited to the Director, ITS and his/her staff. An inventory of warrants, a log of warrants used and a transmittal sheet of warrants prepared are kept under his/her custody.~~

Signature Plates

~~Signature plates will be placed in the custody of the Internal Auditor.~~

Log

~~A log of all warrants issued and all warrants signed shall be maintained by the Internal Auditor. Voided warrants shall be accounted for and forwarded to the Director, Accounting Services.~~

Budget Limitations

The Business Manager at each College controls the budget for his/her respective campus and reviews the monthly budget/expenditure reports. Each department receives a copy of the appropriate budget/expenditure report for information purposes. The District Assistant Chancellor, Business Services, and the Director, Accounting Services, shall review the District's financial statement for budget control on a monthly basis prior to submission to the Board of Trustees for information at regularly scheduled Board meetings. The financial statements are prepared by major object code levels.

The budget/expenditure reports by department, object code sequence, or funded projects option contain individual account numbers

Public Accessibility of Records

~~Hours — Normal Business hours--8:00 a.m. to 5:00 p.m.
Monday through Friday~~

~~Copies. — A nominal fee shall be charged for copies provided to interested parties.~~

Records Retention

~~Records shall be maintained according to Title 5 of the California Administrative Code.~~

Bank Reconciliation and Warrants

~~The District accounting office shall prepare Bank Reconciliations. In conjunction with the Bank Reconciliations, the outlawing of warrants, issuance of duplicate warrants and forgery review shall be done by the District under the direction of the Assistant Chancellor, Business Services.~~

Garnishments

~~The administration of these legal orders may vary according to the type of initiating agency:~~

- ~~1) Some orders are one-time only and must be renewed prior to each payday.~~
- ~~2) Some orders are indefinite until terminated, paid, or amended by Court order (i.e., Child Support).~~
- ~~3) Most orders include instructions for notification of employee of amounts to be withheld, as well as formulas for computing the deduction amount based on earnings, exemptions, minimums, etc. These computations are sometimes required of the employee on forms provided. The withholding period begins ten (10) calendar days after receipt of the order and continues until the total amount is collected. It may end sooner if written notice specifying an earlier termination date and signed by the levying officer is received.~~
- ~~4) The District Payroll Department shall receive all notices of garnishment or lien against employees and shall implement the necessary payroll deductions in accordance with the specific instructions provided with each type of notice. The administration of these legal orders will vary according to the type of initiating agency.~~

~~Using deduction codes already set into the District's computer system, payroll deduction warrants will be created each month payable to various agencies such as the District Attorney (Family Support), Sheriff, Internal Revenue Service, etc.~~

Stop Notices, Levies, Liens and Assignments

~~When a subcontractor is seeking a lien against a general contractor, preliminary notice of the lien shall be filed by the subcontractor with the District within twenty (20) days after first furnishing material or labor.~~

~~If the subcontractor files a Stop Notice before the District's final ten percent (10%) payment and has complied with the above preliminary notice, the District shall notify the contractor of such notice and hold payment until material release and waiver of lien is obtained.~~

~~When a formal levy is filed against one (1) of the District's vendors by the Internal Revenue Service, Court Order, etc., the District Business Department shall administer such levy by complying with the specific instructions contained therein. This will entail withholding payment from the vendor, and remitting the amount required to be withheld to the levying agency, with a copy of the transaction going to the vendor. If there is no time limit specified in the levy, a Release of Levy is required before the District can resume payments to the vendor.~~

Lost and Forged Warrant Investigations

~~If the original warrant is not available due to being lost, destroyed, or stolen, the District shall obtain from the payee a notarized Affidavit to Obtain Duplicate of Lost or Destroyed Warrant. If the missing warrant has been cashed with a forged signature, there is no Request for Cancellation. The Affidavit above, augmented with a statement in the payee's handwriting stating, Under penalty of perjury, the signature on the warrant is not my signature, is all that is required.~~

Duplicate Warrant Issuance

~~Before a duplicate or replacement warrant is issued, disposition of the original warrant must be processed as follows:~~

~~If the original warrant is still available, it will be sent with a completed form, *Request for Cancellation of Warrant*, to the County Auditor-Controller and to the District Accounting Office. This form specifies the District, Fund, Payee, Warrant Number, Amount, Account Number, Reason for Cancellation and Signature of the County Auditor-Controller. This provision is also applicable to outlawed warrant issuance.~~

~~Upon completion of the appropriate disposition of the original warrant, per above, a replacement warrant can be prepared using the usual issuance process.~~

Credential Verification

~~The Personnel office shall verify credentials or minimum qualifications in conjunction with payroll issuances.~~

Coordination with County Auditor/Controller

~~The County Auditor/Controller shall determine written procedures for:~~

- 1) ~~Cash receipts to identify deposits~~
- 2) ~~Requests for blank warrants~~
- 3) ~~Verification of the cash balance in the County Treasury~~
- 4) ~~Stop payments on warrants~~

Continuity of Disbursing Officer

~~The Chancellor shall act as the Internal Auditor in his/her absence. In the event of an extended absence of the Internal Auditor, an acting Internal Auditor may be appointed by the Board of Trustees.~~

❖ From current KCCD Procedure 3A3D2 titled Guidelines for Processing and Maintaining Revolving Funds at the Colleges

Guidelines for Processing and Maintaining Revolving Funds at the Colleges

1. Funds will be maintained in a regular checking account by the College Business Office. The checking account will be in the name of the College, will have a requirement of at least two ~~(2)~~ signatories on a check, and a check limit of ~~two thousand, five hundred dollars~~ (\$2,500.00). Purchases are restricted to goods and services required for the operation of the College and the accomplishment of the College mission.
2. Reimbursements from the revolving fund will require a paper requisition with the appropriate approval and a vendor receipt. There will be no exceptions to the vendor receipt requirement.
3. A check may be issued for advance payment if the following conditions are met:
 - documentation indicating the amount and the requirement for advance payment is made available and,
 - a paper requisition is prepared with the appropriate approvals.
4. Funds initially will be accounted for through the establishment of a separate unit of accounting in the ~~Quick books~~ software program currently used for the travel funds.
5. Funds will be subject to spot audits, and documentation must be available to support all checks issued against the account and not yet reimbursed by the District.

6. Revolving funds will be reimbursed by the District based on direct pay entry to be accomplished in the Business Office according to the following:

- The College Business Office to enter the direct pay data, supported by documentation.

Also see BP/AP 3300 titled Public Records, BP/AP 3310 titled Records Retention and Destruction, AP 6305 titled Reserves, AP 6310 titled Accounting, and AP 6315 titled Warrants.

The District is committed to principles of sound fiscal management and to provide for responsible stewardship of available resources. The District adheres to commonly accepted accounting standards as criteria for fiscal management regulations.

In order to ensure adherence to these principles and standards, the Chief Financial Officer will:

- Provide for safeguarding and managing District assets to ensure ongoing effective operations, maintenance of adequate cash reserves, implementation and maintenance of effective internal controls, determination of sources of revenues prior to making short-term and long-term commitments, establishment of a plan for the repair, and replacement of equipment and facilities.
- Provide for an organizational structure that incorporates a clear delineation of fiscal responsibilities and staff accountability.
- Provide that appropriate administrators keep the Board current on the fiscal condition of the District as an integral part of policy and decision-making.
- Provide for development and communication of fiscal policies, objectives, and constraints to the Board, staff, and students in accordance with state law, board policies, and administrative procedures.
- Provide for an adequate management information system that gives timely, accurate, and reliable fiscal information for planning, decision-making, and budgetary control.
- Provide for appropriate fiscal policies and regulations, and adequate controls to ensure that established fiscal objectives are met.
- Provide a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial, and educational adjustments.
- Provide both short term and long term goals and objectives and broad based input coordinated with District educational plan.

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BP 6320 INVESTMENTS

References:

Government Code Sections 53600 et seq.

NOTE: This policy is **legally required**. The language in current KCCD Policy 3A1A1D is consistent with the language reflected in the Policy & Procedure Service’s template.

The District Chancellor 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 Government Code Sections 53600 et seq.

NOTE: The following language is **legally advised**.

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.

NOTE: The language in current KCCD Policy 3A8 is shown as struck because of the prescriptive details contained therein. This language is reflected in new AP 6320 titled Investments.

❖ From current KCCD Policy 3A8 titled Investments

~~3A8A Excess funds of the District shall be invested by the Chancellor or designee and overseen by Board Finance and Audit Committee.~~

~~3A8B All funds will be held in the name of the Kern Community College District and will be invested in accordance with California Government Code Section 53600 et seq. Permissible investments include the following:~~

~~3A8C Investments will be selected based on the criteria which is prioritized as follows:~~

- ~~**Safety** – The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. The primary objective is to protect, preserve and maintain intact amounts invested under this policy.~~
- ~~**Liquidity** – Liquidity refers to the ability to dispose of investments at any moment in time with a minimal chance of losing some portion of principal or interest. An adequate percentage of the portfolio should be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements. No investment shall be for a term greater than five (5) years, unless specifically authorized by the Board of Trustees as provided in Section 53601 of the California Education Code.~~
- ~~**Yield** – Yield is the potential dollar earnings an investment can provide~~

~~3A8D The Chancellor or designee shall render periodic reports to the Board of Trustees of all outstanding investments and investment transactions for the month including the additional information specified by California Government Code Section 53646.~~

~~3A8E Securities purchased from brokers/dealers may be held by the broker/dealer provided that the total principal and interest of all securities held for the account of the Kern Community College District by each broker/dealer does not exceed the amount of the individual account insurance coverage carried by the broker/dealer. In the absence of adequate insurance coverage, securities shall be held in third party safekeeping by the trust department of a designated bank in the name of the Kern Community College District.~~

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AP 6320 INVESTMENTS

References:

Government Code Sections 53600 et seq.

NOTE: *It is **legally required** to have procedures on investments. Local practice may be inserted. The following is an example that complies with requirements.*

The 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).
- **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 the Chief Financial Officer subject to prior approval of the Board of Trustees.
- **NOTE:** Government Code Sections 53601, 53601.8, 53605, and 53635.8 permit many very specific investments. Questions should be referred to financial advisors or District legal counsel.

NOTE: The language shown below in **black ink** is from current KCCD Policy 3A8 titled Investments. This language is more appropriate to be codified in an administrative procedure due to the prescriptive details contained therein.

Excess funds of the District shall be invested by the District Chancellor or designee and overseen by Board Finance and Audit Committee.

All funds will be held in the name of the District and will be invested in accordance with Government Code Sections 53600 et seq. Permissible investments include the following:

Investments will be selected based on the criteria which is prioritized as follows:

- **Safety** - The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. The primary objective is to protect, preserve and maintain intact amounts invested under this policy.
- **Liquidity** - Liquidity refers to the ability to dispose of investments at any moment in time with a minimal chance of losing some portion of principal or interest. An

adequate percentage of the portfolio should be maintained in liquid short-term securities which can be converted to cash if necessary to meet disbursement requirements. No investment shall be for a term greater than five years, unless specifically authorized by the Board of Trustees as provided in Education Code Section 53601.

- **Yield** - Yield is the potential dollar earnings an investment can provide

The District Chancellor or designee shall render periodic reports to the Board of Trustees of all outstanding investments and investment transactions for the month including the additional information specified by Government Code Section 53646.

Securities purchased from brokers/dealers may be held by the broker/dealer provided that the total principal and interest of all securities held for the account of the District by each broker/dealer does not exceed the amount of the individual account insurance coverage carried by the broker/dealer. In the absence of adequate insurance coverage, securities shall be held in third party safekeeping by the trust department of a designated bank in the name of the District.

**Kern Community College District
Board Policy**
Chapter 6 – Business and Fiscal Affairs

BP 6330 PURCHASING

References:

Education Code Section 81656;

Public Contract Code Sections 20650 and 20651

NOTE: *This policy is legally required.*

❖ From current KCCD Policy 3A4 titled Purchasing

The ~~Board delegates to District~~ Chancellor or CFO *is delegated* the authority to ~~approve purchase orders and contracts~~ purchase supplies, materials, apparatus, equipment and services as necessary for the efficient operation of the District. No such purchase shall exceed the amounts specified by Public Contract Code Section ~~20641~~ 20651 as amended from time to time.

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

NOTE: *The language in current KCCD Policy 3A5 is policy language that is unique to the KCCD, but it can be retained in this new BP 6330 as deemed appropriate.*

❖ From current KCCD Policy 3A5 titled Use of Credit Cards Issued by the Kern Community College District

Use of Credit Cards Issued by the District

3A5A CAL-Cards

~~3A5A1~~ CAL-Cards will only be issued to District and College Educational Administrators and Classified Managers if their job duties require the regular use of a credit card. CAL-Cards will be issued to non-managers only in cases where there is a compelling business reason and issuance is approved by the District Chief Financial Officer and College President or District Chancellor.

~~3A5A2~~ CAL-Card applications will be completed prior to issuance. ~~[See Appendix 3A5G(b), 3A5G(c)]~~ Transactions will be limited to, travel, supplies, or equipment.

~~3A5A3 Bank of America Cards~~

~~3A5A3A Will only be checked out to District and College staff authorized to initiate transactions by the District Chief Financial Officer. Will be administered by Departments designated by the College Administrative Directors or District Chief Financial Officer.~~

NOTE: *The language in current KCCD Policy 3A6 is policy language that is unique to the KCCD, but it can be retained in this new BP 6330 as deemed appropriate.*

❖ From current KCCD Policy 3A6 titled Gas Credit Cards

Gas Credit Cards

~~3A6A~~ Individual gas cards will be assigned to employees assigned a District vehicle as part of their employment contract.

~~3A6B~~ Individual pool vehicles will be assigned specific cards and checked out when vehicles are approved for specific District or College use.

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AP 6330 PURCHASING

References:

Education Code Section 81656;

Public Contract Code Sections 20650 and 20651

NOTE: Procedures on purchasing are **suggested as good practice** if there is a separate purchasing department. They may also be contained in a separately maintained Purchasing Handbook, and if so this Administrative Procedure would delegate responsibility and authority to a designated position for the Handbook.

Legal requirements related to the bid process duplicate those regarding the awarding of contracts and are included in the next procedure.

NOTE: The language in **black ink** (below) is from current KCCD Policy 3A4H-3A4L as the prescriptive details were more applicable to this administrative procedure.

Emergency Purchases

To accommodate emergency purchases, a revolving cash fund is provided. This fund will be maintained by College and District Accounting Managers or Chief Financial Officer and will be subject to normal audit procedures.

The Chief Financial Officer shall approve all purchase orders which are prepared within the line-staff organization of the College, or District operations including reasonable expenditures of District funds to;

- 1) purchase food and beverages as refreshments for attendees at District sponsored events which further the legitimate purposes of the District,
- 2) purchase commemorative awards and gifts in recognition of service to the District by non-employees when the purpose is to promote services to the District; and
- 3) purchase awards for students, excluding gift cards. Gift cards are considered to be the equivalent of cash and therefore are not allowed to be used as awards or payments for goods or services.

Purchase Orders

Materials may not be purchased nor District-wide obligations be incurred without an approved purchase order. The District reserves the right to refuse payment of any invoices covering materials not listed on a District purchase order. Such invoices then become the personal obligation of the requisitioner. Goods must be ordered exactly as the items appear on the order unless an item is to be cancelled, in which case Business Services should be immediately notified. The requisitioner is responsible for the exact order, certification, and receipts of goods. Shipping and receiving or designated departments should electronically approve receipt of goods. This will certify that the invoice covering the order is ready for payment by Business Services.

All postage stamps and envelopes shall be used for official College business only. Such materials shall be under the supervision of the College administration.

❖ From current KCCD Procedure 3A5G titled Purchase Orders

Supplies and Equipment

All requests concerning physical condition of rooms, routine, classroom office supplies and similar supplies or equipment may be requested from the College President or designee on forms provided for those various purposes.

Requests for supplies or equipment which concern instruction should be prepared on a Purchase order by the head of the department and approved by the College President or designee on a Purchase Request [F](#)form. The approximate costs must be listed on all Purchase Request [F](#)form.

❖ From current KCCD Procedure 3A3C titled Standardization of Microcomputers

Standardization of Microcomputers

- 1) Requests for purchase of a District Standard microcomputer will be handled in the usual manner. If a request is received for a microcomputer other than a District Standard, that request must be accompanied by a justification for the purchase stating the factors, which make the purchase of the standard(s) inappropriate.
- 2) This justification should include the cost of maintenance for the proposed microcomputer and the account numbers, which will be used to cover the purchase price and the expenditures for maintenance or repairs.
- 3) This justification will be considered by the Microcomputer Purchase Committee consisting of one ~~(4)~~ representative from each College and the District Office. If

it is determined by the Committee that the intended function for the microcomputer ordered cannot be met by the District Standard microcomputer, the order will be processed. If the committee does not approve the purchase, the reason for refusal and the requisition will be returned to the originator.

- 4) Remedial maintenance and installation of the District Standard Micros will be handled by a District data processing services technician.

❖ **From current KCCD Procedure 3A3E(a) titled Purchase Request Form**

NOTE: Consider placing this form on the District's intranet for employees to access as needed.

Also see BP/AP 3720 titled Computer and Network Use, AP 6340 titled Bids and Contracts, AP 6345 titled Bids and Contracts – UPCCAA, and AP 6535 titled Use of District Equipment as well as the Purchase Request Form available on the District's website at: www.kccd.edu.

NOTE: The language in current Procedure 3A5G is shown as struck below due to the prescriptive content contained therein. Consider reflecting this detailed language in a Purchasing Manual or Business Services Guidelines accessible to employees on the District's intranet.

❖ **From current KCCD Procedure 3A5G titled Use of CAL-Cards Issued by Kern Community College District**

~~A. DEFINITION~~

~~A State of California Purchasing Card Program, CAL-Card I.M.P.A.C. VISA, is a unique business card intended to simplify purchasing and payment for services, to reduce total processing costs, and to provide greater flexibility for its users.~~

~~B. GENERAL~~

~~1. The CAL-Card is to be used in accordance with these and all purchasing procedures found in the Kern Community College District Board Policy Manual. The Chief Financial Officer and the Director, Accounting Services have the authority to determine the issuance or continuance of cards. Proper accounting procedures must be followed. It is the responsibility of all Kern Community College District employees involved to utilize a CAL-Card in a responsible and accountable manner.~~

~~2. CAL-Cards will display both the cardholder's name and the Kern Community College District. This card is to be used only by the cardholder. No other employee, member of the cardholder's family, or anyone else may use this~~

~~card. It is especially designed to avoid confusion with the cardholder's personal credit cards. THE CAL-CARD IS TO BE USED FOR OFFICIAL KERN COMMUNITY COLLEGE DISTRICT BUSINESS AND MAY NOT BE USED FOR PERSONAL PURCHASES.~~

- ~~3. The issuance of a CAL-Card in the cardholder's name does not allow the credit card company to check the cardholder's personal credit. The credit card company will not request any personal information from the cardholder, nor should any personal information be furnished.~~
- ~~4. Each single purchase may comprise multiple items, but the total cannot exceed the single purchase dollar limit on the cardholder's CAL-Card. Purchases may not be made to circumvent purchasing regulations per the Government Code or District Policy. When purchases exceed the limits established, normal purchasing procedures must be followed.~~
- ~~5. Use of the CAL-Card is not intended to replace effective procurement planning that enables volume discounts. Cardholders should always look for the lowest priced item that will meet specific needs.~~
- ~~6. Cardholders must be able to explain the nature of all purchases. If the cardholder cannot substantiate that the purchase was necessary and for official use, the cardholder's supervisor will address the situation in accordance with established policies. These policies include, but are not limited to, seeking reimbursement, appropriate disciplinary action, and revocation of the cardholder's CAL-Card. Unauthorized or unsubstantiated purchases will result in a small claims filing to permit the District to recover the costs.~~
- ~~7. Every CAL-Cardholder will be assigned an Approving Official. The Approving Official, or designee, is responsible for receiving completed statements from all assigned cardholders; reviewing the statements; resolving questions that cardholders may have about the purchases; approving the statements; and delivering the completed statements with all attachments to the appropriate Business Office.~~

~~C. CARD RESTRICTIONS~~

- ~~1. The Purchase CAL-Card can be used for travel and to purchase supplies, materials, and equipment that do not exceed the single transaction limit. Each card will have its own unique restrictions based on the need of the cardholder. Other restrictions may apply as determined by the Approving Official, College Approving Authority and the Chief Financial Officer.~~
- ~~2. Maximum dollar amounts will be established for each single purchase made and for total purchases made with the cardholder's CAL-Card in a given~~

~~month. Generally, the Kern Community College District limit is \$500 per transaction and \$3,000 per month. In special cases, the Approving Official, College Approving Authority, and the Chief Financial Officer may establish a higher limit.~~

~~D. PROHIBITED PURCHASES~~

- ~~1. Rental or lease of land or buildings~~
- ~~2. Purchase of telephone services except approved travel business-related telephone calls~~
- ~~3. Gambling, Betting~~
- ~~4. Securities, Insurance~~
- ~~5. Tax Payments (exclusive of sales or occupancy taxes).~~
- ~~6. Court Costs, Fines, Bail, and Bond Payments~~
- ~~7. Alcohol~~

~~E. PURCHASE PROCEDURES~~

- ~~1. CAL Cards generally will only be issued to District and College Educational Administrators and Classified Managers when their job duties require the regular use of a credit card. CAL Cards will be issued to non-managers only in cases where there is a compelling business reason and is approved by the College President or Chancellor, and will be limited to travel, supplies, or equipment. (See Policy 3A5G of this Manual)~~
- ~~2. Cal-Card applications will be completed prior to issuance by:~~
 - ~~• completing the Request for Purchase Card form [See Appendix 3A5G(b)].~~
 - ~~• obtaining approval from the CAL-Card applicant's supervisor.~~
 - ~~• forwarding the completed form to the applicant's College Director of Administrative Services where it will be reviewed and forwarded to the applicant's College President or designee for approval and assignment of an Approving Official. The applicant's request will then be forwarded to the District Business Services Office for processing.~~
- ~~3. The District Business Services Office will notify the applicant when the CALCard is received. The CAL-Card will be issued when the applicant completes and signs a Receipt Acknowledgment form.~~

- ~~4. To activate the CAL-Card account, the cardholder must phone Card Services at 1-800-344-5696. The cardholder must know the dollar limits assigned to the CAL-Card to complete the activation process.~~
- ~~5. Use of the CAL-Card is subject to the limitations of the cardholder's particular card at any merchant that accepts VISA for payment of purchases.~~
- ~~6. The cardholder must verify that budgeted funds are available prior to making any purchases.~~
- ~~7. Over-the Counter Transactions Once items have been selected for purchase, present the items and the CALCard to the merchant. The merchant will complete a credit card transaction receipt that includes the following information:
 - ~~a. Imprint of the CAL-Card, including card number, expiration date, and cardholder's name~~
 - ~~b. Date and amount of purchase~~
 - ~~c. Brief description of item(s) purchased~~
 - ~~d. Imprint of merchant name and identification number~~~~
- ~~8. The merchant will obtain authorization for the transaction via telephone or direct telecommunication link to the VISA authorization network. The merchant will obtain an authorization number, which will also be included on the credit card transaction receipt.~~
- ~~9. Occasionally, a transaction may be declined at the merchant location. The merchant is not provided a reason via the terminal display. When this happens the cardholder should consider the following to resolve the denial.
 - ~~a. Is the transaction amount within the cardholder's single purchase limit?~~
 - ~~b. Will the transaction amount exceed the cardholder's 30-day limit or the Office limit of the Approving Official?~~
 - ~~c. Has the cardholder been authorized to make purchases at this type of supplier?~~~~
- ~~10. The merchant will request that the cardholder sign the credit card transaction receipt. Before doing so, the cardholder must verify that the information, especially the dollar amount, is correct.~~

~~11. The cardholder will be provided one copy of the signed credit card transaction receipt. Retain this copy as verification and back-up of the monthly Statement of Account; attach to the signed Statement of Account; forward to the Approving Official, or designee.~~

~~12. Mail or Telephone Order Purchases When placing a telephone or mail order, the cardholder will be asked to provide name, card number, account expiration date, and billing address. The billing address is the cardholder's statement mailing address.~~

~~F. PAYMENT PROCEDURES~~

~~At the close of each billing cycle, the cardholder will receive a Statement of Account from Card Services. The Statement of Account will itemize each transaction that was posted to the GAL Card account during the billing cycle. The Statement of Account prints at the close of business on the 22nd of every month. Upon receipt, the cardholder will complete each of the actions listed below within five (5) working days. If the cardholder is unable to complete the following actions within five (5) working days, the cardholder will forward all receipts to the Approving Official, or designee, for completion.~~

~~1. Review the Statement of Account for accuracy.~~

~~2. Provide a complete description of each item purchased on the Description line.~~

~~3. Indicate the FOAPAL for each transaction on the Accounting Code line. If charging to more than one FOAPAL per transaction, indicate the dollar amount to be applied to each FOAPAL.~~

~~4. Attach sales receipts, order blanks, packing slips/receipts, and copies of approved Absence/Travel Request/Reimbursement Claim forms [See Procedure 3C3A(a)] to the Statement of Account.~~

~~5. Verify any credit vouchers received for returned items and attach to the Statement of Account on which the credit appears, and indicate the FOAPAL to receive the credit.~~

~~6. If the cardholder is incorrectly charged for an item, the cardholder will contact the vendor first in an effort to resolve the problem. If the merchant agrees to process a credit voucher, the cardholder will indicate the FOAPAL for the charge on the current statement and will use the same FOAPAL for the credit voucher on the next statement. If the merchant refuses to issue a credit voucher, the cardholder must attach a complete explanation of the error to the Transaction Dispute form. Transaction Dispute forms can be obtained from District Accounting.~~

- ~~7. Sign the Statement of Account.~~
- ~~8. Retain copies of all statements and receipts in an appropriate file.~~
- ~~9. Promptly submit the completed Statement of Account to the Approving Official(s) or designee, for written approval of each item purchased.~~

~~G. PROCESSING STATEMENT OF ACCOUNT~~

~~Prompt receipt of the cardholder's Statement of Account within five (5) working days is an essential part of the CAL-Card process.~~

- ~~1. If the District Accounting Office does not receive the cardholder's Statement of Account within five (5) working days, the cardholder's name and the dollar amount outstanding will be forwarded to the appropriate College President and Business Manager. District Office names will be forwarded to the Chancellor and the Chief Financial Officer.~~
- ~~2. After ten (10) working days, the total outstanding charges from any Statement of Account will be applied to a FOAPAL maintained by the cardholder's College President or the Chancellor, and the District Accounting Office will make payment to CAL-Card.~~
- ~~3. To remove these charges from the College President's or Chancellor's FOAPAL, forward the CAL-Card Statement of Account, together with Expenditure Transfers for each item, through the College Business Office to the District Accounting Office for processing.~~
- ~~4. The CAL-Card may be suspended or revoked at the discretion of the cardholder's College President or the Chancellor for failure to forward the Statement of Account within five (5) working days to the District Accounting Office.~~

~~H. LOST OR STOLEN CARDS~~

- ~~1. The cardholder will immediately notify Customer Service at 1-800-344-5696 and the District Accounting Office in the event a CAL-Card has been lost or stolen, or if the cardholder believes the account number has been compromised in a fraudulent manner. A new card will be mailed to the cardholder within two (2) business days from the time it is reported as lost or stolen to Customer Service. A new account number will be assigned to the cardholder's new CAL-Card.~~
- ~~2. The cardholder must contact the District Accounting Office and be prepared to provide the following information: cardholder's complete name, the card~~

~~number, the date the loss or theft occurred, the date Customer Service was notified, and any purchase(s) made on the day the card was lost or stolen.~~

~~I. CHANGE TO CARDHOLDER INFORMATION~~

~~Changes to a cardholder's name, address, organization, 30-day or single purchase limit, and type of merchant or supplier should be reported to the College Business Office by completing the Request for Changes to Cardholder Information form. [See Appendix 3A5G(d)]~~

~~J. CLOSURE OF ACCOUNT~~

- ~~1. If the cardholder transfers to another department, the cardholder must complete the Request to Close Account form. [See Appendix 3A5G(e)] and return the CAL-Card to the appropriate College Business Office. If the cardholder's new assignment requires a CAL-Card, a new Request for Purchasing Card form will be required.~~
- ~~2. On termination of employment, the cardholder must return the CAL-Card to the appropriate College Business Office before the cardholder's final check will be released.~~

Procedures related to procurement are contained in the District's Purchasing Manual.

**Kern Community College District
Board Policy**
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BP 6340 BIDS AND CONTRACTS

References:

Education Code Sections 81641 et seq.:
Public Contract Code Sections 20650 et seq.:
Government Code Section 53060:
WASC/ACCJC Accreditation Standard III.D.16
2 Code of Federal Regulations Part 200.318

NOTE: *This policy is **legally required**. The language in current KCCD Policy 3A4A-3A4F is consistent with the language reflected in the Policy & Procedure Service's template.*

❖ From current KCCD Policy 3A4A-3A4L titled Purchasing (Contracts)

3A4A The Board of Trustees delegates to the District Chancellor or Chief Financial Officer 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:

- **3A4B** Contracts are not enforceable obligations until they are approved or ratified by the Board.
- **3A4C** 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 Contract Code Section 20651 shall require prior approval by the Board.
- **3A4D** When bids are required according to Public Contract 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.

3A4E If the District Chancellor, or Chief Financial Officer ~~or designee~~ concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract 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.

~~3A4F~~ 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 Contract Code Section 20652, the District Chancellor, or Chief Financial Officer ~~or designee~~ is authorized to proceed with a contract.

NOTE: *The language in current KCCD Policy 3A4G is policy language that is unique to the KCCD, but it is fine to retain it in this new BP 6340 as it addresses the Board's awarding and ratification related to bids and contracts.*

~~3A4G~~ Purchases, services, or leases under published notice calling for bids shall be awarded by the Board. Other transactions shall be submitted for Board ratification through approval of the warrant list.

NOTE: *The language in current KCCD Policy 3A4H-3A4L is shown as struck because of the prescriptive details contained therein. This language is reflected in new AP 6330 titled Purchasing.*

~~3A4H~~ ~~To accommodate emergency purchases, a revolving cash fund is provided. This fund will be maintained by College and District Accounting Managers or Chief Financial Officer and will be subject to normal audit procedures.~~

~~3A4I~~ ~~The Chief Financial Officer shall approve all purchase orders which are prepared within the line-staff organization of the College, or District operations including reasonable expenditures of District funds to;~~

- ~~1) purchase food and beverages as refreshments for attendees at District sponsored events which further the legitimate purposes of the District;~~
- ~~2) purchase commemorative awards and gifts in recognition of service to the District by non-employees when the purpose is to promote services to the District; and~~
- ~~3) purchase awards for students, excluding gift cards. Gift cards are considered to be the equivalent of cash and therefore are not allowed to be used as awards or payments for goods or services.~~

~~3A4J~~ ~~Materials may not be purchased nor District-wide obligations be incurred without an approved purchase order. The District reserves the right to refuse payment of any invoices covering materials not listed on a District purchase order. Such invoices then become the personal obligation of the requisitioner. Goods must be ordered exactly as the items appear on the order unless an item is to be cancelled, in which case Business Services should be immediately notified. The requisitioner is responsible for the exact order, certification, and receipts of goods. Shipping and receiving or designated departments should electronically approve receipt of goods. This will certify that the~~

~~invoice covering the order is ready for payment by Business Services. Request for Purchase Request forms and related procedures are included in Procedure 3A4G of this Manual.~~

~~3A4K All postage stamps and envelopes shall be used for official College business only. Such materials shall be under the supervision of the College administration.~~

~~3A4L Bids and Contracts. [See Procedure 3A4 (a-b) of this Manual for the procedures for bids and contracts and the Independent Contract or Checklist]~~

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AP 6340 BIDS AND CONTRACTS

References:

Education Code Sections 81641 et seq.:

Government Code Section 53060:

Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.:

Labor Code Sections 1770 et seq.:

WASC/ACCJC Accreditation Standard III.D.16

NOTE: Procedures on bids and contracting are **legally required**. Local practice may be inserted. The following language in red ink is typical and complies with the legal requirements. However, please note that districts which, by proper resolution and notification to the Controller, have elected to adopt the Uniform Public Construction Cost Accounting Act (UPCCAA), are subject to an alternative set of procedures, described in detail in Public Contract Code Sections 22000 et seq. (See AP 6345 which is the Bids and Contracts Option using UPCCAA)

The language in current KCCD Procedure 3A4A is similar to the language reflected in the Policy & Procedure Service's template.

❖ From current KCCD Procedure 3A4A titled Bids and Contracts

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

1. Purchase of goods or services up to the limits set out in the Public Contracts Code will require documented quotes.
2. Purchase of goods or services in excess of the limits set out in the Public Contracts Code will require formal advertised bids.
3. Construction services shall be limited to the bid limits outlined in the Cost Accounting Policies Manual of the California Uniform Public Construction Cost

Accounting Mission. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

NOTE: *The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651(d); the 1/1/07 adjustment increased the minimum for materials or supplies to \$69,000. The current bid minimum can be found at <http://www.cde.ca.gov/fg/ac/co/>*

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two (2) weeks in a newspaper of general circulation ~~circulated~~ published within the District, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on ~~Kern Community College~~ the District's website or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The ~~Kern Community College~~ District may accept a bid that was submitted either electronically or on paper.

Bid and contract forms shall be prepared and maintained by the Chief Financial Officer. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Chief Financial Officer shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done 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 compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be 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.

The Chief Financial Officer 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.

Chief Financial Officer shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts Awards

The awarding of bids and contracts shall be subject to the following conditions:

1. Any and all bids and contract proposals may be rejected by the District for good and sufficient reason.
2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
3. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
4. Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
5. For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
6. "Best value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

Purchase without Advertising for Bids

The Chief Financial Officer or designee is authorized to make purchases from firms holding ~~county~~ public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Financial Officer or designee may, without advertising for bids within all California counties, cities, towns, or districts, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Financial Officer or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

Duration of Continuing Contracts for Services and Supplies

1. Continuing contracts for work or services furnished to the District are not to exceed five ~~(5)~~ years.
2. Contracts for materials and supplies are not to exceed three ~~(3)~~ years.

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chief Financial Officer may make a contract ~~in~~ on behalf of the District for labor, materials, and supplies without advertising for or inviting bids, subject to ratification by the ~~B~~board.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

NOTE: *The following sections apply if funds from the Kindergarten-University Public Education Facilities Bond Acts of 2002, 2004, or 2006 are used for a public works project.*

Kindergarten-University Public Education Bond Act Projects

For projects funded by 2002, 2004, or 2006 Bond Funds, the Chief Financial Officer will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.
- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.
- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.
- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Chief Financial Officer or an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.
- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.
- The Chief Financial Officer shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

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AP 6345 BIDS AND CONTRACTS – UPCCAA

References:

Education Code Sections 81641 et seq.:

Labor Code Sections 1770 et seq.:

Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq.
(Uniform Public Construction Cost Accounting Act (Act))

NOTE: Procedures on bids and contracting are **legally required**. Local practice may be inserted. Districts which, by proper resolution and notification to the Controller, have elected to adopt the Uniform Public Construction Cost Accounting Act, are subject to the procedures described in detail in Public Contract Code Sections 22000 et seq. **The following template is only for use by districts that have adopted such a resolution.**

Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects estimated to cost up to \$175,000¹ shall be let to contract by procedures described below.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

¹ The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of \$45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to \$175,000 may be let to contract by informal procedures. Public projects in excess of \$175,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032.

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Procedures Not Covered by this AP

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

Contractors List

Lists of contractors shall be developed and maintained.

Award to Low Bidder; No Bids

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids

When a Public Project anticipated to cost less than \$175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids and describe how to obtain more detailed information about the Project. The District shall mail the notice to all contractors for the category of work to be bid, as shown on the Contractors List. The District may also mail the notice to all construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten days before bids are due.

Award of Informally-Bid Contracts

The District Chancellor or designee is authorized to award informal contracts (defined as contracts for less than \$175,000.00), except those contracts described below.

Bids Exceed Informal Bidding Limit

If all informal bids received exceed \$175,000, and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$187,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

Bid Documents for Formal Bids

The District Chancellor or designee, will see that plans, specifications and working details for all Public Projects estimated to cost more than \$175,000 are adopted.

Notice Inviting Formal Bids

When a Public Project, which is anticipated to cost in excess of \$175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of

general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent electronically, if available, by facsimile or electronic mail and mailed to all construction trade journals. The notice to construction trade journals shall be sent at least 15 calendar days before the date of bid opening. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least 30 days before the date of bid opening.

When Contractors List Has Not Been Prepared: Proprietary Product or Service
Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

Contracts for Maintenance Work

Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids; Re-solicitation; Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

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AP 6345 BIDS AND CONTRACTS – UPCCAA

References:

Education Code Sections 81641 et seq.:

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(Uniform Public Construction Cost Accounting Act (Act))

NOTE: Procedures on bids and contracting are **legally required**. Local practice may be inserted. Districts which, by proper resolution and notification to the Controller, have elected to adopt the Uniform Public Construction Cost Accounting Act, are subject to the procedures described in detail in Public Contract Code Sections 22000 et seq. **The following template is only for use by districts that have adopted such a resolution.**

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Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids; Re-solicitation; Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
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- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

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**BP 6365 CONTRACTS – ACCESSIBILITY OF INFORMATION
TECHNOLOGY**

References:

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);
36 Code of Federal Regulations Sections 1194.1 et seq.;
Government Code Section 11135;
Title 5 Sections 59300 et seq.

NOTE: This policy is unique to the Kern CCD. The language below is provided for consideration as it is more applicable policy-level language.

Electronic and information technologies (EIT) are a means by which the District provides information to students, faculty, staff, and other constituents. The need to ensure accessibility to all members of the campus community is critical as more administrative services and learning environments are based on EIT. It is also a part of the District's ongoing commitment to establishing a barrier free learning community, or universal access, to all individuals.

As mandated by federal/state laws and the California Community Colleges Chancellor's Office, it is required that the District comply with Section 508 Standards to ensure accessibility to EIT for individuals with disabilities.

The District Chancellor shall assure that contracts for information technology for use by the District comply with accessibility requirements pursuant to the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S. Code Section 794d) and its implementing regulations set forth at Title 36 Code of Federal Regulations Part 1194.

Also see BP/AP 3720 titled Computer and Network Use and AP 6365 Contracts – Accessibility of Information Technology.

NOTE: The language in current KCCE Policy 7D3B is shown as struck below as it is reflected in new AP 6365 titled Contracts – Accessibility of Information Technology.

The prescriptive operational details in current KCCD Policy 7D3B parallel the language in the Policy & Procedure Service's template for AP 6365.

❖ From current KCCD Policy 11D3B titled Access to Electronic and Information Technology

~~Whenever the Kern Community College District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the equipment or services purchased shall comply with, or be capable of conversion to meet accessibility requirements of Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunication products, video or multimedia products, and self-contained closed products such as copiers, and desktop and portable computers.~~

~~**7D3B2** — The District will negotiate with vendors with the intention of having them certify to the following provisions:~~

~~**7D3B2A** — “The vendor warrants that the products or services to be provided under this agreement comply with, or be capable of conversion to meet, the accessibility requirements of Section 504 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 Kern 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 the agreement.”~~

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AP 6365 CONTRACTS – ACCESSIBILITY OF INFORMATION TECHNOLOGY

References:

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d);
36 Code of Federal Regulations Sections 1194.1 et seq.;
Government Code Section 11135;
Title 5 Sections 59300 et seq.

NOTE: *This procedure is **legally required**.*

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 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."

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AP 6370 CONTRACTS – PERSONAL SERVICES

References:

Education Code Section 88003.1;
Government Code Section 53060

NOTE: Procedures on personal services contracts are **legally required**. Local practice may be inserted, but must comply with the following conditions.

The District may enter into personal services contracts to achieve cost savings when each of the following conditions are 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;
- 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.

NOTE: The following language is **optional** and provides definitions of types of personal services contracts.

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.
- 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 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.

❖ From current KCCD Procedure 3A4(b) titled Independent Contractor Checklist

NOTE: Consider placing this form on the District's website for employees and others to access as needed.

Also see BP/AP 6340 titled Bids and Contracts, AP 6380 titled Vendors, and the Independent Contractor Checklist Form available on the District's website.

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BP 6400 FINANCIAL AUDITS

References:

Education Code Section 84040(b);

WASC/ACCJC Accreditation Standard III.D.7

NOTE: *This policy is **legally required**. The language in current KCCD Policy 3A7 is consistent with the language reflected in the Policy & Procedure Service's template.*

❖ From current KCCD Policy 3A7 titled Audits

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 District Chancellor shall assure that an annual outside audit is completed. The District Chancellor ~~Chief Financial Officer~~ shall recommend a certified public accountancy firm to the Board of Trustees with which to contract for the annual audit.

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AP 6400 FINANCIAL AUDITS

References:

Education Code Section 84040(b), 84040.5, and 81644:
WASC/ACCJC Accreditation Standard III.D.7

NOTE: Procedures on audits are **legally required**. Local practice may be inserted. The following is typical and complies with requirements.

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.

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AP 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)

NOTE: *The language shown below is from current KCCD Policy 3E5 titled Wireless Communication Devices. This language is more appropriate to be codified in an administrative procedure due to the prescriptive details contained therein.*

The District recognizes that certain specific job functions require the use of wireless communication devices to conduct official business.

NOTE: *The language in red ink is legally advised.*

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

When the job duties of an employee require the use of a wireless communication device to conduct District business, the District Chancellor or College President may provide the employee with a wireless communication device or allowance.

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.

NOTE: *The value of the business use of a District-provided cellular telephone is excludable from an employee's income as a working condition fringe benefit to the extent that, if the employee paid for the use of the cellular telephone themselves, such payment would be allowable as a deduction under Income Tax Regulations Section 162 for the employee. A District will be considered to have provided an employee with a*

cellular telephone primarily for non-compensatory business purposes if there are substantial reasons relating to the District's business, other than providing compensation to the employee, for providing the employee with a cellular telephone. When a District provides an employee with a cellular telephone primarily for non-compensatory business reasons, the IRS will treat the employee's use of the cellular telephone for reasons related to the employer's trade or business as a working condition fringe benefit, the value of which is excludable from the employee's income and, will treat the value of any personal use of a cellular telephone provided by the employer primarily for non-compensatory business purposes as excludable from the employee's income as a de minimis fringe benefit.

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.

Use

No personal calls may be initiated or received on District-issued devices. Personal use may result in disciplinary action.

Use of wireless communication devices is prohibited while driving District vehicles and while driving any vehicle during the course or scope of employment. There are no exceptions, including hands-free devices.

Any personal use of wireless communication devices, including text messaging, during scheduled work hours shall be kept to a minimum or made on the employee's own time.

Issuance

If an employee receives a District allowance, the allowance will be taxable income to the employee.

If the District-issued wireless communication device is lost, damaged, or stolen, the employee is responsible for notifying the Help Desk immediately to prevent unauthorized use of the wireless communication device.

The District or College-issued wireless communication devices will be returned if the employee discontinues employment with the District or College.

Definition

Wireless communication devices include:

- Pager
- Push-to-Talk
- Cell Phone
- Push-to-Talk with Cell Service
- SmartPhone

❖ From current KCCD Procedure 3E5 titled Wireless Communication Devices

4. All employees who require the use of a wireless communication device to conduct District business must complete and submit the ~~Kern Community College~~ District Wireless Communication Device Authorization Request ~~F~~form *available on the District's intranet portal site.* ~~(See Appendix 3E5)~~

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BP 6500 PROPERTY MANAGEMENT

References:

Education Code Sections 81300 et seq.

NOTE: *The language in red ink is legally required.*

❖ From current KCCD Policy 3B2 titled Maintenance and Property Management

Facilities and equipment of the ~~Kern Community College~~ District shall be properly maintained.

3B2A The Board of Trustees shall review annually maintenance schedules for each College including, but not limited to, roofing, painting, parking, and walkway areas.

3B2B The District Chancellor, College President or designee is responsible for the maintenance of equipment and facilities.

NOTE: *The language in current KCCD Policy 3B2C is similar to the language reflected in the Policy & Procedure Service's template for BP 6500 titled Property Management.*

3B2C The District Chancellor or Chief Financial Officer has 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 of Trustees itself.

The District Chancellor 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.

NOTE: *The language in current KCCD Policy 3B2D is shown as struck below as this same language is reflected in new BP 6550 titled Disposal of Property to be consistent with the language reflected in the Policy & Procedure Service's template.*

~~3B2D The Chancellor or Chief Financial Officer is authorized 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.~~

NOTE: *The language in current KCCD Policy 3B5 titled Operations is shown as struck because of the prescriptive details contained therein. This language is reflected in new AP 6500 titled Property Management.*

❖ From current KCCD Policy 3B5 titled Operations

~~3B5A The assignment of all building or room master keys shall be the responsibility of the College President or designee. They may be assigned only to authorized College personnel.~~

~~3B5B On all occasions where the Flag of the United States and the Flag of the State of California are displayed on College premises, federal and State rules on flag etiquette and procedures shall be strictly observed. It is the responsibility of each College to ensure that the Flag is treated with respect and handled with reverence at all times in accordance with regulations and policies of the Education Code and the Board of Governors of the California Community Colleges.~~

~~3B5C The Flag of the United States and the Flag of the State of California shall be prominently displayed at each member College and at the District headquarters. Both flags shall be prominently displayed at all open air performances.~~

~~3B5D The national flag shall not be a vehicle for the expression of political, social, or economic philosophy. Nothing in past custom and usage or existing statutes or regulations authorizes the District to lower the flag to express approval or disapproval of the popular cause of the day. Determination regarding the flying of the flag at half-mast at the member Colleges of the District shall be made either by Congressional, Presidential or Governmental decree in the case of national or statewide proclamations, or by the Board of Trustees or the Chancellor in all other instances.~~

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AP 6500 PROPERTY MANAGEMENT

References:

Education Code Sections 70902 and 81300 et seq.

NOTE: *The language in red ink is **suggested as good practice/optional**. The delegation of authority can be incorporated into AP 6100 titled Delegation of Authority, **at local option**. The District should insert its local practices regarding property management.*

The Chief Financial Officer 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.

NOTE: *The language shown below is from current KCCD Policy 3B5 titled Operations. This language is more appropriate to be codified in an administrative procedure due to the prescriptive details contained therein.*

Keys

The assignment of all building or room master keys shall be the responsibility of the College President or designee. They may be assigned only to authorized College personnel.

Flags

On all occasions where the flag of the United States and the flag of the State of California are displayed on College premises, federal and state rules on flag etiquette and procedures shall be strictly observed. It is the responsibility of each College to ensure that the flag is treated with respect and handled with reverence at all times in accordance with regulations and policies of the Education Code and the Board of Governors of the California Community Colleges.

The flag of the United States and the flag of the State of California shall be prominently displayed at each member College and at the District headquarters. Both flags shall be prominently displayed at all open-air performances.

The national flag shall not be a vehicle for the expression of political, social, or economic philosophy. Nothing in past custom and usage or existing statutes or regulations authorizes the District to lower the flag to express approval or disapproval of the popular cause of the day. Determination regarding the flying of the flag at half-~~mast~~ staff at the member Colleges of the District shall be made either by Congressional, Presidential, or Governmental decree in the case of national or statewide proclamations, or by the Board of Trustees or the District Chancellor in all other instances.

**Kern Community College District
Board Policy**
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BP 6520 SECURITY FOR DISTRICT PROPERTY

References:

Education Code Sections 81600 et seq.;
ACCJC Accreditation Standard III.B.1

NOTE: *This policy is **legally required**.*

The District Chancellor 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.

Kern Community College District
Administrative Procedure
Chapter 6 – Business and Fiscal Affairs

AP 6520 SECURITY FOR DISTRICT PROPERTY

References:

Penal Code Section 469;

WASC/ACCJC Accreditation Standard III.B.1

NOTE: Procedures on security for District property are **required by accreditation.** Local practice may be inserted. **The following are suggested elements:**

- Allocation of responsibilities for patrolling District property
- Allocation of responsibilities for maintenance (e.g., lighting, pruning, locks)
- Distribution of keys
- Responsibility for publication of warnings about unsafe areas of campus
- Emergency notification procedures
- Fire alarms
- Locking software for computers

Each District employee is responsible for the equipment under his/her control and shall not loan or allow the use of the equipment to any individual who is not authorized by the District (see AP 6535 titled Use of District Equipment). Loss of equipment and unauthorized use of equipment shall be reported immediately to the responsible administrator.

District facilities and grounds are for the use of District-authorized activities and events. (Also see BP/AP 6700 titled Civic Center and Other Facilities Use.)

The District is responsible for administering the process for issuance, use, and return, including monitoring, of keys/access control devices. All issued keys/access control devices are the property of the District. As such, they are subject to recall at any time.

Authorization of Keys/Access Control Devices

The District Chancellor or designee is/are the designated individual(s) who can authorize access to buildings, offices, etc.

Keys/access control devices will be issued only to employees of the District and to outside regular contractors/vendors who must have access to service areas, when approved by the Chief Administrator for Maintenance and Operations or Police and

Safety Services. Keys/access control devices shall not be issued to students, student workers, or short-term workers. Exceptions to this procedure can only be made by the District Chancellor.

Upon a change in assignment within the District, employees shall turn in any keys/access control devices no longer needed to the Police and Safety Services, District Chancellor, or designee.

Under no circumstances shall keys/access control devices be loaned to an unauthorized person.

Part-time faculty shall turn keys/access control devices in to Police and Safety Services at the end of each semester (if not returning the subsequent semester).

Key/Access Control Device Request

To order a key/access control device, a request must be submitted by the District Chancellor or designee. All key/access control device requests must be submitted to Police and Safety Services.

Key/Access Control Device Responsibility

The person who signs for the key/access control device assumes the responsibility for it. Any lost or stolen key/access control device must be reported to Police and Safety Services immediately and a report filed. Fees due to lost/stolen/missing keys/access control devices are required to be paid prior to issuance of replacement keys/access control devices. In the case of employee separation from the District, all keys/access control devices must be returned to Police and Safety Services. Appropriate fees will be assessed for all unreturned keys/access control devices.

Key/Access Control Device Duplication

Each District key/access control device belongs to the District and shall not be duplicated. Any unauthorized duplication of a District key/access control device is a violation of Penal Code Section 469 and is punishable with a fine or imprisonment.

**Kern Community College District
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BP 6530 DISTRICT VEHICLES

References:

Insurance Code Section 11580.1(b);

Title 13, California Code of Regulations, Division 1, Chapter 1

NOTE: *This policy is unique to the Kern CCD. The language below is provided for consideration.*

The District Chancellor is authorized to establish a fleet of District vehicles as deemed necessary for the efficient operation of the District. Purchase of vehicles shall be made in accordance with board policy and all provisions of the law. The District Chancellor shall establish rules and procedures governing use of the District vehicles. He/she shall adopt a system of priorities allocating vehicles based upon factors of distance to be traveled, purpose, time of application, and safety.

The procedures shall ensure that each person required by their job description to drive a District-owned vehicle shall maintain a safe driving record. An employee's continuing compliance with such procedures shall be a condition of continued employment in any position requiring the driving of District vehicles.

Clearance to drive District-owned vehicles requires the driver/District employee to have in their possession an appropriate, valid California Drivers' License. Verification must be obtainable through the California Department of Motor Vehicles.

Transportation of students and District personnel on District-authorized field trips and overnight trips shall be provided consistent with state law, board policy, and administrative procedures as established by the District Chancellor. (Also see BP/AP 4300 titled Field Trips and Excursions)

NOTE: *The language in current KCCE Policy 3C1 is shown as struck below as it is addressed in new BP/AP 4300 titled Field Trips and Excursions.*

❖ From current KCCD Policy 3C1 titled Student Transportation

~~3C1 Student Transportation~~

~~See Policy 4B9, for Student Field Trips, Excursions, and Transportation.~~

~~(See Procedures 3C1(a-b) of this Manual for Meals and In-State Travel Allowances for Athletes.)~~

~~3C1A Waiver of Claims by Participants~~

~~All persons making the field trip or excursion shall be deemed to have waived all claims against the District or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All student participants of a field trip or excursions shall sign a statement waiving such claims. All emancipated minors, parents or guardians of students, and adults taking field trips or excursions shall sign a statement waiving such claims.~~

~~*Also see BP/AP 4300 titled Field Trips and Excursions as well as BP/AP 7600 titled Travel*~~

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AP 6530 DISTRICT VEHICLES

References:

Insurance Code Section 11580.1(b);

Title 13, California Code of Regulations, Division 1, Chapter 1

NOTE: *The language in red ink **legally advised**. Local practice may be inserted.*

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

All drivers of District-owned or leased vehicles both on and off campus must have a current license appropriate for the vehicle to be driven.

All drivers of District-owned or leased vehicles that carry fifteen or more persons including the driver must have a current Class B license, a current medical certificate and a current First Aid Certificate.

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 13 months.

All District vehicles with equipment for transporting the disabled must comply with all applicable laws and regulations regarding such vehicles.

The District shall not operate or lease a 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.

Vehicles made available to the District personnel are for use in the conduct and operation of District business.

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BP 6540 INSURANCE

References:

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

NOTE: This policy is **legally required**. The language in current KCCD Policy 3A13 is consistent with the language reflected in the Policy & Procedure Service's template.

❖ From current KCCD Policy 3A13 titled Insurance

~~3A13A~~ The District Chancellor ~~or designee(s)~~ shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities describing Education Code Section as follows:

- Liability for damages for death, injury to person, or damage or loss of property;
- Personal liability of members of the Board of Trustees 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 District Chancellor designee may authorize coverage for persons who perform volunteer services for the District.
- Worker's compensation insurance.

Insurance may also 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 of this policy.

Also see BP/AP 3810 titled Claims Against the District, BP/AP 6800 titled Occupational Safety, and AP 7343 titled Industrial Accident and Illness Leave

Kern Community College District
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AP 6540 INSURANCE

References:

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

NOTE: *An administrative procedure on insurance is **legally required**. Local practice may be inserted, but must provide for the forms of insurance listed below. The requirement to provide for insurance coverage may be met by the District joining in a joint powers agreement pursuant to Education Code Section 81603. If it does so, the regulations required by the JPA would be adopted.*

- Liability insurance for damages for death, injury to person, or damage or loss of property.
- Liability insurance for the personal liability of the members of the Board and of 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/her office or employment.
- Fire insurance
- Real property damage
- Personal property loss or damage
- Insurance for District vehicles
- Insurance against “other perils” (Education Code Section 81601)
- Workers compensation insurance
- Actuarial evaluation of the future annual costs of health and welfare benefits

NOTE: *Education Code Section 81602 specifically authorizes the District to contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within limits and for amounts specified by the Board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.*

The District will minimize the District's liability for Workers' Compensation claims by restricting authorization of the attendance of employees at special activities and/or professional conferences when they are off duty or otherwise not in a paid status.

- Employees who attend special activities and/or professional conferences at the request and expense of the District, while not in a paid status, will be covered by Workers' Compensation insurance.
- Employees not in paid status, who attend special activities and/or professional conferences at the request of the District but at their own expense, will be covered by Workers' Compensation insurance.
- Employees who attend special activities and/or professional conferences at their own expense, not at the request of the District and while not in paid status, will not be covered by Workers' Compensation insurance.
- Employees who attend special activities and/or professional conferences at District expense will be covered by Workers' Compensation insurance only for the portion of the trip involving the professional activity, and not for any portion involving personal travel or activities.

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BP 6550 DISPOSAL OF PROPERTY

References:

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

NOTE: This policy is legally required.

The District Chancellor is delegated authority by the Board of Trustees 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.

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AP 6550 DISPOSAL OF PROPERTY

References:

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

NOTE: This procedure is **legally advised**. Local practice may be inserted, but should include at least the following elements:

- Delegation by the District 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 the 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.

The District may sell for cash any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the district and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

The Chief Financial Officer shall sell the property to the highest responsible bidder, or shall reject all bids.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

- a) The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.
- b) The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.
- c) The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of \$5,000, the property may be sold by the Chief Financial Officer at private sale without advertising.

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by Chief Financial Officer at private sale without advertising.

In addition, the Board may sell or lease real property belonging to the District under the following conditions:

- If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property

established by a majority vote of the Board, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.

- Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the district if, prior to the sale or lease, the Board has determined that the District has no anticipated need for additional sites or building construction for the five-year period following the sale or lease.

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BP 6600 CAPITAL CONSTRUCTION

References:

Education Code Sections 81005 and 81820;
Title 5 Sections 57150 et seq.

NOTE: *This policy is **legally required**. The language in current KCCD Policy 3B3A is very similar to the language reflected in the Policy & Procedure Service’s template.*

❖ From current KCCD Policy 3B3 titled Capital Construction

The purpose of providing facilities is to promote planned instructional programs and services.

~~3B3A~~ The District Chancellor ~~is and College Presidents are~~ responsible for the planning and administrative management of the District’s capital outlay and construction program.

District construction projects shall be supervised by the District Chancellor ~~Chief Financial Officer~~. The Chief Financial Officer, or designee, 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 Director of Facilities shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Board of Trustees shall approve and submit to the Board of Governors a five-year capital construction plan as required by law. The District Chancellor ~~Chief Financial Officer~~ 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.

~~3B3B~~ Capital outlay construction projects provided by general fund monies shall be completed according to a priority listing approved by the District Chancellor.

~~3B3C~~ The Board of Trustees must approve the architects for any project that requires bidding.

~~3B3C1~~ The Board of Trustees may appoint an architectural firm to perform all services for a campus. The selection will be based on architectural performance both past and present, experience, ability to communicate and access to the principal architects.

~~3B3D~~ **Change Orders** - No changes in building plans or specifications are to be made before a change order is properly completed and approved by the District Chancellor or Chief Financial Officer.

~~3B3E~~ **Notices of Completion** - The District Chancellor or Chief Financial Officer CFO are authorized to file Notice of Completion for construction projects ~~with a total cost of less than \$50,000.~~

~~3B3F~~ **Reduce Retention** - The District Chancellor or Chief Financial Officer CFO are authorized to reduce retention held from contractor after mid-point of construction to an amount they deem adequate and sufficient to protect the ongoing interests of the District.

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AP 6600 CAPITAL CONSTRUCTION

References:

Education Code Sections 81005 and 81820;
Title 5 Sections 57150 et seq.

NOTE: This procedure is **legally required**. Local practice may be inserted, but must include the following elements.

Capital Outlay Program

The District Chancellor will annually report to the Board of Trustees and to the California Community Colleges Chancellor's Office a five-year capital outlay program. The program will consist of the plans of the District concerning its future academic and student service programs, and the effects of such programs on construction needs.

Specifically, the five-year capital outlay program will include the following:

- Statement of educational plans
- Statement of energy plans
- Statement of disabled persons' barrier removal plan
- Location of program delivery
- Location of other owned lands
- District-wide priority lists
- District-wide capacity/load ratios
- District-wide supporting detail

Contracts

Construction contracts will be let in accordance with AP 6350 titled Contracts – Construction and will comply with applicable laws relating to public works.

Conversion of Buildings

State funds earmarked for capital outlay financing may be used to acquire an existing government-owned or privately-owned building and to pay the necessary costs of converting such a building to community college use if all of the following criteria apply:

- The building was constructed as, and continues to qualify as, a school building, as provided by Education Code Sections 81130 et seq., or the building is determined to have, or is rehabilitated to an extent that it is

determined to have, a pupil safety performance standard that is equivalent to that of a building constructed pursuant to Education Code Sections 81130 et seq. The determination of the pupil safety performance standard must meet all of the requirements of Education Code Section 81149(a)(1)&(2).

- The total cost of purchasing and converting the existing building to community college use is not greater than the estimated cost of constructing an equivalent building.
- The land associated with the building will be owned by, or controlled through a long-term lease of at least 50 years by, the District.
- The District has complied with facility site review procedures and guideline recommendations of the California Postsecondary Education Commission pursuant to Education Code Section 66904.
- The funding for the purchase and conversion of an existing building does not supersede funding for facilities that have previously been prioritized by the Board of Governors and are awaiting state funding.

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BP 6620 NAMING OF PROPERTIES, FACILITIES, AND PROGRAMS

References:

No specific references

NOTE: Many districts have requested sample board policy language and the following language in red ink is **suggested as good practice/optional**.

[This section has been left blank to permit Districts to incorporate criteria appropriate to their own communities. It may include who may submit proposals (e.g., anyone); criteria for proposals (e.g., no living person, people who have supported the college); limits on renaming buildings; discretion of the District Chancellor.]

❖ From current KCCD Policy 3B4 titled Naming District/College Properties, Facilities, and Programs

~~3B4A~~ The naming of District/College properties, facilities, and programs ~~as defined in Policy 3B4B~~ requires the approval of the Board of Trustees ~~of the Kern Community College District~~.

~~3B4B~~ **Definitions**

1. The term “facilities” includes, but is not limited to, buildings, rooms, interior spaces, streets, courts, athletic fields, open spaces, forests, and all other areas and properties owned, operated, or controlled by the ~~Kern Community College District~~.
2. The term “program” includes colleges, departments, institutes, centers, and other units operated or controlled by District/College functions.

~~3B4C~~ The District Chancellor ~~or designee~~ shall be responsible for developing procedures for the naming of properties, facilities, or programs in accordance with ~~Kern Community College District~~ Board Policy ~~3B4~~. Such procedures will employ the

advisories of appropriate District/College consultation groups. ~~See Procedure 3B4 of this Manual for procedures related to Naming District/College Properties, Facilities, and Programs~~

~~3B4D~~ Recommendations for naming properties, facilities, and programs shall be submitted by the College President to the District Chancellor for consideration. The District Chancellor reserves the right to make certain decisions related to the naming of District/College properties, facilities, and programs and shall make recommendations to the Board of Trustees for action.

~~3B4E~~ Proposals for naming District/College properties, facilities, and programs shall be considered individually on the proposal's own merits. No commitment or public announcement regarding a proposed name shall be made prior to the Board of Trustees' approval. The ~~Kern Community College District~~ Board of Trustees reserves the right to accept or reject any recommendation related to naming.

~~3B4F~~ Proposed names of a District/College property, facility, or program must meet at least one of the following criteria:

1. Designate the function of a property, facility, or program.
2. Reflect natural or geographical features.
3. Honor an individual or organization for making a significant contribution to the District/College.
4. Honor individuals who have attained achievements of extraordinary and lasting distinction who have had direct, substantial, and active association with the District/College.

~~3B4F4(a)~~ A former employee, Board of Trustees member, or Board of Governors member must be retired at least three ~~(3)~~ years. A former employee, Board of Trustees member, or Board of Governors member may be deceased.

5. Honor individuals who have a record of scholarship, creativity, leadership, humanitarian service, or public service.
6. Honor benefactors, defined as individuals, corporations, and other organizations, who have made substantial financial contributions to the District/College.

~~3B4G~~ Proposed names shall not confuse the public about location or function of the designated property, facility, or program, but rather should enhance a visitor's ability to identify, locate, and use it.

~~3B4H~~ Names of District/College properties, facilities, and programs which are in use as of July 1, 2008 shall continue to be used unless the Board of Trustees takes action to re-name the property, facility, or program ~~as defined in Policy 3B4I~~.

~~3B4I~~ Naming of properties, facilities, or programs shall be in perpetuity except as set forth below in ~~Policies 3B4I1 and 3B4I2~~.

~~3B4I1~~ The Board of Trustees ~~of the Kern Community College District~~ reserves the right to re-name a property, facility, or program in extenuating circumstances. Extenuating circumstances are defined as:

- a. Where events or information available subsequent to the approval of the designation mean that identification with the designation constitutes a significant and continuing challenge to the District/ College reputation.
- b. Where a benefactor has not met the conditions of a pledge commitment.

~~3B4I2~~ Replacement or substantial renovation of a property, facility, or program shall be considered the end of the useful life of the property, facility, or program. A named property, facility, or program will retain that name for the useful life of the property, facility, or program or until there is a change in the designated use or activity of the property, facility, or program unless ~~one~~ (1) or more of the following conditions exist;

- a. A property, facility, or program is named for a term of years.
- b. An exception is made by the Board of Trustees based upon the recommendation of the District Chancellor.

~~3B4J~~ The District/College shall maintain a file of all District/College properties, facilities, and programs with approved names.

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AP 6620 NAMING OF PROPERTIES, FACILITIES, AND PROGRAMS

References:

No specific references

NOTE: *This procedure is suggested as good practice/optional. Local practice may be inserted.*

❖ **From current KCCD Procedure 3B4 titled Naming District/College Properties, Facilities, and Programs Procedure**

Procedures for naming of properties, facilities, and programs shall will include the following:

- ~~1. Colleges within the Kern Community College District will develop guidelines for nominating names for properties, facilities, or programs, to be approved by the College President, for recommendation to the District Chancellor for review and submission to the Board of Trustees for action in accordance with Board Policy 3B4. The District Chancellor and the three college Presidents will develop one set of guidelines for nominating names for KCCD properties, facilities, or programs.~~
2. Properties, facilities, and programs named in accordance with BP 6620 titled Naming of Properties, Facilities, and Programs ~~the Kern Community College District Board Policy 3B4~~, shall carry prominent exterior signage as deemed appropriate by the District Chancellor or designee.
3. The ~~Kern Community College~~ District Naming Properties, Facilities, and Programs Matrix will be utilized in the consideration of naming of District/College properties, facilities, and programs.
4. A photograph and biography of the benefactor(s) may be mounted in a place of honor in the interior of the building as deemed appropriate by the District Chancellor or designee.

5. The cost of materials for benefactor recognition of major gifts including, but not limited to, building signage and tree plantings will be paid from the gift.
6. In the case of benefactor recognition that requires landscaping and grounds maintenance, an amount of money equal to two ~~(2)~~ times the cost for the initial improvements will be utilized from the gift. One-half ~~(1/2)~~ of the additional amount will then be used for the initial cost and the other half ~~(1/2)~~ will be used for the perpetual care of the specified landscaped area.
7. The District Chancellor or designee reserves the right to make certain decisions related to signage and markers including, but not limited to, color, design, and size of any physical signage or markers that provide information about the benefactor(s).
8. The District Chancellor or designee reserves the right and responsibility to determine and carry out the exact nature of any ongoing care and maintenance of any recognition.

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BP 6700 CIVIC CENTER AND OTHER FACILITIES USE

References:

Education Code Sections 82537 and 82542

NOTE: *The language in red ink is legally required. The Policy & Procedure Service issued legal updates to this document (reflected in the language in red ink below) in February 2010, September 2012, and November 2014. This policy and the related procedure are continually and carefully monitored/vetted by Liebert Cassidy Whitmore.*

There is a Civic Center at each of the colleges. Use of the Civic Center shall be granted as provided by law. The District Chancellor shall establish procedures regarding the use of District property and facilities, including property designated by the District as a Civic Center, by community groups, outside contractors, and others.

The administrative procedure 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 to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, military or veteran status, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived 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.

❖ **From current KCCD Policy 3A10 titled College-Sponsored Events**

NOTE: Consider placing this detailed information regarding college-sponsored events in a Facilities Use Manual or in Student Affairs Guidelines available on the District’s website for employees and others to access as needed.

~~3A10A College-sponsored events are those events which are funded in whole or in part by the College or are associated with the College name by permission of the College President. College-sponsored events, including athletic events, shall be under the supervision of the College Presidents. Operational responsibilities may be delegated to appropriate officers of the respective Colleges.~~

~~3A10B Extra-curricular activities are those activities which enhance but may not directly relate to the instructional program. Extracurricular activities determined by the College President or designee to not be a part of the regular College program shall be self-supporting.~~

~~3A10C Net proceeds generated from College-sponsored events, including College-operated and gate receipts, shall be used to fund the co-curricular programs. Co-curricular programs are those activities which occur outside of the classroom but which support the instructional program. Each College shall adopt procedures for allocating all College-sponsored event net proceeds to its co-curricular programs. The income and expense allocations shall be incorporated into the respective College budgets to be approved and adopted by the Board of Trustees.~~

~~3A10D Every effort shall be made to make student body or other extracurricular activities self-supporting.~~

~~3A10D1 If there is income from gate receipts or other sources sufficient to pay part but not all of the costs of any of the equipment as listed above, the College may make up the deficit. Such requests must be estimated in advance and must be included in the budget. (see Board Policy 3A2C1 for information on recording income and expenses).~~

NOTE: The language in current KCCD Policy 3B1 **varies greatly** with the language reflected in the Policy & Procedure Service’s template on Civic Center and Other Facilities Use. Careful review by local District legal counsel is recommended.

❖ **From current KCCD Policy 3B1 titled Use of Facilities**

NOTE: Consider placing this detailed information regarding use of properties/facilities in a Facilities Use Manual available on the District's website for employees and others to access as needed.

~~The public use of the facilities, equipment and services, (hereinafter sometimes referred to as property) of the Kern Community College District should be made available for community purposes when under the supervision of responsible persons. Public use must be within the policy guidelines adopted by the Board of Trustees, provided that such use does not interfere with the educational program of the College(s). Procedures shall be developed which include priorities for use, application, a fee schedule, and the method of payment for the use of District/College-managed facilities, grounds, and equipment. See Procedure 3B1(a) of this Manual for Guidelines for Use of District/College Property/Facilities. See Appendix 3B1(a) of this Manual for the Application and Agreement for Use of District Property form and Appendix 3B1(b) of this Manual for Kern Community College District Facility, Equipment, and Service Fee Schedule.~~

~~3B1A Request for use of District/College facilities, equipment, and services for public use must be submitted on the Application and Agreement for Use of District Property form by the applicant [see Appendix 3B1(a)]. The request application form, fees, if applicable, estimated attendance, and the name of the official representative/contact person must be submitted to the District/College thirty (30) working days prior to the requested dates for use of the facility. A District/College representative will respond within ten (10) working days of receipt of a completed application for use of facilities, equipment, and services.~~

~~3B1B 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". In granting permission to use the property, 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.~~

~~3B1C Use and occupancy of College property shall be primarily for the educational programs of the District. Any authorized use or occupancy of the property for other than College purposes shall be secondary and subordinate to this primary purpose.~~

~~3B1D No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.~~

~~3B1E Any permit may be revoked without previous notice where conflicting days have resulted or where need of the property for District/College purposes have subsequently developed. Permits may be revoked for other causes at any time upon reasonable notice. Permits are not transferable.~~

~~3B1F District/College furniture or apparatus may not be removed or displaced by any applicant without permission from and under the supervision of the District/College employee in charge.~~

~~3B1G When a facility is to be used, full details of services and equipment must be furnished in advance. A District/College supervisor will be required. Personnel may be furnished by the District/College, and in some circumstances, District/College personnel will be required. All other personnel used by the applicant are to be employed and paid by the applicant.~~

~~3B1H There shall be no intoxicants or narcotics used, including tobacco and non-tobacco vapor products, in the District/College buildings or District vehicles, nor shall profane language or gambling be permitted. Alcoholic beverages are prohibited except as provided for in the law, state regulations, and sections within this policy.~~

~~3B1H1 There shall be no smoking, including use of tobacco and nontobacco vapor products, in the District/College buildings. Colleges that decide to have a tobacco or smoke free campus, or designated areas for tobacco use or smoking, may do so. The restrictions on tobacco or smoking at each college shall be found in AP 3B1H1.~~

~~3B1H2 Violations of 3B1H, 3B1H1, 3B1H2, or any other regulation of this type during occupancy shall be sufficient cause for:~~

- ~~• immediate revocation of permit,~~
- ~~• immediate suspension of the activity,~~
- ~~• removal of all participants from the facility, and~~
- ~~• the denial of further use of District/College premises to the applicant.~~

~~3B1I Programs offered on District/College premises shall at no time contain matter, which might tend to cause a breach of the peace.~~

~~3B1J Proof of adequate supervision for any event must be provided by facility use applicant. The Chancellor, College President, or designee shall judge adequacy.~~

~~3B1K The District/College employee in charge of facilities is to preserve order, protect the District/College property, and carry out the provisions, intents, and purposes of this policy.~~

~~3B1L If free use is granted the meeting shall be non-exclusive and shall be open to the public.~~

~~3B1M The Chancellor or College President may deny the use of District/College facilities if the meeting or event is deemed to be an interference with the educational functions of the District/College.~~

~~3B1N The use of campus facilities for fund-raising by a community group or special promoter must be approved by the Chancellor, College President or designee. The request for use of these facilities must include plans for parking, security, and supervision.~~

~~3B1O District/College-managed equipment may be removed from District/College property by students or staff members only when such equipment is necessary to accomplish tasks arising from their District/College-approved activities or job responsibilities. In all cases where equipment is removed from the campus, prior approval must be secured from the appropriate administrator. Use of District/College equipment, both on and off campus, for personal use is prohibited.~~

Kern Community College District
Administrative Procedure
Chapter 6 – Business and Fiscal Affairs

AP 6700 CIVIC CENTER AND OTHER FACILITIES USE

References:

Education Code Sections 82537 and 82542:

Public Resources Code Section 42648.3:

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

NOTE: Except as noted, this procedure is **legally required**. Local practice may be inserted, but **must contain the elements** below. The Policy & Procedure Service provided seven legal updates (since the creation of the template in 2000) to this document in February 2005, August 2006, April 2009, February 2010, September 2012, November 2014, and April 2015.

General Provisions

District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the Chancellor or President or designee, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, or as authorized by law, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Chancellor or President or designee is responsible for the coordination and implementation of these procedures. The Chancellor or President or designee shall determine all applicable fees to be charged.

Outside the designated public forum areas, the following shall apply: All user groups shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities. All user groups shall also be required to provide a certificate of insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.

Civic Centers

Eligible persons or groups may use District buildings or grounds designated as the Civic Center for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to this procedure.

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

- the cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- the cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
- the cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- the cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of District facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees, and salaries paid District employees necessitated by the organization's use of District facilities. Additionally, except for classroom-based programs that operate after school hours and organizations retained by the college or District to provide instruction or instructional activities to students during school hours, direct costs shall also include the costs for maintenance, repair, restoration and refurbishment of college facilities and grounds used by the group.

The following shall be charged fair rental value for the use of District facilities:

- Any church or religious organization for the conduct of religious services, which may be conducted for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
- Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.

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.

NOTE: The following section is legally advised.

Rules for Facilities Use

Requests for use of the District's Civic Center must be made at least 30 days in advance of the first date of use being requested. Requests shall be made to Chancellor or President or designee on forms provided by the District. Authorization to use the Civic Center shall be based on a reservation system and the priorities for student and other use detailed at the end of this Section.

NOTE: This request requirement does not apply to groups intending to use available designated public forums for expressive activities. Rules applicable to those areas are described in the procedure for Speech: Time, Place, and Manner.

Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.

NOTE: The following paragraph is **optional**. The District may include the following provision to prevent overnight use, including demonstrations, so long as the District's purpose is unrelated to the content of any expected speech or other expression.

Overnight camping on District facilities, including in the designated public forum areas, is prohibited. No person or organization may use any District facility for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping, or doing any digging or earth breaking, or carrying on cooking activities.

All charges for the use of District facilities are payable within 30 days of receipt of invoice.

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.

The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests.

No person applying for use of District property shall be issued a key to District facilities.

Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly for any damage to District property.

No alcoholic beverages, intoxicants, controlled substances, or tobacco in any form shall be brought onto the property of the District. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.

No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Chancellor or President or designee.

All decorative materials, including but not limited to draperies, hangings, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

NOTE: The following section is **legally advised**. Public Resources Code Section 42648.3 applies only “upon request by the local agency,” but does not specifically require the local agency to so request.

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:

- 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.

❖ From current KCCD Procedure 3B1(a) Guidelines for Use of District/College Property/Facilities

NOTE: Consider placing this detailed information regarding use of properties/facilities in a Facilities Use Manual available on the District’s website for employees and others to access as needed.

Priorities

- 1) ~~First priority for property/facilities use is reserved for the College instructional programs.~~

- ~~2) Second priority for use of property/facilities will be given to College student organizations.~~
- ~~3) Third priority will be given to public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities.~~
- ~~4) Applications for use by commercial, for-profit entities and other applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.~~
- ~~5) In-District applicants will have priority over non-District applicants.~~
- ~~6) No applicant will be allowed to monopolize a facility, equipment, or services. The use of a District/College facility will not be granted for a period exceeding one (1) semester.~~
- ~~7) Once the District/College approves a request for use and enters into an agreement to furnish facilities, equipment or services, that request shall have priority over any other requests except where need of the property for District/College purposes has subsequently developed, or in the case of an emergency as determined by the appropriate administrator.~~

Application and Agreement for Use of College Property/Facilities

- ~~1) Application for use of District/College facilities, equipment or services may be obtained from the appropriate office on the District/College site. On-line applications may be used where available.~~
- ~~2) Application for use of District/College property must be fully completed and filed with the facilities coordinator at least thirty (30) working days in advance of planned use. Normally the District/College will not schedule use of facilities more than three (3) months in advance or until the class schedule for the academic term covering the period of requested use has been published. When on-line applications are used, a signed Application and Agreement for Use of District Property form must be completed. The applicant is not to assume that the application is approved until notification is received from the District/College facilities coordinator. Upon approval, the District/College facilities coordinator will tentatively reserve the dates. If additional information stipulated by the District/College facilities coordinator is not received by the due date, the Chancellor, College President, or designee will release the dates without notice. All required information/documentation such as a signed application, deposit, insurance coverage, security arrangements, crowd control, and necessary agreements must be received no later than ten (10) working days prior to an event.~~

- ~~3) The applicant must include a description of all requested property. Applications shall be approved for specified hours and dates. The applicant shall not arrive before the time authorized and shall leave the District/College premises at the agreement expiration time. Facilities will not be accessible later than midnight, except by special permission granted prior to the use date.~~
- ~~4) An estimate of charges will be available prior to approval of any agreement. Appropriate administrative staff will determine when District/College personnel must be present and will assess appropriate charges. The estimated expenses will be based on the information provided by the applicant. Estimate subject to change if additional services, not part of original agreement, are made available.~~
- ~~5) If another applicant should request the dates in question or a portion thereof; the initial applicant will be required to execute a contractual agreement and submit the required deposit within seventy-two (72) hours of notification.~~
- ~~6) Prior outstanding event charges to the District/College must be paid in full before any subsequent requests by the liable applicant for use of facilities will be approved.~~
- ~~7) A damage deposit may be required by an applicant that carries equipment, brings a stage crew for purposes of staging a show or presentation or activity, or other cases determined by the District/College. This guarantee deposit, in an amount to be determined by the District/College and depending upon the facility used, shall be held by the College. Damage to District/College equipment and/or property, which occurs during the event and by reason of the use and/or occupancy of the premises, shall be paid from this damage deposit. The balance, if any, shall be returned to the organization. If the guarantee deposit is not sufficient to cover damage, the applicant shall be liable for the difference.~~

~~The applicant utilizing District/College facilities will be liable for any damage to or destruction of District property beyond that is caused by ordinary wear and tear as determined by the District. In addition future consideration for use of facilities may be denied.~~

~~The applicant is responsible for all expenditures necessary for the removal of all waste and debris and for the restoration of the property to the condition that existed prior to its use.~~

~~An initial facility(ies) inspection will be conducted within twenty-four (24) hours after the event has vacated the facility to determine the extent of damage, if any. A secondary inspection may be required if event equipment or structure required additional time to be removed from District premises. [This inspection will be completed within twenty four (24) hours of equipment/structure removal.] The~~

~~refund of this deposit will be assessed after the event and will be released once all parties are satisfied with the condition of the facility.~~

~~The District/College will charge the applicant at the time of settlement for any damages, and it will be the responsibility of the applicant to recover such charges from the applicant's insurance carrier.~~

~~The use of a District/College property may not take place during the facilities peak season or if damage based on wear and tear might be caused to the facility or property as a result of its use. The event may not interfere with normal operation of the District/College activities or instruction including the activities in the facilities adjacent to the venue.~~

~~8) The use of District/College facilities may not take place on Thanksgiving, Christmas, New Year's, or any other holiday or scheduled District/College closures when the Chancellor/College President or designee has determined that necessary personnel are not available for supervision.~~

~~9) The use of District/College facilities may not take place during vacation periods if the use conflicts with cleaning, renovating activities, and if necessary personnel are not available for supervision.~~

~~10) Proof of insurance is required for authorized public agencies, schools and colleges, youth groups, civic and service organizations, and other applicants organized for cultural, educational or recreational activities. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance evidencing liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must identify Kern Community College District as additional insured and be accompanied by an endorsement.~~

~~Government agencies which have self-insured programs must provide a hold harmless statement along with proof of self-insurance for all events.~~

~~11) The District/College will assume no obligation in the event that a change of day or time is requested once an application has been approved. The District/College reserves the right to cancel prior to the event as a result of extenuating circumstances.~~

~~12) Applications shall originate with the established and responsible organizations. An officer or official representative of the organization must sign the agreement.~~

~~13) Application for use of District property by applicants not covered by the law will be considered on an applicant basis as provided by law, Board Policy, and the effect upon the District's operations.~~

Classification of Groups for Fee Assessment

~~**Instructional Use:** Facility uses for (or in conjunction with) requirements of classes, approved by the appropriate supervisor, are not to be charged.~~

- ~~1) Group I (College Program excess costs only) authorized District/College staff, students, and foundations which support the mission of the District, will be afforded the highest priority and shall be granted use of District/College property without charge, except if any use requires excess costs. A charge for such services may be made. A request from a District/College staff member or student organization may be charged for services when the use of facility is for events or functions which are not part of a class or instructional program.~~

~~Excess costs may include opening and closing a facility if no District/College employee is available to perform that function as a part of his/her normal duties; supervision if that employee would not normally be present as part of his/her normal duties; custodial services that would not have otherwise been performed as part of the normal custodial work cycle; outside normal operating hours; and cost of utilities directly attributed to the organizations use of the facilities.~~

~~If an event is co-sponsored by a group not associated with the Kern Community College District, proof of insurance shall be require by such applicants providing the Kern Community College District with a Certificate of Insurance. This Certificate of Insurance will provide liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.~~

- ~~2) Group II (Rental charge, actual costs, plus excess costs) applicants for authorized public agencies and nonprofit organizations organized for cultural, educational or recreational activities. (Proof of nonprofit status may be required.) Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.~~

~~Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.~~

~~Events for non-profit organizations whose purposes are to improve the general welfare of the local community, and charge no fees or admission for such events will fall under the Group I category.~~

- ~~3) Group III Commercial, for-profit entities and other applicants not covered by the law, will be charged Group II rates (rental charge, and actual costs, plus excess costs). College and District business officers are also authorized to negotiate with~~

~~these applicants agreements which have Group II rates as a minimum and allow for a percentage of gross revenue. Proof of insurance shall require such applicants to provide the Kern Community College District with a Certificate of Insurance provide liability coverage with limits of not less than one million dollars (\$1,000,000). The certificate must list the Kern Community College District as additional insured and be accompanied by an endorsement.~~

~~Facility rental includes opening and closing of facility, light custodial work and supervision. The custodial and grounds department will determine charges for extraordinary custodial set-up or clean-up.~~

~~Events for non-profit organizations whose purposes are to improve the general welfare of the local community, and charge no fees or admission for such events will fall under the Group I category.~~

~~Fees for commercial photography and motion picture filming are not limited to the above fee schedule and may include overall campus use fees as negotiated with the applicant based upon overall impact on the District/College.~~

Regulations Pertaining to Use of District/College-Managed Property

- ~~1) The official representative must be an officer of the group I or II or present written authority from the organization making application for use of District/College property and shall be responsible for all damage or loss of District/College property.~~
- ~~2) All applicants are expected to observe District/College regulations, policies, and procedures.~~
- ~~3) All applicants shall provide supervision sufficient to assure compliance with law and District/College regulations. These applicants are also responsible for providing law enforcement officers when required to ensure crowd, parking, and traffic control. When required, an applicant must submit two (2) copies of a proposed facility plan to the facilities coordinator at least thirty (30) working days prior to the scheduled event date. Upon receipt of the floor plan, the District/College and the Fire Marshal will review it and make necessary recommendations if necessary. All proposed floor plans must be to scale. Applicants are not to assume that the facility plan is acceptable until they have received an approved copy of the plan.~~

~~All events that expect more than fifty (50) in attendance must be reviewed by the security office for security arrangement recommendations. The applicant may be required to submit a security plan for approval at least twenty (20) days prior to the date scheduled for the activity, and may be required to furnish and/or pay for security personnel, depending on the type of event and number of attendees. All security-staffing requirements are subject to the approval of the security office~~

~~and will be set in a manner, which is fair and reasonable to the applicant but protects the interests of District/College.~~

~~These applicants are also required to provide ticket takers & ushers to properly staff each event. The applicant shall provide all badges for all personnel. Any sporting event, concert, or large gathering may require ambulatory services.~~

~~If management determines that a search is necessary for the given event, the applicant of that event will be required to pay for additional staffing. The security office will determine the exact number of staff that will be used as well as the costs.~~

~~Applicants are responsible for payment of all parking fees and must observe all parking regulations (see Parking Rules & Regulations pg). [Appendix 3B1(a)]~~

~~Any vehicles that are not designated campus vehicles are required to have a security issued permit to drive on campus.~~

~~The District/College is not responsible for articles left on District/College property. The applicant should secure valuable items, or the applicant should provide additional twenty-four (24) hour security. All security arrangements must be approved by the security office.~~

~~Immediately call 911 for all medical emergencies and, along with any damages to facilities and property, must be reported to the security office.~~

- ~~4) A District/College employee shall be on duty on campus whenever a facility is being used and shall have full charge of the property being used.~~
- ~~5) All organizations, on-campus or off-campus, must have a responsible adult sponsor/advisor sign as the official representative, and this representative must be present during the use to provide supervision. This regulation applies to student applicants.~~
- ~~6) Any request by a non-District/College applicant, or any event generating revenue for a non-District/College/purpose will be categorized as a non-District Use (Group II). In the case of cosponsored events the following applies: all applicants generating revenue for non-District/College programs: Group II fees apply:~~

~~For co-sponsored events where all revenues go directly to District/College programs then Group I fees apply.~~

~~No facility rental fee will be charged when college programs are fund-raising for college operations, and will be considered as a Group I. The details of such arrangements; including handling of cash; must be communicated in writing prior~~

~~to the event and approved by the Chancellor, College President, or designee. An additional requirement of this classification is that all gross revenues are deposited in the college or foundation accounts.~~

~~Stadium user maintenance fees; including excess costs still apply for these Group I activities such as the cost of utilities and additional labor for such events. [see Appendix 3B1(b)] of this Manual for the Facility, Equipment, and Service Fee Schedule.~~

~~No facility rental fee will be charged, when reciprocal arrangements for facility use have been worked out with other applicants. The details of such arrangements must be communicated in writing and approved by the Chancellor, College President, or designee.~~

- ~~7) The use of tobacco products is prohibited in all District/College buildings and only in designated outside areas. Possession of alcohol, drugs, firearms, fireworks, and other weapons are not permitted in or on District/College property. It is the agreement holder's responsibility to enforce this provision. No person, while in or on District/College facilities or property shall possess, consume, give, or deliver to any other person any alcoholic beverage, other intoxicants or narcotics. Alcoholic beverages may be served if approved by the District/College or its authorized representative. Fireworks may be used if coordinated, provided and discharged by licensed pyrotechnic entities and approved by the District/College or its authorized representative.~~

~~Applicants requesting to serve alcoholic beverages on campus must submit an Alcohol Serving Event form to the Facilities Scheduling Office at least thirty (30) days prior to the scheduled event. [see Procedure 3B1(b)] of this Manual for this form.) District/College policies on serving alcoholic beverages on site must be adhered to at all times.~~

- ~~8) District/College recognizes that its image and reputation are part of what makes renting the Kern Community College District's facilities desirable to community organizations and others. To protect that image and reputation, the Kern Community College District or its designee reserves the right to approve the content of all events or programs and any publications, signage and advertising related to those events or programs held in the District/College facilities or on its property. Likewise, any use of the District/College logo in conjunction with an event or program requires the consent and approval of District/College Public Relations office. Promotional and advertising materials used on campus must be removed immediately after the event by the person sponsoring the event or by the District/College at the sponsoring organization's expense.~~

~~No advertisement, printing, or sale of tickets is permitted prior to approval of the application and receipt of deposit for the facility.~~

~~9) No alterations or physical changes shall be permitted in any building or on any landscaped areas. Decorations must meet fire safety regulations and shall be erected and removed in a manner not destructive to the property. Fire Department regulations prohibit the use of lighted candles, torches with open flame or fire of any type on District/College premises. A California State Fire Marshal flame-retardant certificate will be required for any questionable materials.~~

~~When determined by the Fire Marshal, stand-by personal may be required and the District/College will invoice the cost for stand-by personal to the applicant.~~

~~All electrical cords must be hung or displayed in a safe manner. Electrical wiring must be grounded and UL listed. Extension cords may be used provided they are plugged directly into an outlet or an approved power strip. Extension cords shall not be plugged into another extension cord. Cords shall be taped down to prevent them from becoming a trip hazard. No extension cords will be provided.~~

~~No structures may be erected, attached to or assembled on District/College premises or may any electrical mechanical or other equipment be brought thereon unless authorized by the Chancellor, College President, or designee. Equipment used for events is subject to inspection and approval by District/College personal. Safe working conditions must be observed.~~

~~Decorations are not permitted on ceilings, painted surfaces, columns, fabrics, portable folding partitions, decorative walls, or fire sprinklers.~~

~~All physical arrangements and set-up information must be presented to the facilities coordinator when the application is submitted. Any changes or additions must be approved and submitted no later than a minimum of ten (10) working days prior to the event. The applicant is encouraged to provide this information as far in advance as possible in order to help ensure maximum efficiency and economy.~~

~~The facilities coordinator will determine if additional equipment will require ordering from an outside company: such as tables/chairs, etc. No goods or services may be sold on the District/College sites without prior approval.~~

~~Keys to facilities shall be assigned only to employees of the District/College and only such employees shall open a building and facilities. Within a building, authorization is only given for entrance to specific areas and use of specific facilities.~~

~~Performance material content is subject to review. Applications may be denied based on information gathered from other sources regarding performers on-stage and back-stage practices.~~

~~All persons using District/College facilities must comply with local ordinance code on amplified sound. The person signing the agreement for the sponsoring organization is responsible for controlling sound to those standards.~~

~~Amplified sound must cease between the hours of 10:00 p.m. through 9:00 a.m. Amplified sound on campus during normal instructional hours should not exceed eighty (80) decibels. The level of amplified/or sound must be limited to reach only the immediate audiences. Sound checks must be conducted only during the hours amplified/or sound is allowed and approved for.~~

~~Speakers must be positioned carefully in order to prevent sound from disturbing persons not in the immediate area. Atmospheric conditions, buildings and the surrounding terrain can greatly influence the effect of amplification. The set-up should be carefully checked before each event and monitored occasionally during the event by the applicant.~~

- ~~10) All events at the field level of the College Stadium will provide a portable accessible toilet and lavatory accommodations per code for nondisabled persons and individuals with disabilities. This accommodation will be provided at your expense.~~

~~Minimum levels of heat, air conditioning, and lighting following prevailing safety codes will be in effect in all common areas during set-up, event and clean-up.~~

~~All applicants are financially responsible to the District/College for all electrical and utility services provided to the applicant.~~

- ~~11) The District/College will provide all on-site food and beverage services on an exclusive basis for all scheduled activities. Catering services can also be provided for exhibitors, staff, etc.~~

~~The Food Services Director reserves the right to utilize reasonable available space for the sale of concession items. The Food Services Director reserves the right to determine the number of food or alcohol concession stands/booths that will be operating.~~

~~Food and beverage may not be brought onto the premises of the District/College for the purpose of distribution to patrons without the expressed written permission of the Food Services Director. Applicants bringing food to a facility shall be responsible for compliance with all health and safety regulations. Coolers and or similar containers are prohibited.~~

- ~~12) The College reserves the right to deny any application or revoke any agreement at any time if actions resulting from such application or permission may be harmful to the best interest of the District/College or if there is a conflict with any previously scheduled event. The District/College, at its discretion, has the right~~

~~to cancel and terminate an agreement immediately and without notice upon its discovery of a violation of any term, condition, or provision of the agreement on the part of the applicant. Should any such violation occur, the District/College, at its discretion, shall have the right to deny any future requests by the applicant for the use of any other District/College property or facilities.~~

~~The Chancellor, College President, or designee reserves the right to deny use if, in its judgment, such use would cause disturbance in or annoyance to the surrounding neighborhood.~~

~~13) Clearance for the use of District/College property must be obtained from the Chancellor/College President or designee.~~

~~14) All references to the "appropriate District/College administrator" in the use of property policy and procedures shall mean the Chancellor/College President or his/her designee.~~

Daily Parking Fees

The parking fees for the Kern Community College District campuses are as follows:

- ~~• **Bakersfield College** -- \$5/day and \$40/Semester and \$20/Summer Intercession.~~
- ~~• **Cerro Coso Community College** -- \$1/Day and \$20/Semester and \$10/Summer Intercession~~
- ~~• **Porterville** -- \$1/Day and \$20/Semester and \$10/Summer Intercession~~

❖ From current KCCD Procedure 3B1(c) Security Matrix

NOTE: *Consider placing this Matrix and related details on the District's website for employees and others to access as needed.*

Also see BP/AP 3560 titled Alcoholic Beverages, BP/AP 3570 titled Smoking on Campus, and the Facilities Use Manual available on the District's website.

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BP 6740 CITIZENS’ BOND OVERSIGHT COMMITTEE

References:

Education Code Sections 15278, 15280, and 15282;

California Constitution Article XIII A Section 1(b), Article XVI Section 18 (b)

NOTE: *The following only applies if the District has passed a bond issue under Proposition 39 requirements. It is **legally advised** that the Board adopt a policy; it is required that the Districts act in accordance with law.*

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

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AP 6740 CITIZENS' BOND OVERSIGHT COMMITTEE

References:

Education Code Sections 15278, 15280 and 15282

The Citizen's Bond Oversight Committee is established.

NOTE: Local practice may be inserted here, which must address the following:

Purposes

- To inform the public about the expenditure of bond revenues;
- To review and report on the proper expenditure of taxpayers' money for school construction; and
- To advise the public as to the District's compliance with the Proposition 39 requirements as contained in the California Constitution.

Activities

- Receive and review copies of the annual, independent performance audit;
- Receive and review copies of the annual, independent financial audit;
- Inspect school facilities and grounds to ensure that bond revenues are expended properly;
- Receive and review copies of any deferred maintenance proposals or plans developed by the District; and
- Review efforts by the District to maximize bond revenues by implementing cost-saving measures.

Members

The committee shall consist of at least seven members to serve for a term of two years and for no more than two consecutive terms. Members shall serve without compensation.

The committee shall be comprised of at least:

- One member active in a business organization representing the business community located within the District;
- One member active in a senior citizens' organization;
- One member active in a bona fide taxpayers' organization;

- One member - a student both currently enrolled in the District and active in a campus group. The student may serve up to six months after his/her graduation;
- One member active in the support and organization of the District.

No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

Assistance

The District shall provide the committee with any necessary technical or administrative assistance, as well as other resources, to publicize its conclusions.

Public Meetings

Meetings shall be open to the public and notice provided in accordance with the provisions of open meetings laws.

Reports

At least once a year, the committee shall issue a report on the results of its activities. Minutes from its proceedings, all documents received, and reports issued as a matter of public record shall be made available on an internet website maintained by the District.

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BP 6750 PARKING

References:

Education Code Section 76360;
Vehicle Code Section 21113

NOTE: *This policy is **legally required**. The content of current KCCD Policy 3B6 is similar the language reflected in the Policy & Procedure Service’s template.*

❖ From current KCCD Policy 3B6 titled Parking

The ~~College President~~ District Chancellor shall establish administrative procedures regarding vehicles and parking on campus es and other district properties 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.

Limited parking permits may be issued to individuals or groups for a specific special event only. These permits will expire at the conclusion of the specific special event.

Parking fees may be established in accordance with these board policies. (See BP 5030 titled Fees)

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AP 6750 PARKING

References:

Education Code Section 76360;
Vehicle Code Section 21113

NOTE: *This procedure is **legally required**. Local practice may be inserted. The following example will satisfy all requirements:*

These procedures are intended to promote safe and orderly movement of traffic within District property for the safe and orderly parking of vehicles and bicycles.

All applicable provisions of the California Vehicle Code are expressly applicable both on and off paved roadways.

Parking of motor vehicles and bicycles is limited to specially designated areas. Fee permits are required. Vehicles or bicycles parked in violation of the provisions of this code are subject to fines, towing, or impoundment.

All persons who enter on the college are charged with knowledge of the provisions of this procedure and are subject to the penalties for violations of such provisions.

NOTE: Insert provisions for charging and collecting parking fees.

In accordance with Vehicle Code Section 21113a, it shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in these procedures.

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BP 6800 OCCUPATIONAL SAFETY

References:

49 Code of Federal Regulations, Parts 40 and 655;
Title 8 Section 3203;
29 Code of Federal Regulations 1910.101 et seq.;
Health & Safety Code Section 104420

NOTE: *The language in red ink is legally required.*

The District Chancellor 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.

❖ **From current KCCD Policy 6H titled Safety**

~~6H4~~ This The District shall provide ~~confidential/management~~ employees with safe working conditions. In order to provide ~~confidential/management~~ employees with safe

working conditions, the District will publish and give to each ~~confidential/management~~ employee an Injury and Illness Prevention Program document. The District will comply with applicable health, safety, and sanitation requirements of local, state, and federal governments where the District is aware of violations of any such requirements and when it is possible to do so.

~~6H2~~ In the case of a determination of an unsafe condition/practice the District shall correct such unsafe condition/practice immediately or within ~~thirty~~ (30) days, if feasible.

~~6H3~~ When an unsafe condition/practice exists presenting a clear and substantial hazard to the confidential/management employee's health, the District will provide an alternative work site.

~~6H4 Confidential/management~~ ~~E~~mployees will comply with the responsibilities listed in the District Injury and Illness Prevention Program.

Also see BP/AP 3500 titled Campus Safety, BP/AP 3505 titled Emergency Response Plan, BP/AP 3510 titled Workplace Violence Plan, and AP 7343 titled Industrial Accident and Illness Leave.

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AP 6800 OCCUPATIONAL SAFETY

References:

Cal/OSHA;
Labor Code Sections 6300 et seq;
Title 8 Section 3203;
Code of Civil Procedure Section 527.8;
Penal Code Section 273.6

NOTE: *The language in red ink is **legally required**. Safety conditions of employment are a mandatory subject of bargaining, and may be more specific than the following procedures, which are minimum standards to cover students and unrepresented employees. AP 3510 titled Workplace Violence Plan covers many of the same requirements, and some districts may prefer to not include a similar procedure here. Local practice may be inserted. The following will comply with requirements.*

Definitions

Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual or property.

A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual or property.

Workplace includes off-campus locations as well as college-sponsored activities where faculty, staff, or student employees are engaged in college business or locations where incidents occur as a result of the person's relationship to the college community.

Emergencies

Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire, or medical personnel by first dialing 911 and then notifying law enforcement.

Equipment and Sanitation

Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation and working conditions shall be forwarded to Police and Safety Services for review and recommendation.

Crisis and Conflict Intervention

Any employee experiencing an unsafe work condition should immediately contact his/her supervisor or Police and Safety Services. The supervisor shall immediately notify Police and Safety Services about any acts or threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

It is the responsibility of all employees to immediately report threats, acts of violence or any other behavior which deliberately hurts or harms another person at the college to their immediate supervisor and Campus Public Safety or local law enforcement. Such reports will be promptly and thoroughly investigated.

NOTE: The following language is suggested as good practice/optional.

Employee Crisis Assistance Team

An Employee Crisis Assistance Team is established to provide regular training and advice to individuals and departments. Training activities may include, but not be limited to, skill development in conflict resolution, communication, anger management and early identification of unsafe working conditions in the workplace.

Team advising activities may include individual consultations, peer mediation, conflict resolution services and referral to outside sources.

Immediately upon notification of an act of violence or threat of violence involving an employee, the team member notified will initiate Employee Crisis Assistance Team procedures as stated below.

In the event of an act or threat of violence, the team will investigate the incident and forward the results of the completed investigation to the Chief of Police and Safety Services for consideration. Law enforcement will take appropriate action if the incident involves injuries or criminal activity.

The team will coordinate available resources to provide intervention, consultation or referral, which may include arranging for counselors to work with victims and observers of the incident.

Restraining Orders/Court Orders

An employee shall notify law enforcement of any restraining orders/court orders when named as a plaintiff, and provide a copy of the order to Campus Public Safety or local law enforcement. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact Campus Public Safety or local law enforcement, ensure they are aware of it, and that they have a copy of the restraining order on file.

Also see BP/AP 3500 titled Campus Safety, BP/AP 3505 titled Emergency Response Plan, BP/AP 3510 titled Workplace Violence Plan, and AP 7343 titled Industrial Accident and Illness Leave.

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AP 6850 HAZARDOUS MATERIALS

References:

Title 8 Sections 340 et seq.

NOTE: This procedure is **legally advised**. Local practice may be inserted, but should address the provisions of Title 8 Section 340, including:

The District must post at least one CAL/OSHA Notice in each location where business is conducted in a conspicuous place where notices to employees are customarily posted.

Where employers are engaged in activities that are physically dispersed such as construction or transportation, the notice required shall be posted at each location to which employees report each day.

Where employees do not usually work at, or report to, a single location the notice or notices shall be posted at the location or locations from which the employees operate to carry out their activities.

Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

The notice shall inform employees that employers who use any substance listed as a hazardous substance by Cal/OSHA regulations must provide employees with information on the contents of Material Safety Data Sheets (MSDS) or equivalent information about the substance which trains employees to use the substance safely.

The notice must also state that the employer is required to make available on a timely and reasonable basis a MSDS on each hazardous substance in the workplace upon request of an employee, collective bargaining representative, or an employee's physician.

The notice must also state that employees have the right to see and copy the medical record and other records of employee exposure to potentially toxic materials or harmful physical agents.

If the District is required to conduct tests or to engage in monitoring or measuring to determine employee exposure to hazards by specific standards it shall notify the affected employee or employees or their representative, prior to commencement of the date, time and place of the testing, monitoring, or measuring of employee exposure.

The District must provide the employee or employees, or their representatives with the opportunity to observe the testing, sampling, monitoring or measuring undertaken pursuant to such standards.

Whenever any employee has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by applicable standard, order, or special order, the District must promptly notify any employee so affected in writing of the fact that the employee has been exposed, and of the corrective action being taken.

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BP 6900 BOOKSTORES

References:

Education Code Section 81676;
Civil Code Section 1798.90

NOTE: *The following language is legally required.*

The college bookstores shall be established and operated by a qualified vendor.

The college bookstores shall comply with the requirements of the Reader Privacy Act.

NOTE: *The following language is suggested as good practice/optional.*

Note: *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 of Trustees 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.

❖ From current KCCD Policy 3A9 titled Subsidiary Services

Subsidiary Services

Subsidiary services are those auxiliary operations which are provided to support the instructional function of the Colleges.

3A9A Bookstores

If a qualified vendor is to provide bookstore services, ~~1. c~~ **Contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board of Trustees 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.*

~~3A9A1~~ Bookstores shall be under the supervision of the College Presidents. Operational responsibilities may be delegated to appropriate officers of the respective Colleges.

~~3A9A2~~ No books, materials, or supplies are to be sold directly or indirectly to students by College staff.

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AP 6900 BOOKSTORES

References:

Education Code Section 81676:

Civil Code Section 1798.90

NOTE: *The content of bookstore procedures, if any, is up to local districts. Local practice may be inserted.*

❖ From current KCCD Procedure 3A6A3 titled Definition and Allocation of Net Proceeds

- 1) Net proceeds derived from the operation of the College bookstores is defined as follows:
 - Total gross revenue less all direct bookstore costs. Direct bookstore costs consist of all personnel costs for employees working for the bookstore; costs of goods sold; and all operating costs such as supplies, repairs, and advertising.
 - Indirect costs which are not similarly allocated to other campus operations shall not be included as a deduction from gross revenues for purposes of determining net proceeds.
- 2) The College President or designee shall annually establish and maintain a reserve for the bookstore. This reserve shall be funded by net proceeds derived from the operation of the bookstore and will be restricted for use for bookstore operations.
- 3) Net proceeds remaining after the established bookstore reserve has been funded for the year shall be reserved for the benefit of student development programs. Budgets for the use of these funds shall be submitted as part of the annual College budget. Any unused funds shall be carried over and made available for the same purpose in ensuing years.

Associated student bodies may recommended expenditure priorities which are approved by the College President or designee.