



MIRACOSTA COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

REGULAR MEETING
4 P.M. – THURSDAY – FEBRUARY 24, 2022

[ZOOM Webinar Access](#)

Webinar ID: 978 0976 0278, Or Dial: +1 669 900 6833

[How to Provide Public Comment](#)

AGENDA

- I. CALL TO ORDER
- II. FLAG SALUTE / ROLL CALL
- III. TELECONFERENCING OF MEETINGS (Action Required)
 - A. Approve Continued Observance of Resolution No. 4-21/22 Authorizing Teleconferencing for Meetings Pursuant to AB 361
- IV. APPROVE MEETING MINUTES
 - A. Special Meeting/Closed Session of January 27, 2022
 - B. Regular Meeting of January 27, 2022
- V. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA

PLEASE NOTE: In accordance with AB 361, board meetings will continue to be conducted in an online format. Members of the public may access the meeting at the link above, and may request to make public comments by using the “raise your hand” feature at the bottom of the webinar screen. Written comments to the board will not be read aloud during the meeting. Instead, a copy of written comments will be provided to each of the trustees. All public comments must continue to adhere to the Decorum outlined below. Specific instructions on how to provide public comment during a Zoom board meeting can be accessed at the link above.

ITEMS ON THE AGENDA: Members of the audience may address the Board of Trustees on any item listed on the agenda when that agenda item comes up for discussion and/or action. Comments will be limited to three (3) minutes per agenda item and a total of fifteen (15) minutes of public comment on any one item, unless waived by the board. Non-English speakers utilizing a translator will have six (6) minutes to directly address the board. Consent items are considered routine and customary district business, and are voted on in one vote; however, a board member or a member of the audience may request that an item listed on the consent items be removed and considered individually.

ITEMS NOT ON THE AGENDA: Members of the audience may address the Board of Trustees on any topic not on the agenda so long as the topic is within the jurisdiction of the district. Under the Brown Act, the board is not permitted to engage in public discussion or take any action on an agenda item not on the agenda, except that members of the board may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code §54954.3. In addition, on their own initiative, or in response to questions posed by the public, a member of the board may ask a question for clarification. A member of the board or the board itself may provide a reference to staff (superintendent/president) or other resources for factual information, request staff (superintendent/president) to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff (superintendent/president) to place a matter of business on a future agenda. Comments from visitors shall not exceed three (3) minutes unless the board waives the time limit. Non-English speakers utilizing a translator will have six (6) minutes to directly address the board. The board may also limit the total amount of time for speakers on a particular topic to fifteen (15) minutes.

DECORUM: Board Policy 2355 requires members of the public to observe order and decorum at board meetings and to conduct themselves in a courteous manner, avoiding profanity, obscenity, other abusive language, and threats of violence. The board president, as presiding officer, has the authority to run the meeting, which includes the authority to issue warnings, call for recesses, or clearing the boardroom in the event of disruptive behavior. Speakers shall speak to the issues and refrain from using defamatory or abusive personal remarks that disturb or impede the meeting or exceed the bounds of civility necessary to the conduct of the business of the district. Government Code section 54954.3(c) establishes that the legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body, and California Penal Code section 403 makes it a misdemeanor for any person to willfully disturb or break up any assembly or meeting with lawful authority.

VI. CHANGES IN AGENDA ORDER

VII. PRESENTATIONS

- A. Sabbatical Report – Professor Nery Chapeton Lamas
- B. Sabbatical Report – Credit Veteran Counselor Rebecca Morgan
- C. Preliminary Budget Presentation

VIII. CONSENT ITEMS

- A. Ratify Recommendations of Superintendent/President in Approving Personnel Actions
- B. Approve Academic Personnel Advancement
- C. Ratify Memorandum of Understanding 22-01 with Academic Associate Faculty
- D. Ratify Memorandum of Understanding 22-01 with Classified Administrators
- E. Approve Curriculum for 2022-2023 Catalog, Part II
- F. Approve Annual Purchase of Desktop Computer Replacements for Academic Labs
- G. Approve Renewal of Oracle Enterprise Resource Planning (ERP) PeopleSoft Applications Software Update Licensing, Maintenance and Technical Support Services
- H. Award Contract for RFB #03-22, Concert Hall Audio System
- I. Award RFB #06-22: Microscopes
- J. Award RFB #05-22: Liquid Chromatography - Mass Spectrometry Equipment
- K. Ratify Budget Transfers/Revisions
- L. Ratify and Approve Contracts and Purchase Orders

IX. ACTION ITEMS

- A. Approve FY2023 Nonresident Tuition Fee
- B. Adopt Resolution No. 11-21/22 Authorizing Eppendorf as a Single Source Procurement for the Biotechnology Department
- C. Adopt Resolution No. 12-21/22: Authorizing Repligen Corp. as a Single Source Procurement for the Biotechnology Department
- D. Approve Change Order to Design-Build Services Contract for Oceanside Campus New Student Services Project
- E. Approve Sole Source Exceptions Findings and Resolution No. 14-21/22
- F. Approve Use of Cooperative Purchase Agreements for OCN Administrative Building Renovation – Parron Hall
- G. Adopt Resolution No. 13-21/22: Authorizing Contract with Gubener Plastinate GmbH for Procurement of Plastinated Anatomic Specimens

X. PERIODIC REVIEWS – BOARD POLICIES (Action Required)

- A. Board Policy 6500 – Property Management

XI. SECOND READING – BOARD POLICIES (Action Required)

- A. Board Policy 5700 – Athletics

XII. FIRST READING – BOARD POLICIES (No Action Required)

- A. Board Policy 6700 – Civic Center and Other Facilities Use

XIII. INFORMATION

- A. Second Quarter Fiscal Report

XIV. COLLEGE-RELATED REPORTS

- A. Trustees Activities
- B. Students
- C. Classified Employees
- D. Faculty
- E. Vice Presidents
 - 1. Instructional Services
 - 2. Student Services
 - 3. Administrative Services
 - 4. Human Resources
- F. Office of the President
- G. Superintendent/President

XV. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

XVI. ADJOURNMENT


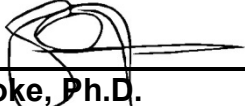
UPCOMING MEETING

4 p.m. – March 24, 2022

**Regular Meeting
Zoom Webinar**

Board meetings are normally held in meeting rooms that are accessible to those with mobility disabilities, however, an executive order issued on 3-18-20 by the Governor of California indicated that the requirements for having a physical space for meetings has been waived due to the coronavirus (COVID-19). Additionally, with the passing of AB 361, meetings will be held remotely until further notice. If you wish to attend the meeting and/or if you have another disability requiring special accommodation, please contact Julie Bollerud, executive assistant to the superintendent/president, at 760.795.6610 or by email at jbollerud@miracosta.edu. The California Relay Service (CRS) is available by dialing 711, or 1-800-735-2929 or 1-800-735-2922.

In compliance with Government Code §54957.5, nonexempt writings that are distributed to a majority or all of the MiraCosta Community College District Board of Trustees in advance of their meetings may be viewed at the Office of the Superintendent/President, One Barnard Drive, Oceanside, California, or by clicking on the Board of Trustee's website at <http://www.miracosta.edu/OfficeOfThePresident/BoardofTrustees/Agendas.htm>. Such writings will also be available at the board meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Julie Bollerud, executive assistant to the superintendent/president, at 760.795.6610 or by email at jbollerud@miracosta.edu.

Subject: Approve Continued Observance of Resolution No. 4-21/22 Authorizing Teleconferencing for Meetings Pursuant to AB 361	Attachment: Resolution No. 4-21/22 Authorizing Teleconferencing for Meetings Pursuant to AB 361
Category: Action Items	Type of Board Consideration: Information Consent Action <div style="text-align: right; margin-right: 20px;">  </div>
	Approved for Consideration:  <hr style="width: 100%;"/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to enable state and local agencies to more effectively respond to the threat of COVID-19. ON March 17, 2020, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which extended the provisions of Executive Order N-29-20’s authorization for holding virtual meetings, with an expiration date of September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361 (Rivas) as urgency legislation effective immediately, which provides that legislative bodies may continue to meet remotely during a declared State of Emergency subject to certain conditions.

STATUS

In an effort to safeguard the health of our students, employees, and community members, and in an effort to provide greater access to meetings of the board of trustees, the board adopted MiraCosta Community College District Resolution No. 4-21/22 on October 21, 2021. This resolution declared emergency conditions exist throughout the district campuses and facilities as a result of the continued State of Emergency under Government Code section 54943. The board continues to be provided regular updates on this matter.

RECOMMENDATION

Approve continued observance of Resolution No. 4-21/22 – authorizing teleconferencing for meetings pursuant to AB 361 as stated above. The result of this action will be recorded in the meeting minutes.

MIRACOSTA COLLEGE COMMUNITY DISTRICT

RESOLUTION NO. 4-21/22

**RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the legislative body of the District hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The Board of Trustees of the MiraCosta Community College District finds, by a majority vote, the following:
 - a. That there exists a proclaimed state of emergency;

AND either:

- b. The Board is meeting for the purpose of determining one of the following, or more than 30 days have passed since the Board met and determined one of the following, and the Board now re-determines one of the following:
 - i. As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

- ii. State or local officials have imposed or recommended measures to promote social distancing; OR

OR

- c. This Board has made the determination set forth in subdivision (b), above within the last 30 days and now makes the following determination:
 - i. The Board has reconsidered the circumstances of the state of emergency;
AND
 - ii. Any of the following circumstances exist:
 - 1. The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - 2. State or local officials continue to impose or recommend measures to promote social distancing.
- 3. The District's superintendent/president or their designee is authorized to take all steps and perform all actions necessary to execute and implement this Resolution in compliance with Government Code section 54953.
- 4. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Trustees of the MiraCosta Community College District, this 21st day of October, 2021, by the following vote:

AYES:	7	Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
NOES:	0	_____
ABSTAIN:	0	_____
ABSENT:	0	_____

CERTIFICATION

I hereby certify, on this 21st day of October, 2021, that the foregoing document is a true and correct copy of the Resolution To Implement Teleconferencing Requirements During a Proclaimed State of Emergency by the Board of Trustees] of MiraCosta Community College District at its meeting on October 21, 2021.

By:  _____

Secretary to the Board of Trustees
MiraCosta Community College District



**MIRACOSTA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES**

**One Barnard Drive, Oceanside, CA
Zoom Conference**

MINUTES OF SPECIAL MEETING/CLOSED SESSION

**January 27, 2022
(DRAFT)**

I. CALL TO ORDER

The Board of Trustees of the MiraCosta Community College District met in a special meeting/closed session on Thursday, January 27, 2022, via Zoom conference. President Anna Pedroza called the meeting to order at 2:16 p.m.

II. FLAG SALUTE / ROLL CALL

Board members present:

David Broad	Frank Merchat
Rick Cassar	Anna Pedroza
Bill Fischer	Jacqueline Simon
George McNeil	

Superintendent/President Sunny Cooke
Vice President Charlie Ng
Legal Counsel Lisa Jensen
Legal Counsel Randy Winet

III. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA

None.

IV. DECLARE NEED FOR CLOSED SESSION

At 2:16 p.m., the board announced the need to enter closed session to discuss the following topics:

A. Conference with Labor Negotiators

(Pursuant to Government Code Section 54957.6)

Agency designated representatives: Superintendent/President Sunita V. Cooke,
Vice President, Human Resources Charlie Ng
Employee organizations: All

B. Conference with Legal Counsel

Anticipated Litigation Number of Potential Cases: 3

(Pursuant to Government Code Section 54956.9(d)(2))

- JPA 20-05413
- JPA 20-05626
- JPA 21-05582

C. Employee Discipline/Dismissal/Release (2)
(Pursuant to Government Code section 54957)

D. Student Discipline/Expulsion
(Pursuant to Education Code §72122)

V. RECONVENE IN OPEN SESSION – REPORT ACTION FROM CLOSED SESSION

At 3:55 p.m., the board returned to open session to report the following:

A. Conference with Labor Negotiators

(Pursuant to Government Code Section 54957.6)

Agency designated representatives: Superintendent/President Sunita V. Cooke,
Vice President, Human Resources Charlie Ng

Employee organizations: All

No action taken.

B. Conference with Legal Counsel

Anticipated Litigation Number of Potential Cases: 3

(Pursuant to Government Code Section 54956.9(d)(2))

- JPA 20-05413
- JPA 20-05626
- JPA 21-05582

No action taken.

C. Employee Discipline/Dismissal/Release (2)

(Pursuant to Government Code section 54957)

The board took action (vote of 7/0/0) to terminate a probationary, certificated employee serving on a grant-funded program.

D. Student Discipline/Expulsion

(Pursuant to Education Code §72122)

The board took action (vote of 7/0/0) to permanently expel student (I.D. #72930).

VI. ADJOURNMENT

The meeting adjourned at 3:55 p.m.

MINUTES APPROVAL:

Anna Pedroza
Board President

Sunita V. Cooke, Ph.D.
Superintendent/President



**MIRACOSTA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
One Barnard Drive, Oceanside, CA**

MINUTES OF REGULAR MEETING

**January 27, 2022
(DRAFT)**

I. CALL TO ORDER

The Board of Trustees of the MiraCosta Community College District met in open session on Thursday, January 27, 2022, via Zoom conference. Vice President Frank Merchat called the meeting to order at 4:06 p.m.

II. FLAG SALUTE / ROLL CALL

Board members present:

David Broad	Frank Merchat
Rick Cassar	Anna Pedroza
William Fischer	Jacqueline Simon
George McNeil (absent)	Alma Cuevas (Student Trustee)

Administrators present:

Superintendent/President Sunny Cooke
Vice President Tim Flood
Vice President Charlie Ng
Vice President Denée Pescarmona
Vice President Alketa Wojcik

III. TELECONFERENCING OF MEETINGS (Action Required)

A. Approve Continued Observance of Resolution No. 4-21/22 Authorizing Teleconferencing for Meetings Pursuant to AB 361

By motion of Trustee Broad, seconded by Trustee Cassar, the board adopted Resolution No. 4-21/22 authorizing the continued teleconferencing of meetings pursuant to AB 361.

Vote: 6/0/1

Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon

Abstentions: None

Absent: McNeil

IV. APPROVE MEETING MINUTES

A. Special Meeting/Closed Session of December 16, 2021

B. Regular Meeting of December 16, 2021

By motion of Trustee Cassar seconded by Trustee Broad/Fischer, the minutes of the special meeting/closed session of December 16, 2021, were approved.

Vote: 6/0/1

Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon

Abstentions: None

Absent: McNeil

By motion of Trustee Cassar seconded by Trustee Broad/Fischer, the minutes of the regular meeting of December 16, 2021, were approved.

Vote: 6/0/1

Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon

Abstentions: None

Absent: McNeil

V. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA

None.

VI. CHANGES IN AGENDA ORDER

Action Items IX.A and IX.B were moved to immediately follow Presentation Item VII.A. Consent item D was pulled to discuss wording change required.

George McNeil joined the meeting at 4:12 p.m.

VII. PRESENTATIONS

D. Recap of Proposed Maps Realigning Trustee Areas to Equalize Population and Otherwise Comply with Criteria Adopted by the Board of Trustees

Christopher Skinnell, partner at Nielsen Merksamer Parrinello Gross & Leoni, LLP, Attorneys at Law, and Justin Levitt of National Demographics Corporation (NDC), prior to holding a public hearing, provided a brief overview of the three proposed approaches to readjusting the trustee area lines to rebalance the populations of the areas in accordance with direction received from the board at prior meetings.

E. Legislative Update

Kristen Huyck, director of public and governmental relations, marketing, and communications provided a general overview of the federal and state political climate as it relates to community colleges and legislation/policy, as well as an update of district boundaries post redistricting.

VIII. CONSENT ITEMS

A. Ratify Recommendations of Superintendent/President in Approving Personnel Actions

B. Ratify Memorandum of Understanding 22-01 with the Classified Senate

C. Ratify Memorandum of Understanding 21-09 with the Faculty Assembly

D. Approve Employment Contracts for Professional Experts

E. Approve Revised Professional Expert Salary Schedule Effective January 1, 2022

- F. **Approve Job Description, Hourly Rate for Executive Director of Fund Development and College Foundation, Hourly**
- G. **Approve Employee Contract for Associate Vice President**
- H. **Approve Resolution 9-21/22 to Appoint Retiree as Interim Chief of Police and Campus Safety**
- I. **Approve Updated Course Agreement with Carlsbad Unified School District for the Spring 2022 Dual Enrollment Program**
- J. **Approve Updated Course Agreement with San Dieguito Union High School District for the Spring 2022 Dual Enrollment Program**
- K. **Approve Spring 2022 Annual Program Components for the Oceanside Unified School District CCAP Dual Enrollment Program**
- L. **Approve Sabbatical Leave Recommendations for FY 2022/23**
- M. **Approve Educational Master Plan**
- N. **Approve Cooperative Agreement for Chemistry and Equipment Purchase**
- O. **Award Contract for RFP 08-21, Case Management/CRM System**
- P. **Award Contract for RFB #01-22: Benchtop Nuclear Magnetic Resonance Spectrometer**
- Q. **Ratify and Approve Contracts and Purchase Orders**

By motion of Trustee McNeil, seconded by Trustee Cassar, consent items A through C and E through Q were approved.

Vote: 7/0/0
 Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
 Abstentions: None
 Absent: None

By motion of Trustee Broad, seconded by Trustee McNeil, consent item D was approved.

Vote: 7/0/0
 Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
 Abstentions: None
 Absent: None

IX. ACTION

- A. **Public Hearing 4 p.m. – Proposed Maps Realigning Trustee Areas to Equalize Population and Otherwise Comply with Criteria Adopted by the Board of Trustees**

No public comments.

- B. **Adopt Resolution 10-21/22 Adopting Realigned Trustee Areas for MiraCosta Community College District Board-Members Based on the 2020 Census Pursuant to Education Code § 5019.5**

By motion of Trustee Pedroza, seconded by Trustee Broad, the board adopted Resolution 10-21/22 to realign trustee areas according to Map A.

Vote: 5/1/1
 Aye: Broad, Cassar, Fischer, Pedroza, Simon
 Nay: McNeil
 Abstentions: Merchat
 Absent: None

C. Approve Amendment No. 1: Social Tech, Inc.

By motion of Trustee McNeil, seconded by Trustee Fischer, the board approved the execution of Amendment No. 1 with Social Tech, Inc. and a change order to the original purchase order issued as stated.

Vote: 7/0
Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
Abstentions: None
Absent: None

D. Approve Replacement; Hardware/Software Maintenance and Support of Data Storage Area Network (SAN)

By motion of Trustee McNeil, seconded by Trustee Fischer, the board approved the replacement, hardware/software maintenance, and support of data storage area network as stated.

Vote: 7/0
Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
Abstentions: None
Absent: None

E. Adopt Resolution No. 8-21/22: Authorizing Extension of Kitchell CEM, Inc. Program Management Agreement

By motion of Trustee McNeil, seconded by Trustee Fischer, the board adopted Resolution No. 8-21/22 to authorize extension of Kitchell CEM, INC. Program Management Agreement and Amendment No. 5 to the Kitchell CEM, Inc. Program Management Agreement as stated.

Vote: 7/0
Aye: Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
Abstentions: None
Absent: None

X. FIRST READING – BOARD POLICIES

A. Board Policy 5700 – Athletics

Proposed edits to Board Policy 5700 - Athletics were reviewed and discussed, and the policy will be placed on a future agenda for adoption.

XI. COLLEGE-RELATED REPORTS

A. Trustees Activities

Trustees Cassar, McNeil, Simon, Broad, Pedroza, and Merchat attended All College Day. Trustee Cassar attended the monthly SDICCCA meeting. Trustee McNeil attended the Martin Luther King Breakfast, a Barrio Empowerment meeting, and several athletic games. Trustee Simon attended the MLK celebration at Southwestern College and the Campaign for College Opportunity event. Trustee Broad attended the San Diego North Economic Development Council's Roundtable, the MLK Breakfast, and a FLEX workshop on RAFFY and Voices for Children. Trustee Pedroza attended the MLK breakfast. Vice President Merchat attended the MLK breakfast and the SDNEDC Roundtable and asked if a board member would be willing to volunteer to serve with Trustee Broad as an Accreditation Liaison on behalf of the board; Trustee Simon volunteered.

B. Students

Student Trustee Alma Cuevas stated that, although there are mixed feelings on temporarily returning online, students recognize that this is a safety measure and look forward to returning to campus at a later date. She reported that the Associated Student Government DEI committee created a work group for students and the community to feel supported when hate crimes occur, such as those that took place at San Dieguito Academy. Alma also recognized the great work done on the Student Center at the San Elijo campus, especially the food pantry and ASG lounge.

C. Classified Employees

Classified Senate President Carl Banks reported the Classified Senate has worked to ratify the telework policy that the board will be approving this evening. He thanked the board, Charlie Ng, and Hayley Schwartzkopf for their support and leadership in this endeavor. He noted that concerns about childcare among the classified professionals arose from this work, and the Classified Senate will be exploring some innovative solutions. He also reported they will be voting on some bylaw changes and updating their policies and procedures to include the Classified Confidential employee group, and the shared governance committee will be working this semester on committee appointments and preparing for professional development days during spring break.

D. Faculty

Academic Senate President Luke Lara thanked the amazing college community for their flexibility to meet our students' needs in the context of the pandemic. He also thanked the faculty for their work on another amazing Flex Week, with special thanks to Denise Stephenson and Debby Adler for organizing about 75 flex sessions.

E. Vice Presidents

1. Instructional Services

Vice President Pescarmona echoed Dr. Lara's comments on the fantastic Flex Week. She reported that there are currently 65 classes that are on campus, which are the hard to covert career education and performance classes. She is looking forward to welcoming back more after February 22, with a 38 percent on ground footprint. She acknowledged the hard work of the instructional service deans and their staff, the department chairs and faculty, and instructional services staff as they adjusted over 500 sections. She also acknowledged the Biomanufacturing Program, which was featured at the Board of Governors meeting this week.

2. Student Services

Vice President Wojcik submitted a written report to the board. She acknowledged all Student Services staff members who have been working so hard and meeting student needs both face-to-face, as well as online.

3. Administrative Services

Vice President Flood reported his department is wrapping up annual financial audits; he will also provide the board with a budget update next month. From the facility standpoint, three new buildings will soon be opening at the San Elijo Campus; the Library, Science Lab, as well as the remodeled Student Center. He thanked all who helped make this possible, including Kitchell staff, and he looks forward to touring the facilities liaisons of the board through the site next week.

4. Human Resources

Vice President Ng thanked the board for approving the employment of a Covid Coordinator at today’s meeting, which will help the district handle the volume of people on campus with Covid related issues, such as tracking and all the different things that we are doing to make our campus safe for employees and students. He also thanked the board for approving the telework policy for Classified employees. Human Resources is beginning recruitments for faculty, classified, and administrative positions, as well as organizing the hiring committee training around DEI efforts. The Campus Climate Survey group will be re-engaging in the spring semester, as well as our Futures work and accreditation. Lastly, he thanked the Payroll Department for mailing out employee W-2s in such a timely fashion.

F. Superintendent/President

Superintendent/President Cooke underscored the gratitude that was conveyed earlier on the remarkable efforts all employees are making to quickly pivot and respond to changes due to the rise in Covid cases. She and Tim Flood are working on tours for board members at the campuses, and she reported that the changes at the San Elijo campus are remarkable, and still on or under budget. The Advancement team is working hard to close out the Foundation’s financials and acknowledge donors’ annual generous support. The RPIE team is doing a great job in supporting the data needs of the campus and taking a lead on accreditation. Dr. Cooke also reported that the district received great news that out of 1,100 community colleges in the nation, MiraCosta College was selected as one of the 150 that were asked to apply for the Aspen Institute of Excellence Award. Since then, after submitting our application, MiraCosta was notified that we are now one of 30 colleges out of the 150 to move to the next step; After interviews in mid-February the top ten colleges will be announced in May. She stated that this was made possible by the incredible work that has been happening around the college for several years to increase student success and eliminate equity gaps. She stated that to be nominated during a pandemic is just remarkable, and so many people were involved in writing the narrative and supporting the application process, in particular Vice President Pescarmona, who led the writing effort, Cindy Dudley, Kim Coutts, and Chris Tarman. She added there will be a lot of preparation to ensure we proudly represent the college’s great work during the interview.

XII. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

None.

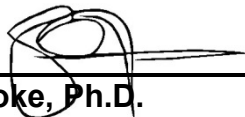
XIII. ADJOURNMENT

The meeting adjourned at 5:43 p.m.

MINUTES APPROVAL:

Frank Merchat
Board Vice President

Sunita V. Cooke, Ph.D.
Superintendent/President

Subject: Sabbatical Leave Report – Professor Nery Chapetón-Lamas	Attachment: None
Category: Presentations	Type of Board Consideration: <input checked="" type="checkbox"/> Information <input type="checkbox"/> Consent <input type="checkbox"/> Action
	Approved for Consideration:  _____ Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

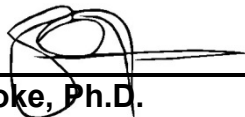
The Board of Trustees periodically receives sabbatical leave reports from faculty members.

STATUS

Chicano/Latino Professor Nery Chapeton-Lamas, Computer Science Department, will present his sabbatical leave (spring 2021) overview of a culturally sustaining computer science literature review and vignettes of Black/Latinx computer scientists.

RECOMMENDATION

For information only.

Subject: Sabbatical Leave Report – Credit Veteran Counselor Rebecca Morgan	Attachment: None
Category: Presentations	Type of Board Consideration: ✓ Information Consent Action
	Approved for Consideration:  _____ Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND



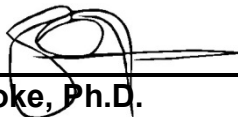
The Board of Trustees periodically receives sabbatical leave reports from faculty members.

STATUS

Counseling Department Professor Rebecca Morgan will review her sabbatical leave (spring 2021), during which time she completed twelve units of graduate coursework toward a Masters Degree in Clinical Rehabilitation Counseling from the University of Kentucky. She will describe her learnings and the benefit to MiraCosta College and students.

RECOMMENDATION

For information only.

Subject: 2022/23 Preliminary Budget, Budget Priorities	Attachment: Preliminary Budget Presentation
Category: Information	Type of Board Consideration:  Information Consent Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND


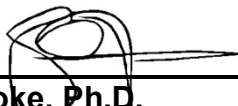
The discussion surrounding the budget workshop, including budget direction from the Board of Trustees, helps shape the tentative budget, which is presented to the board for approval each June.

STATUS

In the workshop, the superintendent/president and vice president of administrative services, will discuss the district’s FY2021/22 year-to-date budget performance, the governor’s proposed budget for FY2022/23, the MiraCosta College landscape, Board of Trustees’ budget directions, and the next steps for the budgeting process.

RECOMMENDATION

For information only.

Subject: Ratify Recommendations of Superintendent/President in Approving Personnel Actions	Attachment: None
Category: Consent Items	Type of Board Consideration: Information <input checked="" type="checkbox"/> Consent Action
Recommended:  <hr/> Charlie Ng Vice President, Human Resources	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

STATUS

1. Retirement of Linda Haar, Instructor/Director Child Development, position P-00454, effective May 27, 2022.
2. Resignation of the following employees:
 - Priscilla Fernandez, Research Analyst, COE Labor Market Research, position P-07594, effective February 1, 2022.
 - Terrence Messmer, Senior Science Lab Associate, Biological Science, position P-00360, effective February 28, 2022.
3. Employment of the following full-time, tenure-track faculty member:
 - Jorge Guerrero, Counselor – Transfer Center, full-time, tenure-track, 195 days per year, salary class 5, step 6 x 1.1080 time factor, \$122,744 per year (2021/22 academic salary schedule), effective February 1, 2022.
 - BA – Psychology – CSU Long Beach
 - MA – Education (Counseling) – SDSU
 - MA – Education (Learning Design and Technology) – SDSU
 - Jorge previously worked as a Counselor for Southwestern Community College District. Jorge has also worked as a counselor and taught counseling courses for Cuyamaca College and Saddleback College.
4. Employment of the following regular classified employees:
 - Eric Derr, Instructional Associate/Music Venue Coordinator, Music, position P-00222, salary range 25, step 1, \$66,373.08 per year, full-time, 11 months per year, effective February 7, 2022. Eric was selected through an open recruitment process.
 - Matthew McCullough, Locker Room Safety Assistant, Police, position P-00632, salary range 9, step 2, \$12,028.75 per year, 12 hours per week, 10 months per year, effective January 24, 2022. Matthew was selected through an open recruitment process.

Andrew Moore, HVAC Technician, Facilities Maintenance, position P-00196, salary range 25, step 2, \$6,362.83 per month, full-time, 12 months per year, effective January 19, 2022. Andrew was selected through an open recruitment process.

Rosendo Bretado, Administrative Support Assistant III, Student Accessibility Services, position P-06171, salary range 20, step 1, \$5,221.50 per month, full-time, 12 months per year, effective January 31, 2022. Rosendo was selected through an open recruitment process.

Alton Hill, Technology Services Analyst, Workforce IOA, position P- 08640, salary range 29, step 2, \$2,857.90 per month, 16 hours per week, 12 months per year, effective January 31, 2022. Alton was selected through an open recruitment process.

Ellen Keene, Library Technician I, Public Services, Salary Range 16, Step 2, \$2,207.96 per month (21/22 Classified Salary Schedule), 18 hours per week, 12 months per year, Effective February 1, 2022. Ellen was selected through an open recruitment process.

5. Permanent Change of Assignment for Alma Christina Undan, Accountant I, position P-00021, has accepted the position of Accountant II, position P-00014, salary range 30, step 3, \$7,735.83 per month, full-time, effective January 25, 2022. Alma Christina was selected through an open recruitment process.

6. Temporary change of assignment for the following employees:

Cristina Zafra Lopez, Testing Services Assistant, position P-00393, will serve as an interim Testing Services Specialist, range 19, step 1, \$5,072.25 per month, full-time, effective December 20, 2021 – June 30, 2022.

Sugeily Cervantes, Financial Aid Assistant, position P-06187, will serve as interim Financial Aid Technician, position P-08860, range 22, step 3, \$6,139.58 per month, full-time, effective February 1 – June 30, 2022.

Omar Jimenez, Student Services Specialist, Student Life and Leadership, position P-05847, will serve as interim Student Services Coordinator, Student Equity, range 26, step 2, \$6,551.58 per month, full-time, effective February 14 – June 30, 2022.

Mandy Frakes, Accounting Technician, position P-00017, will serve as an interim Accountant I, range 26, LY 8, \$7,956.83 per month, full-time, effective March 1 – June 30, 2022.

7. Temporary additional assignment for Elizabeth Lurenana, Administrative Support Assistant III, Honors, position P-07343, will support the Foundation for 15 hours per week, \$31.70 per hour, effective February 1 – 28, 2022.
8. Temporary reclassification per Section H.5.0, Classified Senate Employee Manual, for Monique Bourne, Science Laboratory Technician, Biological Sciences, position P-00341, will serve as interim Senior Science Lab Associate, Biological Sciences, salary range 26, step 3, \$ 6,891.83 per month, effective January 18 – February 23, 2022. Monique will continue to work in this assignment from March 1 – June 30, 2022.
9. Employee 07300168, in accordance with Board Policy 7345, requests catastrophic leave. The employee is requesting a waiver to the limitation on how much of their available sick leave can be used for personal necessity leave as the employee will exhaust the personal necessity allowance. Pursuant to the Classified Senate WCM, Section G.11.1, classified employees are limited to seven days of personal necessity leave per fiscal year. In

addition, the employee requests donations as the employee will exhaust all paid leave entitlements due to the duration of the employee's leave. The employee will need 420 hours to remain in full paid status through July 31, 2022.

10. Employment of the following associate faculty members for the 2022 spring session, payable in accordance with the Collective Bargaining Agreement for Academic Associate Faculty:

Lisa	Niemann	Business
David	Bernabe Nunez	Computer Science
Krystal	Monal	Counselor
Kelly Ann	Sam	Librarian
Trevor	Dolce	Music
Jane	Zwerneman	Music


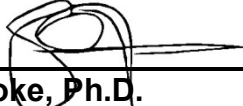
11. Request approval of the following short-term and substitute employees. These employees meet the Education Code 88003 definition of short-term and substitute employees, and as such, these employees will be employed and paid less than 75 percent of the college year:

Worker	Job Title	Assignment	Department	Pay Rate	Start	End
Adrian Ennis	Campus Aide III	Substitute	Student Equity	\$19/hr	1/24/22	6/30/22
Adriana De Alba	Campus Aide III	Short-Term	Counseling Operations	\$19/hr	2/25/22	6/30/22
Alexandria Ramseier	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Allyson Evers	Campus Aide II	Short-Term	School Relations/Diversity Recruitment	\$17/hr	2/25/22	6/30/22
Alondra Herrera	Campus Aide II	Short-Term	School Relations/Diversity Recruitment	\$17/hr	2/25/22	6/30/22
Alondra Herrera	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Ana Antonio Hernandez	GEAR UP Aide III	Substitute	GEAR UP	\$19/hr	1/24/22	6/30/22
Andrew Konopak	Accompanist I	Short-Term	Music	\$26/hr	2/25/22	6/30/22
Arely Siordia	Campus Aide II	Short-Term	School Relations/Diversity Recruitment	\$17/hr	2/25/22	6/30/22
Arely Siordia	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Astrid Warner	College Health Nurse	Substitute	Health Services	\$37.96/hr	2/18/22	6/30/22
Austin Quandt	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/27/22
Autumn Hill	Campus Aide III	Substitute	Student Equity	\$19/hr	1/24/22	6/30/22
Azucena Correa	Instructional Aide	Substitute	Workforce IOA	\$22.58/hr	2/7/22	6/30/22
Caitlyn Ratcliffe	Assistant Athletic Trainer	Short-Term	Athletics and Intramurals	\$33.81/hr	2/25/22	6/30/22
Carlos Rodriguez Dominguez	Workshop Presenter	Short-Term	Student Equity	\$50/hr	2/25/22	2/28/22
Caroline Lee	Student Services Specialist	Short-Term	School Relations/Diversity Recruitment	\$31.02/hr	2/25/22	6/30/22
Caroline Moxley	MFT Intern	Short-term	Health Services	\$2,000 stipend	2/25/22	5/27/22
Catherine Back	Campus Aide III	Short-Term	Computer Science	\$19/hr	2/25/22	6/30/22
Cecelia Barajas	Workshop Presenter	Short-Term	Student Equity	\$50/hr	1/28/22	1/28/22
Christopher Renda	Workshop Presenter	Short-term	Dance	\$600 stipend	3/1/22	5/27/22
Curtis Mueller	Campus Aide III	Short-Term	Dance	\$19/hr	2/25/22	6/30/22
Dannia Saldivar	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Donald Smith	Facilities Event Support Assistant	Short-Term	Athletics and Intramurals	\$25/hr	2/25/22	6/30/22
Ehsan Afshinpour	Instructional Aide	Substitute	Workforce IOA	\$22.58/hr	2/6/22	6/30/22
Evelyn Sanchez Garzon	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Ezra Gonzalez	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22

Giselle Perez	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Giuliana Lopez	Campus Aide III	Substitute	Admissions and Records, CLC	\$19/hr	2/14/22	5/30/22
Hayat Sherif	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Helaina Baes Erbs	Campus Aide III	Short-Term	Music	\$19/hr	2/25/22	6/30/22
Inayah Bint Sadiq Abdulmatee	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Jamie Rae Leodones	Workshop Presenter	Short-Term	Student Equity	\$50/hr	3/9/22	3/9/22
Jaya Roy	MFT Intern	Short-term	Health Services	\$700 stipend	2/25/22	5/27/22
Jesus Mendez Carbajal	MFT Intern	Short-term	Health Services	\$4,000 stipend	2/25/22	5/27/22
Joy Vivar	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Juan Aragon Jr	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Juan Cisneros	Police Community Service Officer	Substitute	Police	\$26.84/hr	1/27/22	6/30/22
K Ross Mau	Facilities Event Support Assistant	Short-Term	Athletics and Intramurals	\$25/hr	2/25/22	6/30/22
Kevin Patrick	Apprentice III	Substitute	Tutoring and Academic Support	\$17/hr	2/7/22	6/30/22
Laurie Byrd	Facilities Event Support Assistant	Short-Term	Athletics and Intramurals	\$25/hr	2/25/22	6/30/22
Liz Myatt	College Health Nurse	Substitute	Health Services	\$37.96/hr	2/18/22	6/30/22
Madison Casanova	Campus Aide II	Short-Term	School Relations/Diversity Recruitment	\$17/hr	2/25/22	6/30/22
Madison Casanova	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Mary Jo Canaletti	Campus Aide III	Short-Term	Theatre and Film	\$19/hr	2/25/22	5/27/22
Melissa Bonilla	Campus Aide II	Short-Term	Dance	\$17/hr	2/25/22	6/30/22
Merilyn Navarro Sanchez	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Miguel Fraga	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Monae Hobson	Facilities Event Support Assistant	Short-Term	Athletics and Intramurals	\$25/hr	2/25/22	6/30/22
Natalia Cruz	Campus Aide II	Short-Term	School Relations/Diversity Recruitment	\$17/hr	2/25/22	6/30/22
Natalia Cruz	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Nicole Gee	MFT Intern	Short-term	Health Services	\$2,000 stipend	2/25/22	5/27/22
Noel Puga	MFT Intern	Short-term	Health Services	\$2,000 stipend	2/25/22	5/27/22
Qiyuan Wang	Campus Aide II	Short-Term	School Relations/Diversity Recruitment	\$17/hr	2/25/22	6/30/22
Qiyuan Wang	Campus Aide III	Short-Term	School Relations/Diversity Recruitment	\$19/hr	2/25/22	5/14/22
Renetta Lloyd	Workshop Presenter	Short-term	Dance	\$600 stipend	3/1/22	5/27/22
Robert Chu	Administrative Support Assistant III	Short-Term	COE, Labor Market Research	\$30.12/hr	7/1/22	6/30/23
Roslyn Lehman	Workshop Presenter	Short-term	Dance	\$600 stipend	3/1/22	5/27/22
Ryan Frazer	Facilities Event Support Assistant	Short-Term	Athletics and Intramurals	\$25/hr	2/25/22	6/30/22
Sarah Gross	Campus Aide III	Short-Term	Transfer Center	\$19/hr	2/25/22	6/30/22
Yi Ling Lam Bowman Benson	MFT Intern	Short-term	Health Services	\$2,000 stipend	2/25/22	5/27/22

RECOMMENDATION

Ratify recommendations of superintendent/president in approving personnel actions, as stated above.

Subject: Approve Academic Personnel Advancement	Attachment: None
Category: Consent Items	Type of Board Consideration: Information <input checked="" type="checkbox"/> Consent Action
Recommended:  <hr/> Charlie Ng Vice President, Human Resources	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

The Education Code requires the board of trustees to act on academic personnel matters on or before March 15. Tenure candidates (probationary faculty) have been evaluated according to the criteria for evaluation by a group of peers and a dean, who together with a tenure coordinator, comprise the candidate’s Tenure Review Committee (TRC). The TRC is comprised primarily of members from the candidate’s department or work group. The tenure review coordinator forwards the TRC’s Tenure Plan and Tenure Review Committee Report to Human Resources and the appropriate vice-president, and final recommendations are from the superintendent/president to the board of trustees.

STATUS

The superintendent/president recommends the following first-year tenure candidates be granted a one-year contract for 2022 to 2023:

- Min Choi
- Xuchi Eggleton
- Sean Fanning
- Taya Lazootin
- Khang Nguyen
- Michelle Odom
- Suganya Sankaranarayanan
- Eric Snortum

The superintendent/president recommends the following second-year tenure candidates be granted a two-year contract for 2022 to 2024:

- Phillip Boland
- Abby Burd
- Giana Carey
- Ashley Davis
- Korey Goulette
- Stacey Mathis
- Ghada Osman
- Allison Perkins
- Tina Walker
- Rick White

The following third-year tenure candidates continue to the second year of their two-year contracts. No board action is required:

- Veronica Bloss
- Richard Dicker
- Roberto Falero
- Hans Peck
- JahB Prescott
- Aaron Roberts
- Krystle Taylor
- Lynn Trzoss

The superintendent/president recommends the following second-year tenure candidates be granted early tenure:


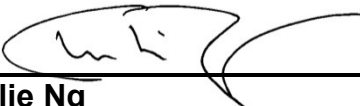

- Ruben Gomez

The superintendent/president recommends the following fourth-year tenure candidates be granted tenure:

- Laney Collins
- Lauren Greenwald
- Dominique Ingato
- Christina Johnson
- Emiko Kiyochi
- Don Love
- Serena Mercado
- Pedro Morgado
- Waldemar Perez
- Alison Phinney
- Nate Scharff
- Mariana Silva
- Rhonda Welch-Scalco

RECOMMENDATION

Approve academic personnel advancement, as stated above.

Subject: Ratify Memorandum of Understanding 22-01 with Academic Associate Faculty	Attachment: Memorandum of Understanding 22-01
Category: Consent Items	Type of Board Consideration: <div style="display: flex; justify-content: space-around; align-items: center;"> Information  Consent Action </div>
Recommended:  <hr/> Charlie Ng Vice President, Human Resources	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

In response to the COVID-19 global pandemic, the district has put in place many measures to ensure the health and safety of its students, staff, and faculty. The district and Academic Associate Faculty reached an agreement that memorializes the parties' commitment to mitigate the impacts of the COVID-19 pandemic on faculty wages, hours, and working conditions while still supporting the district's educational mission. The attached Memorandum of Understanding (MOU) is not intended to change the terms of the current collective bargaining agreement, but is instead a one-time, non-precedent setting agreement between the parties for the spring 2022 semester.

STATUS

The district has negotiated the terms and conditions of work to be performed and compensation to be paid, and agreed to the attached MOU with the Academic Associate Faculty.

RECOMMENDATION

Ratify Memorandum of Understanding 22-01 between the MiraCosta Community College District and Academic Associate Faculty, as stated.



MOU Between the
MiraCosta Community College District and
MiraCosta Community College Academic Associate Faculty
22-01

This Memorandum of Understanding (“MOU”) is entered into by and between the MiraCosta Community College District (hereinafter referred to as "District") and the MiraCosta College Academic Associate Faculty (hereinafter referred to as "MCCAFA") (hereinafter collectively referred to as the “Parties”), and is expressly made pursuant to the Educational Employment Relations Act and the current Collective Bargaining Agreement (“CBA”). The purpose of this Memorandum of Understanding is to address the effects of the COVID-19 pandemic on unit members’ wages, hours, and working conditions.

This MOU between the Parties is not intended to change the terms of the current CBA but is instead a one-time, non-precedent setting agreement that may not be used as the basis of a past practice by either party.

TERMS

Safety Protocols

1. Upon request, the District will provide KN95 masks to unit members with a face-to-face assignment or where their presence may be required on campus.
2. The District will make hand sanitizer and cleansing wipes available in all classrooms and offices.
3. To the extent practicable, the District will provide work spaces that have MERV-13 or higher ventilation systems. In areas where it is not practicable to have a MERV-13 or higher ventilation system, the District will provide Portable Air Cleaners (“HEPA Air Filters”) in the impacted area.

Contact Tracing

4. No information gathered from any contact tracing on site will be used in a negative employment action against any unit member.

Training

5. The District shall provide distance education support to faculty during the spring 2022 semester.
 - a. A workgroup consisting of the Director of Online Education, Teaching and Learning Center Coordinator, and PDP chair will be established by this agreement (“Workgroup”).
 - b. The Workgroup shall be responsible for identifying appropriate faculty peer mentors for spring 2022, as specified below.

- c. Spring 2022 Peer Mentors: During the spring 2022 semester, the District shall provide up to 216 hours in compensation for up to twelve (12) faculty peer mentors to support faculty with distance education courses. The selection of peer mentors must be from a wide range of disciplines. Consideration should be given to faculty with online expertise and experience working collegially with their peers. The Workgroup, in consultation with the Vice President of Instruction, shall select the peer mentors. Peer mentors shall not be required to perform their duties until the start of Flex week for the spring 2022 semester.
6. The District shall provide up to five (5) hours of paid training to unit members for the purpose of advancing online knowledge, skills, abilities, and pedagogy. All compensation will be paid in accordance with article 17.3 of the Associate Faculty CBA.
 - a. The unit member shall be required to sign, on a prescribed form which will be sent via email to all unit members by February 15, 2022, a statement that:
 - (1) They participated in a training activity related to online or remote educational delivery methods for the purpose of advancing online knowledge, skills, abilities, and pedagogy;
 - (2) The unit member has not claimed the training activity as Flex during the spring 2022 semester; and
 - (3) The unit member has not taken the training to satisfy the requirements of the District's Online Educational Certification Requirements.
 - b. The form must be submitted to payroll@miracosta.edu on or before April 1, 2022.
 - c. Unit members who meet the eligibility criteria above will receive payment for these hours no later than June 1, 2022.

Distance Education, Student Services, and Assignments

7. The District shall loan unit members with online or hybrid assignments equipment necessary for remote work, such as computers, headsets, webcams, etc. Unit members must submit an equipment request form to request any such equipment. To the extent that equipment is unavailable for loan to unit members, due to budget constraints or equipment shortages, the District shall provide unit members with a safe place to work on campus.
8. Unit members maintain Academic Freedom in decision-making related to the content of courses they teach, including the determination of course content provided synchronously and asynchronously.
9. The District will follow all state and local protocols to maintain a safe working environment for unit members.
10. Unit members who have their class cancelled will have access to their Canvas shell for two weeks after the cancellation in order to retrieve their intellectual property. The district will notify unit members of this access.

Compensation

11. The District shall provide a \$250 stipend for the expense of materials, equipment, and internet service required to support and maintain access to remote learning modalities during the spring 2022 semester.
 - a. A unit member shall be eligible for the stipend, subject to the following criteria:
 - i. Classroom unit members are eligible for the stipend if they have an online or hybrid class at the census for that class. If the unit member has to switch modalities, they are also eligible for the stipend.
 - ii. Non-classroom unit members are eligible for the stipend if they are scheduled for an online or hybrid assignment during the semester. If the unit member has to switch modalities, they are also eligible for the stipend.
 - iii. The stipend shall not apply to unit members who are eligible for a similar stipend by virtue of another assignment with the district.
 - b. Unit members who meet the eligibility criteria above will receive this one-time stipend no later than June 1, 2022.

Assignment

12. If a unit member is assigned to teach a course, and the course is cancelled due to low enrollment or to complete the load of a fulltime faculty member during the spring 2022 semester, the unit member may be paid for up to the total number of Flex hours for the cancelled course. The unit member shall be required to sign, on a prescribed form, a statement that:
 - a. They participated in a professional development activity prior to the notification of the cancelled assignment to satisfy their Flex obligation for the course;
 - b. An acknowledgement that the unit member may not claim the same professional development activity toward their Flex obligation during the 2021-2022 academic year if they have / are offered another assignment with the District; and
 - c. The form must be submitted to the appropriate dean via email on or before April 1, 2022.

Miscellaneous Provisions

13. The District will pay the MCCAFAF lead negotiator for (10) hours at the lecture rate for the negotiation of this MOU.
14. The District will provide unit members and the MCCAFAF with all notices, rights, and benefits in accordance with applicable local, state, and federal requirements.
15. All other terms and conditions of work shall be conducted in accordance with the current CBA.
16. Entire Agreement: This MOU constitutes the entire agreement and understanding between the Parties.

There are no other oral understandings, terms, or conditions and neither party has relied upon any representation, express or implied, not contained in this MOU. All prior understandings, terms, or conditions are deemed merged into this MOU.

- 17. This MOU is non-precedential, will not bind the Parties in any future action, whether under similar circumstances or not, and cannot be introduced in any grievance, arbitration, complaint, administrative or legal proceeding as evidence of past practice or intent of the Parties or meaning or application of the CBA.
- 18. Modification: This MOU cannot be changed or supplemented orally and may be modified or superseded only by a written instrument executed by both Parties.
- 19. Unless subsequent modifications to this MOU are negotiated, this MOU will sunset on June 30, 2022.


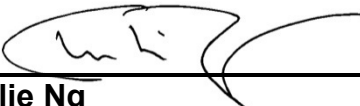

This agreement will become effective upon approval from the Board of Trustees.

Sunita V. Cooke, Ph.D.

Krista Warren

Signature	Date
Superintendent/President	
MiraCosta Community College District	

Signature	Date
President	
MCCAAF	

Subject: Ratify Memorandum of Understanding 22-01 with Classified Administrators	Attachment: Memorandum of Understanding 22-01 with Classified Administrators
Category: Consent Items	Type of Board Consideration: <div style="display: flex; justify-content: space-around; align-items: center;"> Information  Consent Action </div>
Recommended:  <hr/> Charlie Ng Vice President, Human Resources	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

The district and Classified Administrators Association reached an agreement that establishes a telework policy for classified administrators. The attached Memorandum of Understanding (MOU) outlines the terms of the agreement. It is the intention of the district and Classified Administrators Association to formalize the agreement in an Administrative Procedure following a pilot period.

STATUS

The district has negotiated the terms and conditions of work to be performed and agreed to in the attached MOU with the Classified Administrators Association.

RECOMMENDATION

Ratify Memorandum of Understanding 22-01 between the MiraCosta Community College District and Classified Administrators, as stated above.



MOU Between the
MiraCosta Community College District and
MiraCosta Community College District Classified Administrators Association
22-01

This Memorandum of Understanding (“MOU”) is entered into by and between the MiraCosta Community College District (hereinafter referred to as "District") and the MiraCosta Community College District Classified Administrators Association (hereinafter referred to as "the Association") (hereinafter collectively referred to as the “Parties”).

TERMS

I. . General Policy Statement

Flexible work, including flexible work schedules and telework, enables employees to achieve a more successful balance between work responsibilities and family life. Flexible work also offers several benefits to the District including higher employee morale, lower absenteeism, increased retention, increased productivity, and recruitment advantages.

The implementation of flexible work will be based on the following principles:

- A. Student-Centeredness: While pursuing the District’s mission, performing the work of the District’s commitment statement and institutional goals, flexible work is intended to support these pursuits while being student-centered.
- B. Inclusion and Equitable Access: The District values equitable access for employees to flexible work opportunities. Flexible work is arranged on an individual basis and may not be the same for each person depending on individual work positions and the needs of the District.
- C. Employees are Unique and Independent People: The District values employees, recognizing they have full lives outside of work. Flexible work assists employees by providing them with the opportunity to fulfill responsibilities, avoid daily gridlock, promote environmental sustainability, and maintain a sense of control over their work/life balance.

Flexible work may be authorized to eligible employees provided it serves the operational needs of the District in serving students based on these principles.

II. Flexible Work Schedules

The workday for full-time employees is based on an eight-hour day and a forty-hour workweek. Hours for the beginning and ending of shifts are to be established by the superintendent/president, the division vice president, or their designee based on operational need.

Some employees may be assigned to a four-consecutive-day workweek of ten (10) hours per day (4/10), with the concurrence of the employee and all supervisors in the employee's chain of command, including the appropriate division vice president/president. The District also may establish a nine-hour-per-day, eighty-hour-per-two-week work schedule (9/80), provided the establishment of the work schedule has the concurrence of the employee and all supervisors in the employee's chain of command, including the appropriate division vice president/president. When a 9/80 work schedule is established, it shall consist of nine work days—eight nine-hour days and one eight-hour day.

Such agreements may be established on either an individual or a department-wide basis. No employee or group of employees shall be expected or required to accept a flexible workweek assignment.

III. Telework

A. Policy Statement

Teleworking is an alternate work arrangement in which an authorized employee may work from an Alternate Worksite instead of commuting to their District Worksite. Teleworking is a benefit, which the District may grant under appropriate circumstances considering the operational needs of the District and the provisions of this Policy. No employee is guaranteed the right to telework.

The decision to authorize an employee to telework is within the District's sole discretion. Not every job is eligible or adaptable to a teleworking work arrangement. There is no assurance that a teleworking arrangement can be provided or approved by the District. An employee's participation in teleworking is completely voluntary.

B. Definitions

1. **Alternate Worksite:** A designated location other than a District Worksite, usually in the employee's home, where the employee's Teleworking Agreement authorizes them to perform job duties and responsibilities.

2. **District Worksite:** The District location(s) for an employee is the location of the regular worksite for the employee's position (e.g., the place where the employee would normally work absent a Teleworking Agreement), such as the Oceanside Campus, San Elijo Campus, Community Learning Center, and/or the Technology Career Institute and North San Diego Small Business Development Center.

3. **District Owned Equipment:** Equipment including but not limited to software, hardware, electronic devices, cell phones, smart phones, tablets, laptops, computers, records, materials, furniture and/or other office equipment owned by the District, which the District allows the employee to use at the Alternate Worksite to conduct work for the District.

4. **Telework or Teleworking:** A work arrangement where an employee performs work for the District at an Alternate Worksite one or more days per week.

C. Employment Relationship

Neither this Policy nor the Teleworking Agreement or the employee's participation in teleworking alters the duties, obligations, responsibilities, or conditions of the employee's employment with the District. Neither this Policy nor the Teleworking Agreement or the employee's participation in teleworking relieves the employee from the obligation to observe all applicable District rules, policies, and procedures and those of their department.

All existing terms and conditions of employment, including but not limited to the job/position description, salary, benefits, vacation, sick leave, and overtime remain the same as if the employee worked exclusively at their District Worksite.

The approval, denial, modification, or termination of the telework agreement is not a grievable issue.

IV. Approval Process

A. Eligibility Criteria

Permanent classified employees and administrators are eligible for participation in the teleworking program. Probationary and temporary employees are not eligible to participate unless approved by the appropriate vice president. Employees serving in a training capacity or providing a service that must be conducted on campus will not normally be approved to participate in the teleworking program on a regular, ongoing basis. This Policy does not apply to faculty.

The following classifications are not eligible to telework under this policy: Building Maintenance Mechanic, CLC Maintenance Technician, Copy Center Technician, Copy Operator, Custodian, Custodial Maintenance Worker, Custodial Supervisor, Energy Management Control Specialist, Facilities Manager, Gardener/Groundkeeper, Grounds Maintenance Specialist, Grounds Supervisor, HVAC Technician, Irrigation Specialist, Lead Building Maintenance Mechanic, Lead Custodian, Lead Groundskeeper, Lead Vehicle and Equipment Mechanic, Locker Room Safety Assistant, Warehouse/Mailroom Technician, Warehouse Supervisor, Police Communications/Records Supervisor, Police Community Services Officer, Police Dispatch/Records Technician, Police Officer, Police Sergeant, Police Services Officer, Police Support Assistant, Refuse and Recycling Worker, and Vehicle and Equipment Maintenance Assistant.

This list of positions is not exhaustive, and the District reserves the right to identify other positions that are not eligible for teleworking.

B. Employee Request to Telework

Participation in the District teleworking program should be based on the ability of the employee to perform tasks that can be completed from remote locations, such as a home office and the supervisor's assessment of the employee's ability to complete those tasks satisfactorily. An employee who wants to telework must submit a written request to their supervisor (via email or otherwise). The employee and their direct supervisor should consider the following before submitting a formal Teleworking Agreement:

1. **Job Knowledge:** Does the employee have the necessary knowledge to perform the required job tasks at home or does the employee need close supervision or input from others that is only available at the office?
2. **Job Characteristics:** Does the job lend itself to self-directed activities? Can priorities be easily established? Can the time of the activities be managed effectively by the employee?
3. **Task Scheduling:** Does the individual already work alone handling information tasks such as thinking, planning, coordinating, writing, reading, analysis, teleconferencing, computer programming, word processing or data entry? Can tasks, which can be completed away from the office, be grouped and scheduled for teleworking days? Can staff meetings and conferences be grouped and scheduled for non-teleworking days or accommodated through other means (e.g., teleconferencing)?
4. **Public/District Contacts:** What portion of the job is devoted to face-to-face contact with other departments, students, and the public or internal staff? Can this contact be structured to allow for communication via phone or computer, or grouped into non-teleworking days, or can alternatives be established to provide this contact on teleworking days?
5. **Reference Materials:** What portion of the job requires the use of reference materials or resources located in the designated work site? Can these resources be easily taken home for a day or two without interfering with co-workers' job performance? Are these resources available through other means such as a computer accessible library service?
6. **Use of Computers:** Will response time on computer equipment used at home be fast enough to allow for required productivity? If network access is needed, does the correct connectivity exist? Has the employee completed training for and demonstrated an adequate level of skill in use of the computer and software that will be used for teleworking?
7. **Special Equipment:** What portion of the job relies upon access to photocopiers, fax capabilities or other specialized equipment? Can access be managed to allow teleworker's needs to be met on non-teleworking days or can these needs be satisfied at a facility near the employee's teleworking office?

8. Information Security: What portion of the job uses secured or otherwise confidential information and can the integrity of that information be secured in accordance with information security policies?

The employee's supervisor and division/department head will consider all relevant factors including, but not limited to, the eligibility requirements noted in Section IV (C) below, in determining whether to grant the employee's request to telework.

C. Departmental Review Criteria

The employee's supervisor and division/department head will consider all requests to telework on an individual basis utilizing criteria that includes, but is not limited to:

1. The employee's prior work history and demonstration of work qualities and skills ideal for teleworking including, but not limited to:

- a. Self-motivated;
- b. Self-disciplined;
- c. Responsive;
- d. Organized;
- e. Productive;
- f. Honest;
- g. Satisfactory communication skills;
- h. Satisfactory time management skills;
- i. Demonstrated conscientious observance of work hours; and
- j. Demonstrated timeliness in meeting deadlines.

2. The operational needs of the employee's department, program, and the District to support the best interests of students, staff, and the campus community. This may include, but is not limited to, items such as relationship building, culture, process knowledge, etc.;

3. The ability of the employee to perform their specific job duties from a location separate from their District Worksite without diminishing the quantity or quality of the work performed based on the criteria outlined in Section IV (B) above;

4. The portability of the employee's work;

5. The ability to create a functional, reliable, and secure Alternate Worksite for the employee at a reasonable cost;

6. The risk factors associated with performing the employee's job duties from a location separate from their District Worksite;

7. The ability to measure the employee's work performance from a location separate from their District Worksite;
8. Departmental and/or program efficiency and service are not adversely affected;
9. Regular hours to meet departmental needs are maintained;
10. Undue burdens are not placed on other employees or supervisors;
11. The employee's supervisory responsibilities; and
12. The employee's need for supervision.

D. Teleworking Agreement

If the employee's supervisor and the division/department head determine that the employee is eligible to telework, the employee must enter into a Teleworking Agreement with the District. If approved, the Agreement will also be signed by the employee's supervisor, the division/department head, and the division vice president/president before the employee may telework. All Teleworking Agreements must be on file in the Human Resources department.

E. Duration of the Teleworking Agreement

The Teleworking Agreement must contain the approved duration and frequency the employee is authorized to telework under the Agreement. The duration and frequency of an employee's Teleworking Agreement will be determined by the employee's supervisor and the division/department head according to the operational needs of the District. No employee covered by this Policy shall be authorized to telework 100% of the time. Regular, on-campus presence is expected for all District employees on a weekly basis. Temporary exceptions to this requirement may be granted by the appropriate vice president.

A Teleworking Agreement must contain an approved regular and on-going schedule of days/hours of teleworking. Approval of an employee's requests to telework shall be at the sole discretion of the District and the teleworking may not commence until the employee receives written confirmation from their supervisor that the Teleworking Agreement has been approved.

A term agreement will be for up to one year, with a renewable term, but an agreement may be made for a shorter term. Renewal is not guaranteed. Employee performance, operational needs, and other circumstances will be considered by the supervisor in determining whether to renew the agreement.

In the absence of a District emergency, informal teleworking arrangements shall not be allowed. All teleworking arrangements must follow this Policy and receive prior approval.

V. Termination of Teleworking Agreement

The District may discontinue the Teleworking Agreement at any time. The District will provide the employee with ten (10) business days' advance notice unless extenuating circumstances make such notice impracticable. The District is not responsible for costs, damages, or losses associated with the termination of the Teleworking Agreement.

A. Termination of the Agreement by Manager

A supervisor may determine it is no longer in the best interest of the District to continue the teleworking arrangement and may terminate the agreement at any time by providing ten (10) business days' notice unless extenuating circumstances make such notice impracticable. For example, the arrangement results in a reduction in performance; does not enable training, oversight, or any other supervision deemed necessary; the employee's tasks are no longer suitable for teleworking; work product, productivity, and/or accountability standards are not being met; or a short-term need or other situation arises.

B. Termination of the Agreement by Employee

An employee may seek to end the Teleworking Agreement by notifying the supervisor that they would like to discontinue teleworking. Employees are required to provide ten (10) business days' notice. The Teleworking Agreement may end sooner if both supervisor and employee agree.

VI. Work Schedule

A. Work Schedule

Participation in the teleworking program does not alter the employee's work schedule or rules governing work schedule in District policies and procedures. The employee's at-home work hours must conform to the schedule approved by their supervisor and must meet the needs of the District. Employees must adhere to their assigned work schedule and perform their work duties as if they are working at their District Worksite.

B. Communication & Accessibility

Employees must be accessible via telephone, email, videoconference, and/or network access to their supervisor and other District employees while teleworking, as if working at their District Worksite. Employees agree to fulfill all duties that require them to be at their District Worksite including, but not limited to, staff meetings, department meetings or activities, collaborations with coworkers, trainings, and interactions with students, other District employees, and the public.

Employees approved for teleworking need to be available to report to campus on short notice if necessary for business operations. This may include the requirement to report to campus on a regularly scheduled remote workday. Employees may also be required to report to campus in cases where they do not have internet access, network access, or are experiencing issues that impact their ability to work remotely, such as a loss of power. The District may terminate or modify the Teleworking Agreement if an employee fails to remain accessible.

C. Scheduled Hours and Overtime

Non-exempt employees must receive written authorization from their supervisor before performing any additional work outside of their assigned schedule while teleworking. This includes working overtime, extra-time, and/or compensatory time. The District will terminate the Teleworking Agreement for any non-exempt employee who fails to secure written authorization before teleworking outside their approved and scheduled work hours.

D. Meals and Rest Breaks

Non-exempt employees must take meal and rest breaks while teleworking, just as they would if they were reporting to work at their District Worksite.

E. Leave

Employees must request sick, vacation and other leaves of absences in accordance with the teleworker's working conditions manual, District Board Policies, or Administrative Procedures before taking the leave. Teleworking cannot be used in place of any type of leave.

VII. Work Standards

Employees authorized to perform work at an Alternate Worksite must meet the same standards of professionalism, productivity, and performance expected of District employees at District campuses in terms of job responsibilities, work product, responsiveness, timeliness of assignments, and contact/communication with students, other District employees, and the public.

Employees must continue to be responsible for performance of all job responsibilities required of their position. The employee's supervisor reserves the right to assign work to the employee as necessary at any worksite. Employees must notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.

VIII. Alternate Worksite

A. Designated Workspace

The employee's designated Alternate Worksite must be quiet, free of distractions, and with reliable internet and/or wireless access. The employee must maintain the Alternate Worksite in a secure condition in order to preserve the confidentiality of District-related documents and content. The District retains the right to disapprove an employee's selection of a particular Alternate Worksite if the location is not appropriate to maintain the District's standards of professionalism.

Teleworking is not a substitute for dependent care. Employees must arrange in advance for any dependent care and other personal responsibilities to ensure that they can work at the Alternate Worksite without adversely affecting normal work duties or professionalism. Employees must be free to perform their job responsibilities during the hours their work schedule requires.

The Alternate Worksite is an extension of the District's Worksite only when used for work. All existing workplace health and safety rules, as well as all existing employment laws, rules, and policies, apply the same as they would for employees reporting to a District Worksite. The District is not responsible for any injuries to family members, visitors, or other guests at the employee's Alternate Worksite. The teleworking employee shall not have any business guests at a residence designated as an Alternate Worksite.

The District retains the right to make prearranged on-site inspections of the Alternate Worksite during scheduled work hours to ensure compliance with this Policy.

B. Equipment

1. District Owned Equipment

District Owned Equipment located at the Alternate Worksite is subject to all laws, District policies and procedures, and other restrictions related to the use of District-owned property. Only the employee working under the Teleworking Agreement may use District Owned Equipment, and this use is limited to purposes related to District business. The employee is responsible for seeing that District Owned Equipment is used properly. Refer to AP 6535, Use of District Equipment.

2. Employee Owned Equipment

Employee participation in teleworking is completely voluntary. Accordingly, the employee is responsible for the maintenance and repair of their own equipment used for teleworking. The District is not liable for damage to employee owned equipment used in teleworking or that may result from teleworking. The District is not responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities, telephone, internet, cell phone, insurance, etc.) associated with the employee's teleworking.

3. Technical Support

The District will provide technical support to teleworking employees in the same manner as it provides to all employees for District owned equipment. Employees in need of technical support must bring the equipment to their District Worksite. If the employee needs specialized technical support beyond the types of technical support normally provided by the District to all employees, the employee must purchase private technical support.

In the event of delay in repair or replacement of equipment, resolution of technical issues or any other similar circumstance making it impossible for the employee to telework, the employee must work from their District Worksite until the issue is resolved.

IX. Information Security and Recordkeeping

Employees must take reasonable precautions to ensure their devices (e.g. computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the District's network and must close or secure all connections to District desktop or system resources (e.g. remote desktop, virtual private network connections, etc.) when not conducting work for the District. Employees must maintain adequate firewall and security protection on all such devices used to conduct District work from the Alternate Worksite.

Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to District work they access from the Alternate Worksite or transport from their District Worksite to the Alternate Worksite. Employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their District Worksite to the Alternate Worksite (such as family and visitors at the employee's Alternate Worksite).

Employees may not remove confidential or sensitive information from their District Worksite. Confidential and sensitive information may not be electronically accessed, copied, downloaded or transferred to an unapproved electronic media except as permitted and authorized by established policy and procedure, as needed in the performance of legitimate work responsibilities, and with the express approval of the employee's supervisor or manager.

Employees must return all records, documents, and correspondence to the District at the termination of the Teleworking Agreement or upon request by any District administrator. Refer to BP 3720 Computer and Network Use.

X. Tax Consequences and Local Zoning Regulations

This Policy makes no representations regarding the tax consequences of the employee teleworking. The employee is responsible for addressing and resolving any questions about the employee's ability to deduct expenses related to teleworking. The tax implications of utilizing a home office are the responsibility of the employee.

The employee alone is responsible for conformance with any local zoning regulations.

Miscellaneous Provisions

2. All other terms and conditions of work shall be conducted in accordance with the current Classified Administrators' Working Conditions Manual.
3. Unless subsequent modifications to this MOU are negotiated, this MOU will sunset on December 31, 2022.

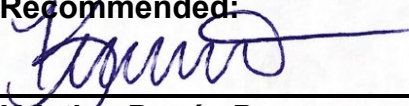

This agreement will become effective upon approval from the Board of Trustees.

Sunita V. Cooke, Ph.D.

Linda Kurokawa

Signature Date
Superintendent/President
MiraCosta Community College District

Signature Date
President
MCCCDCAA

Subject: Approve Curriculum for 2022-2023 Catalog, Part II	Attachment: 2022/23 Approved Courses and Programs for Board, Part II			
Category: Consent Items	Type of Board Consideration: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;">Information</td> <td style="width: 33%; text-align: center;"> <input checked="" type="checkbox"/> Consent </td> <td style="width: 33%; text-align: center;">Action</td> </tr> </table>	Information	<input checked="" type="checkbox"/> Consent	Action
Information	<input checked="" type="checkbox"/> Consent	Action		
Recommended:  <hr/> Kristina Denée Pescarmona Vice President, Instructional Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President			

BACKGROUND

In accordance with Board Policy 4020, the MiraCosta Community College District Board of Trustees assigns primary responsibility for developing and recommending the adoption or discontinuance of courses or programs to the faculty, and this effort is coordinated by the Instructional Services Division. Title 5 regulations stipulate the Academic Senate is responsible for academic and professional matters, which include curriculum and educational program development. The Courses and Programs Committee (CPC), consisting primarily of faculty, exists for the purpose of making recommendations pertaining to the programs and courses offered by the college.

The CPC convened three (3) curriculum approval meetings beginning November 11, 2021, and ending January 27, 2022. Curriculum proposals follow a rigorous review process before each CPC meeting.

This review process has eight stages:

- 1) The faculty author initiates a proposal to modify, add, or delete a course or program. Once the proposal is complete, the faculty author forwards it to the next stage (technical writer).
- 2) The technical writer reviews the proposal and works closely with the faculty author to assist in writing high quality course outlines; the technical writer then forwards the proposal to the articulation officer.
- 3) The articulation officer reviews for potential CSU/UC transfer; the articulation officer then forwards the proposal to the department chair.
- 4) The department chair reviews the proposal for discipline- and department-specific impact, encroachment, accuracy, and completeness; the department chair then forwards the proposal to the instructional dean.
- 5) The dean reviews the curriculum for interdepartmental and college-wide impact, encroachment, and, when appropriate, local workforce need. Deans also check for accuracy, completeness, and impact on divisional load; the instructional dean then forwards the proposal to the Technical Review Committee (Tech Review).
- 6) Tech Review evaluates the curriculum for:

- consistency and compliance with local and state curriculum writing and content standards
- state standards pertaining to prerequisites, corequisites, and advisories
- state and local standards and guidelines pertaining to repeatability and courses related in content
- state standards pertaining to hours and units
- local mandates on class size maxima.

Tech Review then forwards the proposal to CPC.

- 7) CPC, by means of careful study and open discussion, assures the college's curriculum has consistent quality, rigor, and compliance with state regulations and standards as well as with district policies and procedures; once approved the CPC forwards a complete list of courses and programs to the Academic Senate as a consent item.
- 8) Finally, the Academic Senate reviews and approves the curriculum packet.

The CPC submits curriculum to the board for approval in both the fall and spring semesters. Once approved by the board, the curriculum is submitted to the Chancellor's Office for review and approval. By submitting the curriculum on a frequent basis, the curriculum review workload is spread out to allow faculty and staff ample time to review the curriculum.

STATUS

Credit course approvals include 38 modifications of existing courses and six deletions of courses. In addition, seven of our COAs, three COPs, two AA degrees, and three AS degrees were modified. Four COPs were deleted, including three from Hospitality and one from Spanish. 37 modified courses renewed their 100 percent online approval, and one renewed their hybrid approval. There were a total of 26 general education (GE) renewed approvals for modified courses.

Noncredit submitted three courses for modification with 100 percent online approval.

No new courses or programs came through on this cycle.

RECOMMENDATION

Approve the attached listing of curriculum approvals for inclusion in the 2022/23 Catalog and the attached list of courses and programs with code update changes.

2022/23 Curriculum Approvals

Effective: August 2022

Part II

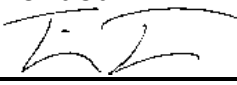
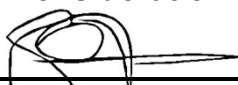
I. Credit Course Level						
B. Modified Courses						
Department	Subject	Course #	Additional Approvals	Course Title and Catalog Description	Units	Date Approved
ADM	ADM	260	O	Organized Crime, Gangs, and Terrorism	3	11/11/2021
ART	ART	270	O	History and Theory of Museum and Gallery Exhibition	3	11/11/2021
BIO	BIO	102	O/GE	Introductory Biology: Ecology and Environmental Biology	4	11/11/2021
CSIT	CSIT	120	O/GE	Fundamentals of Computer Information Systems	3	11/11/2021
CSIT	CSIT	181	O	Fundamentals of Computer Networking	3	11/11/2021
DNCE	DNCE	134	O	Pacific Island Dance I	1	11/11/2021
DNCE	DNCE	135	O	Pacific Island Dance II	1	11/11/2021
DNCE	DNCE	150	H	Pilates Mat & Reformer I	1.5	11/11/2021
DNCE	DNCE	166	O	Jazz Dance I	1.5	11/11/2021
DNCE	DNCE	168	O	Jazz Dance II	1.5	11/11/2021
DNCE	DNCE	176	O	Modern Dance I	1.5	11/11/2021
DNCE	DNCE	178	O	Modern Dance II	1.5	11/11/2021
PHSN	GEOL	101	O/GE	Physical Geology	3	11/11/2021
PHSN	GEOL	101H	O/GE	Physical Geology (Honors)	3	11/11/2021
PHSN	GEOL	101L	O/GE	Physical Geology Laboratory	1	11/11/2021
HIST	HIST	145	O/GE	African American History to 1877	3	11/11/2021
HIST	HIST	145H	O/GE	African American History to 1877 (Honors)	3	11/11/2021
ILNG	JAPN	121	O/GE	Introduction to Japanese Culture	3	11/11/2021
LTRST	LING	110	O	English Language Structure and Function	3	11/11/2021
COUN	COUN	100	O/GE	College and Career Success	3	12/9/2021
CSIT	CSIT	160	O/GE	Technology, the Individual, and Society	3	12/9/2021
THEATR	FILM	101	O/GE	Introduction to Film	3	12/9/2021
THEATR	FILM	101H	O/GE	Introduction to Film (Honors)	3	12/9/2021
HIST	HIST	141	O/GE	Mexican American History Through 1877	3	12/9/2021
HIST	HIST	141H	O/GE	Mexican American History Through 1877 (Honors)	3	12/9/2021
HIST	HIST	142	O/GE	Mexican American History Since 1877	3	12/9/2021
HIST	HIST	142H	O/GE	Mexican American History Since 1877 (Honors)	3	12/9/2021
HIST	HIST	146	O/GE	African American History Since 1877	3	12/9/2021
HIST	HIST	146H	O/GE	African American History Since 1877 (Honors)	3	12/9/2021
MATH	MATH	115	O/GE	Calculus with Applications	5	12/9/2021
PSYC	PSYC	101	O/GE	General Psychology	3	1/27/2022
PSYC	PSYC	101H	O/GE	General Psychology (Honors)	3	1/27/2022
PSYC	PSYC	104	O/GE	Statistics for Behavioral Science	4	1/27/2022
PSYC	PSYC	104H	O/GE	Statistics for Behavioral Science (Honors)	4	1/27/2022
PSYC	PSYC	115	O/GE	Human Sexuality	3	1/27/2022
PSYC	PSYC	125	O/GE	Psychology of Women	3	1/27/2022
PSYC	PSYC	205	O	Research Methods in Psychology	3	1/27/2022
PSYC	PSYC	260	O/GE	Physiological Psychology	3	1/27/2022
Total Credit Course Modifications: 38						

I. Credit Course Level					
C. Deleted Courses					
Department	Subject	Course #	Course Title and Catalog Description	Units	Date Approved
BUS	HOSP	120	Hospitality Human Resources Management	3	11/11/2021
BUS	HOSP	128	Hospitality Marketing	3	11/11/2021
MATH	MATH	1155	Calculus with Applications with Integrated Support	5	12/9/2021
ILNG	SPAN	160	Spanish for Healthcare Workers I	3	1/27/2022
ILNG	SPAN	161	Spanish for Healthcare Workers II	3	1/27/2022
HORT	HORT	110	Introduction to Sustainable Horticulture	3	1/27/2022
Total Credit Course Deletions: 6					

II. Certificate and Degree Level						
B. Modified Degrees and Certificates						
Department	Subject	Certificate Type	Degree Type	Certificate/Degree Title	Required Units	Date Approved
DNCE	DNCE	COA		Dance Instructor	20.5	11/11/2021
BUS	HOSP	COP		Food, Beverage, and Restaurant	12	11/11/2021
BUS	HOSP	COP		Guest Services and Concierge	12	11/11/2021
BUS	HOSP	COA	AA	Hospitality Management	24	11/11/2021
BUS	HOSP	COP		Meeting, Convention, and Event Management	15	11/11/2021
BUS	HOSP	COA	AA	Restaurant Management	21	11/11/2021
BUS	ACCT	COA		Professional Accounting: Preparing for the CPA Exam	26	12/9/2021
HORT	HORT	COA	AS	Pest Control Advisor	26-29	1/27/2022
HORT	HORT	COA	AS	Landscape Architecture	44	1/27/2022
ILNG	SPAN	COA		Spanish	16	1/27/2022
Total Modified Degrees and Certificates: 10						

II. Certificate and Degree Level						
C. Deleted Degrees and Certificates						
Department	Subject	Certificate Type	Degree Type	Certificate/Degree Title	Required Units	Date Approved
BUS	HOSP	COP		Catering Operations	12	11/11/2021
BUS	HOSP	COP		Dining Room Operations	9	11/11/2021
BUS	HOSP	COP		Rooms Division Management	15	11/11/2021
ILNG	SPAN	COP		Spanish for Healthcare Professionals	10	1/27/2022
Total Deleted Degrees and Certificates: 4						

I. Noncredit Course Level					
A. Modified Courses					
Department	Subject	Course #	Additional Approvals	Course Title	Date Approved
NCGEN	NCBOT	10	0	Keyboarding Skills	11/11/2021
NCGEN	NCBOT	30	0	Office Skills and Procedures	11/11/2021
NCSTV	NCHORT	10	0	Introduction to Sustainable Horticulture	1/27/2022
Total Credit Course Modifications: 3					

Subject: Approve Annual Purchase of Desktop Computer Replacements for Academic Labs	Attachment: Dell Quote #3000110843934.1
Category: Consent Items	Type of Board Consideration: <div style="text-align: center;"> <input checked="" type="checkbox"/> Information <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Action </div>
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

The district is in the process of purchasing its routine annual desktop computer replacement equipment for academic computer labs in support of instruction and student success. Since this process was postponed during the COVID-19 pandemic, computers identified for this project exceed the normal replacement cycle of five (5) years. This purchase of technology equipment prepares the district for the return of students on-ground in the various onsite academic computer labs.

STATUS

California Public Contract Code section 20652 allows public agencies to utilize bids awarded by other public agencies (also known as “piggyback”) obtaining the same price and the same terms and conditions as the awarding agency when the awarding agency follows the statutory criteria for competitive bidding and when the pricing and terms have proven to be in the best interest of the district. As a result, Board Agenda Item No. VII.K was approved at the July 15, 2021, board meeting authorizing the use of the Foundation for California Community Colleges (FCCC) agreement #00004206 with Dell Marketing for the purchase of supplies, technology, software, equipment another other miscellaneous materials, at the lowest cost and best overall value for district technology purchases.

The following computers and peripherals have been identified with a total list cost (including sales tax and e-waste fee) of \$340,547. By utilizing the referenced FCCC contract with an overall negotiated discount of 49.63 percent, the total district cost (including sales tax and e-waste fee) is reduced to \$171,535.41. Funds to complete this equipment replacement purchase are budgeted within the Information Technology replacement budget.

QTY	UOM	Description	Department
120	EA	OptiPlex 7490 AIO	AIS

RECOMMENDATION

Authorize the director of purchasing and material management to proceed with the procurement from Dell in accordance with the terms and conditions of the Foundation for California Community Colleges (FCCC) agreement #00004206 in the amount of \$171,535.41.



A quote for your consideration

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your [Premier page](#), or, if you do not have Premier, use this [Quote to Order](#).

Quote No.	3000110843934.1	Sales Rep	Skyler Dickerson
Total	\$170,496.83	Phone	(800) 456-3355, 80000
Customer #	1941487	Email	Skyler_Dickerson@Dell.com
Quoted On	Jan. 31, 2022	Billing To	ACCOUNTS PAYABLE
Expires by	Mar. 02, 2022		MIRACOSTA COLLEGE
Contract Name	UCOP Participation Agreement		1 BARNARD DR
Contract Code	C000000886546		OCEANSIDE, CA 92056-3820
Customer Agreement #	00004206		
Deal ID	23453428		

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you're ready to place an order. Thank you for shopping with Dell!

Regards,
Skyler Dickerson

Product	Unit Price	Quantity	Subtotal
OptiPlex 7490 AIO	\$1,315.90	120	\$157,908.00
Subtotal:			\$157,908.00
Shipping:			\$0.00
Environmental Fee:			\$600.00
Non-Taxable Amount:			\$13,189.20
Taxable Amount:			\$145,318.80
Estimated Tax:			\$11,988.83
Total:			\$170,496.83

Special lease pricing may be available for qualified customers. Please contact your DFS Sales Representative for details.

	Quantity	Subtotal
OptiPlex 7490 AIO	\$1,315.90	120
Estimated delivery if purchased today: Mar. 04, 2022 Contract # C000000886546 Customer Agreement # 00004206		\$157,908.00

Description	SKU	Unit Price	Quantity	Subtotal
NO RAID	817-BBBN	-	120	-
OptiPlex 7490 All-in-One XCTO	210-AYVV	-	120	-
Intel Core i7-11700 (8 Cores/16MB/16T/2.5GHz to 4.9GHz/65W); supports Windows 10/Linux	338-BZOZ	-	120	-
Windows 10 Pro English, French, Spanish	619-AHKN	-	120	-
No Microsoft Office License Included – 30 day Trial Offer Only	658-BCSB	-	120	-
Dell Data Protection Encryption Personal Digital Delivery	421-9984	-	120	-
Dell ProSupport for Software, Dell Data Protection Encryption Personal, 1 Year	954-3455	-	120	-
16GB (1x16GB) DDR4 non ECC memory	370-AFWB	-	120	-
M.2 2230 256GB PCIe NVMe Class 35 Solid State Drive	400-BEUW	-	120	-
Thermal Pad	412-AALV	-	120	-
Screw for M.2 SATA SSD	773-BBBJ	-	120	-
No Additional Hard Drive	401-AADF	-	120	-
Intel Integrated Graphics, Dell OptiPlex	490-BBFG	-	120	-
7490 AIO 23.8" FHD 1920x1080 WVA Non-Touch Anti-Glare, Camera, Integrated Graphics, Bronze 160w Power Supply	329-BFNP	-	120	-
System Power Cord (Philippine/TH/US)	450-AAOJ	-	120	-
Intel Wi-Fi 6 AX201, Dual-band 2x2 802.11ax with MU-MIMO + Bluetooth 5.1	555-BFQU	-	120	-
SCR,WIFI CARD	555-BGOI	-	120	-
Wireless Driver, Intel AX201	555-BGOV	-	120	-
OptiPlex All-in-One Basic Stand, All-in-One	575-BBRC	-	120	-
No Additional Cable Requested	379-BBCY	-	120	-
Dell KB216 Wired Keyboard English	580-ADJC	-	120	-
Dell Laser Wired Mouse - MS3220 Black	570-ABGR	-	120	-
No Cable Cover	325-BCZQ	-	120	-
Not selected in this configuration	817-BBBC	-	120	-
SupportAssist	525-BBCL	-	120	-
Dell(TM) Digital Delivery Cirrus Client	640-BBLW	-	120	-
Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps)	658-BBMR	-	120	-
Waves Maxx Audio	658-BBRB	-	120	-
Dell SupportAssist OS Recovery Tool	658-BEOK	-	120	-
Dell Optimizer	658-BEQP	-	120	-
Windows PKID Label	658-BFDQ	-	120	-
Non-Touch LCD, Dell OptiPlex AIO	391-BBDM	-	120	-
OS-Windows Media Not Included	620-AALW	-	120	-

ENERGY STAR Qualified	387-BBLW	-	120	-
SERI Guide (ENG/FR/Multi)	340-AGIK	-	120	-
Dell Watchdog Timer	379-BEKU	-	120	-
Quick Setup Guide 7490	340-CVFN	-	120	-
US Order	332-1286	-	120	-
No UPC Label	389-BCGW	-	120	-
Trusted Platform Module (Discrete TPM Enabled)	329-BBJL	-	120	-
Shipping Material for Fixed Stand / Height Adjustable Stand OptiPlex AIO	340-CRJB	-	120	-
Multi-Pack Ship, 4 Systems, Tower	389-BBUU	-	120	-
FCC statement label AIO	389-DVDQ	-	120	-
Regulatory Label for OptiPlex 7490 AiO integrated graphics config (FSJ)	389-DZDM	-	120	-
11th Gen Intel Core i7 vPro label	340-CTSW	-	120	-
Desktop BTO Standard shipment	800-BBIO	-	120	-
No Anti-Virus Software	650-AAAM	-	120	-
Custom Configuration	817-BBBB	-	120	-
Intel vPro Technology Enabled	631-ACWB	-	120	-
No AutoPilot	340-CKSZ	-	120	-
No External ODD	429-ABGY	-	120	-
EPEAT 2018 Registered (Silver)	379-BDTO	-	120	-
Dell Limited Hardware Warranty Plus Service	997-6870	-	120	-
Onsite/In-Home Service After Remote Diagnosis 4 Years	997-6873	-	120	-

Subtotal:	\$157,908.00
Shipping:	\$0.00
Environmental Fee:	\$600.00
Estimated Tax:	\$11,988.83
<hr/>	
Total:	\$170,496.83

Important Notes

Terms of Sale

This Quote will, if Customer issues a purchase order for the quoted items that is accepted by Supplier, constitute a contract between the entity issuing this Quote ("Supplier") and the entity to whom this Quote was issued ("Customer"). Unless otherwise stated herein, pricing is valid for thirty days from the date of this Quote. All product, pricing and other information is based on the latest information available and is subject to change. Supplier reserves the right to cancel this Quote and Customer purchase orders arising from pricing errors. Taxes and/or freight charges listed on this Quote are only estimates. The final amounts shall be stated on the relevant invoice. Additional freight charges will be applied if Customer requests expedited shipping. Please indicate any tax exemption status on your purchase order and send your tax exemption certificate to Tax_Department@dell.com or ARSalesTax@emc.com, as applicable.

Governing Terms: This Quote is subject to: (a) a separate written agreement between Customer or Customer's affiliate and Supplier or a Supplier's affiliate to the extent that it expressly applies to the products and/or services in this Quote or, to the extent there is no such agreement, to the applicable set of Dell's Terms of Sale (available at www.dell.com/terms or www.dell.com/oemterms), or for cloud/as-a-Service offerings, the applicable cloud terms of service (identified on the Offer Specific Terms referenced below); and (b) the terms referenced herein (collectively, the "Governing Terms"). Different Governing Terms may apply to different products and services on this Quote. The Governing Terms apply to the exclusion of all terms and conditions incorporated in or referred to in any documentation submitted by Customer to Supplier.

Supplier Software Licenses and Services Descriptions: Customer's use of any Supplier software is subject to the license terms accompanying the software, or in the absence of accompanying terms, the applicable terms posted on www.Dell.com/eula. Descriptions and terms for Supplier-branded standard services are stated at www.dell.com/servicecontracts/global or for certain infrastructure products at www.dellemc.com/en-us/customer-services/product-warranty-and-service-descriptions.htm.

Offer-Specific, Third Party and Program Specific Terms: Customer's use of third-party software is subject to the license terms that accompany the software. Certain Supplier-branded and third-party products and services listed on this Quote are subject to additional, specific terms stated on www.dell.com/offeringspecificterms ("Offer Specific Terms").



In case of Resale only: Should Customer procure any products or services for resale, whether on standalone basis or as part of a solution, Customer shall include the applicable software license terms, services terms, and/or offer-specific terms in a written agreement with the end-user and provide written evidence of doing so upon receipt of request from Supplier.

In case of Financing only: If Customer intends to enter into a financing arrangement ("Financing Agreement") for the products and/or services on this Quote with Dell Financial Services LLC or other funding source pre-approved by Supplier ("FS"), Customer may issue its purchase order to Supplier or to FS. If issued to FS, Supplier will fulfill and invoice FS upon confirmation that: (a) FS intends to enter into a Financing Agreement with Customer for this order; and (b) FS agrees to procure these items from Supplier. Notwithstanding the Financing Agreement, Customer's use (and Customer's resale of and the end-user's use) of these items in the order is subject to the applicable governing agreement between Customer and Supplier, except that title shall transfer from Supplier to FS instead of to Customer. If FS notifies Supplier after shipment that Customer is no longer pursuing a Financing Agreement for these items, or if Customer fails to enter into such Financing Agreement within 120 days after shipment by Supplier, Customer shall promptly pay the Supplier invoice amounts directly to Supplier.

Customer represents that this transaction does not involve: (a) use of U.S. Government funds; (b) use by or resale to the U.S. Government; or (c) maintenance and support of the product(s) listed in this document within classified spaces. Customer further represents that this transaction does not require Supplier's compliance with any statute, regulation or information technology standard applicable to a U.S. Government procurement.

For certain products shipped to end users in California, a State Environmental Fee will be applied to Customer's invoice. Supplier encourages customers to dispose of electronic equipment properly.

Electronically linked terms and descriptions are available in hard copy upon request.

Subject: Approve Renewal of Oracle Enterprise Resource Planning (ERP) PeopleSoft Applications Software Update Licensing, Maintenance and Technical Support Services	Attachment: <ul style="list-style-type: none"> • Oracle Proposal # 14606691 • Oracle Proposal # 6292530 • Oracle Proposal # 6295269 • Oracle Proposal # P-98-144-00-000--32 • Oracle Proposal # 2760043
Category: Consent Items	Type of Board Consideration: Information <input checked="" type="checkbox"/> Consent Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

In 1988, the district entered into its first contract with PeopleSoft/Oracle. Through programmatic growth and changes to technology, the district has expanded the use of various Oracle Enterprise Resource Planning (ERP) PeopleSoft system modules. To maintain the ongoing use of the modules, the district must annually renew contracts for its standard maintenance and technical support services.

STATUS

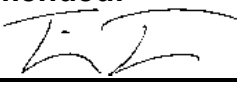
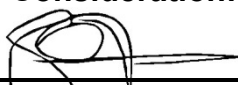
The contracts for these various modules have ranging start dates that begin on March 30, 2022. To better coincide with budgetary needs of the district, the following module end dates have been negotiated to coincide with fiscal year end of June 30, 2023.

Oracle/Peoplesoft Modules	Proposal #:	Start/End Dates	Amount
Student Admin Student Directory	14606691	3/30/22 – 6/30/23	\$11,701.33
Student Admin Campus Directory	6292530	4/11/22 – 6/30/23	\$2,725.04
Student Admin eBenefits	6295269	4/11/22 – 6/30/23	\$855.54
Student Administration Database	P-98-144-00-000--32	5/20/22 – 6/30/23	\$311,500.89
	2760043	5/20/22 – 6/30/23	\$322,631.18
Total:			\$649,413.98

Pricing and associated terms and conditions are per the Master Technical Services and Support Agreement (TSSA) with Oracle, contract #US-PS-TSSA-2796731, dated March 10, 2021. Funds to renew the software maintenance, licensing and technical support services are budgeted within the AIS maintenance budget.

RECOMMENDATION

Authorize the director of purchasing and material management to proceed with the procurement of the Oracle Enterprise Resource Planning (ERP) PeopleSoft software maintenance and technical support services renewal agreements at a cost of \$649,413.98, plus applicable taxes, for the period of March 30, 2022 – June 30, 2023.

Subject: Award Contract for RFB #03-22, Concert Hall Audio System	Attachment: <ul style="list-style-type: none"> • Vintage King Audio, Inc. RFB Submission • RFB 03-22 Bid Document
Category: Consent Items	Type of Board Consideration: Information <input checked="" type="checkbox"/> Consent Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

The Concert Hall sound system was installed twelve years ago during the initial construction project. The development of this technology doubles every five years, resulting in a system that is presently past its life expectancy and is no longer available for upgrade or repair. Music department staff have identified that a new audio system is required to support music performances by music students. Music technology students utilize the facility to receive industry training and certification leading directly to career placement in an environment equal to current audio standards.

STATUS


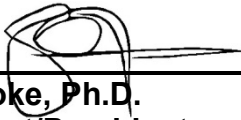
RFB #03-22 Concert Hall Audio System was issued by the purchasing department and advertised in the San Diego Union Tribune on January 5, 2022, and January 12, 2022. The RFB documents were made available and sent out to 54 vendor firms through the district’s PlanetBids bid management portal system. Five bidders submitted electronic proposals by the February 7, 2022, deadline via PlanetBids. The bidders’ submittals were evaluated for their responsiveness and two bidders were deemed as non-responsive.

Pursuant to the RFB document, the district recommends award of the contract to Vintage King Audio, Inc. as the lowest responsive and responsible bidder. Purchasing and Music department staff have determined this bidder to be the best overall value to the district.

Funding is budgeted within restricted Physical Plant and Instructional Supply (PPIS) Funds.

RECOMMENDATION

Authorize the director of purchasing and material management to proceed with the procurement from Vintage King Audio, Inc. in the amount of \$211,016.40 plus tax in accordance with the pricing, terms and conditions of Bid #03-22 as referenced above.

Subject: Award Contract for RFB #06-22: Microscopes	Attachment: <ul style="list-style-type: none"> • CTK Instruments Bid Submission • RFB #06-22 Bid Document 			
Category: Consent Items	Type of Board Consideration: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;">Information</td> <td style="text-align: center; width: 33%;"><input checked="" type="checkbox"/></td> <td style="text-align: center; width: 33%;">Action</td> </tr> </table>	Information	<input checked="" type="checkbox"/>	Action
Information	<input checked="" type="checkbox"/>	Action		
Recommended:  <hr style="width: 80%; margin-left: 0;"/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr style="width: 80%; margin-left: 0;"/> Sunita V. Cooke, Ph.D. Superintendent/President			

BACKGROUND

As the district plans, addresses, and responds to the effects of the COVID-19 pandemic and the return to in-person instruction, the Biology Department has identified a need to have more compound microscopes in all biology labs on both campuses. The microscope remains the classic scientific instrument to see the life that exists beyond the naked eye. To support socially distanced learning, the Biology Department is adding 128 compound microscopes for students in the biology labs at both campuses. The new microscopes will eliminate the need of sharing microscopes between students during labs, reducing close contact and enhancing social distancing between students. These microscopes will also allow students to observe natural phenomena with greater independence.

STATUS

RFB #06-22 Microscopes was issued by the Purchasing Department and advertised in the San Diego Union Tribune on January 21, 2022, and January 28, 2022. The RFB documents were made available and sent out to 30 vendor firms through the district’s PlanetBids bid management portal system. Eight bidders submitted electronic proposals by the February 4, 2022, deadline via PlanetBids. The bidders’ submittals were evaluated for their responsiveness and six bidders were deemed as non-responsive.

Pursuant to the RFB document, the district recommends award of the contract to CTK Instruments as the lowest responsive and responsible bidder. Purchasing and Biology department staff have determined this bidder to be the best overall value to the district.

Funds are budgeted within CARES funds.

RECOMMENDATION

Authorize the director of purchasing and material management to proceed with the procurement from CTK Instruments in the amount of \$277,120 plus tax in accordance with the pricing, terms and conditions of Bid #06-22 as referenced above.

Bid Results

Bidder Details

Vendor Name CTK Instruments
Address 6122 Innovation Way
Carlsbad, California 92009
United States
Respondee Ken Bauer
Respondee Title Managing Director
Phone 866-464-1005
Email ken@ctk-instruments.com
Vendor Type DTSg, CAU
License #
CADIR

Bid Detail

Bid Format Electronic
Submitted 02/03/2022 1:46 PM (PST)
Delivery Method
Bid Responsive
Bid Status Submitted
Confirmation # 279778

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
Company Info & Sig Page.pdf	Company Info & Sig Page.pdf	Company Information and Signatory Page
Non-Collusion Affidavit.pdf	Non-Collusion Affidavit.pdf	Non=Collusion Affidavit
References.pdf	References.pdf	References
Agreement to Terms and Conditions.pdf	Agreement to Terms and Conditions.pdf	Agreement to Terms and Conditions
KB012822a Mira Costa College RFB 06-22.pdf	KB012822a Mira Costa College RFB 06-22.pdf	Option Additional Product informaiton




Line Items

Discount Terms No Discount

Item #	Item Code	Type	Item Description	UOM	QTY	Unit Price	Line Total	Response	Comment
Section 1							\$277,120.0000		
1			Microscopes as specified in the bid documents.	EA	128	\$2,165.0000	\$277,120.0000	Yes	
Section 2							\$0.0000		
2			Shipping & Handling	LOT	1	\$0.0000	\$0.0000	Yes	FREE

Line Item Subtotals

Section Title	Line Total
Section 1	\$277,120.0000
Section 2	\$0.0000
Grand Total	\$277,120.0000

<p>Subject:</p> <p>Award Contract for RFB #05-22: Liquid Chromatography-Mass Spectrometry Equipment</p>	<p>Attachment:</p> <ul style="list-style-type: none"> • Waters Technologies Corporation Bid Submission • RFB 05-22 Bid Document
<p>Category:</p> <p>Consent Items</p>	<p>Type of Board Consideration:</p> <p style="text-align: center;">  Information Consent Action </p>
<p>Recommended:</p> <p style="text-align: center;"></p> <hr/> <p>Tim Flood Vice President, Administrative Services</p>	<p>Approved for Consideration:</p> <p style="text-align: center;"></p> <hr/> <p>Sunita V. Cooke, Ph.D. Superintendent/President</p>

BACKGROUND

High Pressure Liquid Chromatographs with mass selective detectors (HPLC/MSD) are standard measurement instruments in the instructional chemistry lab. These instruments have been used for the last 15 years in MiraCosta College’s organic and inorganic chemistry classes. As the district plans, addresses, and responds to the effects of the COVID-19 pandemic, the Chemistry Department has identified the need to duplicate these lab instruments. To support socially distanced learning, the Chemistry Department plans to add four (4) new HPLC/MSD to duplicate the already in use HPLC/MSD instruments to minimize contact and transfer between chemistry lab students. These duplicate instruments will allow students to continue to study molecular composition and structure independently, instead of in groups.

STATUS

RFB #05-22 Liquid Chromatography-Mass Spectrometry Equipment was issued by the Purchasing Department and advertised in the San Diego Union Tribune on January 21, 2022, and January 28, 2022. The RFB documents were made available and sent out to 111 vendor firms through the district’s PlanetBids bid management portal system. Three bidders submitted electronic proposals by the February 4, 2022, deadline via PlanetBids. The bidders’ submittals were evaluated for their responsiveness, one bidder was deemed as non-responsive.

Pursuant to the RFB document, the district recommends award of the contract to Waters Technologies Corporation, as the lowest responsive and responsible bidder. Purchasing, Chemistry Department, and Student Accessibility Services staff have determined this bidder to be the best overall value to the district.

Funds are budgeted within CARES funds.

RECOMMENDATION

Authorize the director of purchasing and material management to proceed with the procurement from Waters Technologies Corporation in the amount of \$431,196.44 plus tax in accordance with the pricing, terms and conditions of Bid #05-22 as referenced above.

Bid Results

Bidder Details

Vendor Name Waters Technologies Corporation
Address 34 Maple Street
 Milford, Massachusetts 01757
 United States
Respondee Kirsten McCandless
Respondee Title Contracts Specialist
Phone 508-482-2000
Email bid_desk@waters.com
Vendor Type
License #
 CADIR

Bid Detail

Bid Format Electronic
Submitted 02/04/2022 9:16 AM (PST)
Delivery Method
Bid Responsive Yes
Bid Status Submitted
Confirmation # 279816

Respondee Comment

Buyer Comment

Attachments

File Title	File Name	File Type
The scope and benefit of the alternative bid_Waters.docx	The scope and benefit of the alternative bid_Waters.docx	Optional Materials
Waters Execptions Letter - MiraCosta - 02-03-2022_Final.pdf	Waters Execptions Letter - MiraCosta - 02-03-2022_Final.pdf	Agreement to Terms and Conditions
20220125104812073 RFB 05-22 Addendum 1_JL KDM 02-03-2022 Signed.pdf	20220125104812073 RFB 05-22 Addendum 1_JL KDM 02-03-2022 Signed.pdf	References
20220125104812073 RFB 05-22 Addendum 1_JL KDM 02-03-2022 Signed.pdf	20220125104812073 RFB 05-22 Addendum 1_JL KDM 02-03-2022 Signed.pdf	Non-Collusion Affidavit
HPLC-PDA-QDa quote_0022858405 (2).pdf	HPLC-PDA-QDa quote_0022858405 (2).pdf	Cost Proposal (also include in Line Items Section)
20220125104812073 RFB 05-22 Addendum 1_JL KDM 02-03-2022 Signed.pdf	20220125104812073 RFB 05-22 Addendum 1_JL KDM 02-03-2022 Signed.pdf	Company Information and Signatory Page

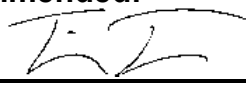
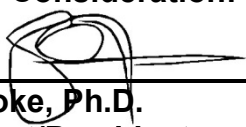
Line Items

Discount Terms No Discount

Item #	Item Code	Type	Item Description	UOM	QTY	Unit Price	Line Total	Response	Comment
Bidder's Total Cost Proposal							\$431,196.4400		
1			HPLC/MSD Instruments	Each	4	\$101,686.8000	\$406,747.2000	Yes	See Quote 22858405 for complete details.
2			Installation, documentation, testing and training	LSum	1	\$20,930.0000	\$20,930.0000	Yes	See Quote 22858405 for complete details.
3			Shipping and Handling	LSum	1	\$3,519.2400	\$3,519.2400	Yes	See Quote 22858405 for complete details.

Line Item Subtotals

Section Title	Line Total
Bidder's Total Cost Proposal	\$431,196.4400
Grand Total	\$431,196.4400

Subject: Ratify Budget Transfers/Revisions	Attachment: Budget Transfers/Revisions Summary
Category: Consent Items	Type of Board Consideration: Information <input checked="" type="checkbox"/> Consent Action
Recommended:  _____ Tim Flood Vice President, Administrative Services	Approved for Consideration:  _____ Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Total amounts budgeted in the final budget as the proposed expenditure for each major account classification shall be the maximum expended for that classification for the fiscal year, except as specifically authorized by the board of trustees. Title 5 requires board approval by a majority of members of the board for transfers between major account classifications as defined by the *California Community Colleges Budget and Accounting Manual*:

- | | |
|------|----------------------------------------------------|
| 1000 | Academic Salaries |
| 2000 | Classified Salaries |
| 3000 | Employee Benefits |
| 4000 | Supplies (small tangible items) |
| 5000 | Contract Services (intangibles) |
| 6000 | Capital Outlay |
| 7000 | Transfer Out, Student Financial Aid, Contingencies |

Title 5 also requires that two-thirds of the members of the board approve transfers from the reserve for contingencies.

STATUS

The attached information reflects the second quarter budget transfers and revisions, after budget adoption, between major account classifications for all funds for the quarter period ending December 31, 2021.

- The second quarter budget transfer was \$2.7 million with a net \$0 impact. Transfers between ledger accounts are performed to meet the needs of the department and district. See notables for highlights.
- The second quarter budget revision was \$4.0 million addition to the original adopted budget. See notables for highlights.

Budget Transfer Notables:

- **Fund 12, CARES Act HEERF-Institutional Grant:** \$2.5 million transferred from 7-contingent account to 5-services and 6-equipment accounts for eligible expenses due to COVID-19, primarily for instructional equipment and laptop computer equipment.

Budget Revision Notables:

- **Fund 12, 190053_GR Mental Health Support Allocation:** \$228 thousand New Apportionment
- **Fund 12, 190142_GR Basic Needs Center:** \$272 thousand New Apportionment
- **Fund 12, 190144_GR Cooperative Ed Reskilling and Training Grant:** \$3.5 million New Budget

RECOMMENDATION

Ratify the budget transfers and budget revisions, as shown below.

**SUMMARY OF BUDGET TRANSFERS – ALL FUNDS
 QUARTER ENDING December 31, 2021(2Q FY2021-22)**

The schedule listed below summarizes the net impact of budget transfers between major account classifications for all funds.

Fund	1 Aca Sal	2 Cl Sal	3 Benefits	4 Supplies	5 Services	6 Equipment	7 Contingent/ Transfers/ Fin Aid	Grand Total
11_FD Unrestricted General Fund	\$8,000	\$500		(\$12,545)	\$43,950	(\$36,405)	(\$3,500)	\$0
12_FD Restricted General Fund	(\$53,845)	(\$30,521)	(\$2,356)	\$19,521	\$539,000	\$2,079,201	(\$2,551,000)	\$0
41_FD Capital Outlay Projects Fund					\$98,000	(\$3,000)	(\$95,000)	\$0
73_FD Student Center Fee Trust Fund		(\$1,000)		(\$1,900)	(\$7,000)	\$12,850	(\$2,950)	\$0
Grand Total	(\$45,845)	(\$31,021)	(\$2,356)	\$5,076	\$673,950	\$2,052,646	(\$2,652,450)	\$0
NET TRANSFER-IN BY ACCOUNT								\$2,731,672
NET TRANSFER- OUT								(\$2,731,672)

**SUMMARY OF BUDGET REVISIONS – ALL FUNDS
 QUARTER ENDING December 31, 2021(2Q FY2021-22)**

The schedule listed below summarizes the net impact of budget revisions for all account classifications for all funds.

Fund	1 Aca Sal	2 Cl Sal	3 Benefits	4 Supplies	5 Services	6 Equipment	7 Contingent/ Transfers/ Fin Aid	Grand Total
11_FD Unrestricted General Fund			\$37,050.00	\$6,000.00		(\$37,550.00)		\$5,500.00
12_FD Restricted General Fund	\$37,765.00	\$2,482,328.77	\$473,397.00	\$269,010.23	\$297,842.00	\$379,968.23	\$87,089.77	\$4,027,401.00
41_FD Capital Outlay Projects Fund					\$1,185,650.00	(\$1,185,650.00)		\$0.00
73_FD Student Center Fee Trust Fund		\$0.00	(\$5,500.00)	\$0.00		\$0.00		(\$5,500.00)
Grand Total	\$37,765.00	\$2,482,328.77	\$504,947.00	\$275,010.23	\$1,483,492.00	(\$843,231.77)	\$87,089.77	\$4,027,401.00

DETAIL OF TRANSFERS (2Q FY2021-22):

TRANSFER DETAIL 2Q (Oct - Dec) FY2021-22

ACCOUNTS											
Fund	GFU or Grant	Cost Center	Amendment Description	1 Aca Sa	2 Cl Sal	3 Benefit	4 Supplie	5 Service	6 Equip	7 Contingent/ Transfers/ Fin Aid	Grand Tot
11_FD Unrestricted General Fund	GFU	124_CC Career Studies	Funds for two monitors and Sit/Stand desks				(\$600.00)	(\$1,700.00)	\$2,300.00		\$0.00
11_FD Unrestricted General Fund	GFU	132_CC Dean, Arts & International Languages	To cover expenses already charged to budget lines.	\$3,000.00	\$3,500.00			(\$6,500.00)			\$0.00
11_FD Unrestricted General Fund	GFU	138_CC International Languages	Insufficient equipment funds for purchase requisiton				(\$300.00)		\$300.00		\$0.00
11_FD Unrestricted General Fund	GFU	148_CC Child Development Center	Transfer to cover negative balance in 5 ledger account				(\$1,650.00)	\$1,650.00			\$0.00
11_FD Unrestricted General Fund	GFU	155_CC VP Office, Student Services	To cover for equip expenses				(\$3,000.00)		\$3,000.00		\$0.00
11_FD Unrestricted General Fund	GFU	156_CC Athletics & Intramurals	To cover for service expenses					\$35,000.00	(\$35,000.00)		\$0.00
11_FD Unrestricted General Fund	GFU	157_CC Campus Police & Parking	To cover the cost of parking supplies due to the increase in community events				\$5,000.00		(\$5,000.00)		\$0.00
11_FD Unrestricted General Fund	GFU	161_CC School Relations/ Diversity Recruitment	Additional funding needed for furniture				(\$2,995.00)		\$2,995.00		\$0.00
11_FD Unrestricted General Fund	GFU	166_CC Dean, Counseling & Student Development	Additional funds needed for supplies				\$1,000.00	(\$1,000.00)			\$0.00
11_FD Unrestricted General Fund	GFU	176_CC President/Superintendent Office	reallocated to services for demographer \$55K expenses		(\$3,000.00)		(\$10,000.00)	\$16,500.00		(\$3,500.00)	\$0.00
11_FD Unrestricted General Fund	GFU	184_CC VP Office, Administrative Services	Budget transfer to cover hiring committee participation of associate faculty	\$5,000.00					(\$5,000.00)		\$0.00
11_FD Unrestricted General Fund Total				\$8,000.00	\$500.00		(\$12,545.00)	\$43,950.00	(\$36,405.00)	(\$3,500.00)	\$0.00

DETAIL OF TRANSFERS (2Q FY2021-22):

TRANSFER DETAIL 2Q (Oct - Dec) FY2021-22				ACCOUNTS							7 Contingent/ Transfers/ Fin Aid	Grand Tot
Fund	GFU or Grant	Cost Center	Amendment Description	1 Aca Sa	2 Cl Sal	3 Benefit	4 Supplie	5 Service	6 Equip	7 Contingent/ Transfers/ Fin Aid	Grand Tot	
12_FD Restricted General Fund	190005_GR FED VTEA- Title I Perkins	147_CC Associate Dean, Career Education	Transfer to Supplies Expenses for items less than \$200 each.				\$1,000.00		(\$1,000.00)		\$0.00	
12_FD Restricted General Fund	190044_GR STA SWP Local Program FY2019-20 & Prior Exp 12/31/2021	147_CC Associate Dean, Career Education	Transfer from salaries, not part of original workplan, into the supplies and equipment line, for planned expenditures and clear budget errors.	(\$50,000.00)					\$50,000.00		\$0.00	
12_FD Restricted General Fund	190060_GR STA Hunger Free Campus	201_CC CARE Program	Increasing for sufficient funds					(\$500.00)	\$500.00		\$0.00	
12_FD Restricted General Fund	190060_GR STA Hunger Free Campus	201_CC CARE Program	Transfer to equipment to cover for expenses					(\$1,000.00)	\$1,000.00		\$0.00	
12_FD Restricted General Fund	190100_GR Restr Health Fees	171_CC Health Services	transfer to supplies and printing to cover for expenses	(\$5,000.00)			\$5,000.00				\$0.00	
12_FD Restricted General Fund	190115_GR FED CARES Act HEERF Institution G5 Exp 5/14/2022	184_CC VP Office, Administrative Services	Transfer from contingent account for eligible HEERF spending needs in Services and Equipment.					\$551,000.00	\$2,000,000.00	(\$2,551,000.00)	\$0.00	
12_FD Restricted General Fund	190123_GR FED San Diego County Child Care Provider Grant	148_CC Child Development Center	Transfer from Salaries to supplies and equipment for planned expenses		(\$21,521.00)		\$12,521.00		\$9,000.00		\$0.00	
12_FD Restricted General Fund	190123_GR FED San Diego County Child Care Provider Grant	148_CC Child Development Center	Transfer from benefits to equipment to cover expenses			(\$2,701.00)			\$2,701.00		\$0.00	
12_FD Restricted General Fund	190124_GR STA SWP Regional College- Based Marketing Exp 12/31/2021	147_CC Associate Dean, Career Education	Transfer from Classified Salaries to other accounts	\$1,155.00	(\$4,000.00)	\$345.00		\$2,500.00			\$0.00	
12_FD Restricted General Fund	190126_GR LOC NIIMBL	120_CC Biotechnology	moving budget from contract services to equipment					(\$13,000.00)	\$13,000.00		\$0.00	
12_FD Restricted General Fund	190131_GR STA SWP Regional Business & Entrepreneurs hip Sector Strategies Exp 12/31/2021	147_CC Associate Dean, Career Education	Transferring funds from the 4000s to 6000s to align with dollar amounts for purchases in the equipment check-out program.				(\$4,000.00)		\$4,000.00		\$0.00	
12_FD Restricted General Fund	190134_GR STA 2021 Immediate Action Budget - Student Retention and Enrollment	161_CC School Relations/ Diversity Recruitment	When the budget was created we did not put any funds in the supplies category		(\$5,000.00)		\$5,000.00				\$0.00	
12_FD Restricted General Fund Total				(\$53,845.00)	(\$30,521.00)	(\$2,356.00)	\$19,521.00	\$539,000.00	\$2,079,201.00	(\$2,551,000.00)	\$0.00	

DETAIL OF TRANSFERS (2Q FY2021-22):

TRANSFER DETAIL 2Q (Oct - Dec) FY2021-22				ACCOUNTS							
Fund	GFU or Grant	Cost Center	Amendment Description	1 Aca Sal	2 Cl Sal	3 Benefits	4 Supplies	5 Services	6 Equip	7 Contingent/ Transfers/ Fin Aid	Grand Total
41_FD Capital Outlay Projects Fund	Cap Fund	184_CC VP Office, Administrative Services	Workday post-production consulting services within approved project budget					\$95,000.00		(\$95,000.00)	\$0.00
41_FD Capital Outlay Projects Fund	Cap Fund	197_CC Facilities PM External	Add budget for 58_ledger account for FD41, 197_CC, 190507_PJ Wayfinding/Signage					\$3,000.00	(\$3,000.00)		\$0.00
41_FD Capital Outlay Projects Fund Total								\$98,000.00	(\$3,000.00)	(\$95,000.00)	\$0.00
73_FD Student Center Fee Trust Fund		173_CC Student Life & Leadership	Move funds to Equip		(\$1,000.00)		(\$1,900.00)	(\$7,000.00)	\$12,850.00	(\$2,950.00)	\$0.00
73_FD Student Center Fee Trust Fund Total					(\$1,000.00)		(\$1,900.00)	(\$7,000.00)	\$12,850.00	(\$2,950.00)	\$0.00
Grand Total				(\$45,845.00)	(\$31,021.00)	(\$2,356.00)	\$5,076.00	\$673,950.00	\$2,052,646.00	(\$2,652,450.00)	\$0.00


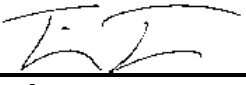
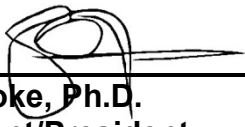
DETAIL REVISIONS:

REVISION DETAIL 2Q (Oct - Dec) FY2021-22

ACCOUNTS

7 Contingent/
Transfers/
Fin Aid

Fund	Designation GFU or Grant	Cost Center	Amendment Description	1 Aca Sal	2 Cl Sal	3 Benefits	4 Supplies	5 Services	6 Equip	7 Contingent/ Transfers/ Fin Aid	Grand Total
11_FD Unrestricted General Fund	GFU	100_CC Districtwide Rev/Exp	Move to Fund 73 Student Center Fees from Fund 11.. Budget Correction			\$5,500.00					\$5,500.00
11_FD Unrestricted General Fund	GFU	184_CC VP Office, Administrative Services	Adjust Tim's budget for 184_CC, 1355_DG One Year Division Allocations to fix the negative balance			\$31,550.00	\$6,000.00		(\$37,550.00)		\$0.00
11_FD Unrestricted General Fund Total						\$37,050.00	\$6,000.00		(\$37,550.00)		\$5,500.00
12_FD Restricted General Fund	190023_GR STA PPIS Instructional	116_CC Dean, Math & Sciences	PPIS Allocation to Dean's Cost Centers						\$61,000.00		\$61,000.00
12_FD Restricted General Fund	190023_GR STA PPIS Instructional	205_CC Dean, Instructional Services	PPIS Allocation to Dean's Cost Centers						\$96,572.36		\$96,572.36
12_FD Restricted General Fund	190023_GR STA PPIS Instructional	139_CC Dean, Career Education	PPIS Allocation to Dean's Cost Centers						\$208,271.14		\$208,271.14
12_FD Restricted General Fund	190023_GR STA PPIS Instructional	101_CC VP Office, Instructional Services	PPIS Allocation to Dean's Cost Centers						(\$910,047.05)		(\$910,047.05)
12_FD Restricted General Fund	190023_GR STA PPIS Instructional	132_CC Dean, Arts & International Languages	PPIS Allocation to Dean's Cost Centers						\$544,203.55		\$544,203.55
12_FD Restricted General Fund	190038_GR STA Equal Employment Opportunity	189_CC HR Human Resources District Programs	New state apportionment for 190038_GR for Equal Employment Opportunity							\$50,000.00	\$50,000.00
12_FD Restricted General Fund	190039_GR STA Nursing Education	146_CC Associate Dean, Nursing and Allied Health	Align with approved Budget	(\$4,250.00)		(\$140.00)	\$80,982.00	(\$1,000.00)	(\$82,982.00)	\$7,390.00	\$0.00
12_FD Restricted General Fund	190053_GR STA Mental Health Support	167_CC Dean, Student Affairs	Add budget for 190053_GR for Mental Health Support from new apportionment	\$50,591.00	\$105,458.00	\$16,993.00	\$2,334.00	\$52,015.00	\$1,400.00		\$228,791.00
12_FD Restricted General Fund	190060_GR STA Hunger Free Campus	201_CC CARE Program	Add and transfer budget				(\$6,000.00)		\$6,550.23	(\$550.23)	\$0.00
12_FD Restricted General Fund	190095_GR STA Improving Online CTE Pathways	110_CC Online Education	Remove budget, no longer applicable. Correction to adopted budget	(\$31,576.00)	(\$7,080.00)	(\$8,446.00)	(\$1,000.00)	(\$41,551.00)		(\$3,750.00)	(\$93,403.00)
12_FD Restricted General Fund	190131_GR STA SWP Regional Business & Entrepreneurship Sector Strategies Exp 12/31/2021	147_CC Associate Dean, Career Education	This budget amendment adds \$10,320, which provides additional funding to cover costs for the Regional Director salary in December 2021.		\$7,000.00	\$3,320.00					\$10,320.00
12_FD Restricted General Fund	190136_GR STA SWP Regional Life Sciences & Biotechnology Sector Strategies Exp 06/30/2022	147_CC Associate Dean, Career Education	Additional budget to this grant		\$5,000.00	\$2,280.00					\$7,280.00
12_FD Restricted General Fund	190139_GR STA Calculus Boost Learning Lab	121_CC Mathematics	New Grant Budget Set Up for 190139_GR	\$23,000.00	\$6,440.00	\$4,560.00	\$1,000.00			\$10,000.00	\$45,000.00
12_FD Restricted General Fund	190141_GR FED COVID-19 Child Care Stabilization Stipend	148_CC Child Development Center	New Budget Setup for Federal Coronavirus Response and Relief Supplemental Act of 2021 (CRRSA)				\$7,100.00				\$7,100.00
12_FD Restricted General Fund	190142_GR STA Basic Needs Center	201_CC CARE Program	New Grant Budget Set Up		\$159,988.00	\$55,800.00	\$20,000.00	\$7,525.00	\$5,000.00	\$24,000.00	\$272,313.00
12_FD Restricted General Fund	190144_GR STA Cooperative Education Reskilling and Training (CERTS)	150_CC Community Education & Workforce Development	190144_GR Cooperative Education Reskilling and Training Grant Set up		\$2,205,522.77	\$399,030.00	\$164,594.23	\$280,853.00	\$450,000.00		\$3,500,000.00
12_FD Restricted General Fund Total				\$37,765.00	\$2,482,328.77	\$473,397.00	\$269,010.23	\$297,842.00	\$379,968.23	\$87,089.77	\$4,027,401.00
41_FD Capital Outlay Projects Fund		196_CC Facilities	Move from 197_CC to 196_CC , 41_FD-Dovetail FFE Consulting Services					\$1,185,650.00			\$1,185,650.00
41_FD Capital Outlay Projects Fund		197_CC Facilities PM External	Move from 197_CC to 196_CC , 41_FD-Dovetail FFE Consulting Services						(\$1,185,650.00)		(\$1,185,650.00)
41_FD Capital Outlay Projects Fund Total								\$1,185,650.00	(\$1,185,650.00)		\$0.00
73_FD Student Center Fee Trust Fund	190105_GR Restr Student Center Fees (Retired)	173_CC Student Life & Leadership	Move the budget for Fund 73 Student Center Fee out of grant number 190105_GR. A correction		(\$87,000.00)	(\$36,350.00)	(\$4.13)		(\$9,490.34)		(\$132,844.47)
73_FD Student Center Fee Trust Fund		173_CC Student Life & Leadership	Move the budget for Fund 73 Student Center Fee out of grant number 190105_GR. A correction		\$87,000.00	\$30,850.00	\$4.13		\$9,490.34		\$127,344.47
73_FD Student Center Fee Trust Fund Total					\$0.00	(\$5,500.00)	\$0.00		\$0.00		(\$5,500.00)
Grand Total				\$37,765.00	\$2,482,328.77	\$504,947.00	\$275,010.23	\$1,483,492.00	(\$843,231.77)	\$87,089.77	\$4,027,401.00

Subject: Ratify and Approve Contracts and Purchase Orders	Attachment: Contract and Purchase Order Ratification List
Category: Consent Items	Type of Board Consideration: <div style="display: flex; justify-content: space-around; align-items: center;"> Information  Consent Action </div>
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board Policy 6330—Purchasing and Contracts requires, in part, that all contracts valued at more than the current bid level, as specified in Public Contract Code §20651 et seq. (calendar year 2022 = \$99,100), will be presented to the board of trustees for prior approval, but that contracts valued at less than the current Public Contract Code bid level may be presented to the board for ratification rather than prior to execution. All contracts ratified by the board shall be deemed to be fully executed district commitments and may not be subsequently cancelled, withheld, or amended, unless determined by the vice president, administrative services to be a legally unenforceable obligation.

The policy also requires that no matter what the expected dollar value of a contract for legal or public auditing services, such a contract will be presented to the board for prior approval, unless it is determined by the superintendent/president and the vice president, administrative services, that time is of the essence and that the district’s best interests are best served by issuing a contract on an immediate basis. Any such contract issued under these circumstances shall be brought forward to the board for formal approval at the next board meeting.

In accordance with Public Contract Code §22000 et seq. and Board Resolutions #13-10/11 and #14-10/11, the district may procure public works using the California Uniform Public Construction Cost Accounting Act (CUPCCAA) with a current bid limit of \$200,000 for construction.

STATUS

The Purchasing and Material Management Department has attached the latest monthly summary of the contracts and purchase orders for the board’s ratification and approval as a consent item.

RECOMMENDATION

Ratify and approve contracts and purchase orders, as listed in the attachment.

**Contract and Purchase Order Ratification List
January 6, 2022 – February 3, 2022**

In accordance with Board Resolutions #13-10/11 and #14-10/11, the following public works transactions were procured in compliance with the California Uniform Public Construction Cost Accounting Act (CUPCAA) per PCC §220000 et seq.

CUPCAA POs from \$5,000 – \$200,000			
PO #	Vendor	Description	Amount
22000036_PO	Hoffman Engineering & Pipeline	Fire Main POC Isolation Valve Addn (Fac)	\$31,930.00
22000037_PO	Weiland and Associates, Inc.	San Elijo Landscape Clean-up (Fac)	\$58,000.00
22000228_PO	Vaughn Irrigation Services Inc	Phase 1 Hydrant Replacement (Fac)	\$14,787.00
22000247_PO	Botsford Construction Inc	Storage Building Install, BTECH (Fac)	\$15,525.00

In accordance with BP/AP 6340—Bids and Contracts, Emergency Repair Contracts Without Bid, the following transactions were procured when repairs or alternations are necessary to continue existing classes or to avoid danger of life or property.

Emergency Repair Contracts Without Bid			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive written quotes, pre-existing contracts, or negotiation to provide maximum value to the district.

POs from \$25,000 – \$99,100			
PO #	Vendor	Description	Amount
22000019_PO	VWR International LLC	Equipment (Bio)	\$75,153.17
22000063_PO	Biopac Systems Inc	Equipment (Bio)	\$85,756.06
22000080_PO	CEM Holdings Corporation	Equipment (Phys Sci)	\$85,222.13
22000090_PO	Agilent Technologies, Inc.	Equipment (Bio)	\$96,750.20
22000092_PO	Hexis Ventures Inc.	Consulting Firms (Career Ed)	\$34,500.00
22000129_PO	Life Technologies Corporation	Equipment (Bio)	\$39,055.63
22000161_PO	Atlassian Pty Ltd	Maintenance Agreement (AIS)	\$25,050.00
22000177_PO	Voltera Corporation	Consulting Firms (Career Ed)	\$25,000.00
22000184_PO	ITHAKA HARBORS INC	E-Resources (Lib)	\$37,500.00
22000257_PO	Kevin J Fleming	Consulting Services (Career Ed)	\$25,000.00
22000282_PO	Elsevier Inc.	Software Maintenance (Nurs)	\$25,740.00
22000321_PO	Blackhawk Network Inc.	Gas Cards (EOPS)	\$25,000.00

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive informal quotes (e.g. telephone quotes), pre-existing contracts, or negotiation to provide maximum value to the district.

POs from \$10,000 – \$24,999			
PO #	Vendor	Description	Amount
22000033_PO	Amazon	Instructional Equipment (Draft)	\$17,589.28
22000034_PO	Visix Inc	Software Maintenance (AIS)	\$10,023.50
22000047_PO	Bibliotheca LLC	Software Maintenance (AIS)	\$13,682.00
22000093_PO	Full Spectrum Laser, LLC	Equipment (Career Ed)	\$17,752.05
22000137_PO	VWR International LLC	Inst Supplies & Equipment (Bio)	\$24,139.21
22000175_PO	Grossmont-Cuyamaca CCD	Contract Services (Career Ed)	\$20,000.00
22000179_PO	Reward Strategy Group, Inc.	Contract Services (HR)	\$13,000.00
22000201_PO	Follett	Student Financial Aid (Math)	\$10,000.00
22000258_PO	Society of Manufacturing Engineers	Supplies (Career Ed)	\$11,395.94
22000285_PO	CDW-G	Instructional Supplies (Physics)	\$14,896.23

22000296_PO	CurriQunet	Software Maintenance (AIS)	\$24,200.00
22000319_PO	Intelligent Marking USA Inc.	Contract Services (Fac)	\$13,500.00
22000303_PO	BSN Sports	Supplies (KHAN)	\$10,331.38

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include use of pre-existing contracts or negotiation to provide maximum value to the district.

POs from \$5,000 – \$9,999			
PO #	Vendor	Description	Amount
22000046_PO	Internet2	Software Maintenance (AIS)	\$5,000.00
22000048_PO	Digital Pro Inc	Promotional (ASG)	\$6,464.69
22000057_PO	Grainger	Supplies (Bus Serv)	\$8,349.37
22000065_PO	CDW-G	Technology Equipment (AIS)	\$6,895.50
22000098_PO	Grainger	Instructional Supplies (Draft)	\$8,844.18
22000118_PO	Leepfrog Technologies Inc	Maintenance Agreement (AIS)	\$6,900.00
22000130_PO	Costco Wholesale	Supplies - Food Pantry (Stud Aff)	\$6,324.75
22000162_PO	Pharos Systems International Inc	Software (AIS)	\$8,536.00
22000204_PO	Mission Del Oro Homeowners	Services (Fac)	\$6,735.76
22000229_PO	Thermo Fisher	Supplies (Bus Serv)	\$7,638.12
22000265_PO	CulinArt Group	Blanket (ASG)	\$5,412.50
22000302_PO	GeoTol Inc.	Supplies Career Ed)	\$7,048.25
22000315_PO	Russ Stroika	Contract Services (Fac)	\$6,000.00

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Construction Contract Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with BP/AP 6330—Purchasing and Contracts, and Public Contract Code Sections 20651 and 20662, the following transactions were executed or amended as follows.

MOUs and Grants			
PO #	Vendor	Description	Amount
	No Entries This Month		

Total Contract Expenditures: \$990,627.90
Ratify MCC purchase orders 22000014 through 22000330

**Capital Improvement Program Contract and Purchase Order Ratification List
January 6, 2022 – February 3, 2022**

In accordance with Board Resolutions #13-10/11 and 14-10/11, the following public works transactions were procured in compliance with the California Uniform Public Construction Cost Accounting Act (CUPCAA) per PCC §220000 et seq.

CUPCAA POs from \$5,000 – \$200,000			
PO #	Vendor	Description	Amount
22000181	Botsford Construction, Inc.	04108 Misc. Construction Services (SAN)	\$57,890.00
22000278	SunPro Tinting, Inc.	04101 Construction Services (SAN)	\$6,654.00

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive written quotes, pre-existing contracts, or negotiation to provide maximum value to the district.

POs from \$25,000			
PO #	Vendor	Description	Amount
22000077	BNBuilders, Inc.	04205 Design-Build Competition Stipend (OC)	\$25,000.00
22000298	Rudolph and Sletten, Inc.	04205 Design/Build Svcs. (OC)	\$602,914.00

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive informal quotes (e.g. telephone quotes), pre-existing contracts, or negotiation to provide maximum value to the district.

POs from \$10,000 – \$24,999			
PO #	Vendor	Description	Amount
2200182	Parron Hall Office Interiors	04004 Furniture (CLC)	\$22,487.79

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include use of pre-existing contracts or negotiation to provide maximum value to the district.

POs from \$0 – \$9,999			
PO #	Vendor	Description	Amount
22000064	Division of the State Architect	04203 DSA Final Plan Check Review (OC)	\$2,452.66
22000076	Elite Relocation Services	04004 Moving Svcs. for B100/200 (CLC)	\$4,994.42
22000112	Lowe's	04102 Appliances (SAN)	\$2,304.43
22000267	CDW Government, Inc.	04004 IT/Media Supplies (CLC)	\$585.85
22000268	Los Angeles Engineering, Inc.	04210 Printing (OC)	\$475.25
22000277	CDW Government, Inc.	04004 Media Equipment (CLC)	\$1,584.51

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Construction Contract Change Orders			
PO #	Vendor	Description	Amount
20000595	Swinerton Builders, Inc.	04203 Change Order 15 (SAN)	\$17,818.00
20001813	Conant	04109 Change Order 8 (SAN)	\$29,131.09
20001816	Mobile Mini	04004 Change Order 1 (CLC)	\$ 2,302.00
21001231	Align Builders, Inc.	04102 Change Order 3 (SAN)	\$9,099.02
21001231	Align Builders, Inc.	04102 Change Order 4 (SAN)	\$21,427.69
21001944	DICA Enterprises, Inc.	04207 Change Order 1 (SAN)	\$19,503.80
21002322	Class Leasing, Inc.	04108 Change Order 1 (SAN)	\$9,450.00

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item IX.I (10/19/17); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-17-001 is \$35,593,000.

MM-17-001 – Architectural and Engineering Services Task Orders			
PO #	Vendor	Description	Amount
22000111	PBK Architects, Inc.	04117 Design Svcs. for Misc. Enhancements Project (SAN)	\$68,000.00

MM-17-001 – Architectural and Engineering Services Task Change Orders			
PO #	Vendor	Description	Amount
20000612	SGPA Architecture & Planning	04105 Change Order 7 (SAN)	\$9,160.00

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item IX.J (10/19/17); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-17-002 is \$4,300,000.

MM-17-002 – Geotechnical Engineering Task Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

MM-17-002 – Geotechnical Engineering Task Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item IX.K (10/19/17); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-17-001 is \$1,200,000.

MM-17-003 – Civil Engineering Task Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

MM-17-003 – Civil Engineering Task Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item VIII.K (06/13/19); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-19-012 is \$2,252,892.

MM-19-012 – Commissioning Services Task Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

MM-19-012 – Commissioning Services Task Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item VIII.L (06/13/19); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-19-013 is \$6,663,954.

MM-19-013 – Inspector of Record Task Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		


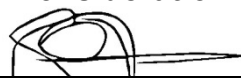
MM-19-013 – Inspector of Record Task Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item VIII.M (06/13/19); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-19-014 is \$6,193,914.

MM-19-014 – Special Inspection Task Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

MM-19-014 – Special Inspection Task Change Orders			
PO #	Vendor	Description	Amount
	No Entries This Month		

Total Contract Expenditures: \$913,234.51			
Ratify purchase orders — 2200064, 2200076-2200077, 2200112, 2200182, 2200267-2200268, 2200277, 2200298			
Ratify purchase orders (Task Orders) — 2200111			
Ratify purchase orders (Contracts) — 2200181, 2200278			

Subject: Approve FY2022/23 Nonresident Tuition Fee	Attachment: 1. 2022/23 Nonresident Tuition and Capital Outlay Fees Memorandum 2. 2022/23 Nonresident Tuition Fees Worksheet
Category: Action Items	Type of Board Consideration: Information Consent <input checked="" type="checkbox"/> Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

The California Education Code provides for nonresident tuition-fee income to support education and education-support costs for nonresident students. Education Code §76140 requires that each district governing board establish the nonresident tuition fee not later than March 1 (AB 3255, 9/1/2018) for the succeeding year. Education Code §76140 specifies seven options to determine the nonresident tuition fee, listed below. MiraCosta’s current FY2021/22 fee is \$307 per semester unit.

The options to consider for MiraCosta College for FY2022/23 is between \$304 and \$443 per semester unit as shown below:

- A.1 The district’s average cost: \$437.
- A.2 The district’s average cost with ten percent or more noncredit FTES: N/A for MiraCosta.
- B.1 The statewide average expense of education: \$332.
- B.2 The highest statewide average (highest year of the succeeding, current, and four prior years): \$332.
- C. Contiguous district (an amount not to exceed the fee established by the governing board of any contiguous district, Palomar \$332 proposed and San Diego \$304.
- D. Between statewide average expense and district expense: \$332 to \$437.
- E. Comparable state’s average per semester tuition: \$443.

Nonresident Capital Outlay Fee

Pursuant to Education Code section 76141, a district may charge a capital outlay fee to nonresident students, other than those with exemptions for nonresident fees pursuant to AB 540. The nonresident capital outlay fee is calculated as the lesser of (1) the district capital outlay expenditures in the preceding fiscal year divided by total FTES or (2) fifty percent of the nonresident tuition fee adopted pursuant to Education Code section 76140.

Processing Fee for Students from Foreign Countries

Education Code section 76142 states a district may charge nonresident applicants who are both citizens and residents of a foreign country a processing fee not to exceed the lesser of (1) the actual cost of processing an application and other documentation required by the federal government or (2) \$100. This fee may be deducted from the tuition fee at the time of enrollment.

STATUS

The current nonresident tuition and other fees for the FY2021/22 fiscal year are as follows:

- MiraCosta CCD \$307
- Palomar CCD \$307
- San Diego CCD \$307

Contiguous districts recommended adoption of the following rates for FY2022/23.

- MiraCosta CCD \$304
- Palomar CCD \$332
- San Diego CCD \$304

RECOMMENDATION

Approve FY2022/23 nonresident tuition fee of \$304 per semester credit hour for nonresident students with no capital outlay charge or processing fee for international students, effective fall 2022.



TO: Chief Business Officers
Chief Instructional Officers

FROM: Natalie Wagner, Director
Fiscal Standards and Accountability Unit

RE: 2022-23 Nonresident Tuition and Capital Outlay Fees

Education Code section 76140 requires each district governing board to establish the nonresident tuition fee for the succeeding fiscal year by March 1.

Nonresident Tuition Fee

Education Code section 76140 specifies seven options to determine the nonresident tuition fee.

- 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 preceding fiscal year.
- 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 B.1 for the succeeding fiscal year, current fiscal year, or past four fiscal years.
- Option C – Contiguous District

2022-23 Nonresident Tuition and Capital Outlay Fees
January 12, 2022

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.

- Option E – Comparable States Average

No greater than the preceding fiscal year average nonresident tuition fees of public community colleges in at least 12 states comparable to California in cost of living.

As a reminder, if a district chooses to adopt Options B.2 or E, existing law requires districts to use the additional revenue generated by the increased nonresident tuition to expand and enhance services to resident students. In no event shall the admission of nonresident students come at the expense of resident enrollment.

Nonresident Capital Outlay Fee

Pursuant to Education Code section 76141, a district may charge a capital outlay fee to nonresident students, other than those with exemptions for nonresident fees pursuant to AB 540. The nonresident capital outlay fee is calculated as the lesser of (1) the district capital outlay expenditures in the preceding fiscal year divided by total FTES or (2) fifty percent of the nonresident tuition fee adopted pursuant to Education Code section 76140.

Processing Fee for Students from Foreign Countries

Education Code section 76142 states, a district may charge nonresident applicants who are both citizens and residents of a foreign country a processing fee not to exceed the lesser of (1) the actual cost of processing an application and other documentation required by the federal government or (2) \$100. This fee may be deducted from the tuition fee at the time of enrollment.

Exemptions

There are various exemptions to the fees described above. To learn more about these exemptions, refer to [Education Code sections 76140 through 76143](#), the document titled [Residency For Tuition Purposes- General Overview \(revised April 19, 2021\)](#), and the Chancellor's Office's [Legal Advisory 18-02](#)

2022-23 Nonresident Tuition and Capital Outlay Fees

January 12, 2022

Tuition Fee Worksheet

The attached worksheet provides data for the computation of the nonresident tuition and capital outlay fees. This year, the worksheet has been converted to an Excel format.

Action Requested/Contact Information

Submit the attached worksheet to the Chancellor's Office by **Friday, March 11, 2022** via email to fiscalstandards@cccco.edu. If you have questions about this memo, please feel free to contact us at fiscalstandards@cccco.edu.

ATTACHMENT: FS22-01 Supplement 2022-23 Nonresident Fee Worksheet

District:	MiraCosta Community College District		
Term:	Semester		
Nonresident Tuition Fee Options			
A.1	District Average Cost		
	A. District Expense of Education for Base Year	\$	126,901,153
	B. District Annual Total FTES		10,105
	C. Average Expense of Education per FTES (A/B)	\$	12,558
	D. U.S. Consumer Price Index Compound Factor		1.0430
	E. Average Cost per FTES for Tuition Year (C x D)		13,098
	F. Nonresident Tuition Fee per Semester Unit (E/30)		437
A.2	District Average Cost with 10 Percent or More Noncredit FTES		
	Noncredit FTES percent of Total		5.9%
	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
C	Contiguous District		
	Contiguous District		SAN DIEGO
	Maximum Fee (Contiguous District Nonresident Tuition Fee)		304
	Nonresident Tuition Fee per Semester Unit	\$	304
D	Between Statewide Average Expense of Education and District Average Expense of Education		
	Minimum (Option B.1 - Statewide Average Cost) per Semester Unit	\$	332
	Maximum (Option A.1 - District Average Cost) per Unit	\$	437
	Nonresident Tuition Fee per Semester Unit		
E	Comparable States Average		
	Nonresident Tuition Fee per Semester Unit	\$	443

Nonresident Capital Outlay Fee			
	A. Capital Outlay expense - prior year		
	B. FTES total from prior year		10,105
	C. Capital outlay expense per FTES (A/B)	\$	-
	D. Capital Outlay Fee per Semester Unit (C/30)	\$	-
	E. Adopted Nonresident Tuition Fee	\$	304
	F. 50% of Adopted Nonresident Tuition Fee	\$	152
	G. Maximum Nonresident Capital Outlay Fee (lesser of D or F)	\$	-

California Community Colleges 2022-23 Nonresident Tuition and Capital Outlay Fee MiraCosta Community College District		
The district governing board has established Nonresident Fees as shown below.		
Adoption Date: <input style="width: 500px;" type="text"/>		
Nonresident Tuition Fee		
	Basis for Adoption (Select one)	Fee
<input type="checkbox"/>	A.1 - District Average Cost	
<input type="checkbox"/>	A.2 - District Average Cost with 10 Percent or More Noncredit FTES	
<input type="checkbox"/>	B.1 - Statewide Average Cost	
<input type="checkbox"/>	B.2 - Highest Statewide Average Cost	
<input checked="" type="checkbox"/>	C - Contiguous District	\$ 304
<input type="checkbox"/>	D - Between Statewide Average Expense of Education & District Expense of Education	
<input type="checkbox"/>	E - Comparable States Average	
Nonresident Capital Outlay		
Maximum Nonresident Capital Outlay Fee is \$ 0		
<input type="checkbox"/>	Nonresident Capital Outlay Fee	
Contact Information		
Signature:		
Name:	Tim Flood	
Title:	Vice President Administrative Services	
Phone:	760-795-6653	
Email:	tflood@miracosta.edu	

Subject: Adopt Resolution No. 11-21/22 Authorizing Eppendorf as a Single Source Procurement for the Biotechnology Department	Attachments: <ul style="list-style-type: none"> • Resolution No. 11-21/22 • Eppendorf Quote 			
Category: Action Item	Type of Board Consideration: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;">Information</td> <td style="text-align: center; width: 33%;">Consent</td> <td style="text-align: center; width: 33%;">Action </td> </tr> </table>	Information	Consent	Action
Information	Consent	Action		
Recommended: <hr style="width: 80%; margin: 0 auto;"/> Tim Flood Vice President, Administrative Services	Approved for Consideration: <hr style="width: 80%; margin: 0 auto;"/> Sunita V. Cooke, Ph.D. Superintendent/President			

BACKGROUND

The Biotechnology Department provides classes in a mixed environment, lab-based science and hands-on experience. Students have access to modern equipment, such as Eppendorf bioreactors, and have the opportunity to practice on these instruments largely used in the Biotechnology industry in modern research. Biotechnology students graduate with skills and techniques, which make them very valuable in the job market.

Due to COVID-19, the Biotechnology Department transitioned part of its classes to hands-on, at-home kits, but students still needed to work in small groups on campus to use the equipment. With the funds from the CARES grant, the Biotechnology Department will be able to expand its workstations and spread out the equipment so students may work individually or in very small groups with increased social distancing. The Biotechnology Department would like to procure Eppendorf bioreactors as a single source procurement. This purchase would be a match of existing equipment from Eppendorf, as these vessels attach to the bioreactors previously purchased through Eppendorf via Bid #10-15, awarded at the May 20, 2015, board meeting per agenda item VII.L.

STATUS

District staff has exercised due diligence and determined that the bioreactors from Eppendorf are the single source required by the Biotechnology Department to provide a safe, social-distanced environment due to COVID-19. The establishment of Eppendorf’s bioreactors as a single source procurement is in accordance with Public Contract Code 20304 and Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19 authorizing the superintendent/president and/or their designee to take any and all actions necessary to ensure the continuation of public education allowing provisions of alternative educational program options.

The expected cost will not exceed \$158,625.22. Funds are budgeted within the CARES fund.

RECOMMENDATION

1. Approve Resolution No. 11-21/22: authorizing procurement of bioreactors from Eppendorf as a single source procurement for the Biotechnology department, set forth below.
2. Authorize the director of purchasing and material management to proceed with the procurement from Eppendorf at the cost of an amount not to exceed \$158,625.22.

MIRACOSTA COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 11-21/22

AUTHORIZING EPPENDORF'S BIOREACTORS AS A SINGLE SOURCE PROCUREMENT FOR THE BIOTECHNOLOGY DEPARTMENT

WHEREAS the Board of Trustees of the MiraCosta Community College District ("District") has determined that in order to meet the requirements for maintaining its Biotechnology classes during a COVID-19 teaching environment that it utilizes unique bioreactors created by Eppendorf;

WHEREAS on March 19, 2020, the board passed Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19 authorizing the superintendent/president and/or their designee to take any and all actions necessary to ensure the continuation of public education allowing provisions of alternative educational program options;

WHEREAS the governing board of a community college district may, under Section 20304 of the California Public Contract Code,

"direct the purchase of any supply, equipment, or material without observance of any provision requiring contracts, bids, or notice upon a finding by a vote of two-thirds of all its members of the board that there is only a single source of procurement therefore and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material, as the case may be, in use";

WHEREAS the board passed agenda item VII.L at its May 20, 2015, meeting to award Bid #10-15 for Bioreactors, approving the purchase of equipment that was necessary to support current certificate programs in addition to being an integral part of the curriculum development related to the biomanufacturing baccalaureate program that has since been implemented;

WHEREAS upon moving the Biotechnology Department's courses online in response to COVID-19, the department did extensive research for the best and most appropriate portable equipment and for continued use of the existing on-ground equipment, it was determined that the Eppendorf bioreactors were the corner stone of Biotechnology Department program;

WHEREAS during the summer and fall of 2020, the Biotechnology faculty developed unique at-home kits for its Biotechnology classes to ensure students were provided a valuable lab experience in addition to the online learning platform;

WHEREAS the Biotechnology instructors created a unique combination between at-home lab kits and limited use of the campus laboratories, and created modified protocols and assessments, a new database of Safety Data Sheets for reagents used in its at-home experiments, and published video content demonstrating lab techniques and safety;

WHEREAS numerous videos were posted on Canvas for setting up Eppendorf bioreactors, calibrating the pH and dissolved oxygen, installing and reading the different sensors, and taking samples from the cell cultures inside the bioreactors, the creation of which required many hours of additional work to complete and was specifically designed for the lab experiments using Eppendorf bioreactors;

WHEREAS the Biotechnology Department modified existing on-ground labs to accommodate the curriculum for four groups of five students each to work individually with the on-ground equipment, and spread the existing equipment to a safe distance and purchased additional instruments, parts and accessories, when needed;

WHEREAS the Biotechnology department's at-home kits and limited on-ground labs are very popular, the department reports most classes have full enrollment of students, and students are very satisfied that they can work on campus and use the equipment in a safe manner;

WHEREAS the Eppendorf equipment was used in both lower and the upper division classes and students enjoyed working individually with the instruments and with the at-home kits at their own pace;

WHEREAS the additional equipment for the spring semester 2022 will benefit more students for individual work and utilize the department's time and resources invested in developing this unique curriculum;

WHEREAS district staff has exercised due diligence and determined that Eppendorf is the single source to provide the bioreactors required for Biotechnology classes needed by the district;

WHEREAS the proposed item, and corresponding exception, is identified as:

#	Proposed Item and Manufacturer	Exception under PCC section
1.	Bioreactors	PCC section 20304

WHEREAS applicable law requires the board to make certain findings under Public Contract Code section 20304 to use the exceptions found therein.

NOW THEREFORE BE IT RESOLVED THAT:

1. The board hereby finds and determines that advertising for competitive bids for equipment, supplies and curriculum for the Biotechnology Department would not produce an advantage to its hybrid learning platform during COVID-19;
2. The board hereby finds and determines that establishing Eppendorf's bioreactors as a single source procurement pursuant to Public Contract Code sections 20304 to be in the best interest of the district;
3. The board hereby finds procuring bioreactors from Eppendorf is in accordance with Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19;
4. The establishment of Eppendorf's bioreactors as the single source standard, is hereby approved and ratified; and
5. The board directs district staff to include a copy of this resolution in all future procurement that will involve bioreactors from Eppendorf.

DATED, SIGNED AND APPROVED this 24th day of February 2022.

BOARD OF TRUSTEES OF THE
MIRACOSTA COMMUNITY COLLEGE DISTRICT

By: _____
Anna Pedroza
President, Board of Trustees

Attest:

By: _____
Sunita V. Cooke, Ph.D.
Secretary, Board of Trustees

STATE OF CALIFORNIA)
)ss
SAN DIEGO COUNTY)

I, Sunita V. Cooke, Ph.D., do hereby certify that the foregoing is a true and correct copy of Resolution No. 11-21/22, which was duly adopted by the Board of Trustees of the MiraCosta Community College District at a meeting thereof held on the 24th day of February 2022, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
 Sunita V. Cooke, Ph.D.
 Superintendent President

Eppendorf North America
 175 Freshwater Blvd
 Enfield, CT 06082
 Inquiries: custserv@eppendorf.com
 Place order: orderentry@eppendorf.com

MiraCosta College
 1 Barnard Drive Way
 Oceanside, CA 92056
 United States

Traykova, Daniela
 Biotechnology
 Building: 4000, Room: 1
 ☎ 760-757-2121 ext. 6328
 ✉ dtraykova@miracosta.edu

Quotation

Quotation-No: Q22000217103
 Version: 0
 Date: 13 Jan 2022
 Valid until: 13 Mar 2022
 Your customer Account No is: ACC-0136671
 SAP Account No: 4100001142
 eShop Code: Z9R7F4

Your sales contact:
 Brandon Batty
 ☎ 619-415-9599
 ✉ Batty.B@eppendorf.com

Thank you for your interest in Eppendorf products. I am pleased to send you the quotation you requested for the item(s) listed below. When ordering, be sure to include your quotation number, all material numbers, and pricing on your purchase order.

Our products are typically in stock and ready to ship from our distribution centers in either Enfield, CT or Fresno, CA within 48 hours/2 business days. Due to unprecedented demand for our products during this time, some items may become backordered. **Inventory status reflected at time of order is subject to change and should not be considered a guarantee of stock. To ensure the safety of our warehouse staff and observe state enforced capacity and operational restrictions, there may be extended order processing times resulting in delayed deliveries.** While expedited shipping is available, this only applies to carrier shipment times, and not order processing speed.

To place your order online please [click here](#). Your quote verification code when prompted is **Z9R7F4**.

If your institution uses eProcurement visit your marketplace, select Products and choose "View Quotations", and enter in quote number **Q22000217103**, quote verification code when prompted is **Z9R7F4**.

Material No.	Description	Quantity	Unit Sell Price	Total
M1379-1001	Vessel, for BioFlo® 320, stainless-steel dished-bottom, direct-drive, 1 L	8	\$8,285.00	\$66,280.00
M1379-0115	Vessel Connection Kit, fermentation and cell culture, autoclavable vessels, all vessel sizes	8	\$3,948.00	\$31,584.00
M1379-0800	Agitation Motor, direct-drive, for BioFlo® 320, autoclavable vessels, all vessel sizes	8	\$2,021.00	\$16,168.00



Eppendorf North America, Inc.
 175 Freshwater Blvd
 Enfield, CT 06082

Remittance by Check:
 Eppendorf North America, Inc.
 P.O. Box 13275
 Newark, NJ 07101-3275
 Newark, NJ 07101-3275

Remittance by EFT or ACH:
 Deutsche Bank Trust Co. America
 60 Wall Street
 New York, NY 10005
 Acct #: 00-367-479
 ABA #: 021-001-033

F.E.I. # 11-2994494
 D-U-N-S # 15-208-8142
 Tel 800-645-3050
 Fax 516-334-7506

Material No.	Description	Quantity	Unit Sell Price	Total
M1379-1015	Pitched-Blade Impeller Kit, direct-drive, for 1 L vessel	8	\$2,030.00	\$16,240.00
P0720-5584	pH Sensor, Mettler Toledo® 405-DPAS-SC-K8S, gel-filled, 225 mm	8	\$490.00	\$3,920.00
P0720-6526	DO Sensor, Mettler Toledo® InPro® 6820, 225 mm, straight T-82 connector	8	\$1,230.00	\$9,840.00
76DGOFF	Exhaust System, with filter as alternative to exhaust condenser, for 1 vessel, O.D. 6 mm, Pg 13.5	8	\$313.00	\$2,504.00

Quote Total

\$146,536.00

Terms of payment, subject to credit verification:

Terms of delivery:

Shipping Conditions:

This is not an invoice. Please do not remit payment on this quotation.

Terms and Conditions of Sale:

By accepting and using this special priced quote, you are subject to the terms and conditions of this offer which can include, items that are not returnable and/or may be subject to a restocking fee of up to 25% or more, depending upon inclusion/exclusion of original packaging and contents and any fees related to return shipping, QA inspection, repackaging and restocking. It is our sole discretion to accept any returns.

For a complete list of our standard terms and conditions, please visit our website <https://online-shop.eppendorf.us/US-en/TermsConditions-326>.

In addition, by purchasing our products, you also agree, with regard to exports and re-exports, represent and warrant that no product supplied by Eppendorf either to me or over which I have control as a customer, distributor or reseller for Eppendorf, will be shipped, directly or indirectly, to any person or organization (i) in Cuba, Iran, North Korea, Sudan, or Syria, or who is considered a part of the government of those countries, or (ii) who is involved in improper development or use of nuclear weapons, or of chemical/biological weapons (CBW) or missiles, or in terrorist activities, or (iii) who is listed by the government of the United States or of any other country as prohibited from receiving the product, or from participating in export transactions involving the product. This is in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

Return of Equipment

Seller will accept returns for most products, with a few exceptions, within 30 days after delivery.

A. 30 DAY RETURN Policy

Buyer may return eligible products within 30 days after delivery for a full refund. Seller will cover the return dock-to-dock shipping cost by providing a shipping label. Seller reserves the right to decline a return, or apply a restocking fee, should the return product be damaged, missing parts, operating manuals and/or original packaging.

B. NON RETURNABLE PRODUCTS

Please note the following items are NOT RETURNABLE:

- Consumable boxes that are damaged, marked, opened and/or with original seal removed.
- Printed Circuit (PC) Boards and ALL Repair Parts including SOFTWARE
- Probes and Sensors
- Customized instruments and bar-coded products Items

C. RETURN OF AUTHORIZED EQUIPMENT

Equipment not listed in B. (NON RETURNABLE PRODUCTS) may not be returned to Seller without the prior written authorization of Seller. Buyer must contact Eppendorf North America Customer Service at 1-800-645-3050, to request a return authorization. For the health and safety of our employees, we require all returned equipment to be decontaminated and sent backed with a signed Decontamination Certificate (https://www.eppendorf.com/fileadmin/Main/05-Files/PDF/2019/Decontamination-Certificate_Eppendorf_eng_2019.pdf) Note that some items may be subject to a restocking fee, please contact our Customer Support for more information.

California Proposition 65

Eppendorf products can expose you to chemicals, which are known to the State of California to cause cancer and/or birth defects or other reproductive harm. For more information, go to <https://www.eppendorf.com/US-en/service-support/quality-regulatory-affairs/california-proposition-65-information/>.

These and other California Proposition 65 chemicals may be present only in trace quantities, or contained interior in Eppendorf equipment, where exposure is unlikely or negligible. This warning is being provided out of caution.



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Eppendorf North America, Inc.
175 Freshwater Blvd
Enfield, CT 06082

Remittance by Check:
Eppendorf North America, Inc.
P.O. Box 13275
Newark, NJ 07101-3275
Newark, NJ 07101-3275

Remittance by EFT or ACH:
Deutsche Bank Trust Co. America
60 Wall Street
New York, NY 10005
Acct # : 00-367-479
ABA # :021-001-033

F.E.I. # 11-2994494
D-U-N-S # 15-208-8142
Tel 800-645-3050
Fax 516-334-7506

Subject: Adopt Resolution No. 12-21/22: Authorizing Repligen Corp. as a Single Source Procurement for the Biotechnology Department	Attachments: <ul style="list-style-type: none"> • Resolution No. 12-21/22 • Repligen Quote #0030767 • Repligen Quote #0030736 			
Category: Action Item	Type of Board Consideration: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;">Information</td> <td style="text-align: center; width: 33%;">Consent</td> <td style="text-align: center; width: 33%;"> <input checked="" type="checkbox"/> Action </td> </tr> </table>	Information	Consent	<input checked="" type="checkbox"/> Action
Information	Consent	<input checked="" type="checkbox"/> Action		
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President			

BACKGROUND

The Biotechnology Department provides classes in a mixed environment: lab-based science and hands-on experience. Students have access to modern equipment, such as Repligen Corp.’s Tangential Flow Filtration System (TFFs) and have the opportunity to practice on these instruments largely used in the Biotechnology industry in modern research. Biotechnology students graduate with skills and techniques which makes them very valuable in the job market.

Due to COVID-19, the Biotechnology Department did extensive research on the best ratio between outsourcing labs and continued use of the existing on-ground equipment. To meet the challenges of the COVID-19 health crisis, the Biotechnology Department was able to transition part of its classes to hands-on, at-home kits, but generally, students still needed to use equipment on campus, such as the Repligen TFFs, of which the department has five. This existing on-ground equipment is the cornerstone of the department’s program.

With health challenges continuing for more than two years, increased physical distance will be a part of the department’s foreseeable future, resulting in a need for additional TFFs to allow for social distancing. Using CARES funds, the Biotechnology Department will be able to purchase five additional TFFs and spread the equipment over a larger distance. Before COVID-19, 4-5 students shared one workstation. With ten workstations, arrangements can be made for each student to work individually and get a full lab experience with much lower health risk. These additions to the Biotechnology Department’s existing TFF inventory can only be purchased from the original vendor, Repligen, for complete compatibility and to match existing equipment.

STATUS

District staff has exercised due diligence and determined that the TFFs from Repligen Corp. are the single source required by the Biotechnology Department to provide a safe, social-distanced environment in response to COVID-19. The establishment of Repligen Corp.’s TFFs as a single source procurement is in accordance with Public Contract Code 20304 and

Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19 authorizing the superintendent/president and/or their designee to take any and all actions necessary to ensure the continuation of public education allowing provisions of alternative educational program options.

The expected cost will not exceed \$179,558.71. Funds are budgeted within the CARES fund.

RECOMMENDATION

1. Approve Resolution No. 12-21/22: authorizing procurement of TFFs from Repligen Corp. as a single source procurement for the Biotechnology Department, set forth below.
2. Authorize the director of purchasing and material management to proceed with the procurement from Repligen Corp., at the cost of an amount not to exceed \$179,558.71.

MIRACOSTA COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 12-21/22

AUTHORIZING REPLIGEN CORP.'S TANGENTIAL FLOW FILTRATION SYSTEMS AS A SINGLE SOURCE PROCUREMENT FOR THE BIOTECHNOLOGY DEPARTMENT

WHEREAS the Board of Trustees of the MiraCosta Community College District ("District") has determined that in order to meet the requirements for maintaining its Biotechnology classes during a COVID-19 teaching environment, that it utilize tangential flow filtration systems (TFFs) created by Repligen Corp.;

WHEREAS on March 19, 2020, the board passed Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19 authorizing the superintendent/president and/or their designee to take any and all actions necessary to ensure the continuation of public education allowing provisions of alternative educational program options;

WHEREAS the Governing Board of a community college district may under Section 20304 of the California Public Contract Code,

"direct the purchase of any supply, equipment, or material without observance of any provision requiring contracts, bids, or notice upon a finding by a vote of two-thirds of all its members of the board that there is only a single source of procurement therefor and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material, as the case may be, in use.";

WHEREAS the Biotechnology Department has five existing TFFs, and for complete compatibility and match of existing equipment, additional TFFs can be purchased only from the original vendor, Repligen Corp.;

WHEREAS during the summer and fall semester of 2020, the Biotechnology Department's instructors modified the Biotechnology lab classes to ensure students were provided a valuable lab experience, in addition to the online learning platform by creating a unique combination of at-home lab kits and limited use of campus laboratories;

WHEREAS the Biotechnology Department created modified protocols and assessments, and video content demonstrating lab techniques and safety;

WHEREAS this additional content required many hours to complete and is specifically designed for the lab experiments using Repligen's TFFs;

WHEREAS students and faculty have reported positive feedback and are extremely popular, and students are excited that they may work on campus and use the equipment in a safe manner;

WHEREAS Repligen's TFFs are used in both lower and upper-division classes and the additional equipment for the spring semester of 2022 will benefit more students for individual work and utilize the department's time and resources invested in developing this unique curriculum;

WHEREAS district staff has exercised due diligence and determined that Repligen Corp. is the single source to provide the TFFs required for Biotechnology classes needed by the district;

WHEREAS the proposed item, and corresponding exception, is identified as:

Proposed Item and Manufacturer	Exception under PCC section
tangential flow filtration systems	PCC section 20304

WHEREAS applicable law requires the board to make certain findings under Public Contract Code section 20304 to use the exceptions found therein.

NOW THEREFORE BE IT RESOLVED THAT:

6. The board hereby finds and determines that advertising for competitive bids for equipment, supplies and curriculum for the Biotechnology Department would not produce an advantage to its hybrid learning platform during COVID-19.
7. The board hereby finds and determines that establishing Repligen Corp.'s TFFs as a single source procurement pursuant to Public Contract Code sections 20304, to be in the best interest of the district.
8. The board hereby finds procuring TFFs from Repligen Corp. is in accordance with Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19.
9. The establishment of Repligen Corp.'s TFFs as the single source standard, is hereby approved and ratified.
10. The board directs district staff to include a copy of this resolution in all future procurement that will involve TFFs from Repligen Corp.

DATED, SIGNED AND APPROVED this 24th day of February 2022.

BOARD OF TRUSTEES OF THE
MIRACOSTA COMMUNITY COLLEGE DISTRICT

By: _____
Anna Pedroza
President, Board of Trustees

Attest:

By: _____
Sunita V. Cooke, Ph.D.
Secretary, Board of Trustees

STATE OF CALIFORNIA)
)ss
SAN DIEGO COUNTY)

I, Sunita V. Cooke, Ph.D., do hereby certify that the foregoing is a true and correct copy of Resolution No. 12-21/22, which was duly adopted by the Board of Trustees of the MiraCosta Community College District at a meeting thereof held on the 24th day of February 2022, and that it was so adopted by the following vote:

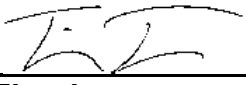
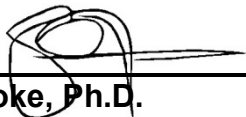
AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
 Sunita V. Cooke, Ph.D.
 Superintendent President

Subject: Approve Change Order to Design-Build Services Contract for Oceanside Campus New Student Services Project	Attachment: None
Category: Action Items	Type of Board Consideration: Information Consent Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

On November 12, 2019, the board of trustees approved board docket item VIII.F, which awarded a design-build service contract under the Measure MM program to Swinerton + DLR (“DBE”). This contract was for project number 04203 (“Project”) the Oceanside Campus New Student Services Building project which includes the 1) Student Service Building; and 2) Central Plant Upgrade.

As stated in the above referenced board docket, the DBE is to provide district staff and Program Management Office staff (“PMO”) a proposed Final Guaranteed Maximum Price (“GMP”) for Construction Phase Services for the above referenced Project after obtaining Division of State Architect (“DSA”) approval of the construction documents for the project. DSA approval occurred in December 2021. In the interest of expediting project progress, the DBE broke the total GMP into four increments for phased approval. This action is for the final proposed GMP of this contract. Upon this final GMP increment approval for this project, district staff/PMO will subsequently issue to the DBE a Change Order for the approved work and a Notice to Proceed with those specific Construction Phase Services.

STATUS

The first increment, the Underground Chilled Water, was approved by the board on October 15, 2020. The second and third increments, the Central Utility Plant Upgrade and the Slope Repair, were approved by the board on June 17, 2021. DSA has finalized the approval of the fourth and final increment, and the DBE has submitted its proposed GMP for these increments for approval. The presented partial and final GMP for increment four of the four total increments is within the board approved project budget of \$62,064,022.


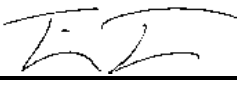

A detailed description of the Student Services Building is as follows:

A new Student Services Building, two-story with 57,000 square feet. A moment frame structure including bridge with plaster and metal panel on the exterior metal framing.

RECOMMENDATION

Given the foregoing, district staff, and the Program Management Office recommend as follows, and request that the board take the following action:

1. Approve the GMP and the issuance of a Construction Change Order to the New Student Services Project Contract for construction services for increment four in an amount not to exceed \$36,660,854.

<p>Subject:</p> <p>Approve Sole Source Exceptions Findings and Resolution No. 14-21/22</p>	<p>Attachments:</p> <ul style="list-style-type: none"> • Resolution No. 14-21/22 • Exhibits A-1 and A-2 (Sole Source Facility Justification Transmittals); • Exhibits B-1 and B-2 (Sole Source Architect/Engineering Justification Summary Reports) • Exhibit C (Legal Report and Recommendations)
<p>Category:</p> <p>Action Items</p>	<p>Type of Board Consideration:</p> <p>Information Consent  Action</p>
<p>Recommended:</p> <p></p> <hr/> <p>Tim Flood Vice President, Administrative Services</p>	<p>Approved for Consideration:</p> <p></p> <hr/> <p>Sunita V. Cooke, Ph.D. Superintendent/President</p>

BACKGROUND

District staff and Kitchell CEM, Inc., the Program Manager, request the board to make findings and approve a sole source exception to use Armstrong Acoustic Tile and Mecoshade for Measure MM and district-funded projects. It has been determined and concluded that the proposed items meet the requirements and statues hereinbelow.

STATUS

District staff and Kitchell CEM, Inc., the Program Manager, have evaluated the attached items as exceptions as permitted by Public Contract Code section 3400 (c) (2) as described and identified herein below. Exhibits A-1 and A-2 submitted herewith are district staff and the Program Management Office’s (“PMO”) “Sole Source Facility Justification Transmittals” containing district staff’s and the PMO’s reports and recommendations for the proposed items.

MJK Architecture (“Consultant”) has reviewed the attached items identified by district staff and the PMO (Exhibits A-1 and A-2 hereto) and has submitted herewith, as Exhibits B-1 and B-2, entitled “Sole Source Architect/Engineering Justification Summary Report Transmittals” its findings for the proposed items addressed in this agenda item and proposed resolution.

District staff, the PMO, MJK Architecture, and outside legal counsel, Cauvel & Dacey, P.C., have evaluated the items against the following factors:

- (i) what particular materials, products, things, systems, or services are currently in use or being placed in use throughout the district;
- (ii) where in the district the existing particular materials, products, things, systems, or services are currently in use or being placed in use throughout the district;
- (iii) how long they have been in use and the district’s dependency/reliance on them;

- (iv) whether there have been any significant operational and/or maintenance issues;
- (v) the current life/longevity of the existing particular materials, products, things, systems, or services;
- (vi) the need to have a totally integrated/compatible particular material, product, thing, system, or service;
- (vii) security, safety and related reason concerns;
- (viii) where the new particular materials, products, things, systems, or services will be installed; and
- (ix) what negative resulting consequences (cost, maintenance, safety, security, or otherwise) are likely to occur if different materials, products, things, systems, or services are put in place.

The items are listed below:

#	Proposed Items and Manufacturer	Exception Under PCC Section 3400
1.	Armstrong Acoustic Ceiling Tile	PCC section 3400 (c) (2)
2.	Mecho Shade Systems	PCC section 3400 (c) (2)

The items are being proposed for use on all applicable future Measure MM projects, and all projects district-wide, regardless of funding line(s).

Outside legal counsel for the district, Cauvel & Dacey, P.C., has reviewed and evaluated the items, Exhibits A-1 and A-2 and Exhibits B-1 and B-2, and measured the contents thereof against the foregoing factors and the requirements of Public Contract Code section 3400, and the exception found within Public Contract Code section 3400 (c). Cauvel & Dacey, P.C. has concluded that these items meet the requirements of the aforesaid statute as set forth in the Legal Memorandum submitted herewith as Exhibit C.

RECOMMENDATION

Adopt Sole Source Exceptions Findings specified in Exhibits A-1, A-2 and Exhibits B-1, B-2; and approve Resolution No. 14-21/22 set forth below.

MIRACOSTA COMMUNITY COLLEGE DISTRICT

**RESOLUTION NO. 14-21/22
APPROVE SOLE SOURCE EXCEPTIONS FINDINGS, PURSUANT TO
PUBLIC CONTRACT CODE SECTION 3400 (c) (2)**

WHEREAS the Board of Trustees of the MiraCosta Community College District (“District”) has been requested to make a finding and approve as an exception, pursuant to Public Contract Code Section 3400 (c) (2), two (2) items as further identified hereinbelow for Measure MM projects, and all other projects district-wide, regardless of funding line(s);

WHEREAS Public Contract Code section 3400 provides, in pertinent part, that:

“(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words “or equal” so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of “an equal” item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

.....

(2) In order to match other products in use on a particular public improvement either completed or in the course of completion.” (emphasis added);

WHEREAS district staff and the Program Management Office (“PMO”) have evaluated the potential exception as permitted by the above referenced statute as described in Exhibits A-1 and A-2 (“Sole Source Facility Justification Transmittals”) submitted to the board with this resolution;

WHEREAS MJK Architecture has reviewed Exhibits A-1 and A-2 and has submitted to the board with this resolution its Sole Source Architect/Engineering Justification Summary Report Transmittals (Exhibits B-1 and B-2) concurring in the findings and recommendations made by district staff and the PMO;

WHEREAS outside legal counsel for the district, John Dacey, Cauvel & Dacey, P.C., has reviewed and evaluated: the proposed items; Exhibits A-1 and A-2; and Exhibits B-1 and B-2; and measured the contents thereof against the requirements of the applicable statute for the suggested exception and has determined that the proposed items meet the requirements of the aforesaid statute as set forth in the legal memorandum submitted with this resolution (Exhibit C);

WHEREAS the proposed items, and corresponding exception, are identified as:

#	Proposed Items and Manufacturer	Exception Under PCC Section 3400
1.	Armstrong Acoustic Ceiling Tile	PCC section 3400 (c) (2)
2.	Mecho Shade Systems	PCC section 3400 (c) (2)

WHEREAS applicable law requires the board to make certain findings under Public Contract Code section 3400 to use the exceptions found therein;

NOW THEREFORE BE IT RESOLVED THAT:

11. The board has considered: (i) the proposed items; (ii) the factual findings and recommendations of district staff and the Program Management Office regarding the proposed items identified above and as set forth in Exhibits A-1 and A-2; (iii) the statements and recommendations of MJK Architecture as set forth in Exhibits B-1 and B-2; and (iv) the legal memorandum of outside legal counsel (Exhibit C), and hereby adopts the findings and conclusions in all of the foregoing as the board's own findings and conclusions.
12. The board accepts and approves the recommendations submitted by district staff, the PMO; MJK Architecture; and outside legal counsel.
13. The board finds and approves, as an exception pursuant to Public Contract Code Section 3400 (c) (2), as stated above, the items identified herein above and its/their subsequent and/or replacement: model, part number, or system from the specified manufacturers, for use in the district's Measure MM projects, and for all projects district-wide, regardless of funding line(s).
14. The board directs district staff and the PMO to include a copy of this resolution in all future procurement Notices Inviting Bids and/or Requests for Proposals that will involve said items for district Measure MM projects, and for all projects district-wide.

DATED, SIGNED AND APPROVED this 24th day of February 2022.

BOARD OF TRUSTEES OF THE
MIRACOSTA COMMUNITY COLLEGE DISTRICT

By: _____
Anna Pedroza
President, Board of Trustees

Attest:

By: _____
Sunita V. Cooke, Ph.D.
Secretary, Board of Trustees

STATE OF CALIFORNIA)
)ss
SAN DIEGO COUNTY)

I, Sunita V. Cooke, Ph.D., do hereby certify that the foregoing is a true and correct copy of Resolution No.14-21/22, which was duly adopted by the Board of Trustees of the MiraCosta Community College District at a meeting thereof held on the 24th day of February 2022, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Sunita V. Cooke, Ph.D.
Superintendent President



Exhibit A-1 SOLE SOURCE FACILITY JUSTIFICATION TRANSMITTAL

Public Contract Code section 3400 provides, in pertinent part, that:

“(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words “or equal” so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of “an equal” item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

(2) In order to match other products in use on a particular public improvement either completed or in the course of completion.”

Armstrong Ceiling Tile

This is a sole source procurement because:

- This is a sole provider of a licensed, copyrighted or patented good or service.
- This is a sole provider of items compatible with existing equipment or systems.
- This is a sole provider of factory-authorized warranty service.
- This is a sole provider of goods or services that perform a unique function in order to meet the specialized needs of the District. Please provide specific detail below.

The District utilizes Armstrong Ceiling Tiles in the District Standards as Basis of Design for the CLC and SAN campuses to establish consistency and match system functionality between Campus facilities

- There are overriding circumstances upon which the Board can find that the exception found in Public Contract Code section 3400 (c) (2) applies to the identified product(s). Please provide specific detail below

The District has standardized on Armstrong Ceiling Tiles on numerous buildings at the SAN, OCN and CLC campuses. The unique circumstances below present overriding circumstances which would negate the use of other ceiling tile models:

- Consistent materials throughout all three (3) campus buildings
- Provides ability to match products in use and standardization
- Consistency in durability, stability, quality
- Efficiency in product replacement and maintenance

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Pa

as to what those circumstances are, and why this sole source procurement would be in the best interest of the District.

What steps were taken to verify that these goods or services are not available elsewhere?

Historical use and experience reflect best use for district wide facility needs.

See Supplier and Contractor Information Page Below for Contact Details.

This is a restricted brand or trade name, and no substitutions are allowed because:

- ✓ The requested product is an integral repair part or accessory compatible with existing equipment or systems.

Existing Equipment/System: Armstrong Acoustic Ceiling Tile
Manufacturer/Model Number: Armstrong
(Standards document references Suprafine XL and Accessories, Ultima, Calla High CAC
Program not limited to these models)

- ✓ The District has standardized on the requested product and use of another brand/model would require considerable time and funding to evaluate or implement. Please provide additional detail below.

The District has standardized on Armstrong Ceiling Tile on the CLC and SAN campuses for consistency in product use and maintenance.

Supplier or Contractor Information:

Procured via designated suppliers based on procurement process and availability.

RECOMMENDATION

Sufficient evidence has been provided upon which the Board can find that the exception found in Public Contract Code section 3400 (c) (2) applies to the identified product(s). Approve a finding to authorize use of the above stated exception for Armstrong Ceiling Tile for all the projects in the MM program and all other District projects regardless of funding lines. Require that said finding be included in all pertinent bid/proposal documents for those projects where such product(s) will be used.

SIGNATURE:

Tom Macias

Tom Macias, Facilities Director

Date

David Dunn

David Dunn (Feb 4, 2022 17:13 PST)

David Dunn, PMO Director

Date



Exhibit A-2 SOLE SOURCE FACILITY JUSTIFICATION TRANSMITTAL

Public Contract Code section 3400 provides, in pertinent part, that:

“(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words “or equal” so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of “an equal” item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

(2) In order to match other products in use on a particular public improvement either completed or in the course of completion.”

MechoShade Systems, LLC

This is a sole source procurement because:

- This is a sole provider of a licensed, copyrighted or patented good or service.
- This is a sole provider of items compatible with existing equipment or systems.
- This is a sole provider of factory-authorized warranty service.
- This is a sole provider of goods or services that perform a unique function in order to meet the specialized needs of the District. Please provide specific detail below.

The District utilizes MechoShade Systems, LLC manual roller shades in the District Standards as Basis of Design for the CLC and SAN campuses to establish consistency and match system functionality between Campus facilities

- ✓ There are overriding circumstances upon which the Board can find that the exception found in Public Contract Code section 3400 (c) (2) applies to the identified product(s). Please provide specific detail below as to what those circumstances are, and why this sole source procurement would be in the best interest of the District.

The District has standardized on MechoShade Systems, LLC manual roller shades on numerous buildings at the SAN, OCN and CLC campuses. The unique circumstances below present overriding circumstances which would negate the use of other shade systems:

- Consistent materials throughout all three (3) campus buildings
- Provides ability to match products in use and standardization
- Consistency in durability, stability, quality
- Efficiency in product replacement and maintenance

What steps were taken to verify that these goods or services are not available elsewhere?

Historical use and experience reflect best use for district wide facility needs.

See Supplier and Contractor Information Page Below for Contact Details.

This is a restricted brand or trade name, and no substitutions are allowed because:

- ✓ The requested product is an integral repair part or accessory compatible with existing equipment or systems.

Existing Equipment/System:	MechoShade Systems, LLC
Manufacturer/Model Number:	Mecho/5 System
	Top Shade Blackout
	ThermoVeil White 0901/1001
	Distinctive Blackout 0800 Series (opaque) White/0801
	Fascia: Electro/2 Extended GR = Grey
	ThermoVeil 2100 Series, Silver Birch 1719/1519/1319/2119
	Program not limited to these models.

- ✓ The District has standardized on the requested product, and use of another brand/model would require considerable time and funding to evaluate or implement. Please provide additional detail below.

The District has standardized on MechoShade Systems, LLC manual roller shades on the CLC and SAN campuses for consistency in product use and maintenance.

Supplier or Contractor Information:

Procured via designated suppliers based on procurement process and availability.

RECOMMENDATION

Sufficient evidence has been provided upon which the Board can find that the exception found in Public Contract Code section 3400 (c) (2) applies to the identified product(s). Approve a finding to authorize use of the above stated exception for Mecho Shade Systems for all the projects in the MM program and all other District projects regardless of the funding lines. Require that said finding be included in all pertinent bid/proposal documents for those projects where such product(s) will be used.

SIGNATURE:

Tom Macias

Tom Macias, Facilities Director

Date

David Dunn

David Dunn (Feb 4, 2022 17:13 PST)

David Dunn, PMO Director

Date

Exhibit B-1

**SOLE SOURCE ARCHITECT/ENGINEERING
JUSTIFICATION SUMMARY REPORT**

January 26, 2022



Re: Armstrong Ceiling Tile & Grid

Within the Design & Construction Standards MiraCosta CCD has identified or designed various proprietary systems or products that meet specific District performance requirements, allow for seamless integration into existing systems, provide ease of maintenance, and afford a lower total cost of ownership. In these instances, the District is requesting that these systems and products shall be provided without substitution. The following Specification Section 09 51 00 or similar is one that meets these special requirements.

Our experience working with other Colleges and Universities shows that single sources for some materials, products, equipment, and systems is a common approach to achieving best value. Also, my personal experience working as the Director of Facilities for Escondido Union School District for two years and working closely with the Maintenance Department drove home the importance for having standardization of products for long-term maintenance repairs and replacement parts inventory.

We have reviewed the facility justification transmittal for the above-referenced item and believe that the District's sole-sourcing of this specification section meets the requirements for District's benefit as described above.

Sincerely,

A handwritten signature in blue ink, which appears to read "Michael J. Kant", is positioned to the right of the typed name.

Michael J. Kant AIA
President /Principal
MJK Architecture

Exhibit B-2

**SOLE SOURCE ARCHITECT/ENGINEERING
JUSTIFICATION SUMMARY REPORT
TRANSMITTAL**



Friday, March 18, 2022

Re: Mecho Shades

Within the Design & Construction Standards MiraCosta CCD has identified or designed various proprietary systems or products that meet specific District performance requirements, allow for seamless integration into existing systems, provide ease of maintenance, and afford a lower total cost of ownership. In these instances, the District is requesting that these systems and products shall be provided without substitution. The following Specification Section 12 24 00 or similar is one that meets these special requirements.

Our experience working with other Colleges and Universities shows that single sources for some materials, products, equipment, and systems is a common approach to achieving best value. Also, my personal experience working as the Director of Facilities for Escondido Union School District for two years and working closely with the Maintenance Department drove home the importance for having standardization of products for long-term maintenance repairs and replacement parts inventory.

We have reviewed the facility justification transmittal for the above-referenced item and believe that the District's sole-sourcing of this specification section meets the requirements for District's benefit as described above.

Sincerely,

A handwritten signature in blue ink, which appears to read "Michael J. Kant". The signature is written in a cursive style and is positioned to the right of the typed name.

Michael J. Kant AIA
President /Principal
MJK Architecture

Legal Memorandum
Sole Source Exception in Public Contract Code Section 3400 (c) (2)

To: Board of Trustees
Sunita Cooke, President/Superintendent
Tim Flood, Vice President for Administrative Services
Tom Macias, Director of Facilities

From: John P. Dacey, Esq., Cauvel & Dacey, P.C.

Date: February 2, 2022

Re: Board Adoption of Statutory Exceptions within Public Contract Code Section 3400 for Measure MM Construction Projects – February 24, 2022 Board Meeting

I. INTRODUCTION & OVERVIEW

District Staff (“Staff”) and the Program Management Office (“PMO”) have identified items for which Staff and the PMO believe the District should not accept an “or equal” (e.g., substituted material, product, service and/or system) from bidders and/or proposers on projects, as it is not in the District’s and taxpayer’s best interests to do so.

Public Contract Code (“PCC”) 3400 permits the Board of Trustees to require such materials, products, services and/or systems to be used, without substitution, on its construction projects: (i) under certain circumstances; (ii) if certain requirements are met; and (iii) if the Board makes certain findings and gives certain directions to Staff.

This Memorandum addresses: (i) the items proposed; (ii) Staff and the PMO’s Report “Sole Source Facility Justification Transmittals” attached as Exhibits A-1 and A-2 to the Board Item; (iii) MJK Architecture (Consultant) Sole Source Architect/Engineering Justification Summary Report Transmittals attached as Exhibits B-1 and B-2 to the Board Item; and (iv) the requirements of PCC section 3400. This Memorandum also provides the Board with an overview of the items and my opinions thereon for the Board’s consideration.

I have concluded that the proposed items meet the requirements for a recognized statutory exception found in PCC section 3400 (c) (2).

II. THE APPLICABLE LAW

A. Context

Before getting to the dispositive points raised in this Memorandum and options presented, two overriding points should be made first for context:

Legal Memorandum

Sole Source Exception in Public Contract Code Section 3400 (c) (2)

1. This Memorandum addresses permissible decisions that the Board can make as the Legislature has granted this Board (and other similar governing bodies) with discretion regarding their construction projects; and
2. Nothing being asked of the Board affects the concepts of “competitive bidding” and/or receiving “competitive proposals” for the District’s Measure MM construction projects or other District projects.

B. Legislative Rationale

As you will see from the statutory text and the opinions submitted for Board review by the PMO, Staff, and myself, the Legislature has determined that Local Public Agencies (such as the District) are in the best position to determine what is best (within certain parameters) for each Local Public Agency’s construction projects on certain matters (i.e., the Legislature has vested certain discretion in the Local Public Agencies). The issues presented here fall within that discretion.

C. The Applicable Law

1. PCC section 3400

PCC section 3400 reads in its pertinent part as follows:

“3400.

(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words “or equal” so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of “an equal” item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

2

Exhibit C

Legal Memorandum
Sole Source Exception in Public Contract Code Section 3400 (c) (2)

(2) In order to match other products in use on a particular public improvement either completed or in the course of completion.

(Amended by Stats. 2009, Ch. 132, Sec. 1. (AB 1086) Effective January 1, 2010.)

(underlining and yellow highlighting added by me for ease of reference)

2. The “Prohibitions” and “Exceptions”

The “Prohibitions” are set forth in PCC section 3400 (b). A Local Public Agency cannot draft specifications: (i) so that only one company can get the job; or (ii) specify only one product, material, thing, or service without listing the words “or equal” in the specifications. The purpose behind these Prohibitions is to achieve the goals of the PCC, including avoiding “favoritism, fraud, and/or corruption” in public contracting as prohibited by PCC section 100 (d). The Prohibition language is underlined above by me in the quoted statutory text.

However, the Legislature has also recognized that certain exceptions to the language in PCC section 3400 (b) can be appropriate, because they are in the best interest of the District and the public (read: taxpayer dollars). There are the four statutory exceptions set forth in PCC section 3400 (c).

In the matters before this Board, one of the four recognized statutory exceptions is being considered. That is the statutory exception set forth in PCC section 3400 (c) (2) highlighted in yellow above in the quoted statutory text.

And as also highlighted above in yellow, the introductory text to subsection 3400 (c) states:

“(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:”

That purpose here is:

“(c) (2) In order to match other products in use on a particular public improvement either completed or in the course of completion.”

III. STAFF AND PMO (AND OTHERS) EFFORTS TO ASSESS AND EVALUATE CERTAIN PRODUCTS, SYSTEMS, MATERIALS AND THINGS UNDER PCC SECTION 3400 AND EXCEPTIONS THERETO

Since passage of Measure MM, Staff, the PMO and others have been evaluating the impacts of the anticipated Measure MM projects on the District, including without limitation, existing products, systems, services, materials, things, etc., in use within the District as a whole. The

Legal Memorandum
Sole Source Exception in Public Contract Code Section 3400 (c) (2)

effort began shortly after passage of Measure MM and has included numerous persons and entities regarding the future Measure MM projects, as well as other District projects.

In my capacity as outside legal counsel for the District, I have had numerous meetings, provided guidance on the requirements for PCC section 3400 exceptions, questioned Staff, the PMO and others, and consistently asked for justification on any proposed item being presented as an exception within the ambit of PCC section 3400.

As the underlying information and justifications were developed by Staff and the PMO, they were then presented to MJK Architecture (Consultant) for their review and evaluation. The ultimate evaluation and findings resulted in the Board Item being presented on February 24, 2022.

IV. LEGAL COUNSEL’S EVALUATION OF STAFF, PMO’S AND CONSULTANT’S EVALUATIONS AND RECOMMENDATIONS ON PROPOSED EXCEPTIONS UNDER PCC SECTION 3400

The proposed items are set forth below. These are the same items that appear in the proposed Board Item and Resolution before the Board.

#	Proposed Item and Manufacturer	Exception under PCC section 3400
1.	Armstrong Acoustic Ceiling Tile	PCC section 3400 (c) (2)
2.	Mecho Shade Systems	PCC section 3400 (c) (2)

Staff and the PMO have each evaluated the potential items and prepared, with my assistance, the proposed Board Item pertaining to the proposed items and the requested findings to determine if the exceptions found in PCC sections 3400 (c) (2) apply. Staff and the PMO have also prepared Exhibits A-1 and A-2 (“Sole Source Facility Justification Transmittals”) setting forth the reasons and findings of Staff and the PMO and justifying why the exceptions to PCC 3400 (b) are being requested and recommended. I have reviewed the written Board Item and Exhibits A-1 and A-2.

MJK Architecture (Consultant) has reviewed the written Board Item and Exhibits A-1 and A-2 and concurs in the Staff and PMO findings and recommendations. MJK Architecture issued “Sole Source Architect/Engineering Justification Summary Report Transmittals” for the items which are identified as Exhibits B-1 and B-2. I have reviewed Exhibits B-1 and B-2 as well from a legal basis.

As stated in PCC section 3400 (c) above, the restriction on specifying a single product, thing, service, system, or material "is not applicable if the awarding authority, or its designee, makes a finding that is described in the Invitation for Bids or in a Request For Proposals that a particular material, product, thing, system, or service is designated by a specific brand or trade name for the

Legal Memorandum
Sole Source Exception in Public Contract Code Section 3400 (c) (2)

following purpose: "In order to match other products in use on a particular public improvement either completed or in the course of completion."

Factors that should be looked at to come within this exception include: (i) what particular materials, products, things, systems, or services are currently in use or being placed in use throughout the District; (ii) where in the District the existing particular materials, products, things, systems, or services are currently in use or being placed in use throughout the District; (iii) how long they have been in use and the District's dependency/reliance on them; (iv) whether there have been any significant operational and/or maintenance issues; (v) the current life/longevity of the existing particular materials, products, things, systems, or services; (vi) the need to have a totally integrated/compatible particular material, product, thing, system, or service; (vii) security, safety and related reason concerns; (viii) where the new particular materials, products, things, systems, or services will be installed; and (ix) what negative resulting consequences (cost, maintenance, safety, security, or otherwise) are likely to occur if different materials, products, things, systems, or services are put in place.

For example, a product can be specified for a project when the owner wants the existing HVAC control system, lock system, irrigation system; fire alarm system, telecommunications system, etc., etc., to be compatible with the new system to be installed.

V. LEGAL COUNSEL'S CONCLUSIONS AND RECOMMENDATIONS

I have evaluated Exhibits A-1 and A-2 and Exhibits B-1 and B-2, and communicated with District Staff regarding the efficacy of such items, including but not limited to the need for a totally integrated/compatible particular material, product, thing or system regarding replacement parts, warranty consistency, and maintenance; all of which have been measured against the contents and requirements of the applicable statutes for the suggested exception, and have determined and concluded that the proposed items, and subsequent iterations thereof, meet the requirements on the aforesaid statutes.

The Board, therefore, has the discretion, as provided by the Legislature, to make the requested findings and conclusions as set forth in the proposed Board Item and Resolution.

If the Board concurs, the Board should do the following:

1. Adopt the findings of Staff, the PMO, MJK Architecture, and legal counsel, as presented in the Board Item, Exhibits A-1 and A-2, Exhibits B-1 and B-2, and this Exhibit C, as the Board's own findings and conclusions; and
2. Direct Staff and the PMO to include a copy of the Resolution in all Notices Inviting Bids and/or in all Requests for Proposals for all Measure MM projects, and all projects District-wide, regardless of funding line(s).

Exhibit C




5

Legal Memorandum
Sole Source Exception in Public Contract Code Section 3400 (c) (2)

[End of Memorandum]

Exhibit C

6

Subject: Approve Use of Cooperative Purchase Agreements for OCN Administrative Building Renovation – Parron Hall	Attachment: Parron Hall Proposal
Category: Action Items	Type of Board Consideration: Information Consent  Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

As part of the Measure MM bond program, the purchasing of furniture, fixtures, and equipment (“FF&E”) is needed associated with new construction and renovation projects. The instant need for FF&E is related to the OCN Administration Building Renovation project to be completed in July of 2022. This FF&E needs to be in place by August 26, 2022.

STATUS

The FF&E needed for the OCN Administration Building Renovation project includes office furniture, storage solutions, chairs, conference tables and lounge furniture for the students, faculty and staff delivering and utilizing the services provided in this building. This agenda item includes furniture as shown in the attached floor plan layout.

District and Program Management Office staff plans to purchase the above listed FF&E and has elected to utilize a cooperative purchase agreement/contract with Allsteel, Inc. that was approved by the Board of Directors of the Region 4 Education Service Center in Houston Texas (“ESC”) on April 28, 2020, as the result of a Request for Proposals issued by ESC on behalf of itself and other government agencies and non-profits made available through OMNIA Partners (“OMNIA”), a cooperative purchasing organization for public sector procurement. Parron Hall is named in this agreement/contract between Allstate, Inc., and ESC as a Support Center in California for Allsteel, Inc. and is, therefore, authorized to sell Allsteel, Inc. products in California as Allsteel, Inc. manufactures but does not sell FF&E. The MiraCosta Community College District is registered as an entity with OMNIA that can participate/piggyback the approved agreement/contract as per the conditions set forth in Public Contract Code section 20652.

The cost of purchasing the subject FF&E, was derived from the pricing matrix within the ESC agreement/contract with Allsteel, Inc. for a total amount of \$286,970.75.

RECOMMENDATION

Approve the use of cooperative purchase agreements and issuance of a purchase order to Parron Hall for the purchase of FF&E from Allsteel and ESI ergonomics at the cost of \$286,970.75

CUSTOMER: MiraCosta

MiraCosta Community College
 One Bernard Drive
 Oceanside, CA 92056

PARRON HALL

***** FURNITURE PROPOSAL *****
MiraCosta OCN - B1000 Admin
 Furniture Project




DATE 01/27/2022
 Proposal Number: 55801

AREA	DESCRIPTION	QTY	SELL EACH	SELL EXTENDED
OCN - B1000 ADMIN	Project: furnish all private offices and conference room with office furniture	1	\$225,000.00	\$225,000.00
Contracts	Allsteel OMNIA Contract # P15-150-DT, SPA 461077 ESI Omnia Contract #R108401			
PRODUCT SUBTOTAL				\$225,000.00
ALLSTEEL SURCHARGE 2.50%				\$5,500.00
INSTALLATION:				\$32,000.00
DESIGN SERVICES:				\$2,600.00
SALES TAX 8.25%				\$21,870.75
GRAND TOTAL (including Sales Tax 8.25%)				\$286,970.75

Labor price is based on prevailing wage installers.

Pricing is based on regular work areas, installation areas 100% free and clear of debris.
 All furniture must have clear and easy access to final placement site.

Storage charges will apply for product stored beyond thirty (30) days from the originally scheduled installation date due to any customer-initiated postponement. Storage charges will be billed monthly and are not subject to proration.

Subject: Adopt Resolution No. 13-21/22: Authorizing Contract with Gubener Plastinate GmbH for Procurement of Plastinated Anatomic Specimens	Attachments: <ul style="list-style-type: none"> • Proposal from Anatomic Excellence • Resolution No. 13-21/22
Category: Action Item	Type of Board Consideration: Information Consent Action 
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Due to the ongoing COVID-19 pandemic, traditional classes and labs that involve students examining human donor samples in a group setting are severely restricted or limited. As a result, the district must implement other learning tools and resources for certain health and human sciences, anatomy and related areas of study. One option to address these restrictions is the use of plastinated anatomic specimens that uses an innovative preservation method of biological tissue that replaces bodily fluids and soluble fat with polymers to create true realistic specimens for instruction and learning. Plastinated models will help ensure social distancing while students are in the lab, as it will provide an alternate specimen to examine besides the cadaver. The cadaver room is small and while well-ventilated, limits social distancing due to the size. Plastinated models will allow students to work in separate parts of the lab and classroom, and allow for examination of specimens in a distanced manner. Due to the specialized plastination process, the district is aware of only one vendor, Gubener Plastinate GmbH (“GuPla”), that provides von Hagens Plastination specimens.

STATUS

District staff have exercised due diligence and determined that GuPla is the sole source for procuring plastinated anatomic specimens to continue providing effective instruction and training related to health and human sciences, anatomy, and similar areas of study. The district is also eligible through the CARES Act to fund procurement of the von Hagens Plastination specimens but needs to make such purchases within a specified time-period. Therefore, PPIS funds having been identified for items that may not arrive within the CARES funding period.

RECOMMENDATION

Adopt Resolution No.13-21/22 authorizing approval of a contract with GuPla for procurement of plastinated anatomic specimens prepared and produced by von Hagens Plastination and approve the delegation of authority to the districts’ director of purchasing and material management as set forth in the resolution with ratification by the board.



Von Hagens Plastinate Specimen Range - TOTAL COST PROJECTION

Ver: 11/2021

Region or System	Total Cost
Whole Body Specimens	\$0.00
Head & Neck	\$2,112.00
Thoracoabdominal	\$1,040.00
Pelvic Region	\$0.00
Upper Extremities	\$4,600.00
Lower Extremities	\$3,220.00
Cardiovascular System	\$18,032.00
Digestive System	\$13,226.00
Nervous System	\$30,202.00
Respiratory System	\$19,206.00
Reproductive System	\$7,820.00
Skeletal System	\$806.00
Urinary System	\$14,030.00
TOTALS	\$114,294.00

PLEASE NOTE

This document is for cost projection only and does not constitute a formal quote. All prices are in US \$ and are subject to change without notice. Costs related to shipping & handling can be obtained by requesting a formal quote from your Account Manager. Please read the **Terms & Conditions** carefully and discuss any issues with us ASAP.

CUSTOMS BROKER & LOCAL COSTS

You are responsible for any locally accruing costs for customs clearance, import duty, value added taxes and (if needed) local transportation costs. Please ensure that you have access to a Customs Broker to manage your delivery. See the tab on **"IMPORTANT INFORMATION"** for details.

TERMS & CONDITIONS

ORDER PLACEMENT: All orders are placed directly with Gubener Plastinate GmbH in Guben, Germany. If this creates issues for your institution please contact your Sales Representative to discuss your needs. **Orders are processed in US Dollars, with payment via Wire Transfer and the bank costs borne by the Buyer.**

NEW CUSTOMERS & ORDERS BELOW \$5,000.00: May require a **100% Upfront Payment**, depending upon the expected lead time for the specimens ordered.

ORDERS ABOVE \$5,000.00: A **50% Deposit** will be required with your original Purchase Order, with each shipment being invoiced for the remaining value of the specimens & their shipment on Net 30 Terms.

SINGLE or MULTIPLE SHIPMENTS: Gubener Plastinate try to keep ship all orders complete in one single shipment. However, due to variations in the Plastination and specimen preparation processes, it is not always possible to ship your whole order together. Therefore, it is important that you check your institutions "Partial Shipment and Payments Policy", as we will invoice for each shipment.

SHIPMENT INVOICING: Gubener Plastinate prefer to invoice each individual shipment for the remaining **50% due on each item shipped**, plus the shipping costs. If this is not in line with your institutions policy, please ensure that you discuss this with your Account Manager as soon as possible.

SHIPMENT CHECKS: We strongly recommend that you **check each shipment within 7 Days of arrival**. This is usually required by your Purchasing Department, so that they can release payment of the invoice.

PLEASE ADD YOUR DELIVERY AND INVOICE ADDRESS TO THE SECOND TAB MARKED "IMPORTANT INFORMATION"

MIRACOSTA COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 13-21/22 AUTHORIZING APPROVAL OF CONTRACT WITH GUBENER PLASTINATE GMBH FOR PROCUREMENT OF PLASTINATED ANATOMIC SPECIMENS PREPARED AND PRODUCED BY VON HAGENS PLASTINATION

WHEREAS due to the ongoing COVID-19 pandemic, the MiraCosta Community College District (“District”) must properly address the need to conduct more socially distanced learning instruction environments for labs and certain health and human sciences, anatomy and related areas of study;

WHEREAS since traditional classes and labs that involve students examining human donor samples in a group setting are severely restricted or limited due to ongoing COVID-19 restrictions, it is necessary to implement other learning tools and resources as it relates to examining human tissues, organs, and other anatomic specimens;

WHEREAS the District has determined it is necessary to purchase/procure plastinated anatomic specimens and related products for instructional and training purposes for students and staff;

WHEREAS District staff and faculty have determined that products from Gubener Plastinate GmbH (“GuPla”) prepared and produced under the brand name of “von Hagens Plastination” best meets the needs and requirements to provide comprehensive and detailed anatomic specimens and related products that suits the educational goals of the District to provide effective instruction and training related to health and human sciences, anatomy, and similar areas of study;

WHEREAS GuPla works with its exclusive full-range sales agent, Anatomic Excellence, LLC, to provide von Hagens Plastination specimens in the United States and Canada;

WHEREAS the MiraCosta College Board of Trustees has determined the following:

- a. GuPla is the only vendor that the District is aware of that is able to provide the specific plastinated human tissue specimens desired by the District and its staff;
- b. GuPla sources all of its human plastinated specimens from the Body Donation Program of the Institute for Plastination e.K. in Heidelberg, Germany;
- c. All donors in the program referenced above have been educated that their bodies will be dissected, plastinated, and put on display at an academic institution for educational purposes;
- d. GuPla is the only vendor that the District is aware of that sources specimens from donors who consented during their lifetime that their bodies will be used for this specific educational purpose;
- e. GuPla, in consultation with the City of Heidelberg as the administering authority of the program, has a rigorous audit and annual review systems that confirm all required processes and requirements defined by the city are followed and met; and
- f. GuPla is the only vendor that the District is aware of that provides all of the services and documentation, and meets all of the requirements set forth above.

WHEREAS pursuant to Public Contract Code section 3400(b)(3), the District's board has determined that the GuPla plastinated anatomic specimens prepared and produced under the brand name of von Hagens Plastination is a necessary item and that it is available from one source;


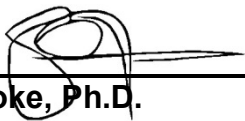
WHEREAS the District's board has determined that it would work an incongruity and not produce any advantage to competitively bid the procurement/purchase of von Hagens Plastination anatomic specimens since there is only one vendor that meets all of the various services and requirements set forth above;

WHEREAS Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 hold that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage; and

WHEREAS the District desires by a majority of the vote of the board and pursuant to Education Code sections 81655, 81656, and similar statutes, to delegate authority to the District's director of purchasing & material management to execute, deliver or otherwise negotiate contracts, requisitions, or purchase orders, or to otherwise carry out the intent of this resolution, all subject to ratification by the board.

NOW THEREFORE BE IT RESOLVED THAT:

- 15.** All of the recitals set forth above are true and correct and the board so finds and determines.
- 16.** The board hereby finds and determines that the procurement of von Hagens Plastination anatomic specimens are required and necessary based on the factors set forth above; that the GuPla is the only source to purchase the von Hagens Plastination anatomic specimens; and that it would work an incongruity and not produce any advantage to competitively bid the procurement/purchase of the von Hagens Plastination anatomic specimens since there is only one vendor that can sell the them.
- 17.** The board hereby approves the procurement of von Hagens Plastination anatomic specimens from GuPla as specified herein.
- 18.** The board hereby delegates authority to the District's director of purchasing & material management to execute and deliver any and all documents which they may deem necessary or advisable in order to execute this transaction and otherwise carry out, give effect to and comply with the terms and intent of this resolution, all subject to ratification by the board.

Subject: Board Policy 6500 – Property Management	Attachment: Board Policy 6500 – Property Management
Category: Board Policies – Periodic Review	Type of Board Consideration: Information Consent Action 
	Approved for Consideration:  _____ Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

A periodic review of Board Policy 6500 – Property Management has been approved by College Council, and the policy is now presented for adoption by the board of trustees.

Administrative Procedure 6500 is included for reference only.

RECOMMENDATION

For information only.


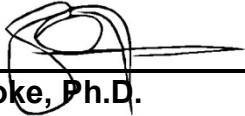
The superintendent/president or designee is delegated the authority to act as the Board of Trustees' negotiator regarding all property management matters that are necessary for the benefit of the district. No transaction regarding the lease, sale, use, or exchange of real property by the district shall be enforceable until acted on by the board itself.

The superintendent/president or designee shall establish such procedures as may be necessary to ensure compliance with all applicable laws relating to the sale, lease, use, or exchange of real property by the district.

See Administrative Procedure 6500.

The vice president of administrative services shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

Effective Date:	2/2/10
Periodic Review:	11/10/15, 2/10/22
References:	Education Code §§70902, 81300, et seq.
CCLC Update:	--
Steering:	S/P

Subject: Board Policy 5700 – Athletics	Attachment: Board Policy 5700 - Athletics
Category: Board Policies – Second Reading	Type of Board Consideration: Information Consent Action 
	Approved for Consideration:  _____ Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

Revisions to Board Policy 5700 – Athletics have been approved by College Council, and the policy is now presented for a second reading and adoption by the board of trustees.

Administrative Procedure 5700 is included for reference only.

RECOMMENDATION

For information only.

The district shall maintain an organized program for men and women students in intercollegiate athletics. The district will offer opportunities for participation in athletics to male, female, and transgender students consistent with state and federal law and California Community College Athletic Association standards. The program shall not discriminate on the basis of gender in the availability of athletic opportunities.

The superintendent/president shall assure that the athletics program complies with state and federal law, the California Community College Athletic Association (CCCAA) Constitution, Bylaws and Sport Championship Handbooks, and the appropriate conference constitution regarding student-athlete participation.

See Administrative Procedure 5700.

MiraCosta Community College District
Page 1 of 1

Adoption History: 4/6/10
 Periodic Review: 5/18/16
 Reference Update: 7/13, 4/15
 References: 20 U.S. Code §§1681 et seq.
 Education Code §§78223, 66271.6, 66271.8, 67360 et seq.

CCLC Update: ACCJC Accreditation Standard II.C.4
 #26, 4/15
 Steering: VPSS

The athletic programs and students participating in athletics at the colleges shall comply with the laws, rules, and regulations established by the State of California and by the California Community College Athletic Association (CCCAA).

Authority for developing, implementing, and monitoring these procedures is vested in the superintendent/president, with the assistance of the athletic director.

Recruitment

Athletic recruitment will follow the procedures established by CCCAA Bylaw 2 and its subsections covering athletic recruiting.

Eligibility

Athletic eligibility will follow the procedures established by CCCAA Bylaw 1 and its subsections.

The following procedural guidelines shall be used in the determination of the eligibility of student athletes to participate in intercollegiate sports:

- A. The athletic director will arrange and attend a student athlete orientation to oversee the completion of eligibility paperwork and answer questions.
- B. Student athletes will be required to submit official college transcripts to MiraCosta College Admissions and Records before being certified as eligible to participate in a sport.
- C. The athletic director and an athletic eligibility specialist will compare athletic eligibility paperwork to the application for admission and college transcripts to verify accuracy and consistency of information required to determine both athletic eligibility and residency status for enrollment-fee purposes.

Reporting

Athletic teams will comply with the reporting requirements of the CCCAA and will provide any data reports that may be required by the Board of Trustees.

MiraCosta Community College District**Page 1 of 2**

Effective Date: 4/6/10, 2/19/16, 1/13/22
References: Title IX, Education Amendments of 1972
Education Code §§66271.6, 66271.8, 67360 et seq.
ACCJC Accreditation Standard II.C.4
U.S. Code §§1681 et seq.
Reference Update: 4/15, 7/13
CCLC Update: #26, 4/15
Steering: VPSS / N/A

Program Review

Athletic programs will participate in systematic program review as defined both by the college and as established by the Pacific Coast Athletic Conference.

Funding and Fiscal Oversight

All athletics donations and profits from fundraising efforts shall be collected by the athletic director and received by the MiraCosta College Foundation for deposit in the athletics account. All financial records are to be maintained through the MiraCosta College Foundation and are subject to annual audit. The receipt of funds is to be handled in accordance with procedures established by the district. All funds shall be expended in accordance with procedures as established by the district and are subject to the approval of the athletic director. Approval shall be obtained each time before any funds may be expended.

Name, Image and Likeness Activities

This procedure is subject to modification as changes to state law, federal law, and CCCAA legislation are made.

In conjunction with the California Community College Athletic Association (CCCAA) policy and California law, MiraCosta College and the Department of Athletics have developed specific policies to address name, image, and likeness (NIL) activities of student-athletes.

NIL Defined

A name, image, and likeness activity includes any situation in which a student-athlete's name, image, likeness, or personal appearance is used for promotional purposes by a non-institutional entity, including the individual student-athlete, a commercial entity, or a non-institutional nonprofit or charitable entity. While such activities may provide compensation for a student-athlete, those activities that do not provide compensation are also covered under this policy.

Prospective Student-Athlete: The district will not provide a prospective student-athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation.

Student-Athletes: The district will not prevent a student participating in intercollegiate athletics from either earning compensation as a result of the use of student-athlete's name, image, likeness, or athletic reputation, or from obtaining professional representation by duly licensed athletic agents or attorneys.

NIL Compensation

Subject to the California law, the CCCAA constitution (see bylaw 1.1.6) and MiraCosta College (MCC) athletic department policy, student-athletes may use their NIL in a variety of ways that may include but is not limited to promoting their own business, promoting or endorsing a corporate entity, conducting camps, lessons, or clinics, making appearances, or signing autographs.

Student-athletes may receive compensation, either in kind or monetarily, for engaging in NIL activities, subject to the CCCAA and the MCC athletics policy.

Student-athletes are prohibited from receiving compensation, either in-kind or monetarily, for engaging in the following NIL activities:

- a. Compensation in exchange for athletic participation, performance or awards at MiraCosta College.
- b. Compensation in exchange for student-athlete's decision to attend MiraCosta College.
- c. Compensation for work not performed.

Student-athletes are prohibited from participating in NIL activities when engaged in official team activities (e.g., practice, competition, media obligations, team travel, promotional activities, etc.)

Student-athletes should not miss class or other academic obligations (i.e., tutors) for NIL activities

Participating in NIL Activities may impact a student-athlete's ability to receive grant sums from outside sources (e.g., Pell Grant.) The student-athlete should discuss these implications with an institutional financial aid staff member or a Professional Service Provider.

International student-athletes should not enter into any NIL agreements without guidance from MiraCosta's International Office against potential immigration laws.

Institutional Disclosure Requirements

Student-athletes are required to disclose contact information for all parties involved in the use of their name, image, and likeness, as well as any involved professional service providers. The student-athlete must also disclose compensation arrangements and the details of their relationship with involved parties. Student-athletes must disclose the proposed name, image, and likeness activities to the institution at least seven (14) days prior to committing to said activities. If arrangements and details of agreements to promote a commercial product or service are amended, the student-athlete must provide notice within 14 days of the change. If the district determines that a conflict between the student-athlete's contract and the student-athlete's team contract, the athletic director will disclose the conflict to the student or student's legal representative, if any, and identify the contractual provisions that conflict.

Student-athlete must complete the MiraCosta College Athletic Department NIL Activity Form and submit to the athletic director.

Institutional Restrictions

A student-athlete may not enter into an agreement with a third-party that conflicts with any existing sponsorship agreements or institutional contract. If the institution identifies a conflict between the student-athlete's name, image, and likeness activities and an existing sponsorship agreement, the institution shall inform the student-athlete of such a conflict so the student-athlete has the opportunity to negotiate a revision of name, image, and likeness activities with the third-party. That revision is also subject to additional review and approval by the institution.

Student-athletes may not enter into an apparel contract that requires the student-athlete to display a sponsor's apparel, or otherwise advertise for a sponsor, during official team activities if the provision is in conflict with a provision of the student's institution's team contract.

Student-athletes may not engage in name, image, and likeness activities while participating in required institutional activities or while representing the institution.

Student-athletes will not be permitted to use colors, logos, or images, including institutional marks, which identify the institution in any name, image, or likeness activities. A student-athlete may only reference their attendance at the institution and participation in athletics in biographical information. Student-athletes **may not** use institutional facilities for any name, image, or likeness activities, with the exception of use for teaching lessons or for a camp/clinic, provided the rental agreement is in line with that available to the general public. While a student-athlete is permitted to engage in name, image, and likeness activities on the institution's campus, all activities are subject to applicable university policies and procedures regarding third-parties and commercial ventures.

Prohibited Activities

Student-athletes must not use their NIL to promote gambling, alcohol products, tobacco products, adult entertainment, substances banned by the CCAA and/or NCAA, or products or services that are illegal. Information about NCAA banned substances can be found [here](#). Further, student-athletes are prohibited from using any institutional, conference, or NCAA marks in any name, image, or likeness activity.

Agents

Student-athletes may enter into agreements with professional service providers, including agents. Agent agreements must be for name, image, and likeness activities only and must include details regarding the scope of representation and compensation. Agent compensation must be made at an established rate. Such agreements must be filed with the MiraCosta Athletic Department (specifically sent to the current athletic director). Student-athletes may not engage with any individual who, directly or indirectly, represents or attempts to represent an individual for the purpose of marketing the individual's athletics ability for financial gain or seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

Institutional Involvement

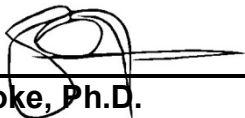
Neither the institution nor an institutional staff member (including volunteers) may be involved in the development, operation, or promotion of any student-athlete's name, image, and likeness activities. Further, institutional staff members may not enter into agreements with, or benefit from, a student-athlete's name, image, or likeness activities.

Financial Aid And Tax Implications

Student-athletes should be aware that receiving compensation for NIL activities could have an impact on their financial aid, especially for those receiving Pell Grants. Student-athletes are encouraged to consult with the MiraCosta College Athletics compliance staff to fully understand these potential impacts. Additionally, student-athletes should be aware that receiving compensation for NIL activities could have tax implications. Student-athletes are encouraged to discuss these issues with their tax advisor.

Exceptions

MiraCosta College, at any time, may authorize variances from, or exceptions to, this NIL Policy that are consistent with MiraCosta College's commitment to compliance with federal law, state law, and conference or CCCAA rules.

Subject: Board Policy 6700 – Civic Center and Other Facilities Use	Attachment: Board Policy 6500 – Civic Center and Other Facilities Use
Category: Board Policies – First Reading	Type of Board Consideration: ✓ Information Consent Action
	Approved for Consideration:  _____ Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

Revisions to Board Policy 6700 – Civic Center and Other Facilities Use have been approved by College Council, and the policy is now presented for a first reading by the board of trustees.

Administrative Procedure 6700 is included for reference only.

RECOMMENDATION

For information only.

Each of the three MiraCosta College sites has areas designated for use as a civic center. The district, at its sole discretion, reserves the right to determine which spaces may be designated as applicable to being a civic center. Use of the civic center shall be granted as provided by law. The superintendent/president shall establish procedures regarding the use of ~~college-district~~ property, including but not limited to facilities, equipment and supplies, and support services by community groups and other outside contractors. Specific rules apply to specialty district civic center spaces (e.g. performance space, gymnasium, athletic fields, etc.) in which required procedures will need to be followed.

These administrative procedures shall reflect the requirements of applicable law, including Education Code §82537, regarding civic centers. The ~~regulations-procedures~~ shall include reasonable rules regarding the time, place, and manner of use of district facilities. They shall assure that persons or organizations using ~~college-district~~ property are charged such fees as are authorized by law. ~~Public use of District property shall not interfere with scheduled instructional programs or other activities of the District on behalf of students.~~

At its sole discretion, the district may permit, without charging a usage fee or charge to reimburse the district for operational costs related to the event, the use of any district facilities or grounds under its control when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes, as stated under Education Code §82542 (a). Waiving the reimbursement of any direct operational costs incurred by a nonprofit organization requires the written approval of the superintendent/president or the ~~y~~Vice pPresident, ~~Business-and-a~~Administrative ~~s~~Services.

Public use of district property shall not be granted if it interferes with scheduled instructional programs, events, performances, rehearsals, college assemblies, or other activities of the district on behalf of students.

No group or organization may use district property for purposes that ~~unlawfully~~ discriminate on the basis of race, color, religion, ancestry, national origin, ~~military or veteran status, disability, gender, gender identity, gender expression, or sexual orientation~~disability, sex (i.e., gender), or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, ~~or because a person associate with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.~~

Use of the District's Civic Centers will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations "formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts" in order to "engage in supervised recreational activities" or "meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they

reside.” (Education Code Section 82537(a)) In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

See Administrative Procedure 6700.

MiraCosta Community College District

Page 1 of 1

Adoption History: 2/16/10

Periodic Review: 5/15

Reference Update: 4/16

References: Education Code §§82537, 82542

Title 5 §§59601 et sec.

CCLC Update: #17, 2/10, #21, #21, 9/12, #25, 11/14, #18, 4/16

Steering: VPAS

General Provisions

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

The superintendent/president is responsible for the coordination and implementation of these procedures. The superintendent/president shall determine all applicable fees to be charged, in accordance with the districts Facility Use Fee Schedule (Exhibit A).

Outside the designated public forum areas, the following shall apply: all nondistrict (as defined in Education Code sections 82537 and 82542) user groups shall be required to complete an Application and Agreement for Use of College Facilities (Exhibit B), including the district’s prescribed hold-harmless and indemnification agreement acknowledging financial responsibility for any losses, damages, or injuries incurred by any person as a result of the use of the facilities. At the discretion of the district, user groups may be required to provide a certificate of insurance with limits acceptable to the district and/or other proof of financial responsibility acceptable to the district. The district risk management officer can furnish additional information and resources to assist with the necessary insurance requirements.

All facility-use applications shall be reviewed and approved by at least the appropriate site campus coordinator unless otherwise specifically designated below in the special priorities listings. The campus coordinator may forward the applications to the director of facilities, district risk management officer, and college police chief, or their designees, based on the request and type of event being scheduled. These additional reviewers shall be responsible to also identify any requirements and reimbursable costs related to the events. Any exceptions to the civic-center procedures and any long-term commitments must be approved by the appropriate site administrator.

MiraCosta Community College District

Effective Date:	2/16/10, 3/12/13, 5/12/15
References:	Education Code §§82537, 82542 Public Resources Code §42648.3 Clark v. Community for Creative Nonviolence (1984) 468 U.S. 288, 104 S. Ct 3065, 82 L.Ed.2d 221 Title V §§59601 et seq.
CCLC Update:	#28, 4/16; #26, 4/15
Reference Update:	4/16, 5/15
Steering:	VPAS / N/A

The site coordinators are:

Oceanside Campus – Director, Cashiering

San Elijo Campus – Administrative Secretary

Community Learning Center – Noncredit Student/Faculty Support Assistant

The site administrators are:

Oceanside Campus – Vice President, Administrative Services

San Elijo Campus – Dean

Community Learning Center – Dean

Listed below are the general and site-specific priorities that apply to the MiraCosta College civic centers.

General Priorities for All Campuses

- A. Credit classes.
- B. Activities directly in support of credit classes (e.g., open lab hours).
- C. Community education and community services classes.
- D. Student activities and club meetings (approved by the Student Activities Office).
- E. Other college departmental activities or college-sponsored activities.
- F. College-affiliated groups (e.g. MiraCosta College Foundation, Friends of the Library, MiraCosta Horticulture Club).
- G. Community nonprofits as defined in Education Code section 82542.
- H. Other community organizations and businesses.

Special Priorities Unique to the Oceanside Campus

- A. Student Center Aztlan A/B: Only college groups or college-sponsored groups may use these rooms. Ongoing classes of any type are not to be scheduled in these rooms without permission of the designated campus coordinator and the vice president, student services.
- B. Student Center Temescal: Only approved student activities, sponsored by the Associated Student Government, its student organizations, and/or the Student Activities Office, shall be booked on an ongoing basis in Temescal. Bookings are scheduled through the Student Activities secretary.

- C. Student Center Club Room: Reserved solely for club use. Bookings are scheduled through the Student Activities secretary.

Special Priorities Unique to the San Elijo Campus

- A. Student Center Conference Room(s) A/B: The San Elijo Campus is unique in that it only has two conference rooms that must be shared by all campus users in addition to community groups. These facilities are the only meeting rooms where faculty, staff, students, or community users are allowed to have food. Because of these campus limitations the priorities for Conference Room(s) A/B are the following:
 - 1. College departmental activities or college-sponsored activities.
 - 2. Student activities and club meetings (approved by the Student Activities Office).
 - 3. College-affiliated groups (e.g. Women’s Advisory Committee, Friends of the Library, MiraCosta College Foundation).
 - 4. Community nonprofits as defined in Education Code section 82542.
 - 5. Other community organizations and businesses.
 - 6. Ongoing community education and community services classes.

Civic Centers

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

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

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

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs of district facilities. Direct costs shall include costs of supplies, utilities, custodial services, services of any other district employees, and salaries paid to district employees necessitated by the organization’s use of district facilities and grounds of the district.

If the district deems that use by a civic-center group poses substantial risk of damage of loss to the district property, a deposit will be required. Any portion of the deposit not so used will be refunded to the applicant.

All athletic events and other events that the district deems may pose a substantial risk are required to provide proof of insurance by means of a certificate of insurance evidencing liability coverage in a minimum amount of \$1,000,000 and containing an endorsement naming the district as additional insured. This certificate must be received by the district at least one week prior to the event.

The following shall be charged at least the fair rental value* for the use of district facilities or grounds. The district specifically reserves the right to charge an amount in excess of the fair rental value as permitted by statute and regulation:

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

*Fair rental value means the direct costs to the district, plus the amortized costs of the district facilities or grounds used for the duration of the activity authorized.

General Rules for Facilities Use

The district, at its sole discretion, reserves the right to determine which spaces may be designated as applicable to being a civic center. Application requests for use of district facilities must be made at least thirty (30) days in advance of the first date of use being requested. Any exceptions to the thirty-day requirement are at the sole discretion of the appropriate site coordinator. Requests shall be on forms provided by the district. Permission to use facilities shall be granted by the site coordinator of the affected site. Specific rules apply to specialty district civic-center spaces (e.g. performance space, gymnasium, athletic fields, etc.) in which required procedures would need to be followed. The venue-specific procedures shall be in writing, on file in the room-scheduling office, and given to each applicant for a venue in advance of the event. As a part of the application process, the applicant must acknowledge in writing the venue-specific requirements.

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

If the nature of the use of facilities is such that there may be loss and/or damage to district property or at any other time requested by the district, a deposit shall be required to cover loss and/or damage. Any portion of the deposit not used to cover loss and/or damage will be refunded to the applicant.

The district may require at its sole discretion, based on the size and nature of the event, additional district security and custodial services at the sole expense of the applicant.

All grounds, buildings, and equipment must be returned to their original condition and location after use, unless other arrangements are approved in the application.

District activities shall have priority in use of district facilities. Use of district facilities by off-campus groups shall not interfere with scheduled district activities.

Only those facilities approved in the application shall be used.

Authorization to use the civic center shall be based on a reservation system and the priorities for student and other use detailed at the end of this procedure. No person or organization may be granted a monopoly on any facility.

All charges for the use of district facilities are payable forty-eight weekday, non-holiday hours in advance.

Specialized equipment shall not be used unless a district-qualified instructor or other qualified district employee is present.

Any persons applying for use of district property on behalf of any groups shall be a member of the groups, and unless they are an officer of the group, must present written authorization to represent the group. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to district property.

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

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

All grounds, buildings, and equipment must be returned to their original condition and location after use, unless other arrangements are approved in this application.

No alcoholic beverages, intoxicants, controlled substances, or tobacco in any forms shall be brought onto the property of the district except as permitted by applicable statute and in accordance with the current district procedures (Administrative Procedure 3550, 3560, 3570). Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity.

Food and drink are prohibited for consumption or sale unless specifically approved in advance as part of the application.

Minors using district facilities must be under adult supervision at all times.

No structures, electrical modifications, or mechanical apparatus, equipment, or vehicles may be erected, installed, used, or operated on district property without specific written approval by the superintendent/president or designee.

The dates and hours of use approved in the application must be observed.

An authorized district employee must be present to open and close the facilities. No person applying for use of district property shall be issued a key, pass card, or key fob to any district facilities or grounds unless approved by the superintendent/president or designee.

Parking regulations must be followed. Parking is restricted to marked parking lots. All activities shall be in accordance with district health-and-safety requirements. (Board Policy/ Administrative Procedure 6800)

All decorative materials, including but not limited to draperies, hangings, curtains, signage, drops, etc., shall be approved as part of the application process. If approved, materials must be made or treated with flame-retardant processes approved by the district's director of facilities and/or the local jurisdiction fire marshal.

Use of District Facilities

At its sole discretion, the district may permit without charge the use of any district facilities or grounds under its control when an alternative location is not available, to nonprofit organizations and clubs and associations organized for general character building or welfare purposes as stated under Education Code section 82542(a) as follows:

- A. Student clubs and organizations.
- B. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the district.
- C. Parent-teacher associations.
- D. School-community advisory councils.
- E. Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- F. Senior-citizen organizations.
- G. Other public agencies.
- H. Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes.
- I. Public agencies or nonprofit agencies, such as the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees to be necessary to meet the needs of the community.

EXHIBIT A

MiraCosta College Daily Facility Fee Schedule Hourly Rate Two-Hour Minimum Unless Otherwise Noted

	Classification I	Classification II	Classification III
Standard Classroom	N/C	\$25.00	\$50.00
Large Lecture Room/ Auditorium	N/C	\$40.00	\$80.00
Conference Rooms	N/C	\$40.00	\$80.00
Dining Room	N/C	\$50.00	\$100.00
Performing Arts Studio A	N/C	to be determined	to be determined
Performing Arts Studio B	N/C	to be determined	to be determined
Gymnasium	N/C	\$50.00	\$100.00
Amphitheatre	N/C	\$25.00	\$50.00
Concert Hall	N/C	to be determined	to be determined
Tennis Courts (per court)	N/C	\$10.00	\$20.00

Daily Facility-Fee Schedule Rate For Four Hours or Less or More than Four Hours

Baseball Field	N/C	\$60-4 hours or less \$100-more than 4 hrs.	\$120-4 hours or less \$200-more than 4 hrs.
Soccer Field	N/C	\$60-4 hours or less \$100-more than 4 hours	\$120-4 hours or less \$200-more than 4 hours
Track	N/C	\$100-4 hours or less \$200-more than 4 hours	\$200-4 hours or less \$400-more than 4 hours
Grounds	N/C	\$100-4 hours or less \$200-more than 4 hours	\$200-4 hours or less \$400-more than 4 hours
Parking Lot	N/C	\$100-4 hours or less \$200-more than 4 hours	\$200-4 hours or less \$400-more than 4 hours

Equipment Fees Per Day

Computer and LCD Projector	\$100.00
P.A. System	\$70.00
Camcorder with Tripod	\$60.00
Piano	\$80.00

Fees for Staff Time

Custodian/Grounds Overtime	\$70/hour
Media Services Operator Overtime	\$60/hour
Campus Police Overtime	\$62/hour (Officer), \$79/hour (CP Supervisor)

- Classification I: Organizations listed in Education Code section 82542 (a).
- Classification II: Organizations not listed in Education Code section 82542 (a) but that are not conducting an event where fees are charged or contributions are solicited and the net receipts of the revenues are not expended for the welfare of the students of the districts or a charitable purpose.
- Classification III: Organizations conducting events where fees are charged or contributions are solicited and the net receipts of the revenues are not expended for the welfare of the students of the districts or a charitable purpose. Refer to Education Code section 82542 (f), revised 11/20/09.

EXHIBIT B

MiraCosta Community College District Application and Agreement for Use of College Facilities

Organization _____

Is the organization a registered, nonprofit entity? YES / NO If YES, Tax ID Number _____

Contact person _____ Title _____

Address: _____

City _____ State _____ Zip _____

Phone(s) _____ Fax _____ E-mail _____

Facility requested _____

Oceanside campus: send form to Special Serv. Coord., MS-13; MiraCosta College; 1 Barnard Drive; Oceanside, CA 92056.
San Eljio campus: send form to SEC Special Serv. Coordinator; MiraCosta College; 3333 Manchester Avenue; Cardiff, CA 92007.
Community Learning Center: send form to Faculty/Staff Support Assistant; 1831 Mission Ave., Oceanside, CA 92054.

Title and Description of proposed event _____

Will food or refreshments be served? YES / NO If your event will have food, certain guidelines apply.
Do not order or purchase food for your event until you have confirmation from MiraCosta that your plans comply with our regulations.

Estimated attendance _____ Estimated number of vehicles _____

Open to public? YES / NO

Admission charged or contribution asked? YES / NO

May MiraCosta post this event on the college's public calendar? YES / NO

If you selected YES for posting to the public calendar please provide the following information:

Contact person _____ Phone _____

Email _____ Web site _____

List any special equipment needed (computer, projector, microphone, etc.) _____

Note: MiraCosta College does not provide internet access to outside groups.

Describe any facility or room set-up needed _____

Day and date of activity _____

Arrival time: _____

Event ends: _____

Event begins: _____

Departure time: _____

**MiraCosta Community College District
Regulations Governing Use of College Facilities**

I/we agree to observe all regulations of the Board of Trustees of MiraCosta College, including those printed at the end of this application. I/we understand that failure to comply with any district regulations will result in immediate revocation of the approved application. I/we agree to use reasonable care and diligence in protecting the facilities and agree to pay for loss or damage beyond reasonable wear. MiraCosta College does not endorse or sponsor the event described herein.

Applicant Name (PRINT) _____

Signature of applicant _____ Date _____

***** OFFICE USE *****

Application # _____ Invoice # _____

Insurance required? Yes / No _____ If yes, date received _____

Admin: Approved / Denied by _____ Date _____



Rev.10/09

Failure to comply with any district regulation will result in immediate revocation of the approved application.

1. District activities shall have priority in the use of district facilities. Use of district facilities by off-campus groups shall not interfere with scheduled district activities.
2. Only those facilities approved in the application shall be used.
3. All grounds, buildings, and equipment must be returned to their original condition and location after use, unless other arrangements are approved in advance in the application.
4. Physical education equipment shall not be used unless a qualified instructor or supervisor is present.
5. The dates and hours of use approved in the application must be observed.
6. An authorized district representative must be present to open and close the facilities.

MiraCosta Community College District
Regulations Governing Use of College Facilities
(continued)

7. Parking regulations must be followed. Parking is restricted to marked parking lots.
8. Smoking is prohibited inside all college facilities. Food and drink are restricted to certain areas and are not allowed inside any classrooms.
9. Youths using district facilities must be under adult supervision at all times.
10. Possession and/or consumption of alcoholic beverages or any other controlled substance on district property is forbidden by law.
11. If the nature of the use of facilities is such that there may be loss and/or damage to district property, or at any other time requested by the district, a deposit shall be required to cover loss and/or damage. Any portion of the deposit not used to cover loss and/or damage will be refunded to the applicant.

Subject: Second Quarter Fiscal Report	Attachment: • Quarterly Report on Cash and Investments • Quarterly Financial Status Report, CCFS-311
Category: Information	Type of Board Consideration: ✓ Information Consent Action
Recommended:  <hr/> Tim Flood Vice President, Administrative Services	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Title 5, section 58310 of the California Code of Regulations, requires the chief executive officer or other designee of the governing board to regularly report to the governing board the district’s financial condition at least once every three months. The quarterly fiscal report is a summary overview report that includes information from the CCFS-311Q (applicable for 1Q, 2Q, and 3Q) and Report of Investments and is to be prepared on forms provided by the Community College System Office and submitted to the appropriate county offices and system office no later than forty-five days following the completion of each quarter. The certified report is to be reviewed by the district governing board at a regularly scheduled meeting and entered into the minutes of the meeting.

STATUS

The second quarter report for the period ending December 31, 2021, is attached. The Quarterly Report of Investments includes both district funds within the County Pooled Investments and proprietary and fiduciary funds held by the district.

1. The Unrestricted General Fund balance (Reserves) fiscal year-end projection is 27.8 percent vs the adopted budget of 27.2 percent. This is the result from an increase in revenue of \$513 thousand and a decrease of Expenses by \$304 thousand from the adopted budget.
2. The total year revenue projection is \$140.7 million from the increase of \$1.6 million from the transfer of CARES ACT funds for the student debt write-off from the prior fiscal year and \$1.0 million increase of the State general fund; this is offset by the decrease of \$2.1 million from lower projection of the Property Tax revenue and lower enrollment fees.
3. The total year Expense projection is \$137.6 million. Supplies and Equipment spending is below the mid-year trend, where the savings will continue forward to the year-end.

4. The cash balance in the combined general Fund 11 (unrestricted) and Fund 12 (restricted) for period ending December 31, 2021, was \$42.3 million. The district received the first major property tax revenue in December 2021, the second major deposit will be in April 2022; both timing linked to the two property tax bills due by property owners. The cash balance for Fund 41-Capital Outlay was \$24.2 million. The cash balance for Fund 43-General Obligation bond was \$226.8 million from series B bonds. Cash from local bank accounts were \$6.5 million for Financial Aid, Student enrollment fees, and auxiliary funds that are transferred to the SD Treasury periodically.
5. The OPEB (Other Post Employment Benefit) trust balance for period ending December 31, 2021, was \$34.5 million with the fiscal year-to-date rate of return of 2.7 percent and 8.8 percent for the past 12 months. This resulted with the total funded accrued liability at 101.6 percent based on the recent June 30, 2021, actuarial study for the calculated OPEB accrued liability at \$33.9 million. The district performs an actuarial study every two years.

RECOMMENDATION

For information only.

FROM: Tim Flood, Vice President, Administrative Services

DATE: February 24, 2022

TO: Dr. Sunita Cooke, Superintendent/President

SUBJECT: District's Cash and Investment Report status, December 31, 2021

The district's total cash and investment status report. The Other Post-Employment Benefit (OPEB) Trust Investment account, is an irrevocable trust and can only be used for the Retiree Health benefit costs.

Actual-to-Budget, CCFS Quarterly Financial Status Report Amount

Revenues

<input type="checkbox"/> FY22 Adopted Budget	\$140,223,756
<input type="checkbox"/> FY22 Projected Budget	\$140,737,577
<input type="checkbox"/> FY22 Actual as of December 31, 2021	\$58,109,861
<input type="checkbox"/> FY22 Actual YTD to Projected Budget	41.3%

Expenses

<input type="checkbox"/> FY22 Adopted Budget	\$137,885,139
<input type="checkbox"/> FY22 Projected Budget	\$137,580,785
<input type="checkbox"/> FY22 Actual as of December 31, 2021	\$60,497,648
<input type="checkbox"/> FY22 Actual YTD to Projected Budget	44.0%

Cash Deposits and Investments, Quarterly Report of Investments Balance

<input type="checkbox"/> Total Cash in the County pooled investment fund (combined funds)	\$293,769,669
Detail by Fund below:	
<input type="checkbox"/> General Fund 11 & 12	\$42,282,768
<input type="checkbox"/> Capital Outlay Fund 41	\$24,192,494
<input type="checkbox"/> General Obligation Bond Fund 43	\$226,869,686
<input type="checkbox"/> All Other Funds	\$424,721
<input type="checkbox"/> Rate of Return Fiscal YTD	0.360%
<input type="checkbox"/> Cash in bank deposits	\$6,575,007
<input type="checkbox"/> Rate of Return	NA
<input type="checkbox"/> Cash in Money Market instruments (Bookstore Fund)	\$148,928
<input type="checkbox"/> Rate of return	0.05%

OPEB Trust Balance

<input type="checkbox"/> Balanced Fund Portfolio as of December 31, 2021	\$34,492,188
<input type="checkbox"/> Rate of Return 12/31/2021 Fiscal YTD (Annual Target 5.5%)	2.70%
<input type="checkbox"/> Funded Accrued Liability	101.6%



Quarterly Financial Status Report, CCFS-311Q

[VIEW QUARTERLY DATA](#)

[CHANGE THE PERIOD](#) ▼

Fiscal Year: 2021-2022

District: (050) MIRACOSTA

Quarter Ended: (Q2) Dec 31, 2021

Line	Description	As of June 30 for the fiscal year specified			
		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)	130,106,621	130,698,321	135,739,684	139,086,378
A.2	Other Financing Sources (Object 8900)	0	45,068	1,726,909	1,651,199
A.3	Total Unrestricted Revenue (A.1 + A.2)	130,106,621	130,743,389	137,466,593	140,737,577
B.	Expenditures:				
B.1	Unrestricted General Fund Expenditures (Objects 1000-6000)	121,004,340	120,956,934	119,764,121	128,554,785
B.2	Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)	6,812,202	8,040,335	15,981,045	9,026,000
B.3	Total Unrestricted Expenditures (B.1 + B.2)	127,816,542	128,997,269	135,745,166	137,580,785
C.	Revenues Over(Under) Expenditures (A.3 - B.3)	2,290,079	1,746,120	1,721,427	3,156,792
D.	Fund Balance, Beginning	28,448,924	30,739,003	33,366,792	35,101,240
D.1	Prior Year Adjustments + (-)	0	-37,637	13,021	0
D.2	Adjusted Fund Balance, Beginning (D + D.1)	28,448,924	30,701,366	33,379,813	35,101,240
E.	Fund Balance, Ending (C. + D.2)	30,739,003	32,447,486	35,101,240	38,258,032
F.1	Percentage of GF Fund Balance to GF Expenditures (E. / B.3)	24%	25.2%	25.9%	27.8%

II. Annualized Attendance FTES:

		Actual 2018-19	Actual 2019-20	Actual 2020-21	Projected 2021-22
G.1	Annualized FTES (excluding apprentice and non-resident)	10,229.00	9,998.00	9,822.72	9,033.88

III. Total General Fund Cash Balance (Unrestricted and Restricted)		As of the specified quarter ended for each fiscal year			
		2018-19	2019-20	2020-21	2021-22
H.1	Cash, excluding borrowed funds		26,642,843	34,884,831	44,559,438
H.2	Cash, borrowed funds only		0	0	0
H.3	Total Cash (H.1+ H.2)	29,143,525	26,642,843	34,884,831	44,559,438

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:				
I.1	Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)	140,193,756	141,184,988	56,488,662	40%
I.2	Other Financing Sources (Object 8900)	30,000	1,651,199	1,621,199	98.2%
I.3	Total Unrestricted Revenue (I.1 + I.2)	140,223,756	142,836,187	58,109,861	40.7%
J.	Expenditures:				
J.1	Unrestricted General Fund Expenditures (Objects 1000-6000)	128,859,139	129,047,285	60,429,860	46.8%
J.2	Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)	9,026,000	9,026,000	67,788	0.8%
J.3	Total Unrestricted Expenditures (J.1 + J.2)	137,885,139	138,073,285	60,497,648	43.8%
K.	Revenues Over(Under) Expenditures (I.3 - J.3)	2,338,617	4,762,902	-2,387,787	
L	Adjusted Fund Balance, Beginning	35,101,240	35,101,240	35,101,240	
L.1	Fund Balance, Ending (C. + L.2)	37,439,857	39,864,142	32,713,453	
M	Percentage of GF Fund Balance to GF Expenditures (L.1 / J.3)	27.2%	28.9%		

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 debt, settlement of audit findings or legal suits, significant differences in budgeted revenues or expenditures, borrowing of funds (TRANS), issuance of COPs, etc.)? NO

If yes, list events and their financial ramifications. (Enter explanation below, include additional pages if needed.)

VII. Does the district have significant fiscal problems that must be addressed? This year? NO
Next year? NO

If yes, what are the problems and what actions will be taken? (Enter explanation below, include additional pages if needed.)

OPEB TRUST STATEMENT, 2Q 2022

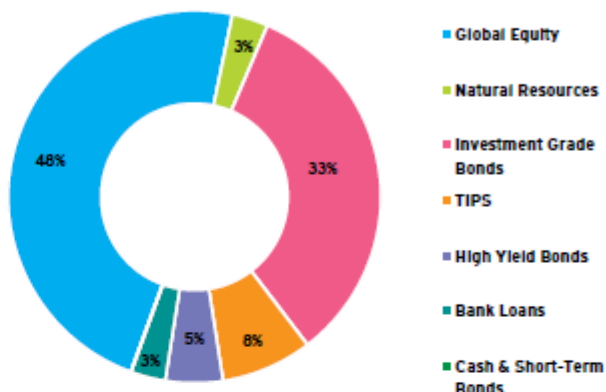
Mira Costa Community College District Balanced (50% Fixed Income, 50% Equity)

12/31/2021

Change in Portfolio - 2nd Quarter of Fiscal Year 2022

Asset Allocation

Portfolio Value on 9/30/2021	33,457,489
Contributions	0
Withdrawals	0
Change in Market Value	726,148
Income Received	319,096
Portfolio Fees	(10,545)
Portfolio Value on 12/31/2021	34,492,188



Trailing Period Performance

	Fiscal						Inception Date	Since Inception (%)
	2Q22 (%)	YTD (%)	1 YR (%)	3 YR (%)	5 YR (%)	10 YR (%)		
Mira Costa Community College District	3.1	2.7	8.8	13.0	9.2	7.7	7/1/2009	8.6
Policy Benchmark ¹	3.4	3.1	9.3	13.8	9.8	NA		NA
CPI Medical Care (Inflation)	10	1.3	2.2	2.8	2.5	2.7		2.8

Fiscal Year Performance

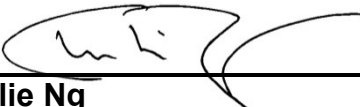
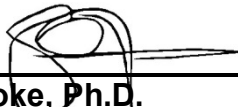
	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year
	2021 (%)	2020 (%)	2019 (%)	2018 (%)	2017 (%)	2016 (%)	2015 (%)	2014 (%)	2013 (%)	2012 (%)
Mira Costa Community College District	20.2	4.4	5.9	7.0	9.2	-0.9	2.6	11.9	8.0	4.9
CPI Medical Care (Inflation)	0.4	5.1	2.0	2.5	2.7	3.5	2.5	2.6	2.1	4.0

¹ Policy Benchmark consists of 47% MSCI ACWI IMI, 1% Vanguard Spliced Global Capital Cycles Index, 1% Spliced U.S. IMI Materials 25/50, 1% Vanguard Spliced Energy Index, 34% Bloomberg Barclays Aggregate, 8% Bloomberg Barclays U.S. TIPS, 5% Bloomberg Barclays "BBB" High Yield, and 3% CSFB Leveraged Loan



Prepared by Meketa Investment Group



Subject: Human Resources Update	Attachment: None
Category: Division Reports	Type of Board Consideration: <div style="display: flex; justify-content: space-around; align-items: center;"> ✓ Information Consent Action </div>
Recommended:  <hr/> Charlie Ng Vice President, Human Resources	Approved for Consideration:  <hr/> Sunita V. Cooke, Ph.D. Superintendent/President

UPDATE

COVID-19 and Safety

Human Resources has been working on providing the most recent changes in the California Department of Public Health masking requirements for all employees. In addition to this change, procedures are being put in place to ensure compliance with the most recent law change to provide 40 hours of supplemental paid sick leave for COVID-related symptoms and quarantines, and an additional 40 hours of supplemental paid sick leave for employees or their family members testing positive. The Risk Management department has also purchased 1,500 COVID antigen tests to allow all employees to test when they are asymptomatic, which supplements the weekly testing for employees with medical and religious exemptions. The district has increased services with Healthcare IT Leaders to provide contact tracing in addition to the weekly testing for medical and religious exemption students and employees for the Oceanside, San Elijo, Technology Career Institute, and Community Learning Center locations. Additionally, Risk Management and Student Services are working towards moving vaccine verification to Healthcare IT Leaders on February 28.

Diversity, Equity, and Inclusion (DEI)

Human Resources is participating in several DEI activities including:

- Providing access to two trainings for all employees to increase awareness on becoming culturally competent and implicit biases on college campuses.
- Working with the Campus Climate Survey Working Group to finalize recommendations with the results of the campus climate survey and related campus forums.
- Working with the Equal Employment Opportunity (EEO) Advisory Committee to make significant improvements to the EEO Plan including increasing demographic data collected for students, employees, the college’s service area population, and workforce availability.
- Continued EEO training for faculty hiring committees to increase awareness for nondiscrimination and inclusion laws, the benefits of diversity, bias in hiring, hiring committee best practices, and helpful elements of the EEO Plan.

Wellness

Wellness workshops and activities are being planned for the spring and fall semesters. A workshop to address burn out, compassion fatigue, self-care and strategies to recognize fatigue/anxiety symptoms as it relates to teaching roles, will be offered in early March. More information will be announced in the monthly wellness newsletter. In addition, Healthy Adventures offers health and wellness coaching, which are one-on-one sessions with a health coach. The sessions are customized to each person. Health coaching is available to full-time faculty, regular classified employees and administrators.

Labor Relations

Over the past several months, Human Resources completed negotiations with various employee groups (Faculty and Associate Faculty, Classified Administrators, Classified Professionals) including spring 2022 COVID Memos of Understanding and teleworking agreements.

Projects

Human Resources is in the process of completing several projects including:

- Document imaging for employee records: will allow increased efficiency for accessing files while reducing physical storage space;
- Student Survey Software: will centralize and standardize course evaluation and survey processes.
- Workday: continued implementation of new Workday processes for hiring associate faculty.
- Payroll is continuing its work reconfiguring STRS retirement reports to adhere to the new file format reporting requirements anticipated for delivery in 2023.
- Accreditation: working on drafts for Standard III.A for accreditation.
- Futures: training and participating in futures work to assist with the development of institutional plans.