

AGENDA



SANTA MONICA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
REGULAR MEETING

**TUESDAY,
JUNE 2, 2009**

Santa Monica College
1900 Pico Boulevard
Santa Monica, California

5:30 p.m. – Photo Show Awards

6 p.m. – Call to Order
Closed Session

7:00 p.m. – Public Meeting
Board Room (Business Building Room 117)

*The complete agenda may be accessed on the
Santa Monica College website:*

<http://www.smc.edu/admin/trustees/meetings/>

*Written requests for disability-related modifications or accommodations,
including for auxiliary aids or services that are needed in order to participate in
the Board meeting are to be directed to the Office of the
Superintendent/President as soon in advance of the meeting as possible.*

PUBLIC PARTICIPATION

ADDRESSING THE BOARD OF TRUSTEES

Members of the public may address the Board of Trustees by oral presentation **concerning any subject that lies within the jurisdiction of the Board of Trustees** provided the requirements and procedures herein set forth are observed:

- I. Individuals wishing to speak to the Board at a Board of Trustees meeting during Public Comments or regarding item(s) on the agenda must complete an information card with name, address, name of organization (if applicable) and the topic or item on which comment is to be made.

Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Board reserves the option of limiting the time for each speaker. A speaker's time may not be transferred to another speaker.

Each speaker is limited to one presentation per specific agenda item before the Board, and to one presentation per Board meeting on non-agenda items.

General Public Comments and Consent Agenda

- The card to speak during Public Comments or on a Consent Agenda item must be submitted to the recording secretary at the meeting **before** the Board reaches the Public Comments section in the agenda.
- Five minutes is allotted to each speaker per topic for general public comments or per item in the Consent Agenda. The speaker must adhere to the topic. Individuals wishing to speak during Public Comments or on a specific item on the Consent Agenda will be called upon during Public Comments.

Major Items of Business

- The card to speak during Major Items of Business must be submitted to the recording secretary at the meeting **before** the Board reaches that specific item in the Major Items of Business in the agenda.
- Five minutes is allotted to each speaker per item in Major Items of Business. The speaker must adhere to the topic. Individuals wishing to speak on a specific item in Major Items of Business will be called upon at the time that the Board reaches that item in the agenda.

Exceptions: This time allotment does not apply to individuals who address the Board at the invitation or request of the Board or the Superintendent

2. Any person who disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting of the Board of Trustees by uttering loud, threatening, or abusive language or engaging in disorderly conduct shall, at the discretion of the presiding officer or majority of the Board, be requested to be orderly and silent and/or removed from the meeting.

No action may be taken on items of business not appearing on the agenda

Reference: *Board Policy Section 1570*
 Education Code Section 72121.5
 Government Code Sections 54954.2, 54954.3, 54957.9

III. **PUBLIC SESSION - ORGANIZATIONAL FUNCTIONS** (Scheduled for 7:00 p.m.)

- D Pledge of Allegiance
- E Closed Session Report (if any)
- F Installation of Student Trustee
- G Public Comments

IV. **SUPERINTENDENT'S REPORT**

- Management Association Update
- Updates:
 - AB 947
 - Accreditation
 - Graduation Activities

V. **ACADEMIC SENATE REPORT**

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VIII. CONSENT AGENDA – Pulled Recommendations

Recommendations pulled from the Section VII. Consent Agenda to be discussed and voted on separately. Depending on time constraints, these items might be carried over to another meeting.

IX. BOARD COMMENTS AND REQUESTS

X. ADJOURNMENT

There will be a special meeting of the Board of Trustees on **Tuesday, June 23, 2009** at 5:30 p.m. The next regular meeting of the Santa Monica Community College District Board of Trustees will be **Tuesday, July 7, 2009** at 7 p.m. (5:30 p.m. if there is a closed session) Santa Monica College Board Room, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

APPENDIX A: 2009-10 Tentative Budget (Restricted Funds)

APPENDIX B: Agreement to Prefund Other Post Employment Benefits (OPEB) through CalPERS

BOARD OF TRUSTEES	REGULAR MEETING
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

I. ORGANIZATIONAL FUNCTIONS

A CALL TO ORDER

B ROLL CALL

Louise Jaffe, Chair
David Finkel, Superior Court Judge (Ret.), Vice-Chair
Dr. Susan Aminoff
Dr. Nancy Greenstein
Dr. Margaret Quiñones-Perez
Rob Rader
Dr. Andrew Walzer
Seth Smith, Incoming Student Trustee

C PUBLIC COMMENTS ON CLOSED SESSION ITEMS

II. CLOSED SESSION

Conference with Labor Negotiators (*Government Code Section 54957.6*)

Agency designated representatives: Marcia Wade, Vice-President, Human Resources
Robert Myers, Campus Counsel

Employee Organization: CSEA, Chapter 36

Conference with Legal Counsel-Existing Litigation (*Subdivision (a) of Government Code Section 54956.9*)

Names of cases:

- CSEA, Chapter 36 vs. Santa Monica Community College District
- PERB Case No. LA-SV-160-E
- Santa Monica Community College District vs. FTR International (Arbitration Proceeding and related cases)

III. PUBLIC SESSION - ORGANIZATIONAL FUNCTIONS

D PLEDGE OF ALLEGIANCE

E CLOSED SESSION REPORT (if any)

F INSTALLATION OF STUDENT TRUSTEE

Board Chair Louise Jaffe will administer the Oath of Allegiance to Seth Smith and install him as Student Trustee.

G PUBLIC COMMENTS

BOARD OF TRUSTEES	INFORMATION
Santa Monica Community College District	June 2, 2009

MAJOR ITEMS OF BUSINESS

INFORMATION ITEM H

SUBJECT: **GLOBAL CITIZENSHIP**

SUBMITTED BY: Superintendent/President

SUMMARY: Santa Monica College continues to be a pioneer in global education. Over 2900 international students enrolled at SMC this spring, third highest among community colleges in the country. Our commitment to global citizenship is embodied in our curriculum: to receive an Associate of Arts degree, students must complete a course that satisfies a global citizenship requirement, a rarity in higher education. Over the past year we sent students abroad to study on innovative programs to Europe, Latin America, South Africa and China. We made strides educating our faculty and staff, so that they in turn could better educate our students to become global citizens.

Underlying Philosophy

In fall of 2007 the Academic Senate Joint Presidents' Task Force on Global Citizenship and the Academic Senate approved a definition of global citizenship.

To be a global citizen, one:

- is knowledgeable of peoples, customs and cultures in regions of the world beyond one's own;
- understands the interdependence that holds both promise and peril for the future of the global community; and
- is committed to combining one's learning with a dedication to foster a livable, sustainable world.

Events sponsored by the Global Citizenship Initiative and discussion at the Global Council and Academic Senate have advanced an underlying philosophy that informs decision-making. To promote global citizenship, we strive to:

- Build capacity.
- Promote depth of knowledge and understanding
- Promote skills and
- Promote re-examination of values and attitudes

BOARD OF TRUSTEES	INFORMATION
Santa Monica Community College District	June 2, 2009

MAJOR ITEMS OF BUSINESS

INFORMATION ITEM I

SUBJECT: **UPDATE – STATE BUDGET/LOCAL IMPACT**

SUBMITTED BY: Superintendent/President

SUMMARY: Jeanine Hawk, Vice-President of Business/Administration, will provide an update on the State's Budget and its impact on Santa Monica College.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

RECOMMENDATION NO. I

SUBJECT: **2009-2010 TENTATIVE BUDGET – GENERAL FUND RESTRICTED**

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: It is recommended that the Board of Trustees adopt the 2009-2010 Tentative Budget General Fund Restricted (Appendix A).

COMMENT: The 2009-2010 Tentative Budget – General Fund Restricted is based on the same information as the Tentative Budget – General Fund Unrestricted portion approved by the Board on May 4, 2009, which was developed prior to the release of the Governor's May Revise. The Board is required to adopt a tentative budget by June 30th in order to continue expending funds. These budgets need to be revised to reflect the budget situation as it unfolds.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 2

SUBJECT: **PUBLIC HEARING - SMCCD AND CSEA INITIAL COLLECTIVE BARGAINING PROPOSALS**

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: It is recommended that the Board of Trustees conduct a public hearing on the initial proposals submitted by the Santa Monica Community College District and California School Employees Association, Chapter 36 (CSEA) for a successor collective bargaining agreement and at the conclusion of the public hearing adopt the District's initial proposal.

At the May 4, 2009, meeting, the Board of Trustees received the initial proposals of both the District and CSEA and scheduled a public hearing on the proposals for the June 2, 2009, meeting. The purpose of the public hearing is to give the public an opportunity to comment on this proposal prior to commencing negotiations. The proposals of the District and CSEA are on the following pages.

Upon conclusion of the public hearing, it is recommended that the Board of Trustees adopt the initial proposal of District. No action should be taken on the CSEA proposal; it was received at the May 4, 2009, meeting.

PUBLIC HEARING OPENED:
MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY:
AYES:
NOES:

PUBLIC COMMENT:

PUBLIC HEARING CLOSED:
MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY:
AYES:
NOES:

REQUESTED ACTION: It is recommended that the Board of Trustees adopt the District's Initial Proposal.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY:
AYES:
NOES:

SMCCD INITIAL COLLECTIVE BARGAINING PROPOSAL
TO CSEA CHAPTER 36

Article/Paragraph	Proposal
Article 1 – Agreement, Designation of Parties	
1.1 1.3 1.4	Revise dates.
Article 2 - Recognition	
	Update as necessary based on peace officers' severance request.
2.2	Update to conform to existing practice.
2.3	Revise to require semi-annual reporting; revise categories to conform to legal requirements regarding privacy rights.
Article 3 – Hours of Employment	
3.1	Allow greater flexibility in establishment of work schedules.
3.2, 3.3, 3.4	Allow greater flexibility in assignment of overtime.
	Address remedy for inadvertent mistake in assignment of overtime.
	Provide for use of comp time within same fiscal year.
3.7.1	Meet and confer regarding calendar in lieu of negotiation.
Article 4 - Evaluation	
4	Remove initial paragraph.
4.2.1	Add that evaluator may consider input from classified and academic managers and staff.
4.3	Indicate that if employee does not attend scheduled evaluation conference, evaluation can be mailed to employee's address of record with the opportunity to file a written response.
	Substitute reference to "lead" for supervisor.
4.3.3	Add that, if no agreement as to goals and objectives, lead/supervisor shall determine.
4.5.1	Amend reference to 130 "paid days" to read "days of paid service" consistent with Ed. Code section 88120.
4.7	Re special evaluation, add, "or when any form of progressive discipline is deemed necessary."
4.9.2	Provide for written response only without meeting.
Article 6 - Transfers	
6.3.1	Delete last two sentences regarding use of Peer Resolution Committee (expires by terms of contract).
Article 7 – Leaves of Absence	
	Update to conform to law.
Article 8 – Holidays	
8.1.1	Address Cesar Chavez holiday.

Article 9 - Vacation	
9.2.7	Revise buy-back language to update, simplify and provide greater flexibility.
Article 10 – Grievance Procedure	
10.2.3	Remove language regarding peer resolution committee. (Expires by CBA terms on June 30, 2009.)
10.3.10	Move and clarify harassment paragraph; amend to include employee on employee.
Article 11 – Wages	
11.6	Reduce future longevity increments.
11.8.6	Adjust parking rate for classified staff parking.
Article 12 – Health & Welfare Benefits	
	Check language for currency; update.
Article 13 – Disciplinary Action	
13.1.2	Delete language regarding no disciplinary action for any cause arising prior to employee becoming permanent; clarify application of time extension for concealment.
13.2	Update language on grounds for discipline.
[New]	Recognition of Skelly Rights.
13.6	Move and clarify right of access to personnel files; delete language preventing reliance on any formal complaint not contained in personnel file.
Article 16 – Contracting Out	
16.1	Clarify types of work for which notice is required.
16.3	Delete provision that District will not contract out work during CSEA's request(s) to bargain.
16.8	Clarify scope of assignments that are negotiable.
General	Correct typos.
[New]	Establish a new miscellaneous or general article/section to acknowledge impact of staff "Parking" to working conditions.

CSEA INITIAL COLLECTIVE BARGAINING PROPOSAL FOR SUCCESSOR NEGOTIATIONS

Article 1 – Agreement, Designation of Parties, and Length of Agreement

- CSEA has an interest in a three-year successor agreement.

Article 2 – Recognition

- CSEA has an interest in modifying the composition of the bargaining unit.

Article 3 – Hours of Employment

- CSEA has an interest in updating language regarding changes of schedule to conform with PERB rulings regarding negotiability.
- CSEA has an interest in clarifying overtime compensation language.

Article 6 – Transfers

- CSEA has an interest in improving and clarifying language regarding transfers of current employees.
- CSEA has an interest in establishing which District Department has authority and responsibility for Administrative Transfers.

Article 7 – Leaves of Absence

- CSEA has an interest in improving language regarding Jury Duty Leave.

Article 8 – Holidays

- CSEA has an interest in clarifying and improving overtime compensation language.
- CSEA has an interest in modification to the Cesar Chavez Flex day for 11-month employees

Article 9 – Vacation

- CSEA has an interest in enhancements to vacation earnings in order to reach parity with other bargaining units.
- CSEA has an interest in clarifying and enhancing language regarding the ability to cancel vacation plans as well as conversion to sick leave if a bargaining unit member falls ill while on vacation.

Article 10 – Grievance Procedure

- CSEA has an interest in enhancing language regarding the appeal of grievances at Step 2 to ensure that all information is presented and examined in the appeal at the same time.

Article 11 – Wages

- CSEA has an interest in a fair and equitable salary schedule increase based on available resources and income received by Santa Monica College.
- CSEA has an interest in language that ensures that should any other bargaining unit, individual management employee, or Personnel Commission employee receive increased compensation above what is received for our bargaining unit that our bargaining unit receives the same.
- CSEA has an interest in clarifying and improving language regarding Working Out of Classification.
- CSEA has an interest in clarifying language to ensure that bargaining unit member receive the Internal Revenue Service (IRS) mileage reimbursement rate.
- CSEA has an interest in clarifying language regarding advanced salary step placement.

Article 13 – Disciplinary Action

- CSEA has an interest in further defining progressive discipline.
- CSEA has an interest in modification to language regarding personnel files.
- CSEA has an interest in establishing which District Department has authority regarding paid administrative leaves.
- CSEA has an interest in establishing a neutral appeal process for Letters of Reprimand, Warnings, Conference Summaries, Evaluations (content), and the like.

Article 14 – Layoff and Reemployment

- CSEA has an interest in improving language regarding layoffs and displacement rights.
- CSEA has an interest in establishing language regarding order of layoffs and reductions.

Article 15 – Association Rights

- CSEA has an interest in clarifying language regarding the use of District communications.

Appendices

- CSEA has an interest in updating any and all appendices to the Agreement.

CSEA reserves the right to amend its initial proposal as necessary or raise other issues of interest as the negotiations process occurs. Remaining portions of the Collective Bargaining Agreement shall be considered to remain unchanged and status quo.

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 3

SUBJECT: **FIVE-YEAR CONSTRUCTION PLAN 2011-2012**

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: It is recommended that the Board of Trustees approve the filing of the Five Year Construction Plan, 2011-2012 including Initial Project Proposals and Final Project Proposals, with the State Chancellors Office.

Five Year Plan Priority Listing: See following page

Initial Project Proposals (IPP): Health, PE, and Fitness, Career Advancement and Opportunity Center, Madison East Wing Seismic Renovation

Final Project Proposal (FPP): Early Childhood Education Center

COMMENT: The Five-Year Construction plan identifies all potential future project, especial those that may be eligible for state matching funds. The District selects projects that are expected to have the greatest possibility of state funding to be developed into IPP or initial project proposal. If the state approves the IPP, then the project can be developed into a FPP or final project proposal the following year.

The projects are listed in order of priority for the state funding purposes only. Projects that are more likely to receive state funding are ranked higher. This does not necessarily reflect the District's priority rankings for these projects. All of these projects also have local funding available through bond proceeds.

The Chancellor's Office requires the Board of Trustees to approve the plan annually before submittal.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

Santa Monica CCD

No.	Project Occupancy				Schedule of Funds			
ASF	Total Cost	Source	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016

1 Student Services and Administration Building

Status: FPP Approved

16,118	2012/2013	(C)	(E)	
	\$17,256,000 State	\$15,935,000	\$ 453,000	
	\$78,207,595 Non-State	\$57,717,597	\$3,911,000	

2 Replacement Math and Science Extension Building

Status: FPP Approved

29,831	2014/2015	(P)(W)	(C)(E)	
	\$40,134,000 State	\$2,756,000	\$37,378,000	
	\$68,259,000 Non-State	\$4,731,000	\$63,528,000	

3 Early Childhood Education Center

Status: FPP Submitting

11,399	2014/2015	(P)(W)	(C)(E)	
	\$4,422,000 State	\$357,000	\$4,065,000	
	\$4,422,000 Non-State	\$357,000	\$4,065,000	

4 Madison Site East Wing Seismic Upgrade

Status: IPP Submitting

6,820	2015/2016	(P)(W)	(C)	(E)
	\$6,146,000 State	\$480,166	\$5,512,767	\$153,391
	\$6,146,000 Non-State	\$480,166	\$5,512,767	\$153,391

5 Career Opportunity and Advancement Center – Bundy Campus

Status: IPP Submitting

18,931	2014/2015	(P)(W)	(C)(E)	
	\$12,007,000 State	\$1,564,718	\$10,441,665	
	\$32,384,000 Non-State	\$1,564,718	\$30,819,000	

6 Replacement Health, Fitness, P.E. Building

18,616	2012/2013	(W)	(C)	(E)
	\$32,593,088 Non-State	\$1,407,266	\$27,797,098	\$2,300,000

7 Media and Technology Complex – Academy Site

	2013/2014	(W)	(C)	(E)
	\$57,480,824 Non-State	\$2,276,010	\$50,367,682	\$3,000,000

8 Environmental Performance – Central Plant

	2012/2013	(W,C,E)		
	\$15,119,000 Non-State	\$14,892,000		

9 Technology – Information Technology Relocation

	2013/2014	(P)	(W)	(C, E)
	\$10,618,000 Non-State	\$464,000	\$683,000	\$9,471,000

10 Drescher Hall - Academic Modernization, Bookstore Relocation and Modernization, Pico Promenade and Transit Plaza

	2014/2015	(P)	(W)	(C)	(E)
	\$44,904,844 Non-State	\$1,188,520	\$1,677,324	\$39,639,040	\$2,400,000

11 Corsair Stadium Seismic Upgrade

	2014/2015	(P)(W)	(C)	(E)
	\$11,203,000 Non-State	\$1,038,000	\$10,120,000	\$45,000

12 Malibu Center

	2014/2015	(P)	(W)	(C)	(E)
	\$23,141,100 Non-State	\$649,000	884,100	\$19,908,000	\$1,700,000

A – PROPERTY ACQUISITION; P – PRELIMINARY PLANS; W – WORKING DRAWINGS; C – CONSTRUCTION; E – EQUIPMENT

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 4

SUBJECT: **ACCEPTANCE OF PROPOSITION 39 GENERAL OBLIGATION BONDS FINANCIAL AND PERFORMANCE AUDITS, 2005-2009**

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: It is recommended that the Board of Trustees accept the Proposition 39 General Obligations Bonds (Measure U and Measure S) Financial and Performance Audits, 2005-2008.

SUMMARY: The Financial and Performance Audits have been done on an annual basis, and were presented to the Citizens' Bond Oversight Committee and accepted on April 22, 2009. The Board is required to accept these separately from the general District audit.

All Financial Audits included the auditor's statement on page one "the financial statements referred to above present fairly, in all material respects, the financial position and results of operations for the Bond Building Fund. . ." This is an unqualified opinion which is the highest opinion offered by the auditor.

All Performance Audits included the auditor's statement on page one "the Santa Monica Community College District complied, in all material respects, with the aforementioned requirements for the fiscal year. . . This is an unqualified opinion which is the highest opinion offered by the auditor."

The 2004 Financial Audit included a finding regarding an accounting and reporting discrepancy. The problem was addressed and there were no exceptions noted in the Financial Audits for 2005 through 2008.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 5

SUBJECT: **AGREEMENT TO PREFUND OTHER POST EMPLOYMENT BENEFITS (OPEB) THROUGH CALPERS**

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: To implement the action of the Board of Trustees participate in the Prefunding Plan to pay for health care costs or other post-employment benefits in accordance with the terms of the District's plan, the Board of Trustees adopts the Agreement with the California Employer's Retiree Benefit Trustees Program (Appendix B) and filing with the CalPERS Board.

SUMMARY: This action implements action taken by the Board of Trustees on March 10, 2008 to establish an irrevocable trust to pre-fund other post employment benefits.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 6

SUBJECT: **FIRST READING – BOARD POLICY SECTIONS**
 3123, WORKPLACE/CAMPUS VIOLENCE AND
 ANTI-BULLYING
 3124, ANTI-NEPOTISM

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: It is recommended that the Board of Trustees conduct a first reading of the following Board Policy Sections:

- A 3123, Workplace/Campus Violence and Anti-Bullying Policy
- B 3124, Anti-Nepotism

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

#6-A

BP 3123 Workplace/Campus Violence and Anti-Bullying (Revision)

~~Santa Monica College will maintain a safe environment in which to fulfill our mission. A climate of fear or intimidation will not be tolerated.~~

~~Any verbal or written abuse, threats, harassment, intimidation, or violence against person or property will be considered a violation of the principles of community that are an integral part of the focus, goals, and mission of the Santa Monica Community College District.~~

Santa Monica College prohibits workplace and campus violence and strongly promotes civility in the workplace. The District is committed to maintaining a safe, collegial environment in which fear, intimidation and bullying will not be tolerated. Treating others with civility and respect and refusing to perpetuate or tolerate bullying behavior are expected performance standards of administrators, management, faculty, staff, volunteers and students as well as vendors, independent contractors and visitors to the College.

Verbal, written and/or emotional or physical abuse, threats, intimidation, or violence against others will be considered a violation of the community of mutual respect and an ethical lifestyle that are integral parts of the goals, objectives and mission of the Santa Monica Community College District.

“Bullying” is any habitually cruel, hostile behavior perpetrated upon individuals or groups for the purpose of intimidation. This behavior may result in physical and/or emotional distress to the target of such acts and has the potential to lead to violent outcomes.

Passive bystander support of bullying will not be tolerated. Witnesses to acts of bullying must take responsible action to report such acts to the District.

Complaints should be forwarded to the Superintendent/ President or Designee. Upon conclusion of an investigation of a complaint, and if the complaint is found to be valid, the District will ensure that remedial action is taken. Anyone who files a complaint in which he/she knowingly makes a false accusation may be subject to appropriate discipline.

This policy will be published in college publications (e.g. Website, catalog).

#6-B

BP 3124 Anti-Nepotism (New)

The Santa Monica Community College District's standards for employment decisions such as hiring, promoting, reappointing, evaluating, awarding salary, disciplining, and terminating employees are based upon an individual's qualifications for the position, ability, and performance. The District attempts to avoid favoritism, the appearance of favoritism, and conflicts of interest in employment, and reserves the right to take action in accordance with existing employee collective bargaining agreements when relationships or associations of employees negatively affect the District's mission and goals.

Employees and applicants for employment shall not be denied employment or advancement opportunities because of their status as a family or household member of another employee. However, no person shall be employed, promoted, or transferred to a position in a department where they would be the immediate supervisor of or receive direct supervision from a:

- spouse, domestic partner, or co-habitant;
- child, including adopted, in-laws and step- or half-parent;
- grandchild, including adopted, in-laws and step- or half-grandparent;
- sibling, including in-laws and step- or half-; or
- any other member of the employee's household whether or not related by blood or marriage.

A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, scheduling, evaluation, rate of pay, salary increases, promotion, monetary awards, or other personal interest for a relative or household member employed by the District, even when the supervisor is not in the direct line of authority. For purposes of this policy, an elected position such as department chair, faculty leader or faculty coordinator shall be considered a "supervisory position".

To avoid the risk of sexual harassment or any appearance of impropriety, employees shall not be allowed to retain supervisory responsibilities over subordinate employees whom they are dating.

A supervisor who becomes involved in a relationship covered by this policy shall notify the Superintendent/President or designee within 10 working days after the start of this relationship.

Upon receiving notification of such a relationship, the Superintendent/President or Designee shall take action to remedy the situation. Such action may include reassignment, transfer or acceptance of voluntary resignation for one of the parties.

Reference:

California Education Code Section 70902

SMC Rules and Regulations of Classified Service Merit Rule 7.1.4

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 7

SUBJECT: **SECOND READING AND APPROVAL –
BOARD POLICY SECTIONS
2115, INSTITUTIONAL ACCOUNTABILITY
6250, CONTRACTS FOR MATERIALS AND SERVICES**

SUBMITTED BY: Superintendent/President

REQUESTED ACTION: It is recommended that the Board of Trustees conduct a second reading of and approval the following Board Policy Sections:

- A 2115, Institutional Accountability (new)
- B 6250, Contracts for Materials and Services (revised)

SUMMARY: New Board Policy 2115 on Institutional Accountability was developed in response to the Board Subcommittee's recommendation that "that a clear statement of the principles that the Board adopts and articulates will be a good first step." This new Board policy clearly states that everyone – from the Board of Trustees on down – share responsibility for ensuring that the mission of the College is accomplished.

Revised Board Policy 6250 sets forth the dollar threshold for competitive bidding. Public Contracts Code Section 20651(a) requires competitive bidding for an expenditure of an amount determined annually by the Board of Governors for the purchase of equipment, materials or supplies furnished, sold, or leased to the College, services (except for construction services, professional services, and insurance services), and "[r]epairs, including maintenance as defined in Section 20656, that are not a public project as defined in subdivision (c) of Section 22002." The bid threshold is adjusted annually by the Board of Governors of the California Community Colleges and is currently \$76,700.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY:
AYES:
NOES:

#7-A

BP 2115 Institutional Accountability

The Board of Trustees recognizes its responsibility to ensure accountability to the public for the performance of the Santa Monica Community College District. The Board of Trustees shall regularly review the effectiveness of the District's programs, personnel, and fiscal operations, with a focus on the district's effectiveness in accomplishing its mission and goals. The Board of Trustees shall establish systems and processes to monitor results and to evaluate the District's progress toward accomplishing the District's mission and goals.

The Board of Trustees and the Superintendent shall agree upon appropriate areas of District accountability and shall establish a schedule for providing regular reports to the Board and the public regarding District progress.

All District employees shall abide by all District policies and regulations. The District has the following expectations:

- All policies and regulations will be promptly distributed upon their adoption.
- All policy and regulation changes will be reviewed with administrators upon adoption of the policy or regulation.
- All administrators will be familiar with policy and regulations and will communicate them to those they supervise.
- All administrators will ensure that those they supervise follow District policy and regulations.
- All employees are expected to follow District policy and regulations.

Reference: Education Code Section 72000(b)

#7-B

BP 6250 Contracts for Materials and Services

To the full extent authorized by law, the Board shall from time to time (but not less than every four years) by written resolution or resolutions delegate to one or more ~~officers or employees~~ administrators or managers of the District the authority to purchase supplies, materials, apparatus, equipment and services, subject to any restrictions and requirements of Education Code Sections 81656 and 88003.1 and Public Contract Code Sections 20650-20660.

Such purchases shall be at the lowest reasonable available competitive price consistent with the highest quality and highest level of service desired and written District specifications, and in the best interest of the District.

Such purchases shall be subject to the following limitations:

- a. No officer or employees are authorized to make any purchase involving expenditure by the District in excess of the amount specified by section 20651 of the Public Contract Code. The amount set forth in subdivision (a) of section 20651 of the Public Contract Code shall be the amount as is annually adjusted by the Board of Governors of the California Community Colleges.
- b. The delegation shall prescribe the limits of the delegation as to time, money and subject matter.
- c. All transactions entered into by the officer or employee shall be in writing, and shall be reviewed by the Board within ninety days, or as otherwise provided by law.
- d. In the event of malfeasance in office, the District officer or employee who entered into the contract shall be personally liable for any and all monies that the District paid out as a result of his or her malfeasance.

Reference: Education Code Section 81656 & 88003.1; Public Contract Code Sections 20650-20660

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

VII. CONSENT AGENDA

Any recommendation pulled from the Consent Agenda will be held and discussed in Section VIII, Consent Agenda – Pulled Recommendations

RECOMMENDATION:

The Board of Trustees take the action requested on Consent Agenda Recommendations #8-#32

Recommendations pulled for separate action and discussed in Section VIII, Consent Agenda – Pulled Recommendations:

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

VIII. CONSENT AGENDA – Pulled Recommendations

Recommendations pulled from the Section VII, Consent Agenda to be discussed and voted on separately. Depending on time constraints, these items might be carried over to another meeting.

RECOMMENDATION NO. 8 APPROVAL OF MINUTES

Approval of the minutes of the following meetings of the Santa Monica Community College District Board of Trustees:

May 4, 2009 (Regular Board of Trustees Meeting)

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

CONSENT AGENDA: ANNUAL RECOMMENDATIONS

RECOMMENDATION NO. 9 ELECTION OF PERSONNEL

Approved by: Marcia Wade, Vice-President, Human Resources

Requested Action: Approval of the following annual elections/re-elections, effective July 1, 2009

Academic Personnel: Declare salary schedules indefinite for 2009-2010 and place academic personnel to the appropriate place on their respective salary schedules for the 2009-2010 fiscal year.

1. Contract and Regular Academic Personnel
2. Academic Hourly, Adult Education, Emeritus College and Substitutes

Classified Personnel: Declare salary schedules indefinite for 2009-2010 and place classified personnel to the appropriate place on their respective 2008 salary schedules for the period such salary schedules are effective.

Academic Management and Classified Management and Confidential employees other unrepresented personnel except those with individual employment contracts: Declare salary schedules indefinite for 2009-2010 and place unrepresented personnel to the appropriate place on their respective 2009 salary schedules.

Academic Management with individual employment contracts: Employment of all current academic administrators with individual employment contracts in the following positions, effective July 1, 2009.

Executive Vice-President
Vice-President
Senior Director, Government Relations/Institutional Communications
Dean
Associate Dean
Director

Comment: Lists on file in the Human Resources office and attached to the permanent minutes. All academic and classified personnel (including managers and confidentials), are required by the Los Angeles County Office of Education re-elected for the upcoming fiscal year for budgetary reasons and payroll processing.

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

CONSENT AGENDA: ANNUAL RECOMMENDATIONS

RECOMMENDATION NO. 10 **RESOLUTION – DECLARATION OF INDEFINITE SALARIES**

Requested by: Christopher M. Bonvenuto, Director of Fiscal Services
Approved by: Jeanine Hawk, Vice President of Business and Administration
Requested Action: Adoption of Resolution

RESOLUTION: As a result of financial uncertainties, negotiations, legislation and other factors, the governing board hereby declares that all management, confidential and other unrepresented employee's salaries are declared indefinite for 2009-2010.

Comment: This resolution is required to comply with the California Constitution, Article II, and Section 10, which prohibits employees from receiving additional compensation for services already rendered unless salaries are deemed legally indefinite by the governing board.

It is not necessary for the governing board to take action to declare salaries indefinite for represented employees in advance if a bargaining agreement expires on a fixed date.

Since there is currently no funded state COLA for 2009-10, this provision may be necessary for individual contract adjustments such as reclassifications.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: ANNUAL RECOMMENDATIONS

RECOMMENDATION NO. 11 **RESOLUTION FIXING THE EMPLOYER'S
CONTRIBUTION UNDER THE PUBLIC
EMPLOYEES' MEDICAL AND HOSPITAL CARE
ACT**

Reviewed by: Sherri Lee-Lewis, Dean, Human Resources
 Approved by: Marcia Wade, Vice-President, Human Resources
 Requested Action: Adoption

WHEREAS, (1) Government Code Section 22892(a) provides that a contracting agency under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b)(1) of the Act, and

WHEREAS, (2) SANTA MONICA COLLEGE, hereinafter referred to as Special District is a contracting agency under the Act for participation by members of the Board of Trustees now, therefore be it

RESOLVED, That the employer's contribution for each employee, retiree, or survivor shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of his/her family members in a health benefits plan up to a maximum of \$530.51 per month, plus administrative fees and Contingency Reserve Fund Assessments.

Comment: The base medical benefit amount is to be increased annually in accordance with the benefits article in the contract agreements with CSEA and the SMC Faculty Association, and by Board Resolution covering the Special Districts.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: ANNUAL RECOMMENDATIONS

RECOMMENDATION NO. 12 DESTRUCTION OF CLASS 3 RECORDS

Approved by: Randal Lawson, Executive Vice-President
Teresita Rodriguez, Vice-President, Enrollment Development
Marcia Wade, Vice-President, Human Resources
Requested Action: Approval

Approve the destruction of class 3 records (older than three years) stored for Admissions and Records, Financial Aid, Business Services, Human Resources and Personnel Commission.

Comment: This is an annual recommendation for class 3 records which are disposable records that have been maintained for at least three years. This classification includes such items as enrollment cards, add-drop cards, purchase orders, periodic reports, and attendance records. This also includes such items for the Human Resources and the Personnel Commission as recruitment and examination records for classified personnel. All data from these source documents has been recorded on a higher classification record that is stored.

RECOMMENDATION NO. 13 YEAR-END APPROPRIATIONS TRANSFERS

Requested by: Chris Bonvenuto, Director, Fiscal Services
Approved by: Jeanine Hawk, Vice President of Business and Administration
Requested Action: Approval

In accordance with the provisions of Section 85201 of the Education Code, authorize the County Superintendent of Schools to make appropriate transfers necessary at the close of the fiscal year 2009-2010 to permit the payment of obligations of the district incurred during the year.

Comment: This action is a recurring practice of the County Superintendent of Schools which permits the processing of warrants and liabilities for the District during the closing of the financial records for the fiscal year.

RECOMMENDATION NO. 14 DISPOSAL OF SURPLUS PROPERTY

Approved by: Randal Lawson, Executive Vice-President
Requested Action: Approval

Disposal of surplus equipment through public auction, private sale (if under \$2,500) or other means deemed appropriate as required during fiscal year 2009-2010.

Comment: Education Code Section 81450 defines surplus equipment as equipment no longer required or suitable for college use or equipment that should be disposed of for the purpose of replacement. Surplus equipment is stored in the District warehouse which has limited space. The District periodically needs to dispose of equipment that is in disrepair or is obsolete and is no longer needed.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: ANNUAL RECOMMENDATIONS

RECOMMENDATION NO. 15 AUTHORIZATION OF SIGNATURES, 2009-2010

Approved by: Randal Lawson, Executive Vice-President

Requested Action: Approval

I. Union Bank

Authorization of the following Santa Monica Community College District employees to be the designated signatories for the District on Union Bank accounts for 2008-09 as indicated:

District Clearing Account:

Chui L. Tsang
Randal Lawson
Christopher M. Bonvenuto

Community Services Account:

Chui L. Tsang
Randal Lawson
Christopher M. Bonvenuto

Bursar's Office Cash Account:

Chui L. Tsang
Randal Lawson
Christopher M. Bonvenuto

Bursar's Office Credit Card Account:

Chui L. Tsang
Randal Lawson
Christopher M. Bonvenuto

Authorization for the District to use a stamp signature for Chui L. Tsang when two signatures are required. Two signatures are required on all checks that are more than \$500.

Authorization that Randal Lawson be designated as the primary contact for Union Bank.

Comment: Union Bank requires specific action to designate signatories instead of the previous blanket authorization.

2. U.S. Bank

Authorization of the following Santa Monica Community College District employees to be the designated signatories for the District on U.S. Bank accounts for 2009-2010 as indicated:

Revolving Cash Account:

Chui L. Tsang
Randal Lawson
Christopher M. Bonvenuto

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: GRANTS AND CONTRACTS

RECOMMENDATION NO. 16 **ACCEPTANCE OF GRANTS AND BUDGET AUGMENTATION**

Requested Action: Approval/Ratification

Requested by: Maria Leon-Vazquez, Program Manager, The Copernicus Project

Approved by: Jeff Shimizu, Vice President, Academic Affairs

Title of Grant: ARCHES Aurora Project

Granting Agency: University of California, Riverside, through an MOU with Foothill-DeAnza Community College District

Appropriated Funding: \$3,000

Matching Funds: Not applicable

Performance Period: March 1, 2009 – June 30, 2009

Summary: The Aurora Project will work closely with SMC's existing Copernicus Project to address the critical need for qualified, credentialed math and science teachers. Through a subaward from UCR, SMC faculty will develop a science and education learning community that includes fieldwork experience, team teaching and student collaboration at Will Rogers Elementary School, an SMMUSD school. The students recruited to participate in the learning community will be graduates from the Copernicus Project.

Budget Augmentation: Restricted fund 01.3

Budget:

Income

8000	State	\$ 3,000
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Expenditures

1000	Instructional Salaries	\$ 1,500
3000	Benefits	300
4000	Equipment & supplies	420
5000	Student scholarships/incentives	780

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: GRANTS AND CONTRACTS

RECOMMENDATION NO. 17 CONTRACTS AND CONSULTANTS

17-A JOINT AGREEMENT FOR EDUCATIONAL PROGRAM WITH NATIONAL UNIVERSITY

Requested by: *Georgia Lorenz, Director, Academic Affairs*
Approved by: *Jeff Shimizu, Vice President, Academic Affairs*

Provider: National University

Term of Contract: Effective as of June 15, 2009. The term of this Agreement shall be two (2) years, commencing on the date first set forth above, provided that either party may terminate this Agreement, without cause, at any time, upon thirty (30) days prior written notice to the other party. If the agreement is terminated or if the programs are discontinued due to low enrollment, students may complete the program(s) at any university campus or center at the standard, full tuition rate.

Funding Source: Not Applicable

Summary: This agreement is between National University and the Santa Monica Community College District. National University will offer a Bachelor of Arts in Early Childhood Education to Santa Monica College students at the Santa Monica College campus.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: GRANTS AND CONTRACTS

RECOMMENDATION NO. 18 RATIFICATION OF CONTRACTS AND CONSULTANTS

Approved by: *Chui L. Tsang, Superintendent/President*

Requested Action: *Ratification*

The following contracts for goods, services, equipment and rental of facilities, and acceptance of grants in the amount of \$50,000 or less have been entered into by the Superintendent/President and are presented to the Board of Trustees for ratification.

Authorization: Board Policy Section 6255, Delegation to Enter Into and Amend Contracts

Approved by Board of Trustees: 9/8/08

Reference: Education Code Sections 81655, 81656

Provider/Contract	Service	Term/Amount	Funding Source
Mark Roberge Professor, San Francisco State University	The consultant will lead a six-hour workshop and lecture on the topic of working with immigrants and ESL students across the curriculum.	October 23, 2009 Not to exceed \$1,200	Basic Skills English/ESL
Ken Cloke	Mediation Services	May 21 – June, 10, 2009 \$1,250	District Budget/ Board of Trustees

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: GRANTS AND CONTRACTS

RECOMMENDATION NO. 19 APPROVAL OF COURSES

Requested by: Georgia Lorenz, Director, Academic Affairs
Approved by: Jeff Shimizu, Vice President, Academic Affairs
Requested Action: Approval/Ratification

The following courses have been approved by the Curriculum Committee and the Academic Senate:

New Courses

Business 15: Introduction to Insurance Code with Ethics
Business 16: Personal Insurance
Business 17: Property and Liability Insurance
Business 18: Commercial Insurance
CIS 66: Flex
ECE 17: Introduction to Curriculum
ECE 19: Teaching in a Diverse Society
ECE 70: The Hanen Language Program
Fashion 18: Computer Assisted Fashion Illustration and Design
Fashion 19: Fashion Marketing
Fashion 20: Window Display for Fashion
Geology 35 A-Z Field Classes
INTARC 54: Universal Design for Interiors
INTARC 49: Introduction to Green Design
KIN PE 46: Performance Cheerleading
Math 54: Elementary Statistics
Nursing 60: Multicultural Health and Healing Practices
Photography 29: Video Production for Still Photographers
PV 01: Introduction to Solar Energy Systems
PV 02: Intermediate Solar Photovoltaic System Installation
PV 03: Advanced Solar Photovoltaic Installation
Women's Studies 30: Women and Popular Culture

Distance Education Courses:

Business 15: Introduction to Insurance with Code and Ethics
Business 16: Personal Insurance
Business 17: Property and Liability Insurance
Business 18: Commercial Insurance
CIS 66: Flex
CS 08: Systems Analysis and Design
ECE 17: Introduction to Curriculum
ECE 19: Teaching in Diverse Society
ECE 70: The Hanen Language Program
ET 03: Principles of Project Management
ET 38: Digital Imaging for Design 2
Psychology 03: Personality—Dynamics and Development

Global Citizenship:

ECE 11: Child, Family and Community

ECE 19: Teaching in a Diverse Society

Nursing 60: Multicultural Health and Healing Practices

Certificates:

Environmental Studies – Certificate of Achievement

Environmental Science – Certificate of Achievement

Ethnic Studies – Certificate of Achievement

Insurance Professional – Department Certificate of Achievement

Insurance Specialist – Department Certificate

Photovoltaic Installation Certificate of Achievement

Web Design – Department Certificate

AA Degree:

Liberal Arts – Arts and Humanities

Liberal Arts – Social and Behavioral Science

Continuing Education-Noncredit:

BUS E08: Financial Management Software for Older Adults

Health E73: Moving to Music for Older Adults

HME EC E08: Plot Gardening for Older Adults

OCC E22: Living and Learning Online

OCC E24: Web Page Design

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 20 ACADEMIC PERSONNEL

Reviewed by: Sherri Lee-Lewis, Dean, Human Resources
 Approved by: Marcia Wade, Vice-President, Human Resources
 Requested Action: Approval/Ratification

All personnel will be properly elected in accordance with district policies, salary schedules, and appropriate account numbers.

ELECTION

EFFECTIVE DATE

Robert Isomoto, Vice-President, Business/Administration, Step 3

06/29/09

SEPARATIONS

RESIGNATION

Hawk, Jeanine, Vice-President, Business/Administration

06/19/09

Manchik, Victor, Director, Matriculation Research

05/20/09

RETIREMENT

Cavener, Mary Denise, Instructor, Life Science (33 years)

06/16/09

The Board hereby accepts immediately the resignation/retirement of the above listed personnel to be effected as indicated.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 21 CLASSIFIED PERSONNEL – REGULAR

Reviewed by: Sherri Lee-Lewis, Dean, Human Resources
 Approved by: Marcia Wade, Vice-President, Human Resources
 Requested Action: Approval/Ratification

Approval/ratification of the establishment of classified positions, and other actions involving classified personnel including hiring, promoting, changing work shifts, working out of classification, and advanced step placements. All personnel assigned into authorized positions will be elected to employment (Merit System) in accordance with District policies and salary schedules.

ESTABLISH

Student Services Assistant, (2 positions) EOP&S, 12 mos, 20 hrs	06/02/09
Alternate Media Specialist, (1 position) DSC, 12 mos, 40hrs	06/02/09

ELECTIONS

PROBATIONARY

Smith, Grace, Administrative Clerk, Supt/Pres & Comm. Relations	05/18/09
Abou El Seoud, Mohamed, Lead Library Assistant, Library	05/26/09

PERMANENT EMPLOYEE WITH PROVISIONAL ASSIGNMENT

Acosta, Dennis Fr: Skilled Maintenance Worker, Maintenance To: Journeyman Trade-Carpentry, Maintenance	05/26/09 – 09/30/09
Brundige, Emily Fr: Disabled Student Services Assistant To: Alternate Media Specialist, DSC	05/18/09 – 09/23/09

PERMANENT EMPLOYEE WITH LIMITED TERM ASSIGNMENT - SUBSTITUTE

Rodriguez, Rogelio Fr: Groundskeeper/Gardener, Grounds To: Gardener- Equipment Operator, Grounds	04/20/09 – until incumbent returns
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PROMOTION

Diaz, Veronica, Accounting Manager, Accounting	Step B	05/18/09
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ADVANCE STEP PLACEMENT

Abou El Seoud, Mohamed, Lead Library Assistant, Library	Step C	05/26/09
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VOLUNTARY DEMOTION

Kato, Rosie

05/18/09

Fr: Administrative Assistant III, Personnel Commission

To: Administrative Assistant I, Student Services

LEAVES OF ABSENCE WITHOUT PAY - PERSONAL

Gettleman, Carl, Academic Computing Inst. Spec., Academic Computing 05/04/09 – 05/27/09

SEPARATIONS

DISMISSED

Chung, Leslie, Student Services Assistant, ISC

05/08/09

RETIREMENT

Hyman, Andrea, Administrative Assistant II, AET (13 years)

06/01/09

RECOMMENDATION NO. 22 CLASSIFIED PERSONNEL - NON MERIT

Reviewed by: Sherri Lee-Lewis, Dean, Human Resources

Approved by: Marcia Wade, Vice-President, Human Resources

Requested Action: Approval/Ratification

All personnel assigned will be elected on a temporary basis to be used as needed in accordance with District policies and salary schedules.

STUDENT EMPLOYEES

CalWORKS

05

\$8.00/hr

College Student Assistant

32

\$8.00/hr (STHP)

College Work-Study Student Assistant

25

\$8.00/hr (FWS)

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 23 CLASSIFIED PERSONNEL – LIMITED DURATION

Reviewed by: Sherri Lee-Lewis, Dean, Human Resources
 Approved by: Marcia Wade, Vice-President, Human Resources
 Requested Action: Approval/Ratification

All personnel assigned to limited term employment (Merit System) will be elected in accordance with District policies and salary schedules. No limited term assignment shall exceed 120 working days per fiscal year.

PROVISIONAL: Temporary personnel who meet minimum qualifications and are assigned to work 90 working days; who have not come from an eligibility list.

Berent, Richard, Accompanist-Voice, Music	03/03/09-06/16/09
Caldas, Gustavo, Accompanist-Percussion, Dance	03/01/09-05/29/09
Fitzpatrick, Meghan, Counseling Aide,, Interdisciplinary Office	03/23/09-06/19/09
Jose, Julianne, Counseling Aide, Title V	04/20/09-08/24/09
Maloney, Kevin, Accompanist-Performance, Music	05/01/09-06/30/09
Thai, Lisa, Registration/Information Clerk, Matriculation	05/21/09-09/29/09

LIMITED TERM: Positions established to perform duties not expected to exceed 6 months in one Fiscal Year or positions established to replace temporarily absent employees; all appointments are made from eligibility lists or former employees in good standing.

French-Myerson, Darcy, Sign Language Interpreter II, DSC	04/20/09-10/20/09
Gomez, Monica, Registration/Information Clerk, Matriculation	05/20/09-11/20/09
Melton, Brandi, Administrative Clerk, LRC	05/13/09-11/13/09
Mitchell, Ricky, Sign Language Interpreter III, DSC	04/29/09-10/29/09
Rubio, Mary, Student Services Clerk, Admissions & Records	05/01/09-05/29/09
Walker, Frederick, Accompanist-Percussion, Dance	03/16/09-06/30/09

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 24 SIGNATURE AUTHORITY DELEGATION FOR PURCHASES, CONTRACTS AND REVISIONS

Requested by: Jeanine Hawk, Vice-President, Business and Administration

Approved by: Chui L. Tsang, Superintendent/President

Requested Action: Approval/Ratification

The Board of Trustees hereby delegates to the administrators and managers of the Santa Monica Community College District the authority to purchase, contract or revise such based on the signature authority grid per Board Policy 6250.

However, if the administrators and managers with delegated authority ("delegate") is absent from duty, the Superintendent/President is hereby authorized to select another administrators and managers to assume the delegate's power and authority provided hereunder for such period of time as the delegate is absent.

It is the intent of the Board that this delegation of authority be a blanket authorization in advance of its exercise, subject only to the limitations of Board Policy 6250.

This delegation of authority shall expire effective December 31, 2009 following the date this resolution is passed and replaces all previous resolutions.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 25 FACILITIES

Requested by: *Greg Brown, Director, Facilities and Planning*
 Approved by: *Jeanine Hawk, Vice-President, Business and Administration*
 Requested Action: *Approval/Ratification*

25-A CHANGE ORDER NO. 1 – 1410 PICO PARKING IMPROVEMENTS

Change Order No. 1 – Y & M CONSTRUCTION on the 1410 Pico Parking Improvements project in the amount of \$10,117:

Original Contract Amount	\$223,200
Previously Approved Change Orders	0
Change Order No. 1	<u>10,117</u>
Revised Contract Amount	\$233,317
Original Contract Time	61 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	61 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	61 days

Funding Source: Measure U

Comment: Change Order No. 1 provides for installation of a new chain link fence, removal and replacement of asphalt, temporary lighting of parking lot and credit for plant material and rolling gate. Also provides for installation of pipes and fitting from meter box on 14th Street to parking lot per City of Santa Monica requirement.

25-B PROJECT CLOSE OUT – 1410 PICO PARKING IMPROVEMENTS

Subject to completion of punch list items by Y & M CONSTRUCTION authorize the Executive Vice President, without further action of the Board of Trustees, to accept the project described as 1410 PICO PARKING Improvements as being complete upon completion of punch list items by Y & M CONSTRUCTION. The Executive Vice President shall determine the date of Final Completion and Final Acceptance. Subject to the foregoing and in strict accordance with all applicable provisions and requirements of the contract documents relating thereto, upon determination of Final Completion and Final Acceptance disbursement of the final payment is authorized.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 25 **FACILITIES** *(continued)*

25-C CHANGE ORDER NO. 4 – REVISED BUNDY NORTHEAST DRIVEWAY

Change Order No. 4 – PIMA CORPORATION on the Revised Bundy Northeast Driveway project in the amount of \$15,349:

Original Contract Amount	\$2,464,600
Previously approved Change Orders	111,669
Change Order No. 4	<u>15,349</u>
Revised Contract Amount	\$2,591,618
Original Contract Time	300 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	300 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	300 days

Funding Source: Measure S

Comment: Change Order No. 4 provides removal of mud and re-compaction of dry dirt due to flooding from Santa Monica Airport property, installation of electrical conduit and receptacle to the new bus shelter and reinforcement to pedestrian passage gate.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 25 **FACILITIES** *(continued)*

25-D CHANGE ORDER NO. 13 – LIBERAL ARTS (HSS) SOUTH BUILDING

Change Order No. 13 – PINNER CONSTRUCTION on the Liberal Arts (HSS) South Building project in the amount of \$91,156.

Original Contract Amount	\$13,195,000
Previously approved Change Orders	408,243
Change Order No. 13	91,156
Revised Contract Amount	\$13,694,759
Original Contract Time	300 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	300 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	300 days

Funding Source: Measure U

Comment: Change Order No. 13 provides DDC control of radiant heaters and power and controls for new variable speed fans and undercut doors, as well as additional control joints, zinc copping and custom zinc panels at high roof. Also provides for relocation of combination fire smoke damper from exterior wall to partition between room 257 and 258 and added fire dampers and access doors.

25- E PROJECT CLOSE OUT – ALTERATION TO MUSIC, CONCERT HALL & ESL BUILDING – FIRE ALARM

Subject to completion of punch list items by SIMPLEX GRINNELL authorize the Executive Vice President, without further action of the Board of Trustees, to accept the project described as ALTERATION TO MUSIC, CONCERT HALL & ESL BUILDING – FIRE ALARM as being complete upon completion of punch list items by SIMPLEX GRINNELL. The Executive Vice President shall determine the date of Final Completion and Final Acceptance. Subject to the foregoing and in strict accordance with all applicable provisions and requirements of the contract documents relating thereto, upon determination of Final Completion and Final Acceptance disbursement of the final payment is authorized.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 25 FACILITIES *(continued)*

25-F PROJECT CLOSE OUT – ALTERATION TO AIRPORT BUILDING – FIRE ALARM

Subject to completion of punch list items by SIMPLEX GRINNELL authorize the Executive Vice President, without further action of the Board of Trustees, to accept the project described as ALTERATION TO AIRPORT BUILDING – FIRE ALARM as being complete upon completion of punch list items by SIMPLEX GRINNELL. The Executive Vice President shall determine the date of Final Completion and Final Acceptance. Subject to the foregoing and in strict accordance with all applicable provisions and requirements of the contract documents relating thereto, upon determination of Final Completion and Final Acceptance disbursement of the final payment is authorized.

25-G PROJECT CLOSE OUT – ALTERATION TO TECHNOLOGY BUILDING (CELL SITE)

Subject to completion of punch list items by ROYAL STREET authorize the Executive Vice President, without further action of the Board of Trustees, to accept the project described as ALTERATION TO TECHNOLOGY BUILDING as being complete upon completion of punch list items by ROYAL STREET. The Executive Vice President shall determine the date of Final Completion and Final Acceptance. Subject to the foregoing and in strict accordance with all applicable provisions and requirements of the contract documents relating thereto, upon determination of Final Completion and Final Acceptance disbursement of the final payment is authorized.

Comment: This is not an SMC project but the Division of State Architects requires SMC closeout on the project since it is on college property. The cell site is leased to T-Mobile through their subsidiary Royal Street.

25-H AGREEMENT FOR ENGINEERING SERVICES – STUDENT SERVICES COMMISSIONING

Agreement with Cogent Engineering for the Student Services and Administration Building commissioning for an amount not to exceed \$209,670 plus reimbursable expenses.

Funding Source: Measure U

Comment: Enhanced building commissioning is required for LEED certification of this project. An independent commissioning agent is required to make sure that all building systems are installed, operating and adjusted within range of the design specifications.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 26 BUDGET TRANSFERS

Requested by: Chris Bonvenuto, Director, Fiscal Services
 Approved by: Jeanine Hawk, Vice-President, Business and Administration
 Requested Action: Approval/Ratification

26-A FUND 01.0 – GENERAL FUND - UNRESTRICTED

Period of: April 21 thru May 15, 2009

Budget Transfers:

Object Code	Description	Net Amount of Transfer
1000	Academic Salaries	0
2000	Classified/Student Salaries	16,851
3000	Benefits	0
4000	Supplies	-7,902
5000	Contract Services/Operating Exp	275,807
6000	Sites/Buildings/Equipment	-284,756
7000	Other Outgo/Student Payments	0
Net Total:		0

26-B FUND 01.3 – GENERAL FUND - RESTRICTED

Period of: April 21 thru May 15, 2009

Budget Transfers:

Object Code	Description	Net Amount of Transfer
1000	Academic Salaries	-58,872
2000	Classified/Student Salaries	-64,881
3000	Benefits	-90,709
4000	Supplies	61,639
5000	Contract Services/Operating Exp	27,912
6000	Sites/Buildings/Equipment	126,864
7000	Other Outgo/Student Payments	-1,953
Net Total:		0

Comment: The Adopted Budget needs to be amended to reflect the totals of the departmental budgets. The current system of the Los Angeles County Office of Education requires Board approvals each month for budget adjustments. Only the net amount of the transfers in or out of the object codes is shown. In addition to the budget adjustments, transfers result from requests by managers to adjust budgets to meet changing needs during the course of the year.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 27 CLAIMS FOR DAMAGES

Requested by: Risk Management
 Approved by: Randal Lawson, Executive Vice-President
 Requested Action: Approval/Ratification

- (1) Reject the following claim and refer the claim to the District's claims management firm:

<u>Claimant</u>	<u>Date Filed</u>	<u>Amount of Claim</u>
Dongyoun Song	May 7, 2009	Unknown

Comment: The claimant alleged that while walking on crutches, he slipped and fell in a puddle of water at the bottom of the stairs in the parking structure and landed on his hip.

- (2) Give written notice to claimant that the claim was not filed timely and return the claim to the claimant without further action:

<u>Claimant</u>	<u>Date Filed</u>	<u>Amount of Claim</u>
Mohammed Friha	May 13, 2009	\$5,153.93

Comment: The claim was not filed within the time required by law.

RECOMMENDATION NO. 28 COMMERCIAL WARRANT REGISTER

Requested by: Robin Quaile, Accounts Payable Supervisor
 Approved by: Jeanine Hawk, Vice-President, Business and Administration
 Requested Action: Approval/Ratification

April 1 – April 30, 2009	3504 – 3546	\$ 8,673,482.68
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Comment: The detailed Commercial Warrant documents are on file in the Accounting Department.

RECOMMENDATION NO. 29 PAYROLL WARRANT REGISTER

Requested by: Ian Fraser, Payroll Manager
 Approved by: Jeanine Hawk, Vice-President, Business and Administration
 Requested Action: Approval/Ratification

April 1 – April 30, 2009	C1L – C2J	\$9,789,523.01
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Comment: The detailed payroll register documents are on file in the Accounting Department.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 30 AUXILIARY PAYMENTS & PURCHASE ORDERS

Requested by: *George Prather, Director of Auxiliary Services*
Approved by: *Jeanine Hawk, Vice-President, Business and Administration*
Requested Action: *Approval/Ratification*

It is recommended that the following Auxiliary Operations payments and Purchase Orders be ratified. All purchases and payments were made in accordance with Education Code requirements and allocated to approve budgets in the Bookstore, Trust and Other Auxiliary Funds.

	Payments	Purchase Orders
April 1 – April 30, 2009	\$1,217,807.55	\$137,254.87

Comment: The detailed Auxiliary payment documents are on file in the Auxiliary Operations Office.

RECOMMENDATION NO. 31 DIRECT, BENEFIT & STUDENT GRANT PAYMENTS

Requested by: *Robin Quaile, Accounts Payable Supervisor*
Approved by: *Jeanine Hawk, Vice President, Business/Administration*
Requested Action: *Approval/Ratification*

Payments were authorized upon delivery and acceptance of the items ordered, or performance of the service. All payments were made in accordance with Education Code requirements and allocated to approved budgets. List on file in Business Office.

April 1 – April 30, 2009	
D001688 – D001917	\$ 238,923.32
B000528 – B000596	\$ 1,346,595.81

D – Direct Payments
B – Benefit Payments (health insurance, retirement, etc.)

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 32 PURCHASING

Requested by: Keith Webster, Director, Purchasing
 Approved by: Jeanine Hawk, Vice-President, Business and Administration
 Requested Action: Approval/Ratification

32-A DISPOSAL OF SURPLUS EQUIPMENT

Maintenance vehicle
 2001 Dodge pickup truck
 VIN number is 1B7FL26X31S351475. .
 Comment: The vehicle was totaled and needs to be salvaged.

Comment: Education Code Section 81450 defines surplus equipment as equipment no longer required or suitable for college use or equipment that should be disposed of for the purpose of replacement. Surplus equipment is stored in the District warehouse which has limited space. The District periodically needs to dispose of equipment that is in disrepair or is obsolete and is no longer needed.

32-B AWARD OF PURCHASE ORDERS

Establish purchase orders and authorize payments to all vendors upon delivery and acceptance of services or goods ordered. All purchases and payments are made in accordance with Education Code requirements and allocated to approved budgets. Lists of vendors on file in the Purchasing Department

April 1 – April 30, 2008

\$1,066,204.46

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	June 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

RECOMMENDATION NO. 32 PURCHASING *(continued)*

32-C AWARD OF PURCHASE ORDER – REFUSE DISPOSAL SERVICES

Award of Purchase Order for Refuse Disposal Services to CROWN DISPOSAL COMPANY INC. and ATHENS SERVICES as they were the lowest responsive bidders.

<u>Bidder</u>	<u>Amount</u>
Athens Services	\$ 113,700
Services: Front loader dumpsters	
Crown Disposal Co. Inc.	\$ 83,760
Services: Waste disposal compactor, construction roll-off dumpsters	
Arrow Services	Incomplete response
Enviroserv	Non responsive
Evergreen Environmental Services	Non responsive
City of Santa Monica (Solid Waste Management)	Non responsive
Smurfit-Stone	Non responsive
Starlite Reclamation Environmental Services	Non responsive
Waste Management	Non responsive to bid requirements
WDP Management	Non responsive
Consolidated Disposal Service	Non responsive to bid requirements
D.I. Express Waste Management Company	Non responsive
Term:	Three-year contract (2009-2012), with two one-year options:
Funding Source:	Grounds Department
Comments:	Bids were solicited by newspaper advertising in compliance with Education Code 81641. The Bid was conducted in accordance with Public Contracts Code 20651.

BOARD OF TRUSTEES	REGULAR MEETING
SANTA MONICA COMMUNITY COLLEGE DISTRICT	June 2, 2009

X. **BOARD COMMENTS AND REQUESTS**

XI. **ADJOURNMENT**

There will be a special meeting of the Board of Trustees on **Tuesday, June 23, 2009** at 5:30 p.m. in the Santa Monica College Board Room, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

The next regular meeting of the Santa Monica Community College District Board of Trustees will be held on **Tuesday, July 7, 2009** at 7 p.m. (5:30 p.m. if there is a closed session) in the Santa Monica College Board Room, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

The agenda for the next meeting will include the following:

Report: 2008-09 Grant Funded Projects

Report: Sustainability Designs and Practices

Budget Planning

Appointments to Citizens' Bond Oversight Committee

Santa Monica Community College District
Board of Trustees Meeting
June 2, 2009

APPENDIX A

2009-2010 TENTATIVE BUDGET (GENERAL FUND)

SANTA MONICA COMMUNITY COLLEGE DISTRICT
2009-2010 GENERAL FUND RESTRICTED TENTATIVE BUDGET NARRATIVE
Restricted Funds

The Santa Monica Community College District Proposed Budget for fiscal year 2009-2010 restricted funds comprise the following eight funds:

General Fund Restricted	\$29,601,003
Special Reserve Fund (Capital)	\$7,522,233
Earthquake Fund	\$3,094,515
Bond Fund: Measure U	\$24,095,518
Bond Fund: Measure S	\$72,186,680
Bond Interest & Redemption Fund	\$18,542,464
Student Financial Aid Fund	\$20,071,388
Auxiliary Operations	\$5,281,002
Total Other Restricted	\$180,394,803
TOTAL PROPOSED TENTATIVE BUDGET	\$180,394,803

RESTRICTED FUNDS

General Fund Restricted (01.3)

This fund represents restricted funding that is received by the District from federal, state and local sources. The restricted lottery revenue is by law allocated to the purchase of instructional materials. All grants that do not end by June 30, 2010 will be carried over to the 2010-2011 budget. Grants and categorical are budgeted at 95% of the final 2008- 2009 allocation or are based on the latest information from the California Community College Chancellors Office and other granting agencies. The Restricted Fund does not reflect the Governor's proposed cuts from the May revisions.

When received, new grants will be presented to the Board of Trustees for approval, and the District's budget will be augmented to reflect the increase.

Special Reserve Fund (40.0) Capital

This fund is also known as the Capital Expenditures Fund. State funding for capital projects and required expenditure matches to state funding for scheduled maintenance/physical plant, special repair projects and architectural barrier removal are reflected in this fund. The main source of revenue for this fund is the non-resident capital surcharge. Those funds are used to cover the installment payments for the AET Certificate of Participation and any District required expenditure matches for scheduled maintenance/physical plant, special repair projects and architectural barrier removal.

All capital expenditures and revenue in the Special Reserve Fund, as well as Fund 41.0, Fund 42.2, and 42.3 reflect the total expenditure allocation and the total revenue for all projects, and are not limited to the current year, thus resulting in a zero ending balance. These funds cannot be transferred into the general fund.

Earthquake Fund (41.0)

This fund reflects the FEMA and OES funding accrued, received and expended as a result of the damage incurred at Santa Monica College due to the 1994 Northridge Earthquake. These funds are for the Liberal Arts Replacement (Humanities and Social Sciences Building) Project, the District's last earthquake project. The District is awaiting payment from FEMA/OES to close the fund.

Bond Fund Measure U (42.2)

This fund reflects the revenue from the sale of bonds approved through Measure U and the interest earned in the fund. The expenditures in this fund relate to the college construction plan approved under Measure U.

Bond Fund Measure S (42.3)

This fund reflects the revenue from the sale of bonds approved through Measure S in November, 2004 and the interest earned in the fund. The expenditures in this fund relate to the college construction plan approved under Measure S.

Bond Interest and Redemption Fund (48.0)

This fund is administered by the Los Angeles County Treasurer's Office and reflects the receipt of property tax revenue due to voted indebtedness for bond issues and the payment of interest on those bonds plus the redemption of the bonds that mature within the 2009-2010 fiscal year. This information is provided by the Los Angeles County Treasurer's Office through the Los Angeles County Office of Education.

Student Financial Aid Fund (74.0)

This fund consists of all student financial aid programs (PELL, SEOG, ACG and Cal Grants). Transfer line items reflect a transfer from the Unrestricted General Fund to meet the match requirements of the individual grant programs.

Auxiliary Operations

This budget reflects the revenue and expenditures of the auxiliary operations of District, namely the bookstore, the food and vending concessions, and college expenditures in programs such as Athletics, Music, Theatre Arts, the Corsair student newspaper and transportation

.

CONCLUSION

This is the recommended budget for acceptance. It reflects the best information currently available. It is expected that changes will occur between now and the Adopted Budget. Some changes will be the result of revised state revenue, and others will be internal adjustments resulting from new or updated revenue information and expenditure reduction efforts.

RESTRICTED GENERAL FUND 01.3
2009-2010 TENTATIVE REVENUE BUDGET

ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED REVENUE	2009-2010 TENTATIVE BUDGET
FEDERAL			
VTEA-VOCATIONAL AND TECHNICAL EDUCATION ACT	562,109	562,109	592,344
FWS-FEDERAL WORK STUDY	576,502	576,502	677,412
RADIO GRANTS	1,988,206	1,988,206	1,939,980
TANF-TEMPORARY ASSISTANCE FOR NEEDY FAMILIES	63,502	63,502	60,327
TECH PREP	81,405	81,405	67,750
FEDERAL CARRYOVERS	1,689,552	1,722,085	1,414,861
OTHER FEDERAL	2,675,709	2,975,709	950,000
TOTAL FEDERAL	7,636,985	7,969,518	5,702,674
STATE			
LOTTERY	686,309	686,309	687,359
INSTRUCTIONAL EQUIP/LIBRARY MATERIALS-ONGOING	228,995	202,520	192,394
TTIP-TELECOM & TECH INFO PROGRAMS	34,545	36,036	34,234
SFAA-STUDENT FINANCIAL AID ADMIN	641,566	680,064	646,061
EOPS-EXTENDED OPPORTUNITY PROG & SERV	1,339,171	1,432,138	1,354,354
CARE-COOP AGENCIES RESOURCES FOR EDUCATION	97,813	100,183	92,922
DSPS-DISABLED STUDENTS PROGRAM & SERVICES	1,447,086	1,447,086	1,430,731
NON-CREDIT MATRICULATION	44,971	48,057	45,654
MATRICULATION	1,233,180	1,233,180	1,291,590
MATRICULATION-TRANSFER RELATED	59,500	59,500	74,000
STAFF/FACULTY DIVERSITY	21,126	17,607	16,727
CALWORKS	274,468	294,289	260,767
ENROLLMENT GROWTH	221,000	221,000	449,000
TRANSFER AND ARTICULATION	-	4,000	3,000
SCHEDULE OF MAINTENANCE-ONGOING	229,016	202,538	192,411
STATE CARRYOVERS	4,206,043	4,206,043	4,057,467
OTHER STATE	1,489,231	2,371,228	774,178
TOTAL STATE	12,254,020	13,241,778	11,602,849
LOCAL			
PICO PARTNERSHIP	153,750	153,750	153,750
HEALTH FEES	947,108	1,190,811	1,086,287
PARKING FEES	1,662,000	1,838,674	1,665,550
DONATIONS-KCRW	5,070,136	5,070,136	4,958,513
COMMUNITY SERVICES	750,000	862,593	862,850
COUNTY CALWORKS	81,144	72,450	64,000
CONSOLIDATED CONTRACT ED-LOCAL	120,000	120,000	-
LOCAL CARRYOVERS	890,298	890,298	1,000,000
OTHER LOCAL	2,494,632	2,424,742	2,504,530
TOTAL LOCAL	12,169,068	12,623,454	12,295,480
TOTAL REVENUE	32,060,073	33,834,750	29,601,003

RESTRICTED GENERAL FUND 01.3
2009-2010 TENTATIVE EXPENDITURE BUDGET

ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED EXPENDITURES	2009-2010 TENTATIVE BUDGET
INSTRUCTION	280,000	375,191	170,000
MANAGEMENT	2,089,263	2,108,720	1,427,980
NON-INSTRUCTION	1,408,803	1,417,229	1,223,368
HOURLY INSTRUCTION	111,773	110,303	162,621
HOURLY NON-INSTRUCTION	2,456,605	2,359,079	1,945,141
TOTAL ACADEMIC	6,346,444	6,370,522	4,929,110
CLASSIFIED REGULAR	2,253,848	2,233,754	2,290,085
CLASSIFIED MANAGERS	355,847	355,847	478,087
CLASS REG INSTRUCTION	23,591	3,576	62,000
CLASSIFIED HOURLY	2,170,494	2,553,752	2,251,272
CLASS HRLY INSTRUCTION	762,306	774,394	558,045
TOTAL CLASSIFIED	5,566,086	5,921,323	5,639,489
BENEFITS HOLDING ACCOUNT	2,619,372	1,158,401	2,377,838
STRS	-	285,649	-
PERS	-	216,608	-
OASDI/MEDICARE	-	255,565	-
H/W	-	558,152	-
SUI	-	22,411	-
WORKERS' COMP.	-	101,375	-
ALTERNATIVE RETIREMENT	-	52,371	-
TOTAL BENEFITS	2,619,372	2,650,532	2,377,838
TOTAL SUPPLIES	1,287,267	1,283,461	1,666,856
CONTRACTS/SERVICES	8,639,887	9,825,339	7,783,809
INSURANCE	2,137,970	2,137,970	2,309,530
UTILITIES	226,800	226,800	231,200
TOTAL SERVICES	11,004,657	12,190,109	10,324,539
BLDG & SITES	2,296,985	2,311,085	2,583,939
EQUIPMENT/LEASE PURCHASE	2,151,681	2,203,176	1,270,088
TOTAL CAPITAL	4,448,666	4,514,261	3,854,027
TOTAL EXPENDITURES	31,272,492	32,930,208	28,791,859
OTHER OUTGO - FINANCIAL AIDS	598,790	704,209	560,416
OTHER OUTGO - TRANSFERS	188,791	200,333	248,728
TOTAL OTHER OUTGO	787,581	904,542	809,144
TOTAL EXPENDITURES & OTHER OUTGO	32,060,073	33,834,750	29,601,003

RESTRICTED GENERAL FUND 01.3
2009-2010 TENTATIVE FUND BALANCE BUDGET

ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED FUND BALANCE	2009-2010 TENTATIVE BUDGET
TOTAL REVENUE AND TRANSFERS	32,060,073	33,834,750	29,601,003
TOTAL EXPENDITURES AND TRANSFERS	32,060,073	33,834,750	29,601,003
OPERATING SURPLUS/(DEFICIT)	-	-	-
BEGINNING BALANCE	-	-	-
ADJUSTMENT TO BEGINNING BALANCE	-	-	-
CONTINGENCY RESERVE/ENDING FUND BALANCE	-	-	-
FUND BALANCE RATIO TO TTL EXPENDITURES & TRANSFER	0.00%	0.00%	0.00%

CAPITAL OUTLAY FUND 40.0			
2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET			
ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
REVENUE			
CAPITAL OUTLAY - STUDENT SERVICES & ADMIN	1,321,000	-	-
INTEREST	90,000	73,966	75,000
NON-RESIDENT CAPITAL CHARGE	2,257,200	2,579,183	2,579,183
LOCAL INCOME - REDEVELOPMENT	-		
TOTAL REVENUE	3,668,200	2,653,149	2,654,183
EXPENDITURES			
SUPPLIES	55,000	4,389	4,000
CONTRACT SERVICES	446,000	320,203	428,500
CAPITAL OUTLAY	6,723,784	1,017,091	7,089,733
TOTAL EXPENDITURES	7,224,784	1,341,683	7,522,233
OPERATING SURPLUS/(DEFICIT)	(3,556,584)	1,311,466	(4,868,050)
BEGINNING BALANCE	3,556,584	3,556,584	4,868,050
ENDING FUND BALANCE	-	4,868,050	-

EARTHQUAKE FUND 41.0 2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET			
ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
REVENUE			
FEDERAL/FEMA FUNDING	-	-	-
INTEREST	-	-	-
TOTAL REVENUE	-	-	-
EXPENDITURES			
CONTRACT SERVICES	4,515	-	4,515
CAPITAL OUTLAY	3,090,000	-	3,090,000
TRANSFER OUT	-	-	-
TOTAL EXPENDITURES	3,094,515	-	3,094,515
OPERATING SURPLUS/(DEFICIT)	(3,094,515)	-	(3,094,515)
BEGINNING BALANCE	3,094,515	3,094,515	3,094,515
ENDING FUND BALANCE	-	3,094,515	-

MEASURE U FUND 42.2 2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET			
ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
REVENUE			
OTHER FINANCING SOURCES	11,000,000	-	11,000,000
INTEREST	432,000	344,376	344,376
TOTAL REVENUE	11,432,000	344,376	11,344,376
EXPENDITURES			
SUPPLIES	50,000	2,568	11,500
CONTRACT SERVICES	90,000	650,942	157,750
CAPITAL OUTLAY	29,680,354	5,328,078	23,926,268
TOTAL EXPENDITURES	29,820,354	5,981,588	24,095,518
OPERATING SURPLUS/(DEFICIT)	(18,388,354)	(5,637,212)	(12,751,142)
BEGINNING BALANCE	18,388,354	18,388,354	12,751,142
ENDING FUND BALANCE	-	12,751,142	-

MEASURE S FUND 42.3 2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET			
ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
REVENUE			
OTHER FINANCING SOURCES	50,000,000	56,997,857	-
INTEREST	960,000	492,577	492,577
TOTAL REVENUE	50,960,000	57,490,434	492,577
EXPENDITURES			
SUPPLIES	50,000	7,555	2,500
CONTRACT SERVICES	520,000	557,910	214,000
CAPITAL OUTLAY	80,945,724	15,786,590	71,970,180
TOTAL EXPENDITURES	81,515,724	16,352,055	72,186,680
OPERATING SURPLUS/(DEFICIT)	(30,555,724)	41,138,379	(71,694,103)
BEGINNING BALANCE	30,555,724	30,555,724	71,694,103
ENDING FUND BALANCE	-	71,694,103	-

INTEREST AND REDEMPTION FUND 48.0
2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET

ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
BEGINNING BALANCE	16,796,991	16,796,991	14,782,913
ADJUSTMENT TO BEGINNING BALANCE	-	-	-
ADJUSTED BEGINNING BALANCE	16,796,991	16,796,991	14,782,913
REVENUE			
STATE REVENUES	-	-	-
VOTER INDEBTED TAXES	16,528,386	16,528,386	16,528,386
TOTAL REVENUE	16,528,386	16,528,386	16,528,386
TOTAL FUNDS AVAILABLE	33,325,377	33,325,377	31,311,299
EXPENDITURES			
DEBT REDEMPTION	13,085,103	13,085,103	13,085,103
INTEREST CHARGES	5,457,361	5,457,361	5,457,361
TOTAL EXPENDITURES	18,542,464	18,542,464	18,542,464
ENDING FUND BALANCE	14,782,913	14,782,913	12,768,835
**LACOE has complete control of this fund since it is the fiscal agent for the Bond Fund tax revenue and interest and Bond Redemption and interest.			

STUDENT FINANCIAL AID FUND 74.0			
2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET			
ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
REVENUE			
FEDERAL GRANTS	12,452,757	16,665,757	18,597,541
CAL GRANTS	1,229,000	1,229,000	1,229,000
TRANSFER	258,252	230,252	244,847
TOTAL REVENUE	13,940,009	18,125,009	20,071,388
EXPENDITURES			
FINANCIAL AID	13,940,009	18,125,009	20,071,388
TOTAL EXPENDITURES	13,940,009	18,125,009	20,071,388
ENDING FUND BALANCE	-	-	-

AUXILIARY FUND 2009-2010 TENTATIVE REVENUE AND EXPENDITURE BUDGET			
ACCOUNTS	2008-2009 ADOPTED BUDGET	2008-2009 PROJECTED	2009-2010 TENTATIVE BUDGET
BEGINNING BALANCE	1,912,815	1,912,815	1,815,920
ADJ. TO BEG. BALANCE	-		
ADJUSTED BEGINNING BALANCE	<u>1,912,815</u>	<u>1,912,815</u>	<u>1,815,920</u>
REVENUE			
GROSS SALES	8,174,674	8,238,840	8,521,490
LESS: COST OF GOODS	<u>(5,885,765)</u>	<u>(5,943,269)</u>	<u>(6,108,128)</u>
NET	2,288,909	2,295,571	2,413,362
VENDOR INCOME	685,120	694,120	637,420
AUXILIARY PROGRAM INCOME	<u>315,850</u>	<u>335,741</u>	<u>330,300</u>
NET INCOME	3,289,879	3,325,432	3,381,082
INTEREST	<u>96,000</u>	<u>134,000</u>	<u>84,000</u>
TOTAL REVENUE	<u>3,385,879</u>	<u>3,459,432</u>	<u>3,465,082</u>
TOTAL FUNDS AVAILABLE	<u>5,298,694</u>	<u>5,372,247</u>	<u>5,281,002</u>
EXPENDITURES			
STAFFING	1,176,207	1,176,207	1,133,966
FRINGE BENEFITS	257,208	257,208	274,000
OPERATING	<u>2,097,460</u>	<u>2,122,912</u>	<u>2,003,147</u>
TOTAL EXPENDITURES	<u>3,530,875</u>	<u>3,556,327</u>	<u>3,411,113</u>
ENDING FUND BALANCE	<u>1,767,819</u>	<u>1,815,920</u>	<u>1,869,889</u>

CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST PROGRAM ("CERBT")

**AGREEMENT AND ELECTION
OF**

(NAME OF EMPLOYER)

**TO PREFUND OTHER POST EMPLOYMENT
BENEFITS THROUGH CalPERS**

WHEREAS (1) Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants (Prefunding Plan); and

WHEREAS (2) The California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (sometimes also referred to as CERBT), the purposes of which include, but are not limited to (i) receiving contributions from participating employers and establishing separate Employer Prefunding Accounts in the Prefunding Plan for the performance of an essential governmental function (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the Prefunding Plan and to pay for health care costs or other post employment benefits in accordance with the terms of participating employers' plans; and

WHEREAS (3) _____
(NAME OF EMPLOYER)

(Employer) desires to participate in the Prefunding Plan upon the terms and conditions set by the Board and as set forth herein; and

WHEREAS (4) Employer may participate in the Prefunding Plan upon (i) approval by the Board and (ii) filing a duly adopted and executed Agreement and Election to Prefund Other Post Employment Benefits (Agreement) as provided in the terms and conditions of the Agreement; and

WHEREAS (5) The Prefunding Plan is a trust fund that is intended to perform an essential governmental function within the meaning of Section 115 of the Internal Revenue Code as an agent multiple-employer plan as defined in Governmental Accounting Standards Board (GASB) Statement No. 43 consisting of an aggregation of single-employer plans, with pooled administrative and investment functions;

NOW, THEREFORE, BE IT RESOLVED THAT EMPLOYER HEREBY MAKES THE FOLLOWING REPRESENTATION AND WARRANTY AND THAT THE BOARD AND EMPLOYER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

A. Representation and Warranty

Employer represents and warrants that it is a political subdivision of the State of California or an entity whose income is excluded from gross income under Section 115 (1) of the Internal Revenue Code.

B. Adoption and Approval of the Agreement; Effective Date; Amendment

(1) Employer's governing body shall elect to participate in the Prefunding Plan by adopting this Agreement and filing with the CalPERS Board a true and correct original or certified copy of this Agreement as follows:

Filing by mail, send to: CalPERS
Constituent Relations Office
CERBT (OPEB)
P.O. Box 942709
Sacramento, CA 94229-2709

Filing in person, deliver to: CalPERS Mailroom
Attn: Employer Services Division
400 Q Street
Sacramento, CA 95814

(2) Upon receipt of the executed Agreement, and after approval by the Board, the Board shall fix an effective date and shall promptly notify Employer of the effective date of the Agreement.

(3) The terms of this Agreement may be amended only in writing upon the agreement of both CalPERS and Employer, except as otherwise provided herein. Any such amendment or modification to this Agreement shall be adopted and executed in the same manner as required for the Agreement. Upon receipt of the executed amendment or modification, the Board shall fix the effective date of the amendment or modification.

(4) The Board shall institute such procedures and processes as it deems necessary to administer the Prefunding Plan, to carry out the purposes of this Agreement, and to maintain the tax exempt status of the Prefunding Plan. Employer agrees to follow such procedures and processes.

C. Actuarial Valuation and Employer Contributions

(1) Employer shall provide to the Board an actuarial valuation report on the basis of the actuarial assumptions and methods prescribed by the Board. Such report shall be for the Board's use in financial reporting, shall be prepared at least as often as the minimum frequency required by GASB Statement No. 43, and shall be:

- (a) prepared and signed by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board;
- (b) prepared in accordance with generally accepted actuarial practice and GASB Statement Nos. 43 and 45; and,
- (c) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.

(2) The Board may reject any actuarial valuation report submitted to it, but shall not unreasonably do so. In the event that the Board determines, in its sole discretion, that the actuarial valuation report is not suitable for use in the Board's financial statements or if Employer fails to provide a required actuarial valuation, the Board may obtain, at Employer's expense, an actuarial valuation that meets the Board's financial reporting needs. The Board may recover from Employer the cost of obtaining such actuarial valuation by billing and collecting from Employer or by deducting the amount from Employer's account in the Prefunding Plan.

(3) Employer shall notify the Board of the amount and time of contributions which contributions shall be made in the manner established by the Board.

(4) Employer contributions to the Prefunding Plan may be limited to the amount necessary to fully fund Employer's actuarial present value of total projected benefits, as supported by the actuarial valuation acceptable to the Board. As used throughout this document, the meaning of the term "actuarial present value of total projected benefits" is as defined in GASB Statement No. 45. If Employer's contribution causes its assets in the Prefunding Plan to exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board may refuse to accept the contribution.

(5) The minimum Employer contribution will be at least \$5000 or be equal to Employer's Annual Required Contribution, whichever is less, as that term is defined in GASB Statement No. 45. Contributions can be made at any time following the seventh day after the effective date of the Agreement provided that Employer has first complied with the requirements of Paragraph C.

D. Administration of Accounts, Investments, Allocation of Income

- (1) The Board has established the Prefunding Plan as an agent plan consisting of an aggregation of single-employer plans, with pooled administrative and investment functions, under the terms of which separate accounts will be maintained for each employer so that Employer's assets will provide benefits only under employer's plan.
- (2) All Employer contributions and assets attributable to Employer contributions shall be separately accounted for in the Prefunding Plan (Employer's Prefunding Account).
- (3) Employer's Prefunding Account assets may be aggregated with prefunding account assets of other employers and may be co-invested by the Board in any asset classes appropriate for a Section 115 Trust.
- (4) The Board may deduct the costs of administration of the Prefunding Plan from the investment income or Employer's Prefunding Account in a manner determined by the Board.
- (5) Investment income shall be allocated among employers and posted to Employer's Prefunding Account as determined by the Board but no less frequently than annually.
- (6) If Employer's assets in the Prefunding Plan exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board, in compliance with applicable accounting and legal requirements, may return such excess to Employer.

E. Reports and Statements

- (1) Employer shall submit with each contribution a contribution report in the form and containing the information prescribed by the Board.
- (2) The Board shall prepare and provide a statement of Employer's Prefunding Account at least annually reflecting the balance in Employer's Prefunding Account, contributions made during the period and income allocated during the period, and such other information as the Board determines.

F. Disbursements

- (1) Employer may receive disbursements not to exceed the annual premium and other costs of post employment healthcare benefits and other post employment benefits as defined in GASB 43.
- (2) Employer shall notify CalPERS in writing in the manner specified by CalPERS of the persons authorized to request disbursements from the Prefunding Plan on behalf of Employer.

(3) Employer's request for disbursement shall be in writing signed by Employer's authorized representative, in accordance with procedures established by the Board. The Board may require that Employer certify or otherwise establish that the monies will be used for the purposes of the Prefunding Plan.

(4) Requests for disbursements that satisfy the requirements of paragraphs (2) and (3) that are received on or after the first of a month will be processed by the 15th of the following month. (For example, a disbursement request received on or between March 1st and March 31st will be processed by April 15th; and a disbursement request received on or between April 1st and April 30th will be processed by May 15th.)

(5) CalPERS shall not be liable for amounts disbursed in error if it has acted upon the written instruction of an individual authorized by Employer to request disbursements. In the event of any other erroneous disbursement, the extent of CalPERS' liability shall be the actual dollar amount of the disbursement, plus interest at the actual earnings rate but not less than zero.

(6) No disbursement shall be made from the Prefunding Plan which exceeds the balance in Employer's Prefunding Account.

G. Costs of Administration

Employer shall pay its share of the costs of administration of the Prefunding Plan, as determined by the Board.

H. Termination of Employer Participation in Prefunding Plan

(1) The Board may terminate Employer's participation in the Prefunding Plan if:

- (a) Employer gives written notice to the Board of its election to terminate;
- (b) The Board finds that Employer fails to satisfy the terms and conditions of this Agreement or of the Board's rules or regulations.

(2) If Employer's participation in the Prefunding Plan terminates for any of the foregoing reasons, all assets in Employer's Prefunding Account shall remain in the Prefunding Plan, except as otherwise provided below, and shall continue to be invested and accrue income as provided in Paragraph D.

(3) After Employer's participation in the Prefunding Plan terminates, Employer may not make contributions to the Prefunding Plan.

(4) After Employer's participation in the Prefunding Plan terminates, disbursements from Employer's Prefunding Account may continue upon Employer's instruction or otherwise in accordance with the terms of this Agreement.

(5) After thirty-six (36) months have elapsed from the effective date of this Agreement or at such earlier date as may be approved by the Board in its sole discretion:

- (a) Employer may request a trustee transfer of the assets in Employer's Prefunding Account. Upon satisfactory showing to the Board that the transfer will satisfy applicable requirements of the Internal Revenue Code and the Board's fiduciary duties, then the Board shall effect the transfer within one hundred twenty (120) days. The amount to be transferred shall be the amount in the Employer's Prefunding Account as of the disbursement date and shall include investment earnings up to the investment earnings allocation date immediately preceding the disbursement date. In no event shall the investment earnings allocation date precede the transfer by more than 120 days.
- (b) Employer may request a disbursement of the assets in Employer's Prefunding Account. Upon satisfactory showing to the Board that all of Employer's obligations for payment of post employment health care benefits and other post employment benefits and reasonable administrative costs of the Board have been satisfied, then the Board shall effect the disbursement within one hundred twenty (120) days. The amount to be disbursed shall be the amount in the Employer's Prefunding Account as of the disbursement date and shall include investment earnings up to the investment earnings allocation date immediately preceding the disbursement date. In no event shall the investment earnings allocation date precede the disbursement by more than 120 days.

(6) After Employer's participation in the Prefunding Plan terminates and at such time that no assets remain in Employer's Prefunding Account, this Agreement shall terminate.

(7) If, for any reason, the Board terminates the Prefunding Plan, the assets in Employer's Prefunding Account shall be paid to Employer after retention of (i) amounts sufficient to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants described by the employer's current substantive plan (as defined in GASB 43), and (ii) amounts sufficient to pay reasonable administrative costs of the Board.

(8) If Employer ceases to exist but Employer's Prefunding Plan continues to exist and if no provision has been made by Employer for ongoing payments to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants, the Board is authorized to and shall appoint a third party

administrator to carry out Employer's Prefunding Plan. Any and all costs associated with such appointment shall be paid from the assets attributable to contributions by Employer.

(9) If Employer should breach the representation and warranty set forth in Paragraph A., the Board shall take whatever action it deems necessary to preserve the tax-exempt status of the Prefunding Plan.

I. General Provisions

(1) Books and Records.

Employer shall keep accurate books and records connected with the performance of this Agreement. Employer shall ensure that books and records of subcontractors, suppliers, and other providers shall also be accurately maintained. Such books and records shall be kept in a secure location at the Employer's office(s) and shall be available for inspection and copying by CalPERS and its representatives.

(2) Audit.

- (a) During and for three years after the term of this Agreement, Employer shall permit the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, at all reasonable times during normal business hours to inspect and copy, at the expense of CalPERS, books and records of Employer relating to its performance of this Agreement.
- (b) Employer shall be subject to examination and audit by the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, during the term of this Agreement and for three years after final payment under this Agreement. Any examination or audit shall be confined to those matters connected with the performance of this Agreement, including, but not limited to, the costs of administering this Agreement. Employer shall cooperate fully with the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, in connection with any examination or audit. All adjustments, payments, and/or reimbursements determined to be necessary by any examination or audit shall be made promptly by the appropriate party.

(3) Notice.

- (a) Any notice, approval, or other communication required or permitted under this Agreement will be given in the English language and will be deemed received as follows:

1. Personal delivery. When personally delivered to the recipient. Notice is effective on delivery.
2. First Class Mail. When mailed first class to the last address of the recipient known to the party giving notice. Notice is effective three delivery days after deposit in a United States Postal Service office or mailbox.
3. Certified mail. When mailed certified mail, return receipt requested. Notice is effective on receipt, if delivery is confirmed by a return receipt.
4. Overnight Delivery. When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, Notice is effective on delivery, if delivery is confirmed by the delivery service.
5. Telex or Facsimile Transmission. When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice. Notice is effective on receipt, provided that (i) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (ii) the receiving party delivers a written confirmation of receipt. Any notice given by telex or fax shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a nonbusiness day.
6. E-mail transmission. When sent by e-mail using software that provides unmodifiable proof (i) that the message was sent, (ii) that the message was delivered to the recipient's information processing system, and (iii) of the time and date the message was delivered to the recipient along with a verifiable electronic record of the exact content of the message sent.

Addresses for the purpose of giving notice are as shown in Paragraph B.(1) of this Agreement.

- (b) Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger or overnight delivery service.
- (c) Any party may change its address, telex, fax number, or e-mail address by giving the other party notice of the change in any manner permitted by this Agreement.

- (d) All notices, requests, demands, amendments, modifications or other communications under this Agreement shall be in writing. Notice shall be sufficient for all such purposes if personally delivered, sent by first class, registered or certified mail, return receipt requested, delivery by courier with receipt of delivery, facsimile transmission with written confirmation of receipt by recipient, or e-mail delivery with verifiable and unmodifiable proof of content and time and date of sending by sender and delivery to recipient. Notice is effective on confirmed receipt by recipient or 3 business days after sending, whichever is sooner.

(4) Modification

This Agreement may be supplemented, amended, or modified only by the mutual agreement of the parties. No supplement, amendment, or modification of this Agreement shall be binding unless it is in writing and signed by the party to be charged.

(5) Survival

All representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of their Agreement shall survive the termination of this Agreement until such time as all amounts in Employer's Prefunding Account have been disbursed.

(6) Waiver

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

(7) Necessary Acts, Further Assurances

The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

A majority vote of Employer's Governing Body at a public meeting held on the _____ day of the month of _____ in the year _____, authorized entering into this Agreement.

Signature of the Presiding Officer: _____

Printed Name of the Presiding Officer: _____

Name of Governing Body: _____

Name of Employer: _____

Date: _____

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
KENNETH W. MARZION
ACTUARIAL AND EMPLOYER SERVICES BRANCH
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

To be completed by CalPERS

The effective date of this Agreement is: _____