# MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES AGENDA - REGULAR MEETING

February 9, 2022 – 4:00 PM

Mendocino College – 1000 Hensley Creek Road – Room 4210 – Ukiah, CA 95482

**Zoom meeting information:** February 9, 2022, zoom meeting link

Or by telephone phone dial: +1 669 900 9128 Meeting ID: 983 9902 6688

# **CALL TO ORDER**

# 1. APPROVAL OF AGENDA AND MINUTES

- 1.1 Agenda Approval
- 1.2 Approval of Minutes of the regular meeting held on December 15, 2021
- 1.3 Approval of Minutes of the special meeting held on January 26, 2022

#### PUBLIC COMMENTS ON CLOSED SESSION ITEMS

This time is set aside for general public comments. Additionally, comments may be made at the time of discussion of any item. After being recognized by the Chair, those wishing to make comments are asked to stand at the podium, give their name, place of residence and affiliation, if any, and address their comments to the Board President. Trustees may ask questions of the speaker for clarification but will not discuss items that are not on the agenda. If appropriate, the Board may choose to refer the subject to College staff for research or for the item to be placed on a subsequent agenda.

At the appropriate time on the agenda, the Board President will ask individuals joining the meeting via phone wishing to make a public comment to unmute themselves by pressing \*6 on their phone and state their full name. Individuals joining the meeting via computer should list their name in the chat (i.e.: "Member of the public's name would like to speak during public comment"). Once the Board President has received a list of all members of the public who wish to speak, they will call upon each member to speak. After being recognized by the Chair, those wishing to make comments are asked to give their name, place of residence and affiliation, if any, and address their comments to the Board President. Trustees may ask questions of the speaker for clarification but will not discuss items that are not on the agenda. If appropriate, the Board may choose to refer the subject to College staff for research or for the item to be placed on a subsequent agenda.

#### 2. CLOSED SESSION

2.1 Conference with Labor Negotiator – Pursuant to Government Code section 54957 6

Designated Representatives: Karas, Cichocki, Polak, Velasco and Marin Employee Organizations: MCFT, MPFA, Management Team, MLCCCBU

2.2 Conference with Legal Counsel – Existing Litigation – Pursuant to Government Code section 54957.9(d) 1 case

Case names unspecified: Disclosure would jeopardize anticipated settlement negotiations Designated Representatives: Karas, Cichocki, Polak, Velasco and Marin

2.3 Public Employee Discipline/Dismissal/Release – Pursuant to Government Code section 54957

Designated Representatives: Karas, Cichocki, Polak, Velasco and Marin

#### **RETURN TO OPEN SESSION**

#### REPORT OF ACTION TAKEN IN CLOSED SESSION

#### **PUBLIC COMMENTS**

This time is set aside for general public comments. Additionally, comments may be made at the time of discussion of any item. After being recognized by the Chair, those wishing to make comments are asked to stand at the podium, give their name, place of residence and affiliation, if any, and address their comments to the Board President. Trustees may ask questions of the speaker for clarification but will not discuss items that are not on the agenda. If appropriate, the Board may choose to refer the subject to College staff for research or for the item to be placed on a subsequent agenda.

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the meeting via computer should list their name in the chat (i.e.: "Member of the public's name would like to speak during public comment"). Once the Board President has received a list of all members of the public who wish to speak, they will call upon each member to speak. After being recognized by the Chair, those wishing to make comments are asked to give their name, place of residence and affiliation, if any, and address their comments to the Board President. Trustees may ask questions of the speaker for clarification but will not discuss items that are not on the agenda. If appropriate, the Board may choose to refer the subject to College staff for research or for the item to be placed on a subsequent agenda.

# 3. PRESIDENT AND ADMINISTRATION REPORT

3.1 A report from Superintendent/President Karas is presented as information

### **CONSENT AGENDA**

#### 4. Personnel

4.1 Consideration to approve Personnel List – Short Term Non-Continuing Employees

Recommendation to approve the list of short-term non-continuing personnel as presented

- 4.2 Consideration to approve Personnel List Part-Time Faculty Recommendation to approve the list of part-time faculty as presented
- 4.3 Consideration to approve Assignment Change Classified Recommendation to approve the assignment changes as presented
- 4.4 Consideration to approve Faculty Contracts
  Recommendation to approve the tenure-track contracts as presented
- 4.5 Consideration to Renew Contracts for Categorically Funded Faculty
  Recommendation to approve the one-year categorically funded faculty contracts as presented
- 4.6 Consideration to approve Classified Administrator Contracts
  Recommendation to approve the Classified Administrator Contract as presented
- 4.7 Consideration to approve Educational Administrator Contracts
  Recommendation to approve the Educational Administrator Contracts as presented
- 4.8 Consideration to approve Notification of Classified Layoffs Resolution #02-22-01

Recommendation to adopt Resolution #02-22-01 as presented

#### 5. Other Items

5.1 Fiscal Report as of December 31, 2021
Recommendation to accept the report as presented

Quarterly Fiscal Status Report – AB 2910

Recommendation to accept the report as presented

5.3 Donations

Recommendation to accept the donated items as presented

5.4 Authorization for Remote Teleconference Meetings – Resolution #02-22-02 Recommendation to adopt Resolution #02-22-02 as presented

# 6. ACTION ITEMS

5.2

6.1 Contracts and Agreements

Recommendation to ratify the contracts and agreements as presented

6.2 Proposed 2022/2023 Nonresident Tuition Fee

Recommendation to adopt the 2022/2023 nonresident tuition fee as presented

6.3 Authorization for the Issuance of Mendocino-Lake Community College District 2022 General Obligation Refunding Bonds and Actions Related Thereto – Resolution #02-22-03

Recommendation to approve resolution #02-22-03 as presented

- 6.4 Board Policy Additions and Revisions Second Reading
  - Recommendation to approve the board policy additions and revisions as presented
- 6.5 College and Careers Access Pathways (CCAP) Partnership Agreement Second Reading

Recommendation to approve the College and Careers Access Pathways Partnership Agreement as presented.

#### 6.6 Establishment of New Trustee Areas – Resolution 02-22-04

Recommendation to adopt resolution 02-22-04 establishing new trustee areas as presented

#### 6.7 Awarding of Contract – Coast Center Boiler Project

Recommendation to award the Coast Center Boiler Project contract as presented

#### 7. BIG PICTURE

# **Highlights From Student Services**

A presentation by Ulises Velasco, Vice President of Student Services

### 8. <u>INFORMATIONAL ITEMS AND REPORTS</u>

## 8.1 Mendocino College Foundation, Inc.

Mendocino College Foundation informational report

# 8.2 Constituent Group Reports

Reports from constituent groups are presented as information

#### 8.3 Board Policy Additions and Revisions – First Reading

Revisions and additions to Board policies are presented for information and review

# 9. TRUSTEE COMMUNICATIONS

9.1 Trustee Reports

Written and oral reports from Trustees are presented as information

9.2 Future Agenda Items

Board discussion about topics to be included on future agendas

#### 10. <u>ADJOURNMENT</u>

<u>ADA Compliance</u>: Persons with disabilities needing assistance, please notify the Superintendent/President's Office at 468-3071 no later than 24 hours prior to the scheduled meeting.

<u>Agenda Packet and Supporting Documents Notice</u>: The agenda packet and supporting materials can be found on the college website at: <u>Board of Trustee meeting documentation</u>

#### Future Board Meetings:

• Regular meeting – March 9, 2022, 4:00 PM, Room 4210 and available via ZOOM

#### MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES

A regular meeting of the Mendocino-Lake Community College District Board of Trustees was convened on Wednesday, December 15, 2021, at Mendocino College, 1000 Hensley Creek Road, Ukiah, CA and also using ZOOM remote meeting technology.

#### **GENERAL MATTERS**

Call to Order Trustee Pinoli, Board President, called the meeting to order at 4:	:00 PM.
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Board Members	President	Robert Jason Pinoli	present
	Vice President	Marie L. Myers	present
	Trustee	Ed Nickerman	present
	Clerk	Xochilt Martinez	present
	Trustee	John Tomkins	present

Trustee TeMashio Anderson arrived at 4:05 PM

Trustee Noel O'Neill present Student Trustee Leonardo Rodriguez present

Secretary Timothy Karas, Superintendent/President (present)

Support Staff Mary Lamb, Executive Assistant to the Superintendent/President

Eileen Cichocki, Assistant Superintendent/Vice President of Administrative

Services (present)

Staff Representatives Debra Polak, Vice President of Academic Affairs (present)

Ulises Velasco, Vice President of Student Services (present)

Nicole Marin, Director of Human Resources (present)

Constituent
Representatives

Academic Senate
Catherine Indermill, President (present)
Lauren Simmonds, President (present)
Janet Daugherty, President (present)

Agenda Approval M/S (Nickerman/Martinez) to approve the agenda as presented. The matter

was approved via the following vote:

Ayes Nickerman, O'Neill, Myers, Tomkins, Martinez and Pinoli

Noes None
Abstentions None
Absent Anderson

Advisory Vote Rodriguez – aye

Approval of Minutes M/S (Nickerman/Martinez) to approve the minutes of the regular board

meeting held on November 10, 2021, as presented. The matter was approved

with the following vote:

Ayes Nickerman, O'Neill, Myers, Tomkins, Martinez and Pinoli

Noes None

Abstentions None Absent Anerson

Advisory Vote Rodriguez – aye

Public Comment on Closed Session Items There were no comments made on closed session items.

# **CLOSED SESSION**

The Board adjourned to Closed Session at 4:03 PM with Board President Pinoli stating only item 2.3 would be discussed in closed session.

#### **OPEN SESSION**

Report of Action Taken in Closed Session The Board returned to open session at 4:13 with Board President Pinoli reporting no action taken by the Board in closed session.

Public Comments

There were no comments from the public.

### **ANNUAL ORGANIZATIONAL MEETING**

Election of Officers

The order of election was for the offices of President, Vice President and Clerk. The floor was opened for nominations for the 2022 year followed by the following motions and voting:

M/S (Nickerman/Martinez) to elect Trustee Pinoli as President of the Board of Trustees for the 2022 year. The matter was approved with the following vote:

Ayes Anderson, Tomkins, Nickerman, Myers, Martinez and

O'Neill

Noes None Abstentions Pinoli Absent None

Advisory Vote Rodriguez - aye

M/S (Nickerman/Martinez) to elect Trustee Myers as Vice President of the Board of Trustees for the 2022 year. The matter was approved with the following vote:

Ayes Anderson, Tomkins, Nickerman, Pinoli, Martinez and

O'Neill

Noes None Abstentions Myers Absent None

Advisory Vote Rodriguez - aye

M/S (Myers/Nickerman) to elect Trustee Martinez as Clerk of the Board of Trustees for the 2022 year. The matter was approved with the following vote:

Ayes Anderson, Tomkins, Nickerman, Myers, Martinez, Pinoli

and O'Neill

Noes None Abstentions None Absent None

Advisory Vote Rodriguez - aye

# Meeting Dates and Times

The proposed meeting dates for 2022 were presented as follows:

January 26, 2022**	February 9, 2022	March 9, 2022
April 6, 2022	May 11, 2022	June 8, 2022
August 10, 2022	September 14, 2022	October 12, 2022
N 1 0 2022	D 1 14 2022	

November 9, 2022 December 14, 2022

After reviewing the information presented and discussion, the following action was taken:

M/S (Tomkins/Nickerman) to approve the 2022 meeting dates as presented. The motion was approved with the following vote:

Ayes Anderson, Tomkins, Nickerman, Myers, Martinez, Pinoli

and O'Neill

Noes None Abstentions None Absent None

Advisory Vote Rodriguez - aye

## PRESIDENT AND ADMINISTRATION REPORT

A written report was presented by Superintendent/President Karas who added the following information:

Welcome to the final meeting of the calendar year. Faculty are currently busy grading finals which were completed last week.

Our grant application to the National Humanities (part of Hispanic Serving Institutions) was awarded and the funds will be used for a Native American Speaker Series highlighting Native American issues in our area. Many thanks were expressed to Director of Institutional Effectiveness, Research, and Grants Flores and Dean Montes for their work on this project.

Student Trustee Rodriguez has been appointed by Governor Newsom to the Student Aid Commission. We are very excited to have his voice representing students especially those in our area.

The men's basketball season is in full swing and are doing quite well. Women's basketball is currently taking place as well.

Vice President Polak provided additional information about the Physical Therapy Assistant (PTA) accreditation approval process and added our first cohort of students completed the program over the weekend. These students were really trailblazers as they took a risk with us as we were not yet accredited. Dr. Bob Merritt spoke during their graduation about this group of

<sup>\*\*</sup>Special meeting and/or study session

students moving from the classroom to the work sites where they are much needed. Strong Workforce monies were used to fund the program and we are now being touted around the State as an example of how the program should work.

Vice President Polak also recognized Dr. Peggy Goebel who assumed the reins of the Nursing program during a very difficult time. Under her leadership, our program stayed steady during COVID which wasn't necessarily the case across the state. Dr. Goebel's time with us is coming to an end in January and we are now excited to welcome Dr. Suzanne Hewitt who will be replacing her.

#### **CONSENT AGENDA**

M/S (Nickerman/Myers) Board of Trustees does hereby approve the items on the Consent Agenda under item #5 - Personnel as presented. The items were approved with the following vote:

Ayes Myers, O'Neill, Tomkins, Anderson, Nickerman, Martinez

and Pinoli

Noes None Abstentions None Absent None

Advisory Vote Rodriguez - aye

Items with an asterisk \* were approved by one motion as the Consent Agenda.

M/S (Nickerman/Martinez) Board of Trustees does hereby approve the items on the Consent Agenda under item #6 – Other Items as presented. The items were approved with the following vote:

Ayes Myers, O'Neill, Tomkins, Anderson, Nickerman, Martinez

and Pinoli

Noes None Abstentions None Absent None

Advisory Vote Rodriguez - aye

Items with an asterisk \* were approved by one motion as the Consent Agenda.

#### Personnel

Consideration to approve Personnel List – Short Term Non-Continuing Employees \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees does hereby ratify the employment of the short-term non-continuing (STNC) employees as submitted and presented at the meeting pending receipt of all necessary employment eligibility requirements.

Consideration to approve Personnel List – Part-Time

\*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees does hereby ratify the employment of the Part-Time Faculty for the Spring 2022 semester as presented at the meeting pending receipt of all

*Faculty* 

necessary employment eligibility requirements.

Consideration to approve Employment – Classified \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby employs Mayra Benitez as Admissions and Records Specialist, effective January 1, 2022; Colin Freeman as Facilities Specialist, effective January 1, 2022; and Sonji Griffith-Nnoli as Nursing Program Support Technician, effective January 1, 2022 pending receipt of all necessary employment eligibility requirements.

Consideration to approve Employment – Educational Administrator \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby employs Suzanne Hewitt, Assistant Dean, Health Careers/Nursing Program Director, effective January 1, 2022, pending receipt of all necessary employment eligibility requirements.

Consideration of Transfer – Classified \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the transfer of Jessica Sanchez, CAMP Assistant, effective January 1, 2022.

Consideration to ratify Resignation – Classified

\*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby ratifies the resignation of Lauren Simmonds, Career Center Specialist, effective January 14, 2022.

Consideration to ratify Resignation – Educational Administrator \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby ratifies the resignation of Dennis Aseltyne, Dean of Applied Academics, effective June 30, 2022.

Consideration to approve Working Out Of Class Compensation

\*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the Working Out of Class Compensation for Naoto Horiguchi as presented.

### **Other Items**

Fiscal Report as of October 31, 2021

\*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby accepts the fiscal report as of October 31, 2021, as presented.

Authorization for Remote Teleconference Meetings – Resolution 12-21-01 \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby adopt Resolution #12-21-01 and authorizes the continuation of virtual meetings pursuant to the conditions outlined in Assembly Bill 361 as presented.

### **ACTION ITEMS**

2020/2021 Audit Report After reviewing the information presented and subsequent discussion, the board took the following action:

M/S (Tomkins/Myers) that the Mendocino-Lake Community College District

Board of Trustees does hereby formally receive the Mendocino-Lake Community College District Audit Report for the year ended June 30, 2021 with the following vote:

Ayes Anderson, Martinez, Myers, Nickerman, O'Neill, Tomkins,

and Pinoli

Noes None Abstentions None Absent None

Advisory Vote Rodriguez - aye

Coast Center
Attendance
Allowance Request
Due to Emergency
Conditions –
Resolution 12-21-02

After reviewing the information presented and subsequent discussion, the board took the following action:

M/S (Tomkins/Nickerman) that the Mendocino-Lake Community College District Board of Trustees does hereby approve the Coast Center Attendance Allowance Request Due to Emergency Conditions with the following vote:

Ayes Anderson, Martinez, Myers, Nickerman, O'Neill, Tomkins,

and Pinoli

NoesNoneAbstentionsNoneAbsentNone

Advisory Vote Rodriguez - aye

Board Policy Additions and Revisions – Second Reading After reviewing the information presented and discussion, the board took the following action:

M/S (O'Neill/Nickerman) that the Mendocino-Lake Community College District Board of Trustees does hereby adopt Board Policy 2015 – Student Member; Board Policy 2110 – Vacancies on the Board; Administrative Procedure 2110.1 – Vacancies on the Board; Board Policy 2305 – Annual Organizational Meeting; Board Policy 2310 – Regular Meetings of the Board; Board Policy 2315 – Closed Sessions; Board Policy 2320 – Special and Emergency Meetings; Administrative Procedure 2320.1 – Special and Emergency Meetings; Board Policy 2320 – Quorum and Voting; Board Policy 2340 - Agendas and Board Policy 2360 – Minutes as presented with the following vote:

Ayes Nickerman, Martinez, Myers, O'Neill, Tomkins, Anderson

and Pinoli

Noes None Abstentions None Absent None

Advisory Vote Rodriguez – aye

Board Policy Deletion – Second Reading After reviewing the information presented, the board took the following action:

M/S (Myers/Nickerman) that the Board of Trustees of the Mendocino-Lake

Community College District does hereby approve deletion of Board Policy 317 as presented with the following vote:

Ayes Nickerman, Martinez, Myers, O'Neill, Tomkins, Anderson

and Pinoli

NoesNoneAbstentionsNoneAbsentNone

Advisory Vote Rodriguez – aye

College and Careers Access Pathways (CCAP) Agreement – Second Reading After reviewing the information presented, the board took the following action:

M/S (Myers/Nickerman) that the Board of Trustees of the Mendocino-Lake Community College District does hereby approve the College and Careers Access Pathways agreement with the Leggett Valley Unified School District as presented with the following vote:

Ayes Nickerman, Martinez, Myers, O'Neill, Tomkins, Anderson

and Pinoli

Noes None Abstentions None Absent None

Advisory Vote Rodriguez – aye

# **INFORMATIONAL REPORTS**

Mendocino College Foundation, Inc.

A written report was submitted by the Mendocino College Foundation staff. Joe Atherton, Director of Fiscal Services stated this will be his last update as Julie McGovern, the new Foundation Executive Director will be starting her new position on January 1<sup>st</sup>.

Friends of the Mendocino College Coastal Field Station and Natural Sciences Affiliate A written report was submitted by Dr. Steve Cardimona of the Friends of the Mendocino College Coastal Field Station and Natural Sciences affiliate.

Constituents Group Reports

### Academic Senate

A written report was submitted by Academic Senate President Indermill who stated she had nothing to add.

# **Classified Senate**

A written report was submitted by Classified Senate President Lauren Simmonds who stated she had nothing to add.

## Management Team

A written report was submitted by Management Team President Janet Daugherty who stated she had nothing to add.

### **TRUSTEE COMMUNICATION**

Board Policies Additions and Revisions – First Reading Board Policy 1200 – District Mission; Board policy 2210 – Officers; Board Policy 2345 – Public Participation at Board Meetings; Board; Board Policy 2350 – Speakers; Board Policy 2355 – Decorum; Board Policy 2410 – Board Policies and Administrative Procedures; Board Policy 2430 – Delegation of Authority to the Superintendent/President; Board Policy 2715 – Code of Ethics/Standards of Practice; and Board Policy 2745 – Board Self-Evaluation were presented for review and discussion. Additional discussion and/or adoption of these policies will take place at the February 2022 board meeting.

Decennial Redistricting

Superintendent/President Karas presented the information on the upcoming district changes as mandated by Education Code 5019.5. There have been shifts in our districts due to the changes in our district which came about with the absorption of the coast areas from the College of the Redwoods. At the February 2022 meeting we will be presenting the map for adoption which must be completed no later than March 1<sup>st</sup>.

College and Careers Access Pathways (CCAP) Partnership Agreement – First Reading A copy of a new College and Careers Access Pathways (CCAP) partnership agreement with the Willits Charter School is presented as information for review. This agreement will be presented at the February 2022 board meeting for further discussion and action by the Board of Trustees.

Trustee Reports

Trustees commented orally on their recent college-related activities.

Trustee Anderson was glad to hear about the communication with the Lake County Tribal Health and is hoping the collaboration will help. He was also happy to hear about the upcoming Native American Speaker series. He thanked the entire team for everything they have had to endure over the past year.

Trustee Martinez acknowledged the student trustee who was recently a speaker at the state level and did a great job. She added he represents us well. She also thanked the people who worked on the Classified fun-raiser and recognized their success.

Trustee Myers she also recognized all the work done on behalf of students during the Classified fun-raiser.

Trustee Nickerman suggested we build the emergency access road ourselves and pair up with Granite Construction to do so.

Trustee O'Neill stated it has been a challenging year and he hopes the students and staff all take the next couple of weeks to rest and recuperate prior to preparing for the spring semester.

Trustee Tomkins stated the staff has done a wonderful job throughout the entire year and is very proud of the persistence of our employees and staff. He also voiced his support for Trustee Nickerman's idea of having our students do the work on the emergency access road.

Student Trustee Rodriguez stated we have been in the pandemic for 2 years now. When coming back in the spring semester, he hopes everyone can see the fruit of their labors when students are on campus. He added he will be participating as a speaker at one of the sessions during the League's legislative session in January.

Trustee Pinoli informed the board we won't have a big picture item in January as we will be focusing on the budget. He expressed his thanks to the Trustees for their continued support as well as the administration and staff of the college.

Future Agenda Items

The current list of future agenda items includes the following with additional comments from members of the Board of Trustees:

- Diversity training for Board members Trustee Martinez requested this
  item and feels it needs to be either a workshop or special meeting. It
  should not be a lecture but more of a reflection and participation by
  members of the board. For this reason, she feels it needs to be when we are
  once again able to meet in person move to try and find a date for a
  workshop wants to wait a little longer in order to have outside presenters,
  etc.
- Essential needs for Trustee onboarding
- Outreach to the community and the various tribes
- A workshop or presentation on the next phase plans for the three centers
- A big picture presentation by the Lake County Superintendent of Schools similar to the presentation made by the Mendocino County Superintendent of Schools.
- Site visits at all the sites including courses offered and equipment available.
- Board workshop for board members regarding the process and how we handle the public as a board
- An ongoing conversation about the role Student Trustees can have in their individual districts. Discussion would include what it would mean for the board. Trustee Martinez would also like to have more information about the role of the student trustee.

Adjournment

With agenda business concluded, Board President Pinoli declared the meeting adjourned at 5:30 PM.

Submitted by: Tim Karas, Superintendent/President Secretary, Board of Trustees

#### MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES

A special meeting of the Mendocino-Lake Community College District Board of Trustees was convened on Wednesday, January 26, 2022, at Mendocino College, 1000 Hensley Creek Road, Ukiah, CA and also using ZOOM remote meeting technology.

#### **GENERAL MATTERS**

Representatives

Call to Order	Trustee Pinoli	<b>Board President</b>	called the special	meeting to	order at 4:00 PM.
Call to Oraci	Trustee I mon	Dould I legidelli,	carred the special	mooning to	order at 7.00 r m.

Board Members	President	Robert Jason Pinoli	present
	Vice President	Marie L. Myers	present
	Clerk	Ed Nickerman	present
	Trustee	Xochilt Martinez	present
	Trustee	John Tomkins	present
	Trustee	TeMashio Anderson	absent
	Trustee	Noel O'Neill	present
	C 1 4 T 4	I 1 . D . 1	. 1 4 4 1

arrived at 4:15 pm Student Trustee Leonardo Rodriguez

Secretary Timothy Karas, Superintendent/President

Support Staff Mary Lamb, Executive Assistant to the Superintendent/President

Eileen Cichocki, Assistant Superintendent/Vice President of Administrative

Services (present)

Staff Representatives Debra Polak, Vice President of Academic Affairs (present)

Ulises Velasco, Vice President of Student Services (present)

Nicole Marin, Director of Human Resources (present)

Academic Senate Catherine Indermill, President (present) Constituent

Classified Senate Isabel Lopez, President (present) Janet Daugherty, President (present) Management Team

Agenda Approval M/S (Nickerman/Tomkins) to approve the agenda as presented. The matter

was approved with the following vote:

Myers, Martinez, Nickerman, O'Neill, Tomkins and Pinoli Ayes

Noes None None Abstentions Absent Anderson

Rodriguez - absent Advisory Vote

Public Comments • There were no comments from the public.

# JOINT FOUNDATION BOARD AND BOARD OF TRUSTEES

Linda Chapman, President of the Mendocino College Foundation Board Discussion

extended her appreciation to the Board of Trustees for the opportunity to meet

with them. Board President Pinoli expressed his thanks to the Foundation for their support of the college and our students.

Trustee Nickerman expressed his appreciation for the Foundation members being present.

Julie McGovern, Executive Director of the Foundation shared some of her experiences since coming to the college in January and expressed the energy she felt around the opening of the spring semester.

Superintendent/President Karas shared that beginning in July, it will be our 50<sup>th</sup> anniversary year which will give us many reasons to collaborate and celebrate as we move forward. It will also be an opportunity to highlight many things from our history and share those things with our community.

Channing Cornell a Foundation board member commented that the Foundation was formed many years ago as its own separate entity to support the college and its students. The Foundation came into existence in 1984. If the administration has anything in mind that the Foundation can help with, please let them know.

Trustee Pinoli commented on how nice the digital sign is that is located at the end of Hensley Creek Road.

Foundation President Chapman added the Emergency Access Road is a huge project that has been a collaboration through the Foundation and its member donations, as well as with the college administration.

Trustee O'Neill stated that he and his spouse are very happy with the Adopt-A-Fifth Grader program and how wonderful the program is. He thanked them for all their effort regarding this effort.

Trustee Martinez asked what the Trustees can do better on their end. She expressed a request for the trustees to receive a copy of the Foundation board meeting schedule.

Superintendent/President Karas stated he doesn't see a big gap between the Foundation Board priorities and the Board of Trustees priorities. The change in the Foundation emergency funding has been huge for the students and for the institution as a whole.

Trustee Pinoli expressed his request to the Foundation staff to not be bashful in asking for the money from the Trustees regarding their adopt-a-fifth-grader support. He added they can always reach out if they need something on an emergency basis.

Marilyn Harden from the Foundation Board stated she appreciates Superintendent/President Karas and his staff for all their support at the Foundation's various meetings. Foundation Board member Barbara Rice added we can help them by telling our story whether it be about faculty members, students, or staff members. We need to work together to find ways to communicate the needs to those who can help.

Trustee Tomkins asked about obtaining more information on how students move through the Adopt-A-Fifth-Grader program. 7 years is a long time and any information shared on the recipients would be helpful. Foundation Assistant Fields informed the board there is some data we have gathered in this area, but outreach has been limited recently by COVID.

Foundation Board member Wilda Shock reminded everyone of the important role of the affiliate organizations play in supporting the students.

## **CONSENT AGENDA**

M/S (Myers/Nickerman) Board of Trustees does hereby approve the Consent Agenda as presented. The consent agenda was approved with the following vote:

Ayes Myers, O'Neill, Tomkins, Nickerman, Martinez and Pinoli

Noes None
Abstentions None
Absent Anderson
Advisory Vote Rodriguez - aye

Items with an asterisk \* were approved by one motion as the Consent Agenda.

#### **Other Items**

Authorization for Remote Teleconference Meetings – Resolution 01-22-01 \*RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby adopt Resolution #01-22-01 and authorizes the continuation of virtual meetings pursuant to the conditions outlined in Assembly Bill 361 as presented.

#### **INFORMATIONAL ITEM**

Board Docs

An overview of Board Docs was provided by Superintendent/President Karas where he reviewed for the board some of the functionalities and capabilities of the software which will be implemented soon.

#### REVIEW OF THE COLLEGE BUDGET

Discussion

Assistant Superintendent/Vice President of Administrative Services Cichocki presented information on the college budget and the budget processes.

She began her presentation by stating the areas she would be covering today would include the following:

- Quick review of the current year budget 2021/22
- Governor's Budget for 2022-23
- History of the COLA and how it is spent

- Multi-year Scenarios
- Reserves
- Budget Parameters

She included an annual budget calendar which incorporates both the State and the College budget dates.

Sources used to garner information when developing the budget include the Community College of California Chancellor's Office, the Community College League of California, the Legislative Analyst's Office, the Association of California Community College Administrators, the Association of Chief Business Officials, and the California Department of Finance.

# **Current Year Budget**

The current year budget is what the board adopted for the 2021-22 year. This review will only cover the Unrestricted General Fund which is our main operational fund.

This year, we anticipate receiving \$27,183,385 in revenue and our beginning fund balance was 9,526,540. The largest revenue line is our income from apportionment. The State portion comes from the State and the local portion comes from property taxes in Lake and Mendocino County.

Under expenditures, included under certificated salaries and wages is faculty and educational administrators. Classified salaries and wages includes classified staff and classified administrators.

Currently, we are projecting to end the year with just over 8,057,242 in reserves.

#### **Governor's Budget**

The Governor's budget is very preliminary. The economy of California is continuing to be very robust with projected income continuing to be more than anticipated.

Items in Governor's budget at this point includes a 5.33% Cost of Living Allowance (COLA) on the Student-Centered Funding Formula (SCFF). This number will be revised and there is no guarantee until it is actually funded. This COLA is also being applied to many of our categorical programs which is very good news but currently excluded is the Student Equity and Achievement (SEA) program.

There are 30-35 different initiatives included in the proposed budget which include funding for retention and enrollment strategies. Also included at this time is funding for technology and cyber security.

Mendocino College is still protected under hold harmless for this fiscal year. The Governor's budget proposes making a new "floor" in the 2024/25 year below which funding would not drop. However, under this new version, colleges would no longer automatically receive COLA going forward.

All of the Governor's proposed budget will still need to go through the Legislative process until the State has an Enacted Budget in June 2022.

# **History of COLA Revenue**

Statuary COLA based on State and Local Governments across the nation and not the Consumer Price Index (CPI).

The COLA comes to the college as part of our apportionment. This year, we received an additional \$662,181(1.70%) in COLA revenue which was \$416,929 in statutory COLA and \$245,252 (1%) in additional "catch-up" COLA monies. Even with the "catch-up" funds, we are still down 14.72% between what was due from the state and what was actually received from 2007/08 through 2021/22.

When reviewing where those funds were expended, we can see 164% of the COLA amount received were expensed to a 2% salary increase to employees, step and longevity increases, health benefit, PERS and STRS rate increases, and new positions. If we include other additional expenses including an increase to our legal rates, IT maintenance agreements, property and liability insurance increases and MCOE charges, we can see that expenditures increased \$517,514 more than the revenue generated from the COLA.

Pension costs over the last 6 years equates to a total of \$1.5 million - \$858,000 in PERS rates and \$638,000 in STRS rates.

Our sign language interpreting costs are very fluid as we never really know how many students will need the service. In 2019/20, the District paid \$342,119 in sign language interpreting costs versus \$158,400 in 2016/17.

#### **Multi-year scenarios**

The multi-year scenarios are based on the 2021/22 working budget and runs through the 2025/26 year.

The revenue assumption used includes adding a COLA on apportionment per the Department of Finance estimates. These estimates are not given and the actual calculations are done the May before each fiscal year and depends on funding from the State.

Expenditure assumptions include step and longevity increases for each year, PERS and STRS rate increases through 2024/25, and continuing costs in facilities and IT (after HEERF funding is spent) for filters, software and hotspots.

Not included items include future collective bargaining agreements, new staffing, changes in health care costs, changes in interpreting costs, and changes to the cost of the schedule (number of sections offered).

The bottom line is the reserves stay between 25-27% of expenditures.

2025/26 is a critical year in terms of revenue. Without additional hold-harmless, we hit the fiscal cliff with a \$4.6 million loss of revenue, dropping our reserve to 11%.

#### Reserves

If the new hold-harmless floor for apportionment in place at the 2024/25 level, we would return to a 27% reserve level.

Historically, over the last six years the reserves have run between 24% and 39% with the lowest year being 2019/20 and the highest being in 2020/21.

Reserves are a key indicator of the fiscal health of the institution. We keep reserves for five main reasons – to manage cash flow, to mitigate volatility in funding and expenditures; to address unexpected costs, to save for large purchases, and to reduce costs when borrowing money.

Currently, we are using reserves to help pay for the costs incurred with the Emergency Access Road (\$900,000) and the Battery Energy Storage System (\$750,000).

# **Budget Parameters**

The Board approved the 2021/22 District Priorities at their October 2021 meeting which included:

• Demonstrate purposeful allocation of resources, make strategic investments in technology, infrastructure, facilities and strengthen sustainable and resilient practices to create a supportive and collaborative 21<sup>st</sup> Century learning environment.

#### **ACTION ITEMS**

Board of Trustees Budget Parameters for District 2022-2023 Budgets After reviewing the information and discussion, the board took the following action:

M/S (Myers/Martinez) that the Mendocino-Lake Community College District Board of Trustees does hereby adopt the 2022/2023 Budget Parameters as presented with the following vote:

Ayes Myers, O'Neill, Tomkins, Nickerman, Martinez and Pinoli

Noes None Abstentions None Absent Anderson

Advisory Vote Rodriguez - abstain

Adjournment

With agenda business concluded, Board President Pinoli declared the meeting adjourned at 5:30 PM.

Submitted by:

Timothy Karas, Superintendent/President

Secretary, Board of Trustees

DATE: February 9, 2022

#### SUBJECT: PRESIDENT AND ADMINISTRATION REPORT

We have reached the second month of the spring 2022 semester. For many, I am sure it feels much longer. We have implemented Board Policies 2900/2900 and Administrative Procedures 2900.1/2901.1 related to the COVID-19 pandemic. The implementation of these important decisions were not taken lightly. In the weeks leading to the beginning of spring classes, many students were dis-enrolled for not being in compliance. Before this painful step, students were called, texted, and emailed multiple times. People have worked one-on-one with students to overcome any technical reporting issues.

Working the welcome table, a couple of times over the past two weeks I heard messages of thanks and appreciation from students for all the hard work we have done. The increased opportunity for in-person courses, services, and activities is meaningful to them. Everyone has a hand in creating and nurturing this welcoming and caring environment. Thank you.

As reported at spring in-service, a vast majority of students enrolled in in-person courses are vaccinated. The percentage is about 93%. Students are committed to doing what it takes to return to in-person education. This high percentage linked with the high percentage of employees who are vaccinated. Combining universal masking requirements, high vaccination rates, social distancing measures, facility upgrades, and low density on campus, we can welcome the return of increased in-person services, instruction, events, and performances to meet the needs of our students and community.

I anticipate over the course of the semester there will be revisions to CDC, CalOSHA, or County Health orders as we learn more about the virus. The district will continue to communicate changes with you.

# **Black History Month**

February is Black History Month, a celebration acknowledging the achievements of the African descendants who have shaped American history.

The recognition effort of Black History Month began in 1915, half a century after the Thirteenth Amendment abolished slavery in the United States, beginning with the advocacy of Harvard-trained historian Carter G. Woodson and the prominent minister Jesse E. Moorland.

In 1926, the Association for the Study of African American Life and History (ASALH) sponsored a national Negro History week, choosing the second week of February to coincide with the birthdays of Abraham Lincoln and Frederick Douglass. The event inspired schools and communities nationwide to organize local celebrations, establish history clubs and host performances and lectures. In 1975, President Ford issued a Message on the Observance of Black History Week urging all Americans to "recognize the important contribution made to our nation's life and culture by black citizens." Since 1976, February has been officially designated as Black History Month.

We commemorate Black History Month by continuing the essential work of self-reflection and strengthening our resolve to stay engaged in equity work in our district and to work harder against racism (overt and structural) and toward social justice.

### **Enrollment**

Overall enrollment for the Spring semester is a mixed. Our year-over-year number of students has increased, however our total FTES has declined. This implies we have more students enrolling in fewer units than last year. Given everything facing students, this is not surprising. We have a good foundation to support students to remain engaged with the college and increase units in future semesters. Compared to our last pre-pandemic semester, spring 2020, the decline is 16 % number of students, 15% number of sections, and 24% total FTES.

Semester	Active Students	Number of Sections	TOTAL FTES
·			
SPRING 2022	3558	681	802.01
SPRING 2021	3192	492	870.2
SPRING 2020	4225	799	1050.21

# **Emergency Access Road**

As mentioned in previous reports to the board and the facilities presentation in November 2021, we are making steady progress on planning the secondary emergency access road. Over the past decade, the Mendocino College Foundation has strategically purchased property to connect the college to Orr Springs Road for emergency access. This milestone has been completed. The Cal-Fire accessible emergency access road will be almost a mile in length and paved. This road will be for emergency access only; there will not be additional facilities along the road or open public access.

At the December 2021 Board of Trustees meeting there were suggestions to infuse the project with student learning activities. Butte College was mentioned as a partner because they have a heavy equipment program. I contacted Butte College, and while flattered, this type of project is outside the scope and parameters of their program. It would not be something they would construct on their property. The size, complexity and liability associated with the project are formable. The Mendocino College Foundation, nor the district, would want to assume the liability related to the road. The project will need to follow the public bidding process.

The district can work with the company that is awarded the project to have an opportunity for students in related programs to receive real-world experience/exposure. Examples include working with the agriculture department on wetland mitigation, construction students for blueprint reading and project management experience, and fire science in terms of studying the design and purpose of the road.

We are reviewing several potential grant opportunities upon the advice of CalOES.

### **Water Tank**

At the January Millview Water District Board meeting they agreed to work with the district on repainting the eagle on the water tower behind campus. We will work together on the technical aspects of the RFP. The water districts required a licensed company to complete the work on the water tower.

# Northern California Native American History Speaker Series (NorCal-NAHSS) Grant Period 2022-2024

Mendocino College service area encompasses 14 federally recognized Native American tribes. This project aims to plan and implement a speaker series in collaboration with local area tribes to present content that is faithful to the Native American experience and will enhance the teaching of history and other related humanities disciplines.

At least 7 speaker sessions will be planned and implemented that will cover local Native American History and its application to Mendocino College Faculty teaching and learning.

Create and launch online and physical repository of NorCal – NAHSS workshop recordings, along with access to digital resources (books, teaching tools) for faculty professional development and community access

I want to acknowledge the grant proposal team of Minerva Flores, Rebecca Montes, Robert Parmeter, Briana Zuber, Monica Flores, Antonio Lopez, and Joe Atherton.

Letters of support from our community partners were instrumental for a competitive grant submission. Thank you to Leona L. Williams, Pinoleville Pomo Nation; Melanie Rafanan, Sherwood Valley Band of Pomo Indians; Debra Ramirez, Redwood Valley River Band of Pomo Indians; David Burton, Grace Hudson Museum; Brock Falkenberg, LCOE-Superintendent; Debra Kubin, UUSD- Superintendent; and Lois Lockhart, Sherwood Valley Band of Pomo Indians.

#### **Humboldt State University**

I went to HSU to meet with Provost Dr. Capps and Dr. Jason Meriwether, Vice President of Enrollment Management to introduce myself and brainstorm potential avenues of collaboration. Many thoughts were shared about transfer agreements, advising, program alignment, and research opportunities. As HSU transitions to a Polytechnic over the upcoming years, it will be great to strengthen pathways for our students to attend Humboldt.

# Military Credit For Prior Learning (MilCPL) and the Military Articulation Platform (MAP)

MAP allows colleges to create, approve, store, and adopt (from other colleges) articulations that link Credit Recommendations from the <u>ACE Military Guide</u> and your local college courses. This makes it possible for colleges to award up to one year of transcripted college credit for prior learning (CPL) to veterans and active-duty service members. The MAP Initiative is supported by seed funding from a legislative grant focused on scaling the platform statewide at no cost to colleges.

The project was launched with 12 California Community Colleges. In 2022, the cohort will increase to 50 California Community Colleges. Mendocino College will join the cohort of colleges.

# Greater Northern California Regional Healthcare Hub

We were approached to learn more and join an initiative being developed by UC Davis. I want to thank Assistant Dean of Health Careers Suzanne Hewitt for joining me at the information session on January 24. More information will be released later in the spring. Below is a synopsis of the envisioned project.

The <u>Center for a Diverse Healthcare Workforce</u> at the <u>UC Davis School of Medicine</u> (SOM) is convening a powerful network of partners to establish the Greater Northern California Regional Healthcare Hub (GNCRHH). This network will seek to establish a contract with the recently launched <u>California Medicine Scholars Program</u> (CMSP) to serve as one of four new regional healthcare hubs across California.

In response, GNCRHH's vision is to establish a set of healthcare pathway ecosystems (mini-hubs) that will prepare and support community college students to move into pre-medicine programs at a California public university, and ultimately to apply and be accepted to medical school at UC Davis or elsewhere.

At each participating community college district, student advisors and counselors will receive targeted training related to the medical school pathway and linked to their healthcare ecosystem. Through this process, advisors and counselors will be prepared to effectively guide students to determine a clear course of action to successfully transfer into a pre-medicine program at a GNCRHH partner university. Once admitted into a University of California or California State University Campus, undergraduates will experience a seamless pathway to an MD degree at the UC Davis School of Medicine.

#### **Greenhouse Project**

An innovative course idea boosting enrollments in the Agriculture department is AGR 147 Greenhouse Projects. A complete modern greenhouse has been purchased and will be assembled from the ground up by students enrolled in this course. This project model resembles a current day "barn raising" event to be completed over the 17-week semester.

Agriculture students are currently working to prepare the building site by digging the greenhouse perimeter footings for a cement pour. This project is being guided by Agriculture instructor Kurt Voigt and Agriculture Technician Jacob Kyle. This resulting structure, along with our current greenhouses, will grow plants, fruits and vegetables for the Caring Kitchen Project, our Culinary Arts department and the annual community plant sale.

#### **Financial Aid Update**

Financial Aid Staff have resumed hosting FAFSA/Dream Act Workshops in order to have students complete their 2022-2023 applications by the March 2nd Cal Grant deadline. This is an effort to have multiple options for students as they work towards completing their applications.

Students who had their financial aid file complete were disbursed their Pell Grant on January 12th for the spring semester. In addition, we have been contacting students who were enrolled last fall and are still missing requirements to complete their financial aid file.

Emergency Grants are still available to students who are facing financial hardships. Students can visit our Basic Needs page https://www.mendocino.edu/resources-online to see the multiple resources that are available or can contact the Financial Aid Office at financialaid@mendocino.edu for additional information.

#### **EOPS**

The EOPS office is currently accepting applications. Students who are new to EOPS attend an online EOPS Orientation to be admitted to the program. During the orientation, new students are given information about the EOPS program and services. The EOPS drive-thru Kick-off events were held at the Ukiah campus and Centers the week before the start of the semester and the first week of classes. At the

Kick-off, students were given their "Tools for School", a set of school supplies, and they had an opportunity to request textbooks and calculators from the EOPS lending library.

# **Counseling Support**

Counselors have returned 100% to work on campus, accommodating in person meetings when requested. Arrangements have been made so that these in person meetings are held in alternative safe rooms rather than the counseling offices. To date there are limited request for in person meetings. Most meeting requested are via remote services, Zoom, telephone and email.

# **Transfer Talk Tuesdays**

Transfer Counselor/Coordinator Mark Osea has developed a Transfer Talk Tuesday series for students. Every Tuesday in March, the Mendocino College Counseling faculty will be hosting a series of virtual talks to help students explore the transfer process, and how students can maximize their time here at Mendocino College. From Financial Aid options, to selecting a major, applying as an undocumented student, to student support services, these talks will help our students transfer in triumph!

# **Mental Health Counseling**

To increase our capacity to address the mental health needs of our students, the department is in the process of adding an additional Adjunct Mental Health Counselor. The plan is to add an additional eight hours a week of mental health services. The department was also notified that the Chancellors Office has made available additional ongoing funding to support health services, including mental health. The Dean will work with the VP of Student Services to develop a fulltime position in this area.

#### K-12 Outreach

The Outreach Team has been busy getting out to our Reg2Go schools. They are in regular contact with our K-12 partners regarding COVID trends that at times limit in person services. They have continued to maintain their remote service through Google Classroom. The Outreach Team, including Equity Counselor Apryl Guisasola followed up their December registration visit to Covelo, with a day of services on Thursday January 6th. On this visit they included staff from the Admissions & Records and Financial Aid Offices. The Outreach and Equity Counselor is scheduled to visit Covelo again on Thursday, February 3rd, and continue a monthly visit throughout the semester.

DATE: February 9, 2022

SUBJECT: EMPLOYMENT – SHORT-TERM NON-CONTINUING (STNC)

**EMPLOYEES** 

#### **SYNOPSIS:**

Approval/ratification of employment of short-term non-continuing (STNC) employees is requested.

### RECOMMENDATION:

The Superintendent/President recommends approval of this Board item as presented.

# ANALYSIS:

Education Code 88003 authorizes a governing board to hire short-term (temporary, hourly) employees for less than 75% of a school year, up to 180 days.

Education Code 70902(d) permits a governing board to adopt a rule delegating the authority to hire short-term employees to the Superintendent/President, or designee. This district has adopted such a rule in Policy No. 7300.

EC 88003 was amended to require districts to specify at a regularly scheduled Board meeting the service to be performed, as well as the start and end dates of the service.

Reference Board Policy 7300, Employment/Termination of Short-Term and Substitute Employees

### **MOTION/ACTION**:

RESOLVED, That the Mendocino-Lake Community College Board of Trustees hereby approves/ratifies the employment of the short-term non-continuing (STNC) employees as presented pending receipt of all necessary employment eligibility requirements.

# **Short Term Non-Continuing (STNC) Employees**

(Individual assignments may not exceed 180 days within the start and end date)

Last Name	First Name	Position	Department	Start Date	End Date
Campbell	Stewart	Security/Utility Worker	M&O	1/1/2022	6/19/2022
Clark	Morgan	Agricultural Aid 2	Agriculture	1/1/2022	6/19/2022
Drucker	Julie	Professional Expert - Art Model	Instruction/ART	1/1/2022	6/19/2022
Gonzalez	Jennifer	Professional Expert - Art Model	Instruction/ART	1/1/2022	6/19/2022
Guzman	Denise	Agricultural Aide 1 Program Specialist COVID	Agriculture Administrative	1/1/2022	6/19/2022
Hoffman	Shaun	Response Professional Expert - Certified	Services	1/1/2022	6/19/2022
McCauley Calagy	Susan	Athletic Trainer	Athletics	1/1/2022	6/19/2022
Moore	Griffin	Computer Support Technician	IT	1/1/2022	6/19/2022
Muniz Madrigal	Esmeralda	Library Assistant	Instruction/Library	1/1/2022	6/19/2022
Olea-Luna	Rocio	CDV Assistant Teacher	CDV Center	1/1/2022	6/19/2022
Shipp	Jeffrey	Professional Expert - Art Model	Instruction/ART	1/1/2022	6/19/2022
Tran	Thiem	Security/Utility Worker Professional Expert - Baseball Asst	M&O	2/10/2022	6/19/2022
Trouette	Jeffrey	Coach	Athletics	1/1/2022	6/19/2022
Taylor	Steven	Groundskeeper	M&O	2/10/2022	6/19/2022

# **Student Employees**

(Individual assignments may not exceed 180 days within the start and end date)

First Name	Position	Department	<b>Start Date</b>	<b>End Date</b>
Maria	CAMP Peer Mentor	CAMP	1/1/2022	6/19/2022
Stuart	Math Tutor	Learning Center	1/1/2022	6/19/2022
Martin	CAMP Peer Mentor	CAMP	1/1/2022	6/19/2022
Crystal	CAMP Peer Mentor	CAMP	1/1/2022	6/19/2022
Sandra	Tutor	Tutor	1/1/2022	6/19/2022
Jaime	CAMP Peer Mentor	CAMP	1/1/2022	6/19/2022
Kirstin	Student Worker	Athletics	2/10/2022	5/15/2022
	Maria Stuart Martin Crystal Sandra Jaime	Maria CAMP Peer Mentor Stuart Math Tutor Martin CAMP Peer Mentor Crystal CAMP Peer Mentor Sandra Tutor Jaime CAMP Peer Mentor	Maria CAMP Peer Mentor CAMP Stuart Math Tutor Learning Center Martin CAMP Peer Mentor CAMP Crystal CAMP Peer Mentor CAMP Sandra Tutor Tutor Jaime CAMP Peer Mentor CAMP	MariaCAMP Peer MentorCAMP1/1/2022StuartMath TutorLearning Center1/1/2022MartinCAMP Peer MentorCAMP1/1/2022CrystalCAMP Peer MentorCAMP1/1/2022SandraTutorTutor1/1/2022JaimeCAMP Peer MentorCAMP1/1/2022

# **Non-Student Tutors**

(Individual assignments may not exceed 180 days within the start and end date)

Last Name	First Name	Position	Department	Start Date	<b>End Date</b>
Altamirano	Ricardo	Math Tutor	Learning Center	1/1/2022	6/19/2022
Chavez Hernendez	Rosa Isela	HEP/MLACE Tutor	HEP/MLACE	2/10/2022	6/19/2022
Palmerin Chavez	Mirella	HEP/MLACE Tutor	HEP/MLACE	2/10/2022	6/19/2022
Plancarte Gonzalez	Ma de la Luz	CDV-Tutor	Anderson Valley North County	1/1/2022	6/19/2022
Torres	Alondra	CDV-Bilingual Tutor	Center  Lake County	1/1/2022	6/19/2022
Zamudio	Daniel	Tutor	Center	1/1/2022	6/19/2022

DATE: February 9, 2022

SUBJECT: EMPLOYMENT – PART-TIME FACULTY

# **SYNOPSIS**:

Employment of Part-Time Faculty for the Spring 2022 semester.

# **RECOMMENDATION:**

The Superintendent/President recommends that this item be approved as presented.

# **ANALYSIS**:

The Deans recommend employment of the Part-Time Faculty included on the attached list. Each individual meets the state-mandated qualifications or the District's equivalency policy for the assignment or possesses a valid, applicable credential.

Reference Board Policy 7120, Recruitment and Hiring

## MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees does hereby approve the employment of the Part-Time Faculty for the Spring 2022 semester as presented pending receipt of all necessary employment eligibility requirements.

EMPLOYMENT – PART-TIME FACULTY SPPRING 2022 SEMESTER			
Name	Position	Location	
Adams, Jacqueline Blagborne, Amaris Chapman, Kelvin Claros, Patricia	Art - Ceramics Instructions Clothing Instructor Physical Education-Team Sports ESL Instructor	Ukiah Ukiah Ukiah Lake Center	
Dorman, Jill Firefox Allen, Lasara	Librarian AOD Instructor	Ukiah Online	
Furlong, Lisa Hansen, Emily	Business Instructor Digital Arts Media Instructor	Ukiah Online	
Lauderdale, Joshua Logan, Sarah* Sammel, Daniel Totten, Linnea	Mathematics Instructor Art - Ceramics Instructor Spanish Instructor ESL Instructor	Lake Center Ukiah Online Boonville/Anderson Valley	

<sup>\*</sup>Met minimum qualifications through equivalency process.

DATE: February 9, 2022

SUBJECT: ASSIGNMENT CHANGE - CLASSIFIED

### SYNOPSIS:

Assignment Change from 11 months to 12 months for Biology Lab Technician and Chemistry Lab Technician.

# **RECOMMENDATION**:

The Superintendent/President recommends that this item be approved as presented.

### **ANALYSIS**:

The Planning and Budgeting Committee (PBC) received a recommendation from the Staffing Committee to increase the assignment period for the Lab Technicians (Biology and Chemistry) from 11 months to 12 months.

PBC approved these changes effective July 1, 2022.

# Effective July 1, 2022

Adriaan Leon, Lab Technician (Biology)

12 month assignment

40 hours per week

Chenfei Xu, Lab Technician (Chemistry)

12 month assignment

40 hours per week

### MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the increase of assignment for Adriaan Leon and Chenfei Xu effective July 1, 2022.

DATE: February 9, 2022

SUBJECT: FACULTY CONTRACTS

SYNOPSIS:

Contract status for tenure-track (probationary) faculty

## **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

#### ANALYSIS:

The four-year faculty tenure process provides for two one-year contracts followed by one two-year contract. On or before March 15<sup>th</sup> of the fourth year, the Governing Board must employ the faculty member as a tenured employee or not.

Before making a decision related to the continued employment of a contract (probationary) faculty member, the Governing Board must consider the recommendations of the Superintendent/President in a lawful meeting of the Board.

The Superintendent/President recommends the following:

### **Grant Tenure**

Gregory Allen, Chemistry
Fernando Calderon, Psychology
Jason Davis, English
Phillip Lenberg, Music
Vincent Poturica, English
Nicholas Wright, DSPS Counselor/Coordinator

#### **Employ Faculty Under Third Contract**

Second Year of a Two-year Contract – 2022-23 Valentina Velazquez-Zvierkova, Spanish

First Year of a Two-year Contract – 2022-23 Robert Parmenter, Head Librarian Meztli Avina, EOPS Counselor Apryl Guisasola, Equity Counselor

# Employ Faculty Under Second (One-Year) Contract – 2022-23

Melissa Nole, Child Development Mark Edward Osea, Transfer Counselor/Coordinator & Articulation Officer Lisa Leonard, Nursing Michael Pratt, Automotive Technology Chatnaree Upton, Mathematics Kurt Voigt, Agriculture

# MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the above listed contracts for tenure-track faculty.

DATE: February 9, 2022

SUBJECT: RENEW CONTRACTS FOR CATEGORICALLY FUNDED FACULTY

# **SYNOPSIS**:

Approval of renewal of categorically funded faculty contracts.

## **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

### **ANALYSIS**:

Categorically funded faculty are reemployed on an annual basis based on continued funding.

# The following full-time, categorically funded faculty are recommended to be reemployed from 8/12/2022-5/19/2023

Sara Bogner, Director of Physical Therapist Assistant Program

Jose Hernandez-Venegas, CAMP Counselor

Joseph Munoz, Director of Clinical Education, Physical Therapist Assistant Program

Noel Woodhouse, Instructor, Sustainable Construction and Technology

#### MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the one-year categorically funded faculty contracts as presented.

DATE: February 9, 2022

SUBJECT: CLASSIFIED ADMINISTRATOR CONTRACTS

SYNOPSIS:

Approval of classified administrator contracts.

#### RECOMMENDATION:

The Superintendent/President recommends this item be approved as presented.

Section 72411(a) of the Education Code states that educational administrators shall be employed and classified administrators may be employed by the Board of Trustees by contract up to four years in duration. At this time, the following classified administrator contracts are recommended for approval.

### **Two Year Contracts**

Joe Atherton, Director of Fiscal Services Classified Administrator Contract, 7/1/22 – 6/30/2024

Minerva Flores, Director of Institutional Effectiveness, Research and Grants Classified Administrator Contract, 7/1/22 - 6/30/2024

David Johnson, Director of Information Technology Classified Administrator Contract, 7/1/22 – 6/30/2024

MacAdam Lojowsky, Director of Facilities Classified Administrator Contract, 7/1/22 – 6/30/2024

Janelle Meyers Bird, Director of Community Relations and Communication Classified Administrator Contract, 7/1/22 - 6/30/2024

Nicole Marin, Director of Human Resources Classified Administrator Contract, 7/1/22 - 6/30/2024

Yuliana Sandoval, Director of Financial Aid & EOPS Classified Administrator Contract, 7/1/22 – 6/30/2024

Anastasia Simpson-Logg, Director of Admissions & Records Classified Administrator Contract, 7/1/22 - 6/30/2024

Janis Wood, Director of Child Development Center Classified Administrator Contract, 7/1/22 – 6/30/2024

### **One Year Contract**

Julie McGovern, Executive Director of Foundation Classified Administrator contract 7/1/22-6/30/2023

# **One Year Contract (Categorical):**

Jackeline Gonzalez de Orozco, Program Manager, HEP (Categorical) Classified Administrator Contract, 7/1/22-6/30/2023

Mariana Garcia - Martinez, Program Manager, CAMP (Categorical) Classified Administrator Contract, 7/1/22-6/30/2023

Euline Olinger, Program Manager, ML ACE (Categorical) Classified Administrator Contract, 7/1/22-6/30/2023

Eric Hoefler, Director of MESA/STEM Success (Categorical) Classified Administrator Contract, 7/1/22-6/30/2023

# MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the classified administrator contract as presented.

DATE: February 9, 2022

**SUBJECT:** EDUCATIONAL ADMINISTRATOR CONTRACTS

## **SYNOPSIS**:

Approval of educational administrator contracts.

## RECOMMENDATION:

The Superintendent/President recommends this item be approved as presented.

### **ANALYSIS**:

Section 72411(a) of the Education Code states that educational administrators shall be employed and classified administrators may be employed by the Board of Trustees by contract up to four years in duration. At this time, the following educational administrator contracts are recommended for approval.

#### **Three Year Contracts:**

Eileen Cichocki, Assistant Superintendent/Vice President of Administrative Services Educational Administrator Contract, 7/1/22 - 6/30/25

Debra Polak, Vice President of Academic Affairs Educational Administrator Contract, 7/1/22 – 6/30/25

Ulises Velasco, Vice President of Student Services Educational Administrator Contract, 7/1/22 – 6/30/25

### **Two Year Contracts:**

Janet Daugherty, Director of Teaching and Learning Student Success Educational Administrator Contract, 7/1/22 – 6/30/24

Matt Gordon, Director of Athletics Educational Administrator Contract, 7/1/22 – 6/30/24

Antonio Lopez, Dean of Counseling and Student Programs Educational Administrator Contract, 7/1/22 - 6/30/24

Rebecca Montes, Dean of Instruction Educational Administrator Contract, 7/1/22 – 6/30/24 Amanda Xu, Dean of Centers Educational Administrator Contract, 7/1/22–6/30/24

# **One Year Contract:**

Monica Flores, Director of Lake Center Educational Administrator Contract, 7/1/22-6/30/23

Suzanne Hewitt, Assistant Dean of Health Careers and Director of Nursing Program Educational Administrator Contract, 7/1/22-6/30/23

# MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby approves the educational administrator contracts as presented.

DATE: February 9, 2022

<u>SUBJECT</u>: NOTIFICATION OF CLASSIFIED LAYOFFS – RESOLUTION #02-22-01

# **SYNOPSIS**:

Adoption of Resolution #02-22-01, Notification of Classified Layoffs

#### **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

#### ANALYSIS:

The Superintendent/President recommends that this item be approved as presented.

## **ANALYSIS**:

The District was awarded the College Assistance Migrant Program (CAMP) grant in Fall 2019 for a five (5) year grant, through September 30, 2024.

The grant initially authorized a .5 FTE Administrative Assistant position to support the program. With a roll-over of unused funds from 20-2021 into 21-2022; the District was authorized to increase the position to a 1.0 FTE through 6/30/2022; for which it is currently filled.

However, ongoing approval to maintain the position at a 1.0 FTE is subject to unused fund availability and grant monitor approval year to year, since the 1.0 FTE staffing level was not initially included in the 2019 approval. Consideration for the request to maintain this position as a 1.0 FTE will not be made known until April or May of each year.

Without authorization and confirmation of approval of this request from the grant monitor, the position is only guaranteed at a .5 FTE as of July 1, 2022.

As such there is the need to reduce this specific classified position, as reflected on Resolution #02-22-01, Notification of Classified Layoffs. Layoff provisions are set forth in Education Code sections 88014, 88017, 88117, and 88127. Classified employees must be given a 60-day written notice prior to any layoff action.

Adoption of this resolution authorizes administration to send layoff notices. The required notice will be sent to the affected Classified employees, informing them of this action and any related rights in accordance with California Law.

# MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does hereby adopt Resolution #02-22-01 and directs the Superintendent/President to send lay-off notices to that individual currently employed in the CAMP categorically-funded positions.

# MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

#### **RESOLUTION 02-22-01**

#### NOTIFICATION OF CLASSIFIED LAYOFFS

WHEREAS, due to lack of work and/or lack of funds, this Board hereby finds it is in the best interest of the Mendocino-Lake Community College District that certain services now being provided by the District be discontinued or reduced by the following extent. **CAMP** Assistant Reduce (.5) position Effective July 1, 2022 NOW, THEREFORE, BE IT RESOLVED that the CAMP Assistant position will be discontinued and/or reduced to the extent set forth above. BE IT FURTHER RESOLVED that the administration hereby is authorized and directed to give notice of layoff to the affected classified employees of the District pursuant to the Education Code not later than 60 days prior to the effective date of layoff as set forth above. Ed Nickerman \_\_\_\_\_\_
John Tomkins \_\_\_\_\_ Xochilt Martinez Robert Jason Pinoli Marie Myers Noel O'Neill TeMashio Anderson PASSED AND ADOPTED THIS 9th day of February, 2022, by the Board of Trustees of the Mendocino-Lake Community College District of Mendocino and Lake Counties, California.

Date

Timothy Karas, Secretary

Board of Trustees

ITEM NO: 5.1

DATE: February 9, 2022

**SUBJECT:** FISCAL REPORT AS OF DECEMBER 31, 2021

# **SYNOPSIS**:

A report on District fiscal data as of December 31, 2021

# **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

# ANALYSIS:

The fiscal report as of December 31, 2021 is submitted as information. The Board of Trustees is requested to accept the report.

Reference Board Policy 6300, Fiscal Management

# MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby accepts the fiscal report as presented.

# Mendocino-Lake Community College District General Fund

2021/22 Fiscal Report as of December 31, 2021

	2021/22 Fiscal Report as of		V		0/
		2021/22 Working Budget	Year-to-date Actuals	Balance	% Rec/Exp
REVENUE		Working Budget	Actuals	Dalarice	Nec/Lxp
REVERSE	Beginning Fund Balance	\$9,805,740			
FEDERAL	Federal Forest Reserve	\$35,000	\$0	\$35,000	0%
	Federal Work Study	120,000	0	120,000	0%
	CAMP	562,169	170,505	391,664	30%
	PELL Grant Administration	7,500	0	7,500	0%
	HEP	554,592	95,469	459,123	17%
	HSI	176,772	94,556	82,216	53%
	CTEA	144,615	0	144,615	0%
	HEERF	5,424,510	1,515,239	3,909,271	28%
	Other Federal Revenue	118,702	8,995	109,707	8%
	TOTAL FEDERAL SOURCES	\$7,143,860	\$1,884,764	\$5,259,096	26%
STATE	State General Apportionment	\$10,674,287	\$5,287,484	\$5,386,803	50%
STATE	Education Protection Account	2,927,190	1,463,595	1,463,595	50%
	Board of Governors Grant	37,774	19,642	18,132	52%
	Student Equity and Achievement	1,742,932	1,069,942	672,990	61%
	Part-time Faculty Office Hours	11,000	0	11,000	0%
	FT Faculty Hiring	329,884	162,463	167,421	49%
	Part-time Faculty Compensation	109,002	47,356	61,646	43%
	AEBG Adult Education Block Grant	2,155,323	1,338,453	816,870	62%
	CTE Strong Workforce Program	3,479,033	2,591,460	887,573	74%
	Construction State Grant	813,790	813,790	0	100%
	Other Categorical Apportionments	1,437,465	1,370,733	66,732	95%
	TANF	40,959	0	40,959	0%
	DSPS	477,485	284,312	193,173	60%
	CALWORKS	287,706	182,412	105,294	63%
	BFAP	172,560	88,731	83,829	51%
	EOPS	873,548	423,298	450,250	48%
	EOPS CARE	91,085	36,796	54,289	40%
	MESA	71,545	0	71,545	0%
	Other Categorical Program Allowances	290,325	205,208	85,117	71%
	State Subventions	211,829	0	211,829	0%
	Lottery	811,319	78,934	732,385	10%
	Mandated Cost Reimbursements	79,250	77,156	2,094	97%
	Other State Revenue	463,781	529,716	-65,935	114%
	TOTAL STATE SOURCES	\$27,589,072	\$16,071,481	\$11,517,591	58%
10041	D 4 T	<b>#</b> 40.000.040	40	<b>*</b> 10.000.010	00/
LOCAL	Property Taxes	\$10,630,918	\$0	\$10,630,918	0%
	Local Contributions/Grants/Donations	400,800	200,800	200,000	50%
	Contract Instructional Services	15,000	9,000	6,000	60%
	Rents/Leases (Facilities Use)	56,000	26,623	29,377	48%
	Interest	59,000	19,048	39,952	32%
	Community Extension Student Fees	6,000	1 107 103	6,000	0%
	Bookstore Commission	1,261,000	1,107,493 0	153,507	88% 0%
	Other Local Revenue	10,000 359,367	278,673	10,000 80,694	78%
	TOTAL LOCAL SOURCES	\$12,798,085	\$1,641,637	\$11,156,448	13%
TOTAL REVENUE		\$47,531,017	\$19,597,882	\$27,933,135	41%
			ψ10,007,002	Ψ21,000,100	7170
TOTAL RESOURCES AV	/AILABLE	\$57,336,757			
EXPENDITURES					
	Certificated Salaries	\$13,195,731	\$5,950,726	\$7,245,005	45%
	Classified Salaries	7,541,069	3,398,792	4,142,277	45%
	Benefits	9,096,334	4,076,885	5,019,449	45%
	Subtotal Personnel Costs	\$29,833,134	\$13,426,403	\$16,406,731	45%
	Supplies	\$2,127,989	\$559,904	\$1,568,085	26%
	Services	7,656,982	1,997,510	5,659,472	26%
	Capital Outlay	3,731,703	1,541,529	2,190,174	41%
	Transfers/Other Outgo	5,581,090	1,096,236	4,484,854	20%
TOTAL EXPENDI		\$48,930,898	\$18,621,582	\$30,309,316	38%
		<b>#0.405.050</b>			
	Ending Fund Balance	\$8,405,859			
TOTAL EXPENDITURES	/CONTINGENCY	\$57,336,757			

ITEM NO: 5.2

DATE: February 9, 2022

**SUBJECT:** QUARTERLY FISCAL STATUS REPORT – AB 2910

# **SYNOPSIS**:

A report on District fiscal status as of December 31, 2021

# **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

# ANALYSIS:

The quarterly fiscal report for the second quarter of the 2021/22 fiscal year reflecting data as of December 31, 2021 is submitted as information. The Board of Trustees is requested to accept the report.

Reference Board Policy 6300, Fiscal Management

# MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby accepts the quarterly fiscal status report as presented.

# CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE

# Quarterly Financial Status Report, CCFS-311Q VIEW QUARTERLY DATA

**CHANGE THE PERIOD** 

Fiscal Year: 2021-2022

District: (140) MENDOCINO-LAKE Quarter Ended: (Q2) Dec 31, 2021

		As	of June 30 for the	fiscal year spec	Projected
Line	Description	Actual 2018-19	Actual 2019-20	Actual 2020-21	Projected 2021-22

I. Unrestricted General Fund Revenue, Expenditure and Fund Balance:

A.	Revenues:				
A.1	Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)	26,128,614	26,366,339	27,183,600	27,487,082
A.2	Other Financing Sources (Object 8900)	0	34,338	14,600	10,000
A.3	Total Unrestricted Revenue (A.1 + A.2)	26,128,614	26,400,677	27,198,200	27,497,082
B.	Expenditures:				
B.1	Unrestricted General Fund Expenditures (Objects 1000-6000)	25,431,473	26,173,832	23,611,175	26,664,562
B.2	Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)	502,361	515,566	526,137	2,207,018
B.3	Total Unrestricted Expenditures (B.1 + B.2)	25,933,834	26,689,398	24,137,312	28,871,580
C.	Revenues Over(Under) Expenditures (A.3 - B.3)	194,780	-288,721	3,060,888	-1,374,498
D.	Fund Balance, Beginning	6,559,593	6,754,373	6,465,652	9,526,540
D.1	Prior Year Adjustments + (-)	0	0	0	0
D.2	Adjusted Fund Balance, Beginning (D + D.1)	6,559,593	6,754,373	6,465,652	9,526,540
E.	Fund Balance, Ending (C. + D.2)	6,754,373	6,465,652	9,526,540	8,152,042
F.1	Percentage of GF Fund Balance to GF Expenditures (E. / B.3)	26%	24.2%	39.5%	28.2%
	!				

II.	Annualize	d Attendance FTES:	Actual 2018-19	Actual 2019-20	Actual 2020-21	Projected 2021-22
	G.1	Annualized FTES (excluding apprentice and non-resident)	2,760.00	3,120.00	1,991.70	1,862.80

As of the specified quarter ended for each fi				iscal year		
III.	<b>Total Gene</b>	eral Fund Cash Balance (Unrestricted and Restricted)	2018-19	2019-20	2020-21	2021-22
	H.1	Cash, excluding borrowed funds		8,688,629	10,058,393	10,360,387
	H.2	Cash, borrowed funds only		0	0	0
	H.3	Total Cash (H.1+ H.2)	8,472,465	8,688,629	10,058,393	10,360,387

IV. Unrestricted General Fund Revenue, Expenditure and Fund Balance:

Line	Description	Adopted Budget (Col. 1)	Annual Current Budget (Col. 2)	Year-to-Date Actuals (Col. 3)	Percentage (Col. 3/Col. 2)
I.	Revenues:				
1.1	Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)	27,173,365	27,487,082	8,502,812	30.9%
1.2	Other Financing Sources (Object 8900)	10,000	10,000	0	
1.3	Total Unrestricted Revenue (I.1 + I.2)	27,183,365	27,497,082	8,502,812	30.9%
J.	Expenditures:				
J.1	Unrestricted General Fund Expenditures (Objects 1000-6000)	26,445,645	26,664,562	12,594,316	47.2%
J.2	Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)	2,207,018	2,207,018	0	
J.3	Total Unrestricted Expenditures (J.1 + J.2)	28,652,663	28,871,580	12,594,316	43.6%
K.	Revenues Over(Under) Expenditures (I.3 - J.3)	-1,469,298	-1,374,498	-4,091,504	
L	Adjusted Fund Balance, Beginning	9,526,540	9,526,540	9,526,540	
L.1	Fund Balance, Ending (C. + L.2)	8,057,242	8,152,042	5,435,036	
М	Percentage of GF Fund Balance to GF Expenditures (L.1 / J.3)	28.1%	28.2%		

V. Has the district settled any employee contracts during this quarter?		NO
VI. Did the district have significant events for the quarter (include incurrence of long-term audit findings or legal suits, significant differences in budgeted revenues or expenditu (TRANs), issuance of COPs, etc.)?	•	NO
If yes, list events and their financial ramifications. (Enter explanation below, include additional p	pages if needed.)	
VII.Does the district have significant fiscal problems that must be addressed?	This year? Next year?	NO NO
If yes, what are the problems and what actions will be taken? (Enter explanation below, include	additional pages if needed.)	

ITEM NO: 5.3

DATE: February 9, 2022

**SUBJECT**: DONATIONS

# **SYNOPSIS**:

Acceptance of donations to Mendocino College as follows:

Art books and canvas print donated by Debra Polak

# **RECOMMENDATION:**

The Superintendent/President recommends acceptance of these donations.

# **ANALYSIS**:

The art books will be used by faculty and students in the Art Department. The canvas print will be hung in the Native American Student Resource Center.

A thank you letter will be sent to the donor.

Reference Board Policy 609, Donations and Gifts

# MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby accept the above donations to Mendocino College by Debra Polak.

ITEM NO: 5.4

DATE: February 9, 2022

**SUBJECT:** AUTHORIZATION FOR REMOTE TELECONFERENCE MEETINGS -

**RESOLUTION #02-22-02** 

# **SYNOPSIS**:

Adoption of Resolution #02-22-02, Authorization for Remote Teleconference Meetings

# **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

#### ANALYSIS:

Assembly Bill AB361 provides legislation that legislative bodies may continue to meet remotely during a declared State of Emergency subject to certain conditions. Those conditions include:

- 1. If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislativebody shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:
  - A. The legislative body has reconsidered the circumstances of the state of emergency.
  - B. Any of the following circumstances exist:
    - 1. The state of emergency continues to directly impact the ability of the members to meetsafely in person.
    - 2. State or local officials continue to impose or recommend measures to promote social distancing.

#### MOTION/ACTION:

RESOLVED, That the Mendocino-Lake Community College District Board of Trustees hereby adopt Resolution #02-22-02 and authorizes the continuation of virtual meetings pursuant to the conditions as outlined in Assembly Bill 361 as presented.

# MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

#### **RESOLUTION 02-22-02**

# AUTHORIZATION FOR REMOTE TELECONFERENCE MEETINGS PURSUANT TO BROWN ACT PROVISIONS INCLUDED IN ASSEMBLY BILL (AB) 361 (RIVAS)

WHEREAS, the Mendocino-Lake Community College District is committed to preserving and nurturing public access and participation in meetings of the Board of Trustees; and

WHEREAS, all meetings of Mendocino-Lake Community College District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950–54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19); and

WHEREAS, on April 15, 2020, the Board of Trustees of Mendocino-Lake Community College District officially declared a state of emergency for the district; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings; and

**WHEREAS,** following the issuance of Executive Order N-29-20, the Mendocino-Lake Community College District Board of Trustees began to conduct all public meetings virtually using the Zoom teleconference platform and has continued conducting all public meetings virtually since that time; and

**WHEREAS,** on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which indicated that the authorization for holding virtual meetings outlined in Executive Order N-29-20 would expire on September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed <u>Assembly Bill (AB) 361 (Rivas)</u> as urgency legislation to be effective immediately, which provides that legislative bodiesmay continue to meet remotely during a declared State of Emergency subject to certain conditions; and

**WHEREAS**, AB 361 amends the Brown Act (Government Code Section 54953) to add the following:

- (e)(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:
- (A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- (B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

**WHEREAS**, AB 361 amends the Brown Act (Government Code section 54953) to add the following:

- C. If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:
- (A) The legislative body has reconsidered the circumstances of the state of emergency.
- (B) Any of the following circumstances exist:
- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
- (ii) State or local officials continue to impose or recommend measures to promote social distancing.

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Trustees of the Mendocino-Lake Community College District finds that the March 4, 2020, declaration of a State of Emergency due to the COVID-19 pandemic by Governor Gavin Newsom remains active and that the state of

emergency continues to directly impact the ability of members of the public to meet safely in person.

**BE IT FURTHER RESOLVED,** that the Board of Trustees of the Mendocino-Lake Community College District authorizes the continuation of virtual meetings pursuant to Assembly Bill 361 (Rivas); and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its adoption and shall be effective until the earlier of 30 days from the date of adoption or such time the Board of Trustees adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Trustees of the Mendocino-Lake Community College District may continue to teleconference without compliance with of paragraph (3) of subdivision (b) of Government Code section 54953.

TeMashio Anderson  Marie Myers  Noel O'Neill  John Tomkins	Xochilt Martinez  Ed Nickerman  Robert Jason Pinoli	
	h day of February, 2022, by the Board of Trustees of ge District of Mendocino and Lake Counties, Californ	
Timothy Karas, Secretary Board of Trustees	Date	

ITEM NO: 6.1

DATE: February 9, 2022

**SUBJECT:** CONTRACTS AND AGREEMENTS – QUARTERLY RATIFICATION

# **SYNOPSIS**:

Board of Trustees review and ratification of contracts and agreements for goods and services for the October 1, 2021 through December 31, 2021 quarter of fiscal year 2021/2022.

# **RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees review and ratify those 2021/2022 contracts and agreements which have been approved at the administrative level, as presented in the attached summary document.

# **ANALYSIS**:

In accordance with Education Code Sections 85230-85233, the Board of Trustees may choose to delegate authority to sign contracts and agreements on behalf of the District. Historically the Mendocino-Lake Community College District Board of Trustees has delegated such authority to the Superintendent/President, the Assistant Superintendent/Vice President of Administrative Services, the Vice President of Academic Affairs, and the Vice President of Student Services by Board resolution. This agenda item provides, in summary form, a compilation of those contracts and agreements that have administrative approval for the current fiscal year.

Reference Board Policy 6340, Bids and Contracts

# MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does hereby ratify the contracts and agreements as provided on the attached compilation.

Contract/Agreement	Income or <expense></expense>	Responsible VP
A Book Company, LLC dba	Commission on	Ulises Velasco
eCampus.com November 9, 2021 to November 9, 2026	net sales paid to	
Web based bookstore for Mendocino College students.	MLCCD	
<u>CalFresh</u>	\$307,475	Ulises Velasco
October 1, 2021 to September 30, 2024	over three years	
Student access to food assistance through enrollment and retention in the CalFresh Program funded by the United States Department of Agriculture, Food & Nutrition Service (USDA FNS).		
Concentric Sky	\$50,000	Debra Polak
September 22, 2021 to six months after kickoff  Program Pathways Mapper		
is a student-focused pathways-based visualization of the traditional course catalog.		
<b>EverBridge</b>	Year 1 <\$7,400>	Eileen Cichocki
July 22, 2021 to July 22, 2024	Year 2 <\$6,600>	
Emergency communications platform that provides website and social media messages.	Year 3 <\$6,600>	

Contract/Agreement	Income or <expense></expense>	Responsible VP
Los Angeles Unified School District	<\$90> per person listening/speaking	Eileen Cichocki
October 18, 2021	<\$170> per person reading/writing	
Bilingual testing program.	\$170 per person/ASL	
Mendocino County Museum	<\$16,407>	Eileen Cichocki
November 1, 2021 to November 1, 2025 (renews annually)  Rental of two classrooms at the County Museum for North County Center classes.		
Ready Education	Year 1 <\$54,300>	Ulises Velasco
September 24, 2021 through September 23, 2023  Mobile App for COVID-19 staff and student use with a resource center to allow for one-stop case management including vaccination status, testing status, QR contact tracing for exposure notification, positive case reporting, and health passes.	Year 2 <\$49,300>	
<u>SignGlasses</u>	As billed	Ulises Velasco
August 1, 2021 to August 20, 2022	\$1.40/minute ASL	
Software, equipment and support services for the communication access needs of Deaf and Hard-of-Hearing students in the classroom.	\$2.10 minute/Captioning  \$1.40/minute Typewell	
	Transfer Type Well	

Contract/Agreement	Income or <expense></expense>	Responsible VP
<u>SunPower</u>	<\$1,692,888>	Eileen Cichocki
October 1, 2021 until work completed		
Battery Energy Storage System (BESS)		
***		
<u>Unicon</u>		
October 1, 2021 through November 30, 2021	<\$3,000>	Eileen Cichocki
Extension of Single Sign-on service for extra two months		
while transitioning to new solution, PortalGuard. The		
Single Sign-on system is used to allow staff and students to		
log in to Canvas, student email, ReadyEd App, etc.		

ITEM NO: 6.2

DATE: February 9, 2022

\$501

SUBJECT: PROPOSED 2022/2023 NONRESIDENT TUITION FEE

# **SYNOPSIS**:

Board of Trustees adoption of a nonresident tuition fee for fiscal year 2022/2023 is requested.

# **RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees adopt a 2022/2023 nonresident tuition fee of \$332.

# ANALYSIS:

In accordance with Education Code Section 76140, the Board of Trustees is required to establish a nonresident tuition fee for the 2022/2023 fiscal year by March 1. The fee was discussed at the Planning and Budget Committee (PBC) on February 1, 2022 and the committee recommends setting the fee at \$332 per semester unit.

The 2021/2022 nonresident tuition fee was set at \$270 per semester unit.

The Board of Trustees has the option of adopting a fee based on the following:

Option A.1 - District Average Cost: The district expense of education in the

preceding fiscal year increased by the projected percent increase in the Consumer Price Index divided by district total FTES in the preceding fiscal year.	***
Option A.2 - District Average Cost with 10 Percent or More Noncredit FTES: If noncredit FTES is equal to or greater than 10 percent of total FTES, the district expense of credit education in the preceding fiscal year increased by the projected percent increase in the Consumer Price Index divided by district total credit FTES in the presiding fiscal year.	N/A
Option B.1 - Statewide Average Cost: The statewide expense of education in the	\$332

Option B.1 - Statewide Average Cost: The statewide expense of education in the preceding fiscal year increased by the projected percent increase in the Consumer Price Index divided by statewide total full-time equivalent students (FTES) in the preceding fiscal year.

Option B.2 - Highest Statewide Average Cost: The highest amount calculated pursuant to Option B1 for the succeeding fiscal year, current fiscal year, or past four fiscal years.

Option C - Contiguous District: An amount not to exceed the fee established by

the governing board of any contiguous district.

Option D - Between Statewide Average Expense of Education and District Expense of Education: Fees adopted must be greater than statewide average expense of education and less than the district expense of education.

\$332 and \$501

<u>Option E - Comparable States Average</u>: No greater than the preceding fiscal year average nonresident tuition fees of public community colleges in at least 12 states comparable to California cost of living.

N/A

Reference:

Board Policy 5030, Fees and Refunds Board Policy 6300, Fiscal Management

# MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does adopt the 2022/2023 nonresident tuition fee at \$332 based on Option B.1 above.

District:	Mendocino-Lake Community College District		
Term:	Semester		
Nonreside	nt Tuition Fee Options		
<b>A.</b> 1	District Average Cost		
	A. District Expense of Education for Base Year	\$	29,238,224
	B. District Annual Total FTES		2,030
	C. Average Expense of Education per FTES (A/B)	\$	14,405
	D. U.S. Consumer Price Index Compound Factor		1.0430
	E. Average Cost per FTES for Tuition Year (C x D)		15,024
	F. Nonresident Tuition Fee per Semester Unit (E/30)		501
A.2	District Average Cost with 10 Percent or More Noncredit FTES		
	Noncredit FTES percent of Total		4.7%
	A. District CREDIT ONLY Expense of Education for Base Year		
	B. Annual Attendance FTES	N/A	
	C. Average Expense of Education per FTES (A/B)	N/A	
	D. U.S. Consumer Price Index Compound Factor		1.0430
	E. Average Cost per FTES for Tuition Year (C x D)	N/A	
	F. Nonresident Tuition Fee per Semester Unit (E/30)	N/A	
B.1	Statewide Average Cost		
	A. Statewide Expense of Education for Base Year		9,737,321,018
	B. Statewide Annual Total FTES		1,021,194
	C. Average Expense of Education per FTES (A/B)	\$	9,535
	D. U.S. Consumer Price Index Compound Factor		1.0430
	E. Average Cost per FTES for Tuition Year (C x D)		9,945
	F. Nonresident Tuition Fee per Semester Unit (E/30)	\$	332
B.2	Highest Statewide Average Cost		
	Highest year of the succeeding, current, and 4 prior years.		2022-23
	Nonresident Tuition Fee per Semester Unit	\$	332
С	Contiguous District		
	Contiguous District		
	Maximum Fee (Contiguous District Nonresident Tution Fee)		
	Nonresident Tuition Fee per Semester Unit		
D	Between Statewide Average Expense of Education and District Average Expense of Education	on	
	Minimum (Option B.1 - Statewide Average Cost) per Semester Unit	\$	332
	Maximum (Option A.1 - District Average Cost) per Unit	\$	501
	Nonresident Tuition Fee per Semester Unit	_	<b>30</b> .
E	Comparable States Average		
_	Nonresident Tuition Fee per Semester Unit		
	Notification Futuri Tee per defineater offit		

Nonresident Capital Outlay Fee						
A.	Capital Outlay expense - prior year					
В.	FTES total from prior year		2,030			
C.	Capital outlay expense per FTES (A/B)	\$	-			
D.	Capital Outlay Fee per Semester Unit (C/30)	\$	-			
E.	Adopted Nonresident Tuition Fee	\$	332			
F.	50% of Adopted Nonresident Tuition Fee	\$	166			
G.	Maximum Nonresident Capital Outlay Fee (lesser of D or F)	\$	-			

California Community Colleges							
2022-23 Nonresident Tuition and Capital Outlay Fee							
Mendocino-Lake Community College District							
The district governing board has established Nonresident Fees as shown below.							
Adoption Date:							
Tuopuon Buton	010022						
Nonresident Tui	tion Fee						
	Basis for Adoption (Select one)	Fee					
	A.1 - District Average Cost						
	A.2 - District Average Cost with 10 Percent or More Noncredit FTES						
X	B.1 - Statewide Average Cost	\$332					
	B.2 - Highest Statewide Average Cost						
	C - Contiguous District						
	D - Between Statewide Average Expense of Education & District Expense of Education						
	E - Comparable States Average						
Nonresident Ca	oital Outlay  Maximum Nonresident Capital Outlay Fee is \$ 0						
	1						
	Nonresident Capital Outlay Fee						
Contact Informa	tion						
Signature:							
Signature.							
Name:	Eileen Cichocki						
Title:	Assistant Superintendent/Vice President of Administrative Services						
Phone:	707-468-3068						
Email:	ecichocki@mendocino.edu						

ITEM NO: 6.3

DATE: February 9, 2022

<u>SUBJECT</u>: RESOLUTON NO. 02-22-03 – A RESOLUTION OF THE BOARD OF

TRUSTEES OF THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT AUTHORIZING THE ISSUANCE OF MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT 2022 GENERAL OBLIGATION

REFUNDING BONDS AND ACTIONS RELATED THERETO

# **SYNOPSIS**:

Board of Trustees authorization for the issuance of 2022 General Obligation Refunding Bonds is requested.

#### RECOMMENDATION:

The Superintendent/President recommends this item be approved as presented.

# ANALYSIS:

An election was held in the Mendocino-Lake Community College District (the "District") on November 7, 2006, for the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of \$67,500,000 (the "2006 Authorization").

The District has issued bonds under the 2006 Authorization, including its Mendocino-Lake Community College District, Mendocino and Lake Counties, California, General Obligation Bonds, Election of 2006, Series A (the "2006 Series A Bonds") in an aggregate principal amount of \$30,000,000, and its Mendocino-Lake Community College District, Mendocino and Lake Counties, California, General Obligation Bonds, Election of 2006, Series B (the "2006 Series B Bonds") in an aggregate principal amount of \$34,499,792.10.

On October 13, 2015, the District issued \$48,627,448.30 of its 2015 General Obligation Refunding Bonds (the "2015 Refunding Bonds," together with the 2006 Series B Bonds, the "Prior Bonds") to advance refund portions of the District's then outstanding 2006 Series A Bonds and 2006 Series B Bonds.

The District now desires to refund all or a portion of the now-outstanding Prior Bonds (such Prior Bonds, so refunded, the "Refunded Bonds") by the issuance of its 2022 General Obligation Refunding Bonds (the "Bonds") in the aggregate principal amount not-to-exceed \$73,000,000.

The Bonds may be issued in one or more series, and as tax-exempt or federally taxable bonds. Further, the bonds may be in any combination of Current Interest, Capital Appreciation or Convertible Capital Appreciation Bonds.

There are two critical legal requirements for the transaction. First, all the benefits of refunding must be given to the local taxpayers, the District will not receive any money from the transaction.

Second, the term of the Refunded Bonds cannot be extended. Thus, the issuance of the Refunding Bonds will not change the number of years that the District's Bonds will be outstanding.

- (a) <u>Bond Resolution</u>. This Resolution authorizes the issuance of the Bonds, specifies the basic terms, parameters and forms of the Bonds, and approves the forms of Purchase Contract, Escrow Agreement, Continuing Disclosure Certificate, and Preliminary Official Statement described below. In particular, Section 1 of the Resolution establishes the maximum aggregate principal amount of the Bonds to be issued (\$73,000,000). Section 4 of the Resolution states the maximum underwriter's discount (0.450%) with respect to the Bonds, and authorizes the Bonds to be sold at a negotiated sale to Piper Sandler & Co. (the "Underwriter"). The Resolution authorizes the issuance of current interest bonds, capital appreciation bonds and convertible capital appreciation bonds.
- (b) <u>Form of Purchase Contract</u>. Pursuant to the Purchase Contract, the Underwriter will agree to buy the Bonds from the District. All the conditions of closing the transaction are set forth in this document, including the documentation to be provided at the closing by various parties. Upon the pricing of the Bonds, the final execution copy of the Purchase Contract will be prepared following this form.
- (c) Form of Preliminary Official Statement. The Preliminary Official Statement (the "POS") is the offering document describing the Bonds which may be distributed to prospective purchasers of the Bonds. The POS discloses information with respect to, among other things, (i) the proposed uses of proceeds of the Bonds, (ii) the terms of the Bonds (interest rate, redemption terms, etc.), (iii) the bond insurance policy for the Bonds, if any, (iv) the security for repayment of the Bonds (the *ad valorem* property tax levy), (v) information with respect to the District's tax base (upon which such *ad valorem* property taxes may be levied), (vi) District financial and operating data, (vii) continuing disclosure with respect to the Bonds and the District, and (viii) absence of litigation and other miscellaneous matters expected to be of interest to prospective purchasers of the Bonds. Following the pricing of the Bonds, a final Official Statement for the Bonds will be prepared, substantially in the form of the POS.
- Oisclosure Certificate can be found in APPENDIX C to the POS. Effective July 3, 1995, all underwriters of municipal bonds are obligated to procure from a bond issuer a covenant that such public agency will annually file "material financial information and operating data" with respect to such public agency, as well as notices of the occurrence of certain listed events, through the web-based Electronic Municipal Market Access ("EMMA") system maintained by the Municipal Securities Rulemaking Board (which is the federal agency that regulates "broker-dealers," including investment bank firms that underwrite municipal obligations). This requirement is expected to be satisfied annually by the filing of the District's audited financial statements and other operating information about the District, and from time to time by the filing of notices of listed events, in the same manner the District has filed such information in connection with prior bond issuances. The purpose of the law is to provide investors in the Bonds with current information regarding the District. Similar laws have governed the corporate debt market for many years.

(e) <u>Escrow Agreement</u>. Pursuant to the Escrow Agreement, proceeds from the sale of the Bonds in an amount sufficient to redeem the outstanding Refunded Bonds will be deposited in an escrow fund (the "Escrow Fund") held by The Bank of New York Mellon Trust Company (acting as "Escrow Agent"). The monies in the Escrow Fund will be used by the Escrow Agent to refund each series of the Refunded Bonds on the respective first available optional redemption dates. Following the deposit of proceeds into the Escrow Fund, the Refunded Bonds will be defeased and the obligation of Lake and Mendocino Counties to levy *ad valorem* property taxes for payment of the Refunded Bonds will cease.

# FISCAL IMPACT

There is no fiscal impact to the General Fund resulting from the issuance of the Bonds.

Board Policy 6300, Fiscal Management Board Policy 6307, Debt Issuance and Management

# MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does approve Resolution No. 02-22-03 – A Resolution of the Board of Trustees of the Mendocino-Lake Community College District Authorizing the Issuance of Mendocino-Lake Community College District 2022 General Obligation Refunding Bonds and Actions Related Thereto.

#### MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT

#### **RESOLUTION NO. 02-22-03**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT AUTHORIZING THE ISSUANCE OF MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT 2022 GENERAL OBLIGATION REFUNDING BONDS AND ACTIONS RELATED THERETO

**WHEREAS**, a duly called election (the "Election") was held in the Mendocino-Lake Community College District (the "District"), Mendocino County and Lake County (together, the "Counties"), State of California, on November 7, 2006, and thereafter canvassed pursuant to law;

**WHEREAS**, at the Election, there was submitted to and approved by the requisite fifty-five percent vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount of \$67,500,000, payable from the levy of an *ad valorem* property tax against the taxable property in the District (the "Authorization");

**WHEREAS**, on March 27, 2007, the District caused the issuance of the first series of bonds under the Authorization, in the aggregate principal amount of \$30,000,000, styled as "Mendocino-Lake Community College District (Mendocino and Lake Counties, California) General Obligation Bonds, Election of 2006, Series A (the "Series A Bonds");

WHEREAS, on August 16, 2011, the District caused the issuance of the second series of bonds under the Authorization, in the aggregate principal amount of \$37,499,792.10, styled as "Mendocino-Lake Community College District (Mendocino and Lake Counties, California) General Obligation Bonds, Election of 2006, Series B (the "Series B Bonds");

WHEREAS, on October 13, 2015, the District caused the issuance of general obligation refunding bonds, styled as "Mendocino-Lake Community College District (Mendocino and Lake Counties, California) 2015 General Obligation Refunding Bonds," in the aggregate principal amount of \$48,627,448.30 (the "2015 Refunding Bonds"), to advance refund portions of the District's then outstanding Series A Bonds and Series B Bonds;

**WHEREAS**, pursuant to Government Code Sections 53550 *et seq.* and 53580 *et seq.* (the "Act"), the Board of Trustees (the "Board") of the District, finds that the District is authorized to issue general obligation refunding bonds (the "Bonds") to refund all or a portion of the outstanding Series B Bonds and the 2015 Refunding Bonds (so refunded, the "Refunded Bonds");

**WHEREAS**, the Board desires to authorize the Bonds in one or more series of Taxable or Tax-Exempt bonds, and further as any combination of Current Interest Bonds, Capital Appreciation Bonds, or Convertible Capital Appreciation Bonds (as such terms are defined herein);

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation refunding bonds of the District, and whereas the indebtedness of the District, including this proposed issue of the Bonds, is within all limits prescribed by law; and

WHEREAS, at this time, the Board desires to appoint professionals related to the issuance of the Bonds;

# NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED BY THE BOARD OF TRUSTEES OF THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT AS FOLLOWS:

<u>Purpose.</u> To refund all or a portion of the currently outstanding principal amount of the Prior Bonds, and to pay all necessary legal, financial and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Bonds in one or more series of Taxable or Tax-Exempt Bonds (as defined herein), with appropriate designation if more than one series is issued, and as any combination of Current Interest, Capital Appreciation and Convertible Capital Appreciation Bonds, as set forth in the fully executed Purchase Contract (as defined herein). The Board further orders such Bonds sold such that the Bonds shall be dated as of a date to be determined by an Authorized Officer (defined herein), shall be payable upon such terms and provisions as shall be set forth in the Bonds, and shall be in an aggregate principal amount not-to-exceed \$73,000,000. Additional costs authorized to be paid from the proceeds of the Bonds are all of the authorized costs of issuance set forth in Government Code Section 53550(e) and (f) and Section 53587. Pursuant to Government Code Sections 53584 and 53587, the Board hereby determines it to be reasonably required to fund capitalized interest from proceeds of the Bonds for the purpose of paying interest on all or a portion of the Bonds.

Paying Agent. The Board hereby appoints the Paying Agent, as defined herein, to serve as the paying agent, bond registrar, transfer agent and authentication agent for the Bonds on behalf of the District. The Board hereby approves the payment of the reasonable fees and expenses of the Paying Agent as they shall become due and payable. The fees and expenses of the Paying Agent which are not paid as a cost of issuance of the Bonds may be paid in each year from *ad valorem* property taxes levied and collected for the payment thereof, insofar as permitted by law, including specifically Education Code Section 15232.

Terms and Conditions of Sale. The Bonds are hereby authorized to be sold at a negotiated sale upon the direction of the Superintendent/President or the Assistant Superintendent/Vice President of Administrative Services of the District, or such other officers or employees of the District as the Superintendent/President or the Assistant Superintendent/Vice President of Administrative Services may designate (collectively, the "Authorized Officers"), and pursuant to such terms and conditions set forth in the Purchase Contract, as defined herein. The Board hereby authorizes the sale of the Bonds at a negotiated sale, which is determined to provide more flexibility in the timing of the sale, an ability to implement the sale in a shorter time period, an increased ability to structure the Bonds to fit the needs of particular purchasers, and a greater opportunity for the Underwriter (as defined herein) to pre-market the Bonds to potential purchasers prior to the sale, all of which will contribute to the District's goal of achieving the lowest overall cost of funds. The Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

Approval of Purchase Contract. The Purchase Contract by and between the District and the Underwriter (as defined herein), substantially in the form on file with the Secretary to the Board, is hereby approved and the Authorized Officers, each alone, are hereby authorized and requested to execute and deliver the Purchase Contract, with such changes therein, deletions therefrom, and modifications thereto as the Authorized Officer executing the same may approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that (i) the maximum interest rate on each Bond shall not exceed the maximum rate authorized by law; and (ii) the underwriting discount on the Bonds, excluding original issue discount and expenses of the Underwriter, shall not exceed 0.450% of the aggregate Principal Amount of Bonds issued. The Authorized Officers, each alone, are further authorized to determine the Principal Amount of the Bonds to be specified in the Purchase Contract for sale by the District up to

\$73,000,000 and to enter into and execute the Purchase Contract with the Underwriter, if the conditions set forth in this Resolution are satisfied.

<u>Certain Definitions</u>. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them (unless otherwise set forth in the Purchase Contract):

- (a) "Accreted Interest" means, with respect to Capital Appreciation Bonds and Convertible Capital Appreciation Bonds prior to the Conversion Date, the Accreted Value thereof minus the Denominational Amount thereof as of the date of calculation.
- (b) "Accretion Rate" means, unless otherwise provided by the Purchase Contract, that rate which, when applied to the Denominational Amount of a Capital Appreciation Bond or a Convertible Capital Appreciation Bond prior to the Conversion Date, and compounded semiannually on each February 1 and August 1 (commencing on August 1, 2022), produces the Maturity Value on the maturity date (with respect to Capital Appreciation Bonds) and the Conversion Value on the Conversion Date (with respect to Convertible Capital Appreciation Bonds).
- (c) "Accreted Value" means, as of the date of calculation, with respect to Capital Appreciation Bonds, and Convertible Capital Appreciation Bonds prior to the Conversion Date, the Denominational Amount thereof plus Accreted Interest thereon to such date of calculation, compounded semiannually on each February 1 and August 1, commencing on August 1, 2022 (unless otherwise provided in the Purchase Contract) at the stated Accretion Rate to maturity thereof, assuming in any such semiannual period that such Accreted Value increases in equal daily amounts on the basis of a 360-day year of 12, 30-day months.
  - (d) "Act" means Government Code Sections 53550 et seq.
- (e) "Beneficial Owner" means, when used with reference to book-entry Bonds registered pursuant to Section 6 hereof, the person who is considered the beneficial owner of such Bonds pursuant to the arrangements for book-entry determination of ownership applicable to the Depository.
- (f) "Bond Insurer" means any insurance company which issues a municipal bond insurance policy insuring the payment of Principal, Accreted Value, and Conversion Value of and interest on the Bonds.
- (g) "Bond Payment Date" means, as applicable (and unless otherwise provided by the Purchase Contract), (i) with respect to the Current Interest Bonds, February 1 and August 1 of each year commencing August 1, 2022 with respect to interest thereon, and the stated maturity dates thereof with respect to the Principal payments on the Current Interest Bonds, (ii) with respect to interest on the Convertible Capital Appreciation Bonds, February 1 and August 1 of each year, commencing on the first February 1 or August 1 following the respective Conversion Dates thereof, and the stated maturity dates thereof with respect to the Conversion Value of the

Convertible Capital Appreciation Bonds, and (iii) with respect to the Capital Appreciation Bonds, the stated maturity dates thereof.

- (h) "Bond Register" means the registration books which the Paying Agent shall keep or cause to be kept on which the registered ownership, transfer and exchange of Bonds shall be recorded.
- (i) "Capital Appreciation Bonds" means the Bonds the interest component of which is compounded semiannually on each February 1 and August 1 (commencing on August 1, 2022 (unless otherwise provided in the Purchase Contract)) to maturity as shown in the table of Accreted Value for such Bonds in the Official Statement or Purchase Contract, as the case may be.
- (j) "Code" means the Internal Revenue Code of 1986, as the same may be amended from time to time. Reference to any particular section of the Code shall be deemed to be a reference to any successor to any such section.
- (k) "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the District in connection with the issuance of the Bonds pursuant to paragraph (b)(5) of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, dated as of the date of issuance of the Bonds, as amended from time to time in accordance with the provisions thereof.
- (l) "Conversion Date" means, with respect to Convertible Capital Appreciation Bonds, the date from which such Bonds bear interest on a current, periodic basis.
- (m) "Conversion Value" means, with respect to Convertible Capital Appreciation Bonds, the Accreted Value as of the Conversion Date.
- (n) "Convertible Capital Appreciation Bonds" means the Bonds the interest component of which is compounded semiannually to the respective Conversion Dates thereof as shown in the table Accreted Values for the Bonds in the Official Statement or Purchase Contract, as the case may be, and which bear interest from such respective Conversion Dates on the Conversion Value thereof, payable semiannually on each Bond Payment Date.
- (o) "Current Interest Bonds" means the Bonds the interest on which is payable semiannually on each Bond Payment Date specified for each such Bond as designated and maturing in the years and in the amounts set forth in the Purchase Contract.
- (p) "Denominational Amount" means the initial Principal Amount of any Capital Appreciation Bond or Convertible Capital Appreciation Bond.

- (q) "**Depository**" means, initially, DTC, and thereafter the entity acting as securities depository for the Bonds pursuant to Section 6(c) hereof.
- (r) "DTC" means The Depository Trust Company, 55 Water Street, New York, New York 10041, a limited purpose trust company organized under the laws of the State of New York, in its capacity as the initial Depository for the Bonds.
- (s) "Escrow Agent" means The Bank of New York Mellon Trust Company, N.A., or any other successor thereto, in its capacity as escrow agent for the Refunded Bonds.
- (t) "Escrow Agreement" means the Escrow Agreement relating to the deposit and investment of funds to refund the Refunded Bonds, by and between the District and the Escrow Agent.
- (u) "Federal Securities" means securities as permitted, in accordance with the authorizing resolutions pursuant to which the Prior Bonds were issued, to be deposited with the Escrow Agent for the purpose of defeasing the Prior Bonds.
- (v) "Holder" or "Owner" means the registered owner of a Bond as set forth on the registration books maintained by the Paying Agent pursuant to Section 6 hereof.
- (w) "Information Services" means the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System; or, such other services providing information with respect to called municipal obligations as the District may specify in writing to the Paying Agent or, in the absence of such written specification, as the Paying Agent may select.
- (x) "Maturity Value" means the Accreted Value of any Capital Appreciation Bond on its maturity date.
- (y) "Moody's" means Moody's Investors Service, Inc., a corporation organized and existing under the laws of the State of Delaware, its successors and assigns, or, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the District.
- (z) "Nominee" means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 6(c) hereof.
- (aa) **"Official Statement"** means the Official Statement for the Bonds, as described in Section 17 hereof.

- (bb) "Outstanding" means, when used with reference to the Bonds, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:
- (i) Bonds canceled at or prior to such date;
- (ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 8 hereof; or
- (iii) Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Bonds), in accordance with Section 19 of this Resolution.
  - (cc) "Participants" means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.
  - (dd) "Paying Agent" means initially The Bank of New York Mellon Trust Company, N.A., or such other Paying Agent as shall be named in the Purchase Contract or Official Statement, and afterwards any successor financial institution acting as paying agent, transfer agent, authentication agent and bond registrar for the Bonds.
  - (ee) "Principal" or "Principal Amount" means, with respect to any Current Interest Bond, the Principal Amount thereof, and with respect to any Capital Appreciation Bond or Convertible Capital Appreciation Bond, the Denominational Amount thereof.
  - (ff) "Purchase Contract" means the contract or contracts for purchase and sale of the Bonds, by and between the District and the Underwriter. To the extent the Bonds are sold pursuant to more than one Purchase Contract, each shall be substantially in the form presented to the Board, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve.
  - (gg) "Record Date" means the close of business on the 15th day of the month preceding each Bond Payment Date.
  - (hh) "Series" means any Bonds executed, authenticated and delivered pursuant to the provisions hereof and identified as a separate series of Bonds.
  - (ii) "S&P" means S&P Global Ratings, a business unit of Standard & Poor's Financial Services LLC, its successors and their assigns, or, if such entity shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the District.
  - (jj) "Taxable Bonds" means any Bonds not issued as Tax-Exempt Bonds.

- (kk) "Tax-Exempt Bonds" means any Bonds the interest in which is excludable from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of calculating the federal alternative minimum tax, as further described in an opinion of Bond Counsel supplied to the original purchasers of such Bonds.
- (ll) "Term Bonds" means those Bonds for which mandatory sinking fund redemption dates have been established in the Purchase Contract.
- (mm) "Transfer Amount" means, (i) with respect to any Outstanding Current Interest Bond, the Principal Amount, (ii) with respect to any Outstanding Capital Appreciation Bond, the Maturity Value, and (iii) with respect to any Outstanding Convertible Capital Appreciation Bonds, the Conversion Value.
- (nn) "Treasurer" means the Treasurer-Tax Collector of Mendocino County, or other comparable officer of Mendocino County.
- (00) **"Underwriter"** means Piper Sandler & Co., as underwriter of the Bonds.

# Terms of the Bonds.

(a) <u>Denominations, Interest, Date of Delivery and Terms</u>. The Bonds shall be issued as fully registered book-entry bonds registered as to both Principal and interest, in the following denominations: (i) with respect to the Current Interest Bonds, \$5,000 Principal Amount or any integral multiple thereof, (ii) with respect to the Capital Appreciation Bonds, \$5,000 Maturity Value, or any integral multiple thereof (except for one odd denomination, if necessary), and (iii) with respect to Convertible Capital Appreciation Bonds, \$5,000 Conversion Value or any integral multiple thereof. The Bonds will initially be registered in the name of "Cede & Co.", the Nominee of the Depository Trust Company, New York, New York.

Each Current Interest Bond shall be dated as of the date of delivery of the Bonds or such other date as shall appear in the Purchase Contract (the "Date of Delivery"), and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date, in which event it shall bear interest from its Date of Delivery. Interest shall be payable on the respective Bond Payment Dates and shall be calculated on the basis of a 360-day year of 12, 30-day months.

The Capital Appreciation Bonds shall mature in the years, shall be issued in aggregate Principal Amounts, and shall have Accretion Rates and denominations per each \$5,000 in Maturity Value (except for one odd denomination, if necessary) as shown in the Accreted Value Table attached to the Official Statement or Purchase Contract. The Convertible Capital Appreciation Bonds shall mature in the years, shall be issued in the aggregate Principal Amounts, and shall have Accretion Rates and denominations per each \$5,000 in Conversion Value as shown in such Accreted Value Table; provided, however, that in the event that the amount shown in such Accreted Value Table and the Accreted Value caused to be calculated by the District and approved by the Bond Insurer, if any, by application of the definition of Accreted Value set forth in Section 5 differ, the latter amount shall be the Accreted Value of such Capital Appreciation Bond or Convertible Capital Appreciation Bond, as applicable.

Each Capital Appreciation Bond shall be dated, and shall accrete interest from, its date of initial delivery. Capital Appreciation Bonds will not bear interest on a current or periodic basis.

Prior to their respective Conversion Dates, each Convertible Capital Appreciation Bond shall not bear current interest but will accrete in value through the Conversion Date thereof, from its Denominational Amount on the Date of Delivery thereof to its Conversion Value on the applicable Conversion Date. No payment will be made to the Owners of Convertible Capital Appreciation Bonds on the respective Conversion Dates thereof. From and after its Conversion Date, each Convertible Capital Appreciation Bond will bear current, periodic interest, and such interest will accrue based upon the Conversion Value of such Bonds at the Conversion Date. Following their respective Conversion Dates, each Convertible Capital Appreciation Bond shall bear interest from the Bond Payment Date next preceding the date of authentication thereof, unless it is authenticated during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date after the Conversion Date, in which event it will bear interest from the Conversion Date.

No Bond shall mature later than the final maturity date of each series of the Refunded Bonds to be refunded from proceeds of such Bond.

# (b) Redemption.

- (i) <u>Optional Redemption</u>. The Bonds shall be subject to optional redemption prior to maturity as provided in the Purchase Contract or the Official Statement.
- (ii) <u>Mandatory Redemption</u>. Any Bonds issued as Term Bonds shall be subject to mandatory sinking fund redemption as provided in the Purchase Contract or the Official Statement.
- (iii) Selection of Bonds for Redemption. Whenever provision is made in this Resolution for the optional redemption of Bonds and less than all Outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District and, if not so directed, by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; provided, however, that (A) the portion of any Current Interest Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof, (B) the portion of any Capital Appreciation Bond to be redeemed in part shall be in integral multiples of the Accreted Value per \$5,000 Maturity Value thereof, (C) and the portion of any Convertible Capital Appreciation Bond to be redeemed in part shall be in integral multiples of the Accreted Value per \$5,000 Conversion Value thereof.

The Purchase Contract may provide that (i) in the event that any portion of any Term Bond is optionally redeemed pursuant to Section 6(b)(i) hereof, the remaining mandatory sinking fund payments shall be reduced proportionately or as otherwise directed by the District, in integral multiples of \$5,000 Principal amount, in respect to the portion of such Term Bond optionally redeemed, and (ii) within a maturity, Bonds shall be selected for redemption on a "Pro Rata Pass-Through Distribution of Principal" basis in accordance with DTC procedures; provided further that, such pro-rata redemption is made in accordance with the operational arrangements of DTC then in effect.

(iv) <u>Redemption Notice</u>. When optional redemption is authorized or required pursuant to this Resolution, the Paying Agent, upon written instruction from the District, shall give notice (a "Redemption Notice") of the redemption of the Bonds. Such Redemption Notice shall specify: the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, the date of redemption, the place or places where the redemption will be made, including the name

and address of the Paying Agent, the redemption price, the CUSIP numbers (if any) assigned to the Bonds to be redeemed, the Bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the portion of the Principal Amount, Conversion Value or Accreted Value of such Bond to be redeemed, and the original issue date, interest rate or Accretion Rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed at the redemption price thereof, together with the interest accrued or accreted to the redemption date, and that from and after such date, interest thereon shall cease to accrue or accrete.

The Paying Agent shall take the following actions with respect to each such Redemption Notice:

- (a) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.
- (b) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to the Depository.
- (c) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service, to one of the Information Services.
- (d) Such Redemption Notice shall be given to such other persons as may be required pursuant to the Continuing Disclosure Certificate.

A certificate of the Paying Agent to the effect that a Redemption Notice has been given as provided herein shall be conclusive as against all parties. Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each transfer of funds made by the Paying Agent for the purpose of redeeming Bonds shall bear or include the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such transfer. Such Redemption Notice may state that no representation is made as to the accuracy or correctness of CUSIP numbers printed thereon, or on the Bonds.

With respect to any Redemption Notice of Bonds (or portions thereof) pursuant to Section 6(b)(i) hereof, unless upon the giving of such notice such Bonds or portions thereof shall be deemed to have been defeased pursuant to Section 19 hereof, such notice shall state that such redemption shall be conditional upon the receipt by an independent escrow agent selected by the District on or prior to the date fixed for such redemption of the moneys necessary and sufficient to pay the Principal, Conversion Value and Maturity Value of, and premium, if any, and interest on, such Bonds (or portions thereof) to be redeemed, and that if such moneys shall not have been so received said notice shall be of no force and effect, no portion of the Bonds shall be subject to redemption on such date and such Bonds shall not be required to be redeemed on such date. In the event that such Redemption Notice contains such a condition and such moneys are not so received, the redemption shall not be made and the Paying Agent shall within a reasonable time thereafter (but in no event later than the date originally set for redemption) give notice to the persons to whom and in the manner in which the Redemption Notice was given that such moneys were not so received. In addition, the District shall have the right to rescind any Redemption Notice, by written notice to the Paying Agent, on or prior to the date fixed for such redemption. The Paying Agent shall distribute a notice of the rescission of such notice in the same manner as the Redemption Notice was originally provided.

- (v) <u>Partial Redemption of Bonds</u>. Upon the surrender of any Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Transfer Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.
- (vi) <u>Effect of Redemption Notice</u>. Notice having been given as aforesaid, and the moneys for the redemption (including the interest accrued or accreted to the applicable date of redemption) having been set aside as provided in Section 19 hereof, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in Section 6(b) hereof, together with interest accrued or accreted to such redemption date, shall be held in trust so as to be available therefor on such redemption date, and if a Redemption Notice thereof shall have been given as aforesaid, then from and after such redemption date, interest with respect to the Bonds to be redeemed shall cease to accrue or accrete and become payable. All money held for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds to be so redeemed.

(vii) <u>Bonds No Longer Outstanding</u>. When any Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be held irrevocably in trust for the payment of the redemption price of such Bonds or portions thereof, and, in the case of Current Interest Bonds and Convertible Capital Appreciation Bonds after the Conversion Date, accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Paying Agent.

#### (c) Book-Entry System.

(i) <u>Election of Book-Entry System</u>. The Bonds shall initially be delivered in the form of a separate single fully-registered bond (which may be typewritten) for each maturity date of such Bonds in an authorized denomination (except for any odd denomination Bond). The ownership of each such Bond shall be registered in the Bond Register in the name of the Nominee, as nominee of the Depository and ownership of the Bonds, or any portion thereof may not thereafter be transferred except as provided in Section 6(c)(i)(4).

With respect to book-entry Bonds, the District and the Paying Agent shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such book-entry Bonds. Without limiting the immediately preceding sentence, the District and the Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in book-entry Bonds, (ii) the delivery to any Participant or any other person, other than an Owner as shown in the Bond Register, of any notice with respect to book-entry Bonds, including any Redemption Notice, (iii) the selection by the Depository and its Participants of the beneficial interests in book-entry Bonds to be prepaid in the event the District redeems the Bonds in part, or (iv) the payment by the Depository or any Participant or any other person, of any amount with respect to Accreted Value, Conversion Value, and Principal of, and premium, if any, or interest on the

book-entry Bonds. The District and the Paying Agent may treat and consider the person in whose name each book-entry Bond is registered in the Bond Register as the absolute Owner of such book-entry Bond for the purpose of payment of Accreted Value, Conversion Value, or Principal of and premium and interest on and to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent shall pay all Accreted Value, Conversion Value, or Principal of and premium, if any, and interest on the Bonds only to or upon the order of the respective Owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of Accreted Value, Conversion Value, or Principal of, and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of Accreted Value, Conversion Value, or Principal of, and premium, if any, and interest on the Bonds. Upon delivery by the Depository to the Owner and the Paying Agent, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to the Record Date, the word Nominee in this Resolution shall refer to such nominee of the Depository.

- 1. <u>Delivery of Letter of Representations</u>. In order to qualify the book-entry Bonds for the Depository's book-entry system, the District and the Paying Agent shall execute and deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of Representations shall not in any way impose upon the District or the Paying Agent any obligation whatsoever with respect to persons having interests in such book-entry Bonds other than the Owners, as shown on the Bond Register. By executing a Letter of Representations, the Paying Agent shall agree to take all action necessary at all times so that the District will be in compliance with all representations of the District in such Letter of Representations. In addition to the execution and delivery of a Letter of Representations, the District and the Paying Agent shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify book-entry Bonds for the Depository's book-entry program.
- 2. <u>Selection of Depository</u>. In the event (i) the Depository determines not to continue to act as securities depository for book-entry Bonds, or (ii) the District determines that continuation of the book-entry system is not in the best interest of the Beneficial Owners of the Bonds or the District, then the District will discontinue the book-entry system with the Depository. If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or direct the preparation of a new single, separate, fully registered bond for each maturity date of such Outstanding book-entry Bond, registered in the name of such successor or substitute qualified securities depository or its Nominee as provided in subsection (4) hereof. If the District fails to identify another qualified securities depository to replace the Depository, then the Bonds shall no longer be restricted to being registered in such Bond Register in the name of the Nominee, but shall be registered in whatever name or names the Owners transferring or exchanging such Bonds shall designate, in accordance with the provisions of this Section 6(c).
- 3. Payments and Notices to Depository. Notwithstanding any other provision of this Resolution to the contrary, so long as all Outstanding Bonds are held in book entry form and registered in the name of the Nominee, all payments by the District or the Paying Agent with respect to Accreted Value, Conversion Value or Principal of and premium, if any, or interest on the Bonds and all notices with respect to such Bonds, including notices of redemption, shall be made and given, respectively to the Nominee, as provided in the Letter of Representations or as otherwise required or instructed by the Depository and agreed to by the Paying Agent notwithstanding any inconsistent provisions herein.
  - 4. Transfer of Bonds to Substitute Depository.

- (A) The Bonds shall be initially issued as described in the Official Statement described herein. Registered ownership of such Bonds, or any portions thereof, may not thereafter be transferred except:
  - (1) to any successor of DTC or its Nominee, or of any substitute depository designated pursuant to Section 6(c)(i)(4)(A)(2) ("Substitute Depository"); provided that any successor of DTC or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;
  - (2) to any Substitute Depository, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or
  - (3) to any person as provided below, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.
- (B) In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(1) or (2), upon receipt of all Outstanding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Bonds then Outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(3), upon receipt of all Outstanding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.
- (C) In the case of a partial redemption or an advance refunding of any Bonds evidencing a portion of the Maturity Value, Conversion Value or Principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Bonds indicating the date and amounts of such reduction in Conversion Value, Maturity Value or Principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository's failure to make such notations or errors in making such notations.
- (D) The District and the Paying Agent shall be entitled to treat the person in whose name any Bond is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any Beneficial Owners of the Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such Beneficial Owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Bonds.

Execution of the Bonds. The Bonds shall be signed by the President of the Board, or other member of the Board authorized to do so by resolution of the Board, by their manual or facsimile signature and countersigned by the manual or facsimile signature of the Secretary to or Clerk of the Board, or the designee thereof, all in their official capacities. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

Paying Agent; Transfer and Exchange. So long as any of the Bonds remain Outstanding, the District will cause the Paying Agent to maintain and keep at its designated office all books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute Owner of that Bond for all purposes of this Resolution. Payment of or on account of the Principal, Conversion Value, or Accreted Value of and premium, if any, and interest on any Bond shall be made only to or upon the order of such Owner; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Bonds, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of like Series, tenor, maturity and Transfer Amount upon presentation and surrender at the designated office of the Paying Agent, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Bond may be transferred on the Bond Register only upon presentation and surrender of the Bond at the designated office of the Paying Agent together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new bond or bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Transfer Amount of the Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date. Capital Appreciation Bonds, Convertible Capital Appreciation Bonds and Current Interest Bonds may not be exchanged for one another.

If any Bond shall become mutilated, the District, at the expense of the Owner of said Bond, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like Series, tenor, maturity and Transfer Amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Paying Agent of the Bond so mutilated. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Paying Agent and, if such evidence be satisfactory to the Paying Agent and indemnity for the Paying Agent and the District satisfactory to the Paying Agent shall be given by the Owner, the District, at the expense of the Owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like Series, tenor, maturity and Transfer Amount in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Paying Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Paying Agent and the District). The Paying Agent may require payment of a reasonable fee for each new Bond issued under this paragraph and of the expenses which may be incurred by the District and the Paying Agent.

If signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid

before the procedure is begun for the exchange or transfer. All Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Bonds surrendered upon that exchange or transfer.

Any Bond surrendered to the Paying Agent for payment, retirement, exchange, replacement or transfer shall be cancelled by the Paying Agent. The District may at any time deliver to the Paying Agent for cancellation any previously authenticated and delivered Bonds that the District may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Paying Agent. Written reports of the surrender and cancellation of Bonds shall be made to the District by the Paying Agent as requested by the District. The cancelled Bonds shall be retained for three years, then returned to the District or destroyed by the Paying Agent as directed by the District.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any Bonds during a period beginning with the opening of business on the 16th day next preceding either any Bond Payment Date or any date of selection of Bonds to be redeemed and ending with the close of business on the Bond Payment Date or any day on which the applicable Redemption Notice is given or (b) to transfer any Bonds which have been selected or called for redemption in whole or in part.

Payment. Payment of interest on any Current Interest Bond or Convertible Capital Appreciation Bond after its respective Conversion Date, shall be made on any Bond Payment Date to the person appearing on the Bond Register of the Paying Agent as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by wire transfer to such Owner on the Bond Payment Date to the bank and account number as it appears on such Bond Register on or before the Record Date. The Principal, and redemption premiums, if any, payable on the Current Interest Bonds, the Accreted Value and redemption premiums, if any, on the Capital Appreciation Bonds, and the Accreted Value, Conversion Value and redemption premiums, if any, on Convertible Capital Appreciation Bonds shall be payable upon maturity or redemption upon surrender at the designated office of the Paying Agent. The Accreted Value, Conversion Value and Principal of, and premiums, if any, and interest on, the Bonds shall be payable in lawful money of the United States of America. The Paying Agent is hereby authorized to pay the Bonds when duly presented for payment at maturity, and to cancel all Bonds upon payment thereof. The Bonds are general obligations of the District, payable without limit as to rate or amount solely from the levy of an ad valorem property tax upon all property subject to taxation within the District, which taxes are unlimited as to rate or amount. The Bonds do not constitute an obligation of the Counties and no part of any fund of the Counties is pledged or obligated to the payment of the Bonds.

<u>Forms of Bonds</u>. The Bonds shall be in substantially the forms as set forth in Exhibit A hereto, allowing those officials executing the Bonds to make the insertions and deletions necessary to conform the Bonds to this Resolution, the Purchase Contract and the Official Statement, or to correct or cure any defect, inconsistency, ambiguity or omission therein. The Paying Agent is authorized to deliver the Bonds in temporary form and, if so, the Paying Agent shall execute and deliver definitive Bonds in an equal aggregate principal amount of authorized denominations, when available, and thereupon the temporary Bonds shall be surrendered to the Paying Agent. Until so exchanged, the temporary Bonds shall be entitled to the same benefits hereunder as definitive Bonds.

<u>Delivery of Bonds</u>. The proper officials of the District shall cause the Bonds to be prepared and, following their sale, shall have the Bonds signed and delivered, together with a final transcript of proceedings with reference to the issuance of the Bonds, to the Underwriter upon payment of the purchase price therefor.

<u>Deposit of Proceeds of Bonds; Escrow Agreement.</u> An amount of proceeds from the sale of the Bonds necessary to purchase certain Federal Securities, or to otherwise refund the Refunded Bonds, shall be transferred to the Escrow Agent for deposit in the "Mendocino-Lake Community College District, 2022

General Obligation Refunding Bonds Escrow Fund" (the "Escrow Fund") established under the Escrow Agreement, which amount, if uninvested, shall be sufficient, or if invested, together with an amount or amounts of cash held uninvested therein, shall be sufficient to refund the Refunded Bonds. The Board hereby authorizes the deposit of all or a portion of the premium received from the sale of the Bonds into the Escrow Fund. Premium or proceeds received from the sale of the Bonds desired to pay all or a portion of the costs of issuing the Bonds may be deposited in the fund of the District held by a fiscal agent selected thereby and shall be kept separate and distinct from all other District funds, and those proceeds shall be used solely for the purpose of paying costs of issuance of the Bonds.

Any accrued interest received by the District from the sale of the Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the "Mendocino-Lake Community College District, 2022 General Obligation Refunding Bonds Debt Service Fund" (the "Debt Service Fund") for the Bonds and used only for payments of Principal, Accreted Value, or Conversion Value of and interest on the Bonds. The Debt Service Fund shall be held by Mendocino County. At the election of the District (i) to the extent the Bonds are sold in more than one Series, there shall be created a separate Debt Service Fund for each such Series of the Bonds, and all references herein to a Debt Service Fund shall be deemed to include each Debt Service Fund created for a Series of the Bonds, and (ii) the Debt Service Fund may be established as a subaccount of, or otherwise combined with, any fund established by Mendocino County for the purpose of holding proceeds of *ad valorem* property tax levies made to pay any bonds issued pursuant to the Authorization.

A portion of the premium received by the District from the sale of the Bonds may be transferred to the Debt Service Fund or applied to the payment of cost of issuance of the Bonds, or some combination of deposits. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of the Accreted Value, Conversion Value, Principal of and interest on the Bonds. If, after payment in full of the Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the general fund of the District.

The moneys in the Debt Service Fund, to the extent necessary to pay the Principal, Accreted Value, or Conversion Value of and interest on the Bonds as the same become due and payable, shall be transferred by the Treasurer to the Paying Agent which, in turn, shall pay such moneys to DTC to pay the Principal, Accreted Value, or Conversion Value of and interest on the Bonds. DTC will thereupon make payments of Principal, Accreted Value, or Conversion Value of and interest on the Bonds to the DTC Participants who will thereupon make payments of Principal, Accreted Value, or Conversion Value and interest to the Beneficial Owners of the Bonds. Any moneys remaining in the Debt Service Fund after the Bonds and the interest thereon have been paid in full, or provision for such payment has been made, shall be transferred to the general fund of the District.

Except as required below to satisfy the requirements of Section 148(f) of the Code, interest earned on the investment of moneys held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay Principal, Accreted Value, or Conversion Value of and interest on the Bonds when due.

## **Rebate Fund.** The following provisions shall apply to any Bonds issued as Tax-Exempt Bonds.

(a) General. The District shall create and establish a special fund designated the "Mendocino-Lake Community College District 2022 General Obligation Refunding Bonds Rebate Fund" (the "Rebate Fund"). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the "Rebate Requirement") pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the

Tax Certificate to be executed by the District in connection with the Tax-Exempt Bonds (the "Tax Certificate").

- Deposits. Within 45 days of the end of each fifth Bond Year (as such term is defined in the (b) Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the "rebate amount" within the meaning of Section 1.148-3 of the Treasury Regulations, using as the "computation date" for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the "rebate amount" so calculated. The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the "rebate amount" calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section. The District shall not be required to calculate the "rebate amount" and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Bonds (including amounts treated as proceeds of the Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a "bona fide debt service fund." In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).
- (c) <u>Withdrawal Following Payment of Bonds</u>. Any funds remaining in the Rebate Fund after redemption of all the Bonds and any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, including accrued interest, shall be remitted to the District.
- (d) <u>Withdrawal for Payment of Rebate</u>. Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the "rebate amount" and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,
  - (1) not later than 60 days after the end of (i) the fifth Bond Year, and (ii) each fifth Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the "rebate amount" calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and
  - (2) not later than 60 days after the payment of all Bonds, an amount equal to 100% of the "rebate amount" calculated as of the date of such payment (and any income attributable to the "rebate amount" determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.
- (e) <u>Deficiencies in the Rebate Fund</u>. In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.
- (f) <u>Rebate Payments</u>. Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service, on or before the date on which such payment is due,

and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

- (g) <u>Withdrawals of Excess Amount</u>. In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the "rebate amount" calculated in accordance with said subsection, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.
- (h) <u>Record Retention</u>. The District shall retain records of all determinations made hereunder until three years after the complete retirement of the Bonds.
- (i) <u>Survival of Defeasance</u>. Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Bonds.

Security for the Bonds. Except as provided in the Act, there shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* property tax annually during the period the Bonds are Outstanding in an amount sufficient to pay the Principal, Conversion Value and Accreted Value of and interest on the Bonds when due, which moneys when collected will be deposited in the Debt Service Fund of the District and used for the payment of the Principal, Conversion Value and Accreted Value of and interest on the Bonds when and as the same fall due, and for no other purpose. The District covenants to cause the Counties to take all actions necessary to levy such *ad valorem* property tax in accordance with this Section 14 and Section 53559 of the Act. The Board hereby finds and determines that such *ad valorem* property taxes shall be levied specifically to pay the Bonds being issued to finance and refinance specific projects authorized by the voters of the District at the Election.

The Bonds shall, pursuant to Government Code Section 53515, be secured by a statutory lien on all revenues received pursuant to the levy and collection of *ad valorem* property taxes for the payment of the Bonds. Pursuant to Government Code Sections 5450 and 5451, the District hereby pledges all revenues received from the levy and collection of *ad valorem* property taxes for the payment of the Bonds and all amounts on deposit in the Debt Service Fund to the payment of the Bonds. Such pledge shall constitute a lien on and security interest in such taxes and amounts in the Debt Service Fund. This pledge shall constitute an agreement between the District and the Owners of the Bonds to provide security for the payment of the Bonds in addition to any statutory lien that may exist.

The moneys in the Debt Service Fund, to the extent necessary to pay the Principal, Conversion Value and Accreted Value of and interest on the Bonds as the same become due and payable, shall be transferred by the Treasurer to the Paying Agent which, in turn, shall pay such moneys to DTC to pay such principal and interest. DTC will thereupon make payments of Principal, Conversion Value and Accreted Value of and interest on the Bonds to the DTC Participants who will thereupon make payments of such principal and interest to the Beneficial Owners of the Bonds. Any moneys remaining in the Debt Service Fund after the Bonds and the interest thereon have been paid in full, or provision for such payment has been made, shall be transferred to the general fund of the District.

Arbitrage Covenant. The District covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code and the applicable regulations prescribed thereunder or any predecessor section.

<u>Legislative Determinations</u>. The Board hereby determines that all acts and conditions necessary to be performed thereby or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at

the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds. Furthermore, the Board hereby finds and determines pursuant to Section 53552 of the Act that the prudent management of the fiscal affairs of the District requires that it issue the Bonds without submitting the question of the issuance of the Bonds to a vote of the qualified electors of the District.

Official Statement. The Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Underwriter to be used in connection with the offering and sale of the Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement "final" pursuant to Rule 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the Underwriter a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Bonds, and the Underwriter is directed to deliver copies of any final Official Statement to the purchasers of the Bonds. Execution of the Official Statement shall conclusively evidence the District's approval of the Official Statement.

Insurance. In the event the District purchases bond insurance for the Bonds, and to the extent that the Bond Insurer makes payment of the Principal, Conversion Value or Accreted Value or of interest on the Bonds, it shall become the Owner of such Bonds with the right to payment of such Principal, Conversion Value, Accreted Value or interest, and shall be fully subrogated to all of the Owners' rights, including the Owners' rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims that were past due interest components, the Paying Agent shall note the Bond Insurer's rights as subrogee on the Bond Register maintained by the Paying Agent upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Bonds, and (ii) in the case of subrogation as to claims for past due Principal, Conversion Value or Accreted Value, the Paying Agent shall note the Bond Insurer as subrogee on the Bond Register maintained by the Paying Agent upon surrender of the Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

<u>**Defeasance.**</u> All or any portion of the Outstanding maturities of the Bonds may be defeased prior to maturity in the following ways:

- (a) <u>Cash</u>: by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which, together with any amounts transferred from the Debt Service Fund, is sufficient to pay all Bonds Outstanding and designated for defeasance (including all Principal thereof, accreted or accrued interest thereon and redemption premiums, if any) at or before their maturity date; or
- (b) <u>Government Obligations</u>: by irrevocably depositing with an independent escrow agent selected by the District noncallable Government Obligations together with any amounts transferred from the Debt Service Fund and any other cash, if required, in such amount as will, together with interest to accrue thereon, in the opinion of an independent certified public accountant, be fully sufficient to pay and discharge all Bonds Outstanding and designated for defeasance (including all Principal thereof, accreted or accrued interest thereon and redemption premiums, if any) at or before their maturity date;

then, notwithstanding that any of such Bonds shall not have been surrendered for payment, all obligations of the District with respect to all such designated Outstanding Bonds shall cease and terminate, except only the obligation of the independent escrow agent selected by the District to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such designated Bonds not so surrendered and paid all sums due with respect thereto.

For purposes of this Section, "Government Obligations" shall mean:

Direct and general obligations of the United States of America, obligations that are unconditionally guaranteed as to principal and interest by the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or obligations secured or otherwise guaranteed, directly or indirectly, as to principal and interest by a pledge of the full faith and credit of the United States of America. In the case of direct and general obligations of the United States of America, Government Obligations shall include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (i) a bank or trust company acts as custodian and holds the underlying United States obligations; (ii) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations; and (iii) the underlying United States obligations are held in a special account, segregated from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated or assessed at least as high as direct and general obligations of the United States of America by either Moody's or S&P.

## Other Actions, Determinations and Approvals.

- (a) Officers of the Board, District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.
- (b) The Board hereby finds and determines that both the total net interest cost to maturity on the Bonds plus the Principal Amount of the Bonds will be less than the total net interest cost to maturity on the Refunded Bonds plus the Principal Amount of the Refunded Bonds.
- (c) The Board anticipates that each series of the Refunded Bonds will be redeemed on the first respective optional redemption dates therefor following the issuance of the Bonds.
- (d) The Board hereby appoints The Bank of New York Mellon Trust Company, N.A. as Paying Agent and as Escrow Agent for the Bonds and approves the form of the Escrow Agreement substantially in the form on file with the Secretary to the Board. The Authorized Officers, each alone, are hereby authorized to execute the Escrow Agreement with such changes as they shall approve, such approval to be conclusively evidenced by such individual's execution and delivery thereof.
- (e) The Board hereby appoints Piper Sandler & Co. as Underwriter, and Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond and Disclosure Counsel with respect to the issuance of the Bonds.
- (f) The provisions of this Resolution as they relate to the terms of the Bonds may be amended by the Purchase Contract and the Official Statement. If the Purchase Contract so provides, the Bonds may be issued as crossover refunding bonds pursuant to Government Code Section 53558(b). All or a portion of the

Refunding Bonds are further authorized to be issued on a forward delivery basis, pursuant to a Purchase Contract with such changes therein and modifications thereto necessary to effectuate such forward delivery as the Authorized Officer executing the same shall approve.

- Based on a good faith estimate received by the District from the Municipal Advisor, the Board hereby finds that (i) the True Interest Cost of the Bonds (as defined in Government Code Section 5852.1(a)(1)(A)) is expected to be approximately 4.00%, (ii) the total Finance Charge of the Bonds (as defined in Government Code Section 5852.1(a)(1)(B)) is expected to be \$785,000, (iii) the total proceeds expected to be received by the District from the sale of the Bonds, less the Finance Charge of the Bonds and any reserves or capitalized interest paid or funded with proceeds of the Bonds, is \$62,500,000, and (iv) the District expects that the Total Payment Amount (as defined in Government Code Section 5852.1(a)(1)(D)), calculated to the final maturity of the Bonds, will be \$136,000,000. The information presented in this section is included in satisfaction of Government Code Section 5852.1, and shall not abrogate or otherwise limit any other provision of this Resolution.
- (h) The District hereby approves the execution and delivery of all agreements, documents, certificates and instruments referred to herein with electronic signatures as may be permitted under the California Uniform Electronic Transactions Act and digital signatures as may be permitted under Government Code Section 16.5 using DocuSign.

**Resolution to Treasurer.** The Secretary to the Board is hereby directed to provide a certified copy of this Resolution to the Treasurer of each of the Counties immediately following its adoption.

Request to Counties to Levy Tax. The Board of Supervisors and officers of the Counties are obligated by statute to provide for the levy and collection of *ad valorem* property taxes in each year sufficient to pay all Principal, Maturity Value, Conversion Value of and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds. The District hereby requests each of the Board of Supervisors to annually levy a tax upon all taxable property in the District sufficient to pay all such Principal, Maturity Value, Conversion Value and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds.

Continuing Disclosure. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated as of the Date of Delivery, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The Board hereby approves the form of the Continuing Disclosure Certificate as appended to the form of Preliminary Official Statement on file with the Secretary to the Board as of the date hereof, and the Authorized Officers are hereby authorized to execute and deliver such Continuing Disclosure Certificate with such changes therein or modifications thereto as shall be requested by the Underwriter and as such Authorized Officer executing the same shall approve. Any Bond Holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Section. Noncompliance with this Section shall not result in acceleration of the Bonds.

<u>Further Actions Authorized</u>. It is hereby covenanted that the District, and its appropriate officials, have duly taken all actions necessary to be taken by them, and will take any additional actions necessary to be taken by them, for carrying out the provisions of this Resolution.

**Recitals.** All the recitals in this Resolution above are true and correct and the Board so finds, determines and represents.

Effective Date.	This Resolution shall take effect immediately upon its passage	€.

PASSED, ADOPTED A	AND APPROVED	this 9th day of February, 2022, by the following vote:
AYES:	MEMBERS	
NOES:	MEMBERS	
ABSTAIN:	MEMBERS	
ABSENT:	MEMBERS	
		President of the Board of Trustees
ATTEST:		
Secretary to the Board of	of Trustees	

ITEM NO: 6.4

DATE: February 9, 2022

**SUBJECT:** BOARD POLICY ADDITIONS AND REVISIONS – SECOND

**READING** 

SYNOPSIS:

New and revised board policies are presented for adoption.

## **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

## ANALYSIS:

As part of the ongoing effort to review all policies in the Board Policy Manual in a timely manner, the following Board policies are submitted for the Board's review. As part of the process, all Board Policies are being updated to reflect the standard numbering system used by Community Colleges throughout the state.

Board Policy 1200 – District Mission – This policy was last updated in June 2019 and has now been revised based on input from the various campus constituent groups and committees. The policy was reviewed by the President's Policy Advisory Committee on October 29, 2021; shared with the various constituent groups for input and feedback and finalized at their meeting on November 29, 2021. With this in mind, it is now presented to the Board of Trustees for final approval.

The following policies were reviewed by the Board of Trustees ad-hoc committee on November 18, 2021; shared with the President's Policy Advisory Committee on November 29, 2021 and are now presented to the Board of Trustees for review and final approval.

Board Policy 2210 – Officers – This new legally required board policy has been created using the League template as a guide to reflect the legally required language. The information included in this policy was previously contained in AP 204.1 which has now been deleted.

Board Policy 2345 – Public Participation at Board Meetings – This legally required board policy has been revised to change the reference from his/her to their and to make the changes deemed necessary due to changes in the law. This policy was last updated in April 2015.

Board Policy 2350 – Speakers – This new legally required board policy has been created using the league template as a guide.

Board Policy 2355 – Decorum – This legally required board policy was last updated in May 2021. There are no recommended changes to the current version therefore it is brought forward as review only.

Board Policy 2410 – Board Policies and Administrative Procedures – This legally required board policy was last updated in September 2014 and has been revised to now include additional Accreditation Standards as well as a statement regarding regular assessment.

Board Policy 2430 – Delegation of Authority to the Superintendent/President – This legally required board policy has been revised to change the reference from him/her to them. This policy was last updated in June 2015.

Board Policy 2715 – Code of Ethics/Standards of Practice – This legally required board policy has been revised using the league template as a guide. It was last updated in May 2008 and was previously listed as Board Policy 208.

Board Policy 2745 – Board Self-Evaluation – This legally required board policy has been revised to include the evaluation process as well as the establishment of a procedure statement. This policy was last updated in March 2018.

## MOTION/ACTION:

RESOLVED, that the Board of Trustees of the Mendocino-Lake Community College District does hereby adopt Board Policy 1200 - District Mission; Board Policy 2210 – Officers; Board Policy 2345 – Public Participation at Board Meetings; Board Policy 2350 – Speakers; Board Policy 2355 – Decorum; Board Policy 2410 – Board Policies and Administrative Procedures; Board Policy 2430 – Delegation of Authority to the Superintendent/President; Board Policy 2715 – Code of Ethics/Standards of Practice; and Board Policy 2745 – Board Self-Evaluation as presented.

## DISTRICT MISSION

The mission of the Mendocino-Lake Community College District is:

Mendocino College partners with a dynamic community of diverse students to help them achieve their educational goals. Informed by research, reflection and dialogue, equity, and anti-racist practices the College is committed to student success and achievement offers programs in Basic Skills, Transfer Preparation and Career and Technical Education as well as Workforce Improvement. The College demonstrates its commitment to student success and achievement through high-quality and innovative instruction, providing individual attention to student needs in an inclusive and accessible learning environment, and providing services to students at all stages of their educational and/or career path. Mendocino College embraces its role as an intellectual, economic and cultural anchor for the region.

The mission is evaluated and revised on a regular basis.

Reference: ACCJC Accreditation Standard I.A

Date Adopted: December 19, 1978 Page 1 of 1

Date Revised: June 20, 1979, April 4, 2001, February 2, 2005, August 16, 2006, July 11, 2007, July 2, 2008, July 8, 2009, July 7, 2010, December 7, 2011, April 10, 2013,

February 11, 2015, June 12, 2019, October 2021



## Mendocino-Lake Community College District



#### **OFFICERS**

At the annual organizational meeting, the Board shall elect from among its members a President of the Board.

The terms of officers shall be for one year.

The Superintendent/President shall serve as Secretary of the Board.

The duties of the President of the Board are:

- Preside over all meetings of the Board;
- Call emergency and special meetings of the Board as required by law;
- Consult with the Superintendent/President on board meeting agendas;
- Communicate with individual Board members about their responsibilities;
- Participate in the orientation process for new Board members;
- Assure Board compliance with policies on board education, self-evaluation and Superintendent/President evaluation;
- Represent the Board at official events or ensure board representation.

The duties of the Vice President of the Board are:

- In the absence of the President, serve as President of the Board and preside at any regular and/or special meetings; and
- Perform any duties as assigned by the President or Board.

## The duties of the Clerk are:

- Certify as legally required board actions.
- In the event of the absence of the President and Vice President, serve as President.

## The duties of the Secretary are:

- Notify members of the Board of regular, special, emergency and adjourned meetings;
- Prepare and post Board meeting agendas;
- Have prepared for adoption minutes of Board meetings;
- Attend all Board meetings and closed sessions, unless excused, and in such cases to assign a designee;
- Conduct the official correspondence of the Board;
- Sign, when authorized by law or by Board action, any documents that would otherwise require the signature of the Clerk of the Board.

Reference: Education Code Section 72000

Drafted: November 2021 Page 1 of 1

#### PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board shall provide opportunities for members of the general public to participate in the business of the Board.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:

- 1. There will be a time at each regularly scheduled board meeting for the general public to comment on any items not on the agenda related to the business of the Board of Trustees in accordance with the District Code of Conduct.
- 2. Members wishing to present such items shall submit a written request at the beginning of the meeting to the Superintendent/President that summarizes the item and provides his or her their name and organizational affiliation, if any. No action may be taken by the Board on such items. Members of the public may also place items on the prepared agenda in accordance with BP 2340 titled Agendas.

A written summary of the item must be submitted to the Superintendent/President at least ten working days prior to the board meeting. The summary must be signed by the initiator, contain his/her their residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the Board on items on the agenda and/or speak to agenda items at the Board meeting. Written communication regarding items on the Board's agenda should reach the office of the Superintendent/President not later than five working days prior to the meeting at which the matter concerned is to be before the Board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board under this rule, but shall be submitted to the District.

#### See Administrative Procedure 2345-1

References: Education Code Section 72121.5;

Government Code Sections 54954.3 and 54957.5

Adopted: December 19, 1978 Revised: September 2, 1998

April 8, 2015 November 2021



# NEW

#### **SPEAKERS**

Persons may speak to the Board either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the Board are subject to the following:

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- They shall complete a written request to address the Board at the beginning of the meeting at which they wish to speak.
- The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.
- No member of the public may speak without being recognized by the President of the Board.
- Each speaker will be allowed a maximum of five minutes per topic. Thirty minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be extended.

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

Reference: Education Code Section 72121.5

Government Code Section 54950 et seq.

Drafted: November 2021 Page 1 of 1

## **DECORUM**

The following will be ruled out of order by the presiding officer.

- Disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting.
- Physical violence or threats of physical violence directed toward any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the persons may be removed from the meeting room.

Speakers who engage in such conduct may be removed and denied the opportunity to speak to the Board for the duration of the meeting.

Before removal, a warning and a request that the persons curtail the disruptive activity will be made by the President of the Board. If the behavior continues, the persons may be removed based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

References: Education Code Section 72121.5;

Government Code Section 54954.3 subdivision (b)

Adopted: May 12, 2021 Reviewed: November 2021

#### BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to district activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board will be adopted, revised, added to or amended at any regular board meeting by a majority vote as appropriate. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.

Administrative procedures are to be issued by the Superintendent/President as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Superintendent/President.

The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all policies and administrative procedures shall be readily available to District employees and the public through the Superintendent/President and the district web site.

See Administrative Procedures AP 2410.1

References: Education Code Section 70902

Accreditation Standard IV.B.1.b & e IV.C.7, IV.D.4, I.B.7, and I.C.5

Adopted: September 10, 2014 Page 1 of 1
Revised: November 2021



#### DELEGATION OF AUTHORITY TO THE SUPERINTENDENT/PRESIDENT

The Board of Trustees of the Mendocino-Lake Community College District delegates to the Superintendent/President of the District the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The Superintendent/President may delegate any powers and duties entrusted to him/her them by the Board including the administration of the main campus and the centers but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Superintendent/President is empowered to reasonably interpret board policy. In situations where there is no Board policy direction, the Superintendent/President shall have the power to act, but such decisions shall be subject to review by the Board. It shall be is the duty of the Superintendent/President to inform the Board of such action and to recommend written Board policy if one is required.

The Superintendent/President is expected to perform the duties contained in the Superintendent/President's job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board in consultation with the Superintendent/President.

The Superintendent/President shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

The Superintendent/President shall make available any information or give any report requested by the Board as a whole. Individual trustee requests for information shall be met if, in the opinion of the Superintendent/President, they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be available to all trustees.

The Superintendent/President shall act as the professional advisor to the Board in policy formation.

Education Code Sections 70902(d), 72400; References:

ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1

Adopted: December 12, 2007 Revised: June 10, 2015 November 2021

#### BOARD OF TRUSTEES CODE OF ETHICS/STANDARDS OF PRACTICE

The Board of Trustees of Mendocino-Lake Community College District consists of seven members elected (or appointed) at large but residing in specific areas and one Student Trustee elected or appointed by the Associated Student Body. Individual members perform their duties in accordance with their oaths of office and are committed to serving the educational needs of the citizens of the district, regardless of race, color, religion, sex, marital status, national origin, age or disability.

Trustees will adhere to the following principles. The Board maintains high standards of ethical conduct for its members. It is their responsibility Members of the Board are responsible for to:

- Acting only in the best interests of the entire community; recognize that the primary duty of the Board is to represent the entire District while maintaining independence from special interests or other politically-active, narrowly- focused groups.
- Ensuring public input into Board deliberations; adhering to the law and spirit of the open meeting laws and regulations.
- Preventing conflicts of interest and the perception of conflicts of interest.
- Exercising authority only as a Board; base personal decisions upon all available facts, vote their honest convictions without bias, abide by and uphold the final majority decisions of the Board.
- Using appropriate channels of communication.
- **Respecting others; acting with civility;** work with fellow trustees in a spirit of cooperation so that all issues especially those which are controversial are debated openly and fairly.
- Being informed about the District, educational issues, and responsibilities of trusteeship.
- Devoting adequate time to Board work.
- Maintaining confidentiality of closed sessions.
- remember that as an individual, A trustee has no legal authority outside the meetings of the board, and conducts relationships with college staff, students, the local citizenry, and the media on that basis
- devote time, thought and study to their duties as board members so that they may render effective and creditable service.
- conduct business under the provisions of the Ralph M. Brown Act, taking official actions in public sessions, yet maintaining the confidentiality of closed session deliberations by not releasing or discussing confidential matters or information.
- recognize that, absent a financial conflict of interest, every board member has a legal duty to vote affirmatively or negatively on all action items and that as a member of a legal entity, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.
- confine Board action to policy determination, planning, evaluation, and maintaining the fiscal stability of the District. Delegate to and support the authority of the Superintendent/President for the execution of these items on a day to day basis.
- use the powers of the office honestly and constructively, communicating and promoting the needs of the community to the college, and the needs of the college to the community.

Adopted: March 4, 1992 Revised: April 5, 2000 May 7, 2008 November 2021

- encourage the active involvement, within the shared governance process, of students, employees
   and citizens of the district with respect to their recommendations on policy development and
   regulations, and consider others' perspectives as issues are discussed.
- enhance potential as board members by participating in educational conferences, workshops and training sessions offered by local and state organizations and be informed about the actions of the State and Federal government and the positions taken by trustee organizations on those actions.
- support the District's Mission and Vision statements by working in harmony as a board, bearing in mind public education is the most effective means by which our representative democracy is preserved and perpetuated.

Violation of the Law and/or the Board's Code of Ethics:

The Superintendent/President and Board President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of the Board's **Policy 2715** (Code of Ethics) policy will be addressed by the President of the Board, who will first discuss the violation with the Trustee Board member to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Board President may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Board President (or committee) and may include a recommendation to the Board to censure the Trustee Board member. Censure is an official expression of disapproval passed by the Board. If the President of the Board is perceived to have violated the code, the Vice President of the Board is authorized to pursue resolution.

If illegal or unethical behavior occurs during a Board meeting (such as remaining at the Board table when the trustee has a conflict of interest, engaging in debate or discussion with audience members on topics not on the agenda, attacking a speaker or staff member or not following the Board's meeting procedures), the President of the Board can state what the expectations and standards are of Board behavior and/or state that the behavior or violation does not meet Board policy.

Reference: Accreditation Standard IV.B.1.a, e, & h IV.C.11

Adopted: March 4, 1992
Revised: April 5, 2000
May 7, 2008
November 2021



#### **BOARD SELF-EVALUATION**

The Board is committed to assessing its own performance as a Board in order to identify its strengths and areas in which it may improve its functioning. To this end, a self-evaluation shall be conducted annually. To that end, the Board has established the following processes:

The board is committed to having an annual self-evaluation meeting no later than December, at a date selected at the board's annual organizational meeting. The process for selfevaluation shall be recommended to and approved by the Board.

A committee of the Board shall be appointed to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board policies regarding board operations, as well as criteria defining board effectiveness promulgated by recognized practitioners in the field.

The criteria for the Board's self-evaluation shall also include performance goals and objectives related to the District's and the Board's commitment to anti-racism, diversity, equity, and inclusion.

Additionally, all members of the District staff who regularly participate in Board meetings will be given the opportunity to provide meaningful input to the Board in their selfevaluation process. Staff evaluations will be submitted to the Superintendent/President or designee who will summarize them without reference to the source. The summary will be forwarded to the Board President for inclusion in the final trustee evaluation summary.

The Superintendent/President may also provide the Board with comments and perspectives about the performance and accomplishments of the Board during the previous year and may suggest goals for the following year.

If an instrument is used, all board members will be asked to complete the evaluation instrument and submit them to the Board President or designee.

A summary of the evaluations will be presented and discussed at a Board session scheduled for that purpose. The results will be used to identify accomplishments in the past year and goals for the following year.

The Board will establish procedures to assess its own performance.

Reference: Accreditation Standard IV.C.10 (formerly IV.B.1.e & g)

Adopted: September 7, 1994 Revised: August 26, 2006

September 15, 2012 March 14, 2018 November 2021

ITEM NO: 6.5

DATE: February 9, 2022

SUBJECT: COLLEGE AND CAREER ACCESS PATHWAYS (CCAP)

PARTNERSHIP AGREEMENT – SECOND READING

## **SYNOPSIS**:

College and Career Access Pathways (CCAP) Partnership Agreement is presented for approval.

## **RECOMMENDATION:**

The Superintendent/President recommends this item be approved as presented.

## ANALYSIS:

CCAP agreements came about from AB 288 passed in 2015. They are agreements between governing boards of community college districts and K-12 districts. The agreements offer or expand dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education. The goal is to develop seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school students achieve college and career readiness. CCAP agreements allow for students to enroll in up to 15 units per term; classes do not have to be open to the public; classes must be part of a pathway; agreements must be presented to the governing board twice at subsequent meetings and submitted to the Chancellor's Office for approval; and there are additional reporting requirements including data sharing agreements.

In adopting the attached CCAP Agreement, the Governing Board of the Mendocino-Lake Community College District and Willits Charter School certify compliance with the following regulations required for the adoption of said CCAP Agreement:

- 1) CCAP Agreement shall be presented as an informational item at an open public meeting of each governing board EC § 76004 (b). One CCAP agreement was presented for first reading at the December 15, 2021 meeting.
- The governing board of each district, at a subsequent open public meeting of that board, shall take comments from the public and approve or disapprove the proposed AB 288 CCAP Agreement.

Reference Board Policy 5010, Admission, Enrollment and Attendance Administrative Procedure 5011.2, Admission and Concurrent Enrollment of High School and Other Young Students – College and Career Access Pathways (CCAP)

## MOTION/ACTION:

RESOLVED, that the Board of Trustees of the Mendocino-Lake Community College District does hereby approve the College and Careers Access Pathways agreement with the Willits Charter School as presented.

## College and Careers Access Pathways Partnership (CCAP) Agreement Between

## Mendocino Lake Community College District and Willits Charter School

Agreement No:	Dated:	

## I. RECITALS

Whereas, Assembly Bill No. 288, approved by the Governor and filed with the Secretary of State on October 5, 2015 allows the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district for the purpose of offering or expanding dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness,

And whereas, allowing a greater and more varied segment of high school pupils to take community college courses can provide numerous benefits, such as reducing the number of high school dropouts, increasing the number of community college students who transfer and complete a degree, shortening the time to completion of educational goals, and improving the level of preparation of students to successfully complete for credit, college level courses,

And whereas, through dual enrollment partnerships, school districts and community college districts can create clear pathways of aligned, sequenced coursework that will allow students to more easily and successfully transition to for credit, college level coursework leading to an associate degree, transfer to the University of California or the California State University, or to a program leading to a career technical education credential or certificate,

The Mendocino-Lake Community College District (MLCCD) and Willits Charter School (WSC) have entered into the following agreement.

## II. LEGAL AUTHORITY AND ADOPTION

Assembly Bill 288 authorizes a community college district and a high school district to enter into a CCAP partnership provided that both districts have approved a CCAP Partnership Agreement which shall govern the partnership.

In adopting this CCAP Partnership Agreement, the governing boards of the MLCCD and the WCS certify compliance with the following regulations required for the adoption of a CCAP Partnership Agreement:

- 1) CCAP Partnership agreements shall be presented as an informational item at an open public meeting of each governing board EC § 76004(b).
- 2) The governing board of each district, at a subsequent open public meeting of that board, shall take comments from the public and approve or disapprove the proposed AB 288 CCAP Partnership Agreement.

Furthermore, the governing boards of MLCCD and WCS agree that a copy of this CCAP Partnership Agreement shall be filed with the Chancellor's Office of the California Community Colleges, with the understanding that the Chancellor of the California Community Colleges may void this CCAP Partnership Agreement if it is determined to not comply with the intent of the requirements of EC § 76004.

#### III. TERMS

#### a. Number of students served

Under this partnership, agreement up to a maximum of 250 School students will be served annually, with the college claiming up to a maximum of 50 FTES annually.

## b. Assessment of students

The assessment of the pupil's ability to benefit from participation in courses offered under the agreement shall be made by the WSC high school principal or the principal's designee. Only students whom are deemed, by the principal or the principal's designee, to have the ability to benefit from participation in the CCAP courses will be eligible to enroll in courses authorized through the CCAP. Furthermore, MLCCD reserves the right to require that students participating in the CCAP meet the course prerequisites or co-requisites, as described in the college catalog, for courses included in the CCAP.

## c. Pathway/Course Offerings

\*Additional pathway/course offerings may be considered, including those from CSU/IGETC GE and CTE course lists.

The courses to be offered shall include college readiness, career and technical education, general education, basic skills, and transfer pathway courses. Courses shall be offered on one or more WCS campuses during the school day. The pathways which may be offered under this agreement include:

Career Technical Education (CTE) pathway courses which are part of a degree or certificate outlined in the Mendocino College Catalog and are considered core requirements for a specific CTE area including CTE pathways listed in APPENDIX I (see *Degrees and Certificates Offered at MCC* for a complete list).

General education breadth courses needed for an AA or AS degree which also satisfy CSU and UC system transfer pathways as denoted in the Mendocino College Catalog for areas A through E and basic skill courses, including courses listed in APPENDIX I.

#### d. Information Sharing

MLCCD shall provide WCS with the student's final grade for all coursework undertaken as part of a CCAP agreement so that the high school may determine the appropriate number of high school credits to be awarded, if any. WCS shall provide MLCCD with transcripts for all students participating in the CCAP and high school graduation rates among students participating in the CCAP.

#### e. Points of Contact

The point of contact regarding the provisions of this agreement, for the MLCCD, shall be the MLCCD Vice President of Academic Affairs, Debra Polak. The point of contact regarding the provisions of this agreement, for WCS, Director Jennifer Lockwood. The point of contact regarding implementation and administration of the CCAP shall be the Dean of Centers, or designee, at Mendocino College, Amanda Xu, and College Career Counselor, Erin Vaccaro, or designee, at one or more high school sites of WCS. The following is specific contact information:

1. Vice President of Academic Affairs, Debra Polak Mendocino-Lake Community College District 1000 Hensley Creek Rd. Ukiah CA 95452 EMAIL dpolak@mendocino.edu PHONE 707-468-3068

2. Director, Jennifer Lockwood Willits Charter School 1431 South Main St, Willits, CA 95490 EMAIL: jlockwood@willitscharter.net PHONE: 707-459-5506

3. College and Career Counselor, Erin Vaccaro Willits Charter School 1431 South Main St, Willits, CA 95490 EMAIL: evaccaro@willitscharter.net

PHONE: 707-459-5506

4. Dean of Centers, Amanda Xu Mendocino-Lake Community College District 1000 Hensley Creek Rd. Ukiah CA 95452 EMAIL axu@mendocino.edu PHONE 707-468-3605 or 707-468-3613

## f. Employer of Record

MLCCD shall be the employer of record for purposes of assignment monitoring and reporting. (See section XII a. of this agreement for guidance regarding instructors that are not paid employees of the community college district.)

g. Teacher Quality Mandates

WCS shall assume reporting responsibilities pursuant to applicable federal teacher quality mandates.

#### IV. **CERTIFICATIONS**

MLCCD shall insure that:

a. any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in EC § 87010, or any controlled substance offense as defined in EC § 87011

- b. that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus
- c. that a community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus
- d. that a community college course that is oversubscribed or has a waiting list shall not be offered in the AB 288 CCAP Partnership Agreement

#### WCS shall insure that:

a. any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus

## V. ENROLLMENT

- a. MLCCD shall grant priority enrollment and registration, that is equivalent to the priority assigned to a student attending a middle college high school as described in EC § 11300 and consistent with provisions in EC § 76001(e), to a pupil seeking to enroll in a MLCCD course that is required for the pupil's CCAP partnership program.
- b. MLCCD shall limit enrollment in community college courses offered at one or more WCS high school campuses during the regular school day solely to eligible high school students.
- c. MLCCD may allow a special part-time student participating in the AB 288 CCAP Partnership to enroll in up to a maximum of 15 units per term if all of the following circumstances are satisfied (EC § 76004(p)):
  - i. The units constitute no more than four community college courses per term,
  - ii. The units are part of an academic program that is part of a CCAP partnership agreement,
  - iii. The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.

#### VI. STUDENT FEES

a. High school pupils enrolled in courses offered through this CCAP agreement shall not be assessed or charged a fee prohibited by EC § 49011, including a fee charged to a pupil, or a pupil's parent or guardian, as a condition for course registration or for textbooks, supplies, materials, and equipment needed to participate in the course. EC §§ 49010 et seq.; 76004(f)

- b. High school pupils enrolled in courses offered through this CCAP Partnership Agreement, that are properly classified as having "special part-time student" status as described by EC § 76004(p), shall be exempt from the following community college fee requirements [EC § 76004(q)]:
  - i. Student Representation Fee. EC § 76060.5
  - ii. Nonresident Tuition Fee. EC § 76140 6
  - iii. Transcript Fees. EC § 76223
  - iv. Course Enrollment Fees. EC § 76300
  - v. Health Services Fees

#### VII. STATE APPORTIONMENT

## MLCCD and WCS agree that:

- a. A district shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment. EC § 76004 (r)
- b. The attendance of a high school pupil at a community college as a special part-time or full-time student pursuant to a CCAP agreement is authorized attendance for which the community college district shall be credited or reimbursed pursuant to EC § 48802 or 76002, provided that no school district has received reimbursement for the same instructional activity. EC §76004(s)

## VIII. REPORTING

MLCCD, in conjunction with WCS, shall report annually to the State Chancellor's Office all of the following information:

- a. The total number of high school pupils by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.
- b. The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants.
- c. The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants.
- d. The total number of Full-Time Equivalent Student (FTES) generated by CCAP partnership participants

## IX. CTE PROGRAMS

a. MLCCD, prior to establishing a vocational or occupational training program (career technical education programs) with WCS, shall conduct a job market study of the labor market area, and determine whether or not the results justify the proposed vocational education program. EC § 78015 et seq.

## X. RESPONSIBILITIES

a. Instruction and Educational Program
 MLCCD shall be responsible for the educational program(s) and for the content and
 instruction of the courses offered through the CCAP.

## b. Facilities

WCS shall be responsible for the provision of the facilities for courses offered on one or more WCS campuses as part of this CCAP.

## c. Books and Supplies

MLCCD and WCS shall agree on how books and supplies will be provided for a CCAP course prior to offering such a course.

## d. Support Services

WCS and MLCCD will share responsibility for insuring that ancillary and support services are provided for students (e.g. Counseling and Guidance, Placement Assistance, Assessment, and Tutoring).

Table #1: Responsibilities under MLCCD and WCS CCAP Partnership Agreement

	Mendocino College	Willits Charter School	Explanation
Facilities		х	In addition to their high school coursework, CCAP participants will have the opportunity to take college coursework on WCS campuses during the school day in WCS facilities.
Instruction and Educational Program	Х		CCAP participants will take MLCCD courses which shall include college readiness, career and technical education, general education, and transfer pathway courses.
Books		x	As a CCAP participant shall not be charged for textbooks, supplies, materials, and equipment needed to participate in the course, a source must be identified for providing books, supplies, materials and equipment prior to offering the course. In most instances, instruction shall be provided by the college and books shall be provided by the high school. No CCAP course shall be offered without prior agreement between the college and the high school as to which organization shall be responsible for the provision of the

			textbooks, supplies, materials, and equipment needed by participants in the course.
Counseling and Guidance	X	Х	MLCCD and WCS Schools shall collaborate to provide CCAP participants
Gurdanee			with appropriate counseling and guidance.
Assessment and	X	X	MLCCD and WCS Schools shall
Placement			collaborate to provide CCAP participants
			with appropriate assessment and placement
			services.
Tutoring	X		MLCCD shall be responsible for the
			provision of tutoring for college course
			when appropriate.

## XI. PROCEDURES, TERMS, AND CONDITIONS

#### a. Enrollment Process and Period

Students will be added to the CCAP courses held on the WCS campuses through registration conducted on site at WCS campuses. CCAP students will be granted level 3-priority registration and may enroll in additional college courses held outside of the normal school day (exp. online courses, summer school courses).

#### b. Class Hours

The timing of the courses shall be set by mutual agreement between MLCCD and WSC.

## c. Evaluation of Students

College faculty instructing the course shall be responsible for the supervision and evaluation of the students. WCS shall be responsible for assigning high school credit for the coursework CCAP students complete where appropriate.

## d. Course timing and length

MLCCD shall insure that: the appropriate number of class hours are scheduled to meet the performance objectives of the course; the enrollment period for each CCAP course falls within the normal school day within which courses are offered at one or more WCS high school campuses; and that high school students participating in the CCAP are not required to attend class on dates in which the high school is not in session. The high school may require students to attend class on dates in which the college is not in session. Instruction may not be scheduled on legal holidays. Under the circumstance that a CCAP class begins after the start of, or concludes prior to the end of the high school term, it will be the responsibility of WCS to arrange additional instruction if required by WCS. Scheduling classes outside of the Mendocino College term is at the sole discretion of MLCCD.

## e. Conduct and Discipline

CCAP participants shall comply with the standards of student conduct as described under MLCCD Board Policy (5500.1). These regulations are designed to represent reasonable

standards of conduct. Violations of the code may subject individuals to disciplinary action, which is consistent with the requirements of due process.

The faculty shall be responsible for discipline within the classroom. Should the instructor need to remove a student from a class session they shall notify the principal or principal's designee at the appropriate WCS high school campus immediately.

## XII. CANCELLATION AND TERMINATION

The following agreement may be canceled by written notification from either district to the other district. Should the cancellation be made during a period when a CCAP course is being offered the cancellation will take effect prior to the subsequent term.

## XIII. INSTRUCTION FOR APPORTIONMENT

MLCCD shall provide documentation that instruction claimed for apportionment under this agreement/contract be under the immediate supervision and control of an employee of the district who has met the minimum qualifications for instruction in the discipline of the course in a California community college. Instructors shall provide the supervision and control necessary for the protection of the health and safety of students and may not have any other assigned duty during the instructional activity (as a general rule, faculty must be physically present in the classroom or lab or within line of sight of the students). Cal. Code Regs., Title 5, §§ 58050, 58051, 58056, 58058

- a. Where the instructor is not a paid employee of MLCCD, the district shall have an additional written agreement/contract with each instructor requiring student attendance and FTES be reported by the instructor as required by the college or community college district and stating that MLCCD has the primary right to control and direct the instructional activities of the instructor. Cal. Code Regs., Title 5, § 58058(b)
- b. MLCCD shall demonstrate control and direction through such actions as providing the instructor an orientation, instructor's manual, course outlines, curriculum materials, testing and grading procedures, and any other materials and services it would provide to its hourly on-campus instructors.
- c. Attendance at a MLCCD dual enrollment orientation is required for instructors of CCAP courses prior to each term that they teach a CCAP course.
- d. To claim Average Daily Attendance (ADA) for K12 funding, the K12 district must determine how many instructional minutes a student is offered and scheduled for, as well as that student's attendance during the K12 school day. If a high school student has been scheduled for the minimum instructional minutes per day under the immediate supervision and control of a certificated employee of the school district and has been offered a full schedule, the district may claim attendance towards apportionment for that student for each day the student attends at least some part of the instructional day at the high school. If that student then goes to a college course that meets the requirements to claim Full Time Equivalent Student (FTES), the college may also claim full apportionment for that student in that college course.

More information on apportionment is available here:

- The Budgeting and Funding sections of the Career Ladders Project Toolkit, Frequently Asked Questions: http://www.careerladdersproject.org/areas-of-focus/pathways/ccccode/
- Interview with Wendi McCaskill on Instructional Minutes: http://www.careerladdersproject.org/wp-content/uploads/2015/12/FC1\_Wendi-McCaskill Interview DETOOLS.pdf
- Pages 40-42 of the CIO Manual: http://curriculum.ccco.edu/Content/publicpagefiles/CIO%20Manual.pdf

## XIV. MINIMUM QUALIFICATIONS

MLCCD shall ensure that minimum qualifications for instructors teaching agreement / contract courses and instructor qualifications are consistent with requirements in other similar courses given by the college or community college district. Cal. Code Regs., Title 5, § 53410.

## XV. PUBLIC ACCESS

The districts acknowledge that enrollment in the courses described in this CCAP partnership agreement, which are offered during the school day at one or more WCS campuses, shall be limited to CCAP participants and shall not be open to the general public.

The districts further acknowledge that courses which are not part of this CCAP must continue to meet the following requirements:

- a. Courses which are not part of this CCAP agreement must be held at facilities which are clearly identified as being open to the general public, noting that students may be required to meet course or program prerequisites.
- b. Courses which are not covered by this CCAP agreement must be open to any person who has been admitted to the college and has met any applicable prerequisites. Cal. Code Regs., Title 5, §§ 51006, 58106,

Furthermore, the district policy on open enrollment (Cal. Code Regs., Title 5, § 55005) along with a description of the course and information about whether the course is offered for credit and is transferable must be published in the college catalogue, schedule of classes, and any addenda to the schedule of classes. Cal. Code Regs., Title 5, § 51006,

Degree and certificate programs must have been approved by the California Community Colleges Chancellor's Office and courses that make up the programs must be part of the approved programs, or the college must have received delegated authority to separately approve those courses locally. Cal. Code Regs., Title 5, § 58050(a) (1).

## XVI. CONSISTENCY, ATTENDANCE AND GRADES

MLCCD shall ensure that procedures are put into place by the college to ensure that faculty teaching different sections of the same course teach in a manner consistent with the approved outline of record for that course. Cal. Code Regs., Title 5, § 55002, 58050(a) (5).

Permanent records of student attendance, grades, and achievement will be maintained by the college. Additional CCAP participant records which are maintained by the high school, such as students'

GPA or high school graduation status, will be submitted on a schedule agreed upon between the college and WCS. Cal. Code Regs., Title 5, § 55021; 55040; 58030.

## XVII. FULL COMPENSATION / CERTIFICATION

MLCCD shall certify that it has not received full compensation, from any public or private agency, individual or group, for the direct education costs of the courses offered through this partnership agreement. EC § 84752; Cal. Code Regs., Title 5, § 58051.5. MLCCD shall obtain certification from the school district verifying that the instructional activity to be conducted will not be fully funded by other sources. EC § 84752; Cal. Code Regs., Title 5, § 58051.5.

#### XVIII. DISTRICT BOUNDARIES

MLCCD and WCS agree that if the course(s) in this CCAP agreement will be located outside the boundaries of the district, the district must comply with the requirements of Title 5, sections 55300 et seq., concerning approval by adjoining high school or community college districts and use of non-district facilities.

#### XIX. RECORD KEEPING AND COMPUTATION

MLCCD acknowledges that in all cases, standard FTES computation rules, support documentation, course section tabulations, and record retention requirements continue to apply, including as prescribed by Cal. Code Regs., Title 5, §§ 58003.1 et seq., 58020 et seq., 58030 and 59020 et seq.

## XX. ACCESS AND ACCOMMODATIONS

Upon identifying themselves to the instructor and the college, students with disabilities shall receive reasonable accommodation for learning and evaluation.

## XXI. HOLD HARMLESS AGREEMENT AND INSURANCE

- To the fullest extent permitted by law, MLCCD shall indemnify and hold harmless WCS, its directors, officers and employees, from any and all liability claims, damages, costs and expenses, including attorney's fees, caused by or resulting from the negligent or intentional acts or omissions of MLCCD or any of MLCCD's employees. WCS shall indemnify and hold harmless MLCCD, its directors, officers, and employees, from any and all liability, claims, damages, costs and expenses, including attorney's fees, caused by or resulting from the negligent or intentional acts or omissions of WCS or any of WCS's employees. Neither party shall cover any negligent acts or omissions of the other. In the event of any such claim is made, or suit filed, both Parties shall give the other prompt written notice thereof, and each shall have the right to defend or settle. A Party that intends to seek an indemnity or hold harmless from the other Party shall notify the other Party in writing thereof, and within a reasonable time after the Party knows or becomes aware of any claim arising out of, resulting from or relating to this Agreement that may or has resulted in a loss, describing (if known or determinable) the pertinent circumstances, all entities and persons involved, and the amount(s) being claimed, and shall not settle or resolve the claim until it has notified the other Party of the claim in accordance with the provisions of this subsection and given the other Party an opportunity to participate in and consent to the settlement or resolution of the claim, which consent the other Party shall not unreasonably withhold.
- b. Without limiting the above indemnification provision and during the term of this Agreement, WCS shall obtain and maintain, and shall require their subcontractors to

obtain and maintain, liability insurance coverage in the amount of not less than one million dollars (\$1,000,000.00) to cover any classroom incident, accident, or illness. Each Party's insurance shall be primary to and not contributing with any other insurance or self-insurance programs maintained by the other Parties, and shall be provided and maintained at the Party's own expense.

- c. WCS agrees to provide a Certificate of Insurance verifying liability coverage in the amount of one million dollars. MLCCD and WCS agree to add and include each other's officials, officers, employees, agents and volunteers as an additionally insured in each other's general liability insurance coverage, throughout the term of this Agreement. Each Party shall provide written notice to the other of any change to said coverage.
- d. The Parties mutually agree to notify one another of any accident or incident relating to services performed under this Agreement which involves injury or property damage which may result in the filing of a claim or lawsuit against any of the Parties, and, of any actual third party claim or lawsuit arising from or related to services under this Agreement.

## **ACCEPTED AND AGREED TO:**

Jennifer Lockwood, Director		
Willits Charter School	Date	
Tim Karas, E.D., Superintendent/President	Date	
Mendocino-Lake Community College District		

#### APPENDIX I: CCAP PROGRAMS AND CLASSES

## Mendocino College Career Access Pathways

- 1. Administration of Justice
- 2. Agriculture Sustainable Small Farms Management
- 3. Business Business Management & Business Entrepreneurship
- 4. Child Development
- 5. Computer Science Computer Applications and Office Administration
- 6. Culinary Arts Management
- 7. Digital Arts and Media
- 8. Fire Science
- 9. Nursing
- 10. Sustainable Construction & Energy Technology Construction
- 11. Woodworking

## Mendocino College- College and Career Success Courses

- 1. CCS 100 Career Planning Success (1.5 3 units)
- 2. CCS 101 Career and Life Planning (3 unit)

## Mendocino College GE Courses for Transfer Pathway

- 1. ADJ 202 Concepts of Criminal Law (3 units)
- 2. ART 207 Survey of Western Art from Prehistory through the middle ages (3 units)
- 3. ART 208 Survey of Western Art from Renaissance to the Contemporary Period (3 units)
- 4. COM 203 Introduction to Public speaking (3 units)
- 5. CSC 201 Computers and Computer Applications (3 Units)
- 6. ENG 200 Reading and Composition (3 units)
- 7. HLH 200 Health Education (3 units)
- 8. HST 202 The United States to 1877 (3 units)
- 9. HST 203- The United States since 1865 (3 units)
- 10. HST 222- Native American History (3 units)
- 11. HST 250- Contemporary America: The People and the Issues (3 units)
- 12. MTH 200 Pre-calculus Mathematics (5 units)
- 13. MTH 220 Statistics (4 units)
- 14. PSY 205- Introduction to Phycology (3 units)
- 15. SPN 200- Elementary Spanish I (4 units)
- 16. SPN 201- Elementary Spanish II (4 units)

## Mendocino College Basic English and Math Courses PLUS\*

- 1. MTH 79 Mathematics for Technical Fields (3.0 units)
- 2. MTH 80- Intermediate Algebra for STEM and Business Majors (5.0 Units)
- 3. MTH 121- Trigonometry (4 units)
- 4. MTH 178 Applied Math (4 units)
- 5. ENG 85 Accelerated Preparation for College Writing (4.0)

<sup>\*</sup>English and Math offerings include CSU transferable Math Classes for both STEM and non-STEM transfer pathways.

ITEM NO: 6.6

DATE: February 9, 2022

SUBJECT: ESTABLISHMENT OF NEW TRUSTEE AREAS – Resolution #02-22-04

## SYNOPSIS:

Decennial establishment of new trustee areas.

## **RECOMMENDATION:**

The Superintendent/President recommends adoption of this resolution.

### ANALYSIS:

As required by law, following each decennial federal census, the Board of Trustees is required to use population figures to adjust the trustee areas to ensure that the population of each trustee area is proportional pursuant to Education Code section 5019.5(a). This process must be completed by February 28, 2022.

The public was invited to share their input regarding the trustee area boundaries at meetings which were held at the main campus as well as at each of the Center campuses. The public was also invited to share their input by mailing it to the Superintendent/President.

Superintendent/President Karas worked with staff from Mendocino County in developing the proposed revision to the current trustee areas using many of the same criteria used in developing the county-wide maps for other entities.

The recommended revision was brought to the Board of Trustees at their meeting on December 15, 2021 where it was reviewed and discussed.

The attached resolution and map is now presented for adoption.

## MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does hereby adopt Resolution #02-22-04 as presented.

# MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

#### **RESOLUTION 02-22-04**

# ESTABLISHMENT OF THE TRUSTEE AREAS FROM WHICH DISTRICT GOVERNING BOARD MEMBERS WILL BE ELECTED

**WHEREAS**, District staff has prepared proposed trustee area plans and recommendations (the "Plans") that the Board has considered; and

WHEREAS, the Board has solicited public opinion at four scheduled meetings (October 25, 2021 at the North County Center, Willits; October 28, 2021 at the Lake Center, Lakeport; November 2, 2021 at the Main Campus, Ukiah; and November 3, 2021 at the Coast Center, Fort Bragg) to receive public input and comment on the Plans; and

WHEREAS, the Board has considered all such public input and comment on the Plans; and

WHEREAS, the Board hereby adopts the Plans, a copy of which is attached to this Resolution for use in the District's next regularly scheduled governing board member election occurring in November, 2022; and

WHEREAS, Each trustee area in the Plans contains substantially equal population utilizing the most recent decennial federal census data as required by Education Code section 72036; and

**WHEREAS**, the trustee areas from which governing board members will be elected in November, 2022, are Areas 2, 5 and 6; and

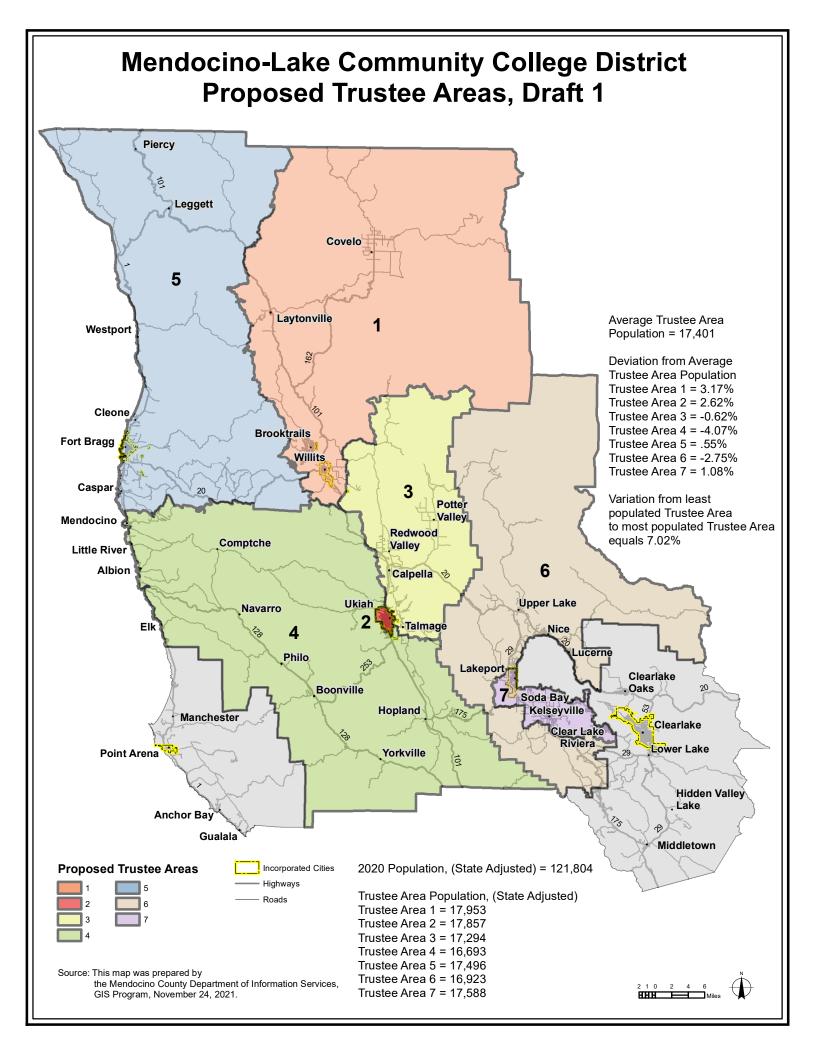
**WHEREAS**, the trustee areas from which governing board members will be elected in the following governing board member election occurring in November, 2024, are Areas 1, 3, 4 and 7.

**NOW THEREFORE**, be it resolved by the of the Mendocino-Lake Community College District Board of Trustees as follows:

- 1. That the above recitals are true and correct.
- 2. That the Board hereby adopts the Plans commencing with the District's next regularly scheduled governing board member election occurring in November of 2022.

TeMashio Anderson	Xochilt Martinez	
Marie Myers	Ed Nickerman	
Noel O'Neill	Robert Jason Pinoli	
John Tomkins		

PASSED AND ADOPTED THIS 9 Mendocino-Lake Community Colle		•
Timothy Karas, Secretary	Date	
Board of Trustees		



ITEM NO: 6.7

DATE: February 9, 2022

**SUBJECT:** AWARDING OF CONTRACT – COAST CENTER BOILER PROJECT

# **SYNOPSIS**:

Board of Trustees award of contract for the Coast Center Boiler Project.

#### RECOMMENDATION:

The Superintendent/President recommends the contract be awarded as presented.

#### ANALYSIS:

The scope and intent of the Coast Center Boiler Project is to replace the boiler that serves all of the heating needs of the Coast Center. The existing unit is 15 years old, has had several failures, and has come to the end of its useful life.

The project followed the rules and notification requirements of California Uniform Public Construction Cost Accounting Act (CUPCAA), including notification of the District's preapproved contractors and public notices in regional builder exchanges. On January 24, 2022, Mendocino College held a mandatory job walk for the project; two companies attended the job walk and two companies submitted a bid. The lowest bid amount was from Matrix HG, Inc., for \$89,812.

Reference Board Policy 6340, Bids and Contracts

# MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does hereby awards the contract for the Coast Center Boiler Project to Matrix HG, Inc. for \$89,812.

ITEM NO: 8.1

DATE: February 9, 2022

SUBJECT: MENDOCINO COLLEGE FOUNDATION REPORT

# SYNOPSIS:

This is an informational report from the Mendocino College Foundation Executive Director.

# ANALYSIS:

During the Foundation Board of Directors annual organization meeting in December, the Foundation Board of Directors elected Ms. Linda Chapman as the new Foundation President and Mr. Travis Scott as the Vice President, each for two-year terms.

The Foundation Scholarship Programs' application period for 22-23 academic year will close on March 1, 2022. An announcement regarding the scholarship program is running on the MC monument sign located at the corner of North State Street and Hensley Creek Road.

Scholarship workshops/outreach are occurring throughout Lake and Mendocino counties. To date, over 250 Mendocino College and high school students have heard the presentation. There is an increased number of applications due to the workshops/outreach. The Foundation anticipates having over \$200,000 in scholarship funds to distribute.

The 2022 AAFG adoptions to date are 45 adoptions.

A postcard will go out mid-February reminding all current Adopt A Fifth Grader alumni to update their most recent contact information with the Foundation.

The Foundation continues to conduct outreach to AAFG recipients to take advantage of their AAFG scholarships for attending Mendocino College or completing HS graduation. Over half of the AAFG alumni for 2021 have cashed in their scholarship. Eleven of those AAFG alumni are currently attending Mendocino College. Outreach for the 2022 AAFG Alumni will begin in April.

Foundation staff is wrapping up annual charitable contribution letters. The letters will be mailed out the first week of February.

Foundation staff continues to review the 21/22 budget to date and expenses are tracking with the budget. The budget preparation for 22/23 will begin over the next few months.

ITEM NO: 8.2

DATE: February 9, 2022

**SUBJECT:** CONSTITUENT GROUP REPORTS

SYNOPSIS:

A report from the Constituent Groups to the Board of Trustees is submitted as information.

#### **ANALYSIS:**

#### Academic Senate:

The following report was submitted by Academic Senate President Catherine Indermill:

As you know, the Academic Senate has been focusing on equity, inclusion and abolishing structural racism for the last few semesters. Our most recent actions include acknowledging significant injustices to the local Native American Tribes. We have done this by adopting a *Native American Land Acknowledgement* that will be included at all of our meetings. In addition, we have asked faculty to include a similar acknowledgement in their class materials. Both of these are addressed in the "therefore" statements at the bottom of page one of Resolution F'21-01. This is the Academic Senate's Native American Land Acknowledgment:

The Mendocino College Academic Senate collectively acknowledges that the Mendocino-Lake Community College District occupies the ancestral, traditional, and contemporary Lands of the local First Nations: Cahto, Concow, Pit River, Nomlaki, Pomo, Sinkyone, Wailacki, and Yuki. We recognize, support, and advocate for their sovereignty.

We acknowledge all Indigenous Peoples who have called Lake and Mendocino Counties their home for thousands of years, and their efforts to revive and cultivate their cultures, languages, and identities despite the atrocities committed against them. The Mendocino College Academic Senate is committed to ending these struggles and racist experiences within the district.

We recognize, honor, and respect these nations as the traditional stewards of the lands and water on which the District is now present. Lastly, we thank them for their strength, perseverance and resilience.

By offering this Land Acknowledgement, we affirm Indigenous sovereignty and will work to hold Mendocino College Academic Senate more accountable to the educational needs of local First Nations and Indigenous Peoples.

There has been a change in the Academic Senate leadership as Vice President Ginny Buccelli has resigned from the senate due to personal family issues. Per the AS Constitution, Senator Brianna Zuber has been appointed to complete the vacated 2020-2022 term. Buccelli's knowledge of AB 705, Credit for Prior Learning, and the former Basic Skills Initiative have contributed to faculty efforts to support student success. Zuber is currently serving her second term on the Academic Senate. On behalf of the faculty, I welcome Zuber to this new leadership role.

# **Classified Senate:**

The following report was submitted by Classified Senate President Isabel Lopez:

Classified staff are excited to be back on campus for this Spring 2022 semester. Classified Professionals participated in the Week of Welcome informational tables by giving a warm welcome to students as they entered our campus, handed out healthy snacks and lunch, and provided college campus maps and swag. It was great to see more students on campus and have some sense of normality.

Jordan Horowitz from the Institute of Evidence-Based Change continues to strengthen MendoCares. The Team met with Jordan in early January where he provided guidance in creating the Working Group Charge and Workplan. With his advice and support, MendoCares is concentrating on establishing responsibilities, structure and short- and long-term goals.

MendoCares also participated in the first E-Campus book distribution. Members volunteered time to scan incoming books, distribute books, and answer general E-Campus book questions. Being able to support the new Books by E-Campus was a great opportunity for MendoCares to practice their commitments to creating a welcoming campus for students.

The Classified Senate has transitioned leadership as of January 14<sup>th</sup>, 2022. Susan Sopp was nominated for Vice President, and she has accepted to fulfill the role for the remaining of this term. The Senate will continue to focus on Professional Development opportunities for Classified Professionals.

# Management/Supervisory/Confidential:

The following report was submitted by Management Team President Janet Daugherty:

The Management Team met on January 25, 2022 and discussed the following agenda items:

- New member introductions the following new members were introduced:
  - Julie McGovern, Executive Director of the Mendocino College Foundation
  - Suzanne Hewitt, DNP, MSN, RN, FNP-C Assistant Dean Health Careers/Director of Registered Nursing Program
- COVID Updates faculty and student vaccine and testing protocols
- Student Outreach of MyMendo and COVID vaccine and testing status
- Spring Semester, 2022 WOW (Week of Welcome) students will be on campus, lunch will be provided for students the first two days of the semester; student information desk; Online Passport to learning

Oral reports by other constituent group leaders may be presented at the meeting.

ITEM NO: 8.3

DATE: February 9, 2022

**SUBJECT:** BOARD POLICY ADDITIONS AND REVISIONS – FIRST READING

# **SYNOPSIS**:

New and revised Board policies are presented for review and discussion.

#### ANALYSIS:

As part of the ongoing effort to review all policies in the Board Policy Manual in a timely manner, the following Board policies are submitted for the Board's review. As part of the process, all Board Policies are being updated to reflect the standard numbering system used by Community Colleges throughout the state.

The following policies were reviewed by the Board of Trustees ad-hoc committee on January 20, 2022; shared with the President's Policy Advisory Committee on January 28, 2022 and are now presented to the Board of Trustees for review and final approval.

Board Policy 2720 – Communication Among Board Members – This new legally required board policy has been created using the League template as a guide to reflect the legally required language.

Board Policy 2725 – Board Member Compensation – This policy is only applicable when the Board of Trustees has taken action to provide compensation to its members. The policy was last updated in March 2020. After review by the ad-hoc committee, there were no changes deemed as necessary to the current version.

Board Policy 2730 – Board Member Health Benefits– This board policy was last updated in March 2020 and has now been reviewed by the ad-hoc committee where no changes were deemed as necessary to the current version.

Board Policy 2735 – Board Member Travel – This legally required board policy was last updated in March 2020. The only change deemed as necessary is the addition of a reference to the appropriate Government Code.

Board Policy 2740 – Board Education – This legally required board policy was last updated in January 2015 and has been revised to now include a section regarding a planned means for the board to keep itself updated on any new needs and/or practices of the college.

Board members will review the policies and may offer suggestions for changes as deemed necessary. Discussion and/or adoption of the policies will take place at the March 2022 Board meeting.





#### COMMUNICATIONS AMONG BOARD MEMBERS

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind (e.g., written, telephone, e-mail, or other technological device), directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board.

This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

This policy shall also not be construed as preventing a member of the Governing Board from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Board. In doing so, a majority of the members of the Board may not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. However, a member of the Board shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the Board that another member of the Board has made, posted, or shared.

Reference: Government Code Section 54952.2

Drafted: January 2022 BP 2720 Page 1 of 1

# MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT

#### **BOARD MEMBER COMPENSATION**

Members of the Board of Trustees including the student member who attend all board meetings shall receive \$100 per month. A member of the Board who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share for the number of meetings actually attended.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the community college district, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

Reference: Education Code Section 72024

Adopted: February 5, 1986 Revised: February 3, 1988

Reviewed:

April 7, 1993 June 7, 1995 May 1, 2007 September 9, 2009 February 2020

January 2022

May 1, 1991 July 6, 1994 September 18, 2002 February 4, 2009 March 2, 2011 March 11, 2020 Page 1 of 1

Page 1 of 1



#### BOARD MEMBER HEALTH BENEFITS

In accordance with Government Code, Section 53201, the District will provide health benefits for trustees, except the student trustee, as follows:

#### 1. Current Trustees

While serving on the Board, Trustees may participate in the dental and vision benefits portions of the health benefit plan, as provided to active District employees. Trustees are not eligible for retiree health benefits when they no longer serve on the Board. No health benefits shall be provided to the student trustee.

#### 2. Former Trustees

- 2.1 Those first elected or appointed before May 1, 1991 who served 12 years or more may continue their health benefits at the District's expense. Benefits will consistent with those available to active District employees. (This legal commitment was made by the Board of Trustees on February 5, 1986.)
- 2.2 Those first elected or appointed after May 1, 1991 may continue their health benefits at their own expense, as specified in COBRA provisions.

#### Life Insurance

While serving on the Board, Trustees will receive life insurance, as provided to active District employees.

Government Code Section 53201 and 53208.5 Reference:

Adopted: February 5, 1986 Revised: February 3, 1988

Reviewed:

April 7, 1993 June 7, 1995 May 1, 2007 September 9, 2009 February 2020 January 2022

March 1, 1991 July 6, 1994 September 18, 2002 February 4, 2009 March 2, 2011 March 11, 2020



# **BOARD MEMBER TRAVEL**

Members of the Board shall have travel expenses paid pursuant to the District Travel Handbook whenever they travel as representatives of and perform services directed by the Board.

Reference: Education Code Section 72423

**Government Code Section 11139.8** 

Adopted: January 14, 2015 Reviewed: March 11, 2020 Revised: January 2022



#### **BOARD EDUCATION**

The Board is committed to its ongoing development as a Board and to a trustee education program that includes new trustee orientation.

To that end, the Board will engage in professional development activities which may include study sessions, providing access to reading materials, and supporting conference attendance and other activities that foster trustee education.

Members of the Governing Board are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve the operation of the District.

It shall be the policy of the Governing Board to utilize on a planned basis means of keeping itself abreast of new needs and practices. The Board President and the District Superintendent/President may recommend the following to the Board:

- Consultants who may desirably confer with the Board and the administration on particularly significant areas.
- Professional meetings on a state and national basis which should be attended by Board Members.
- Reports and publications from District staff with which the Board should be familiar.

Reference: Accreditation Standard IV.C.9 (formerly IV.B.1.f)

Adopted: May 5, 1999 Revised: July 11, 2007 January 14, 201

January 14, 2015 January 2022

ITEM NO: 9.1

DATE: February 9, 2022

**SUBJECT**: TRUSTEE REPORTS

SYNOPSIS:

Individual Trustees share their Board related activities with the full Board.

ANALYSIS:

Oral reports by Trustees may be presented at the meeting.

ITEM NO: 9.2

DATE: February 9, 2022

**SUBJECT:** FUTURE AGENDA ITEMS

# **SYNOPSIS**:

Input and discussion by board members regarding items to be included on future agendas.

# ANALYSIS:

Items currently on the list include:

- Diversity training for Board members Trustee Martinez requested this item and feels it needs to be either a workshop or special meeting. It should not be a lecture but more of a reflection and participation by members of the board. For this reason, she feels it needs to be when we are once again able to meet in person.
- Essential needs for Trustee onboarding
- Outreach to the community and the various tribes
- A workshop or presentation on the next phase plans for the three centers
- A big picture presentation by the Lake County Superintendent of Schools similar to the presentation made by the Mendocino County Superintendent of Schools.
- Site visits at all the sites including courses offered and equipment available.
- Board workshop for board members regarding the process and how we handle the public as a board
- An ongoing conversation about the role Student Trustees can have in their individual districts. Discussion would include what it would mean for the board. Trustee Martinez would also like to have more information about the role of the student trustee.