MISSION COLLEGE

FEBRUARY 5, 2019

BOARD OF TRUSTEES
Anne Kepner · President
Susan Fish · Vice President
Adrienne Grey
Randi Kinman
Jack Lucas
Robert Owens
Karl Watanabe

Roman Matera · MC Student Trustee
Kian Lechner · WVC Student Trustee

Patrick Schmitt · Chancellor
GUIDELINES FOR PUBLIC PARTICIPATION IN BOARD OF TRUSTEES MEETINGS

The following instructions are intended as a guide for members of the public who wish to address the Board of Trustees. These guidelines are in the interest of giving the Board a fair opportunity to hear a diversity of viewpoints.

1. Oral Communications from the Public (Items Not Listed on the Agenda)

You are asked to sign up at the beginning of the meeting, using the form provided at the entrance to the Board Room, but you are not required to do so. The completed form should be submitted to the Board Clerk. When you make your presentation, approach the podium, wait to be recognized by the President of the Board, and identify yourself and the topic you wish to discuss. Limit your presentation to three (3) minutes.

2. Public Discussion (Items Listed on the Agenda)

We welcome comments from the public specific to items that are part of the Board agenda for that meeting. In fairness to those who wish to speak and as a courtesy to those who have come to listen, we request that you adhere to the following guidelines. If you wish to speak, you are asked to provide a completed form to the Board Clerk, but you are not required to do so. When the Board President opens an item for discussion and calls for speakers, approach the podium, identify yourself, and limit your presentation to three (3) minutes. If you wish to give an opinion which has already been expressed by others, please do not be repetitive. The President may impose additional time limitations on any major discussions involving multiple speakers.

ADJOURNMENT TIME

Pursuant to District Policy, Regular Board meetings will be adjourned not later than 11:00 p.m. unless continued by a majority vote of the Board members present.

DOCUMENTS PROVIDED TO THE BOARD OF TRUSTEES

In accordance with the Ralph M. Brown Act, copies of the staff reports and other materials provided to the Board of Trustees in connection with this agenda are available in the Chancellor’s Office, 14000 Fruitvale Avenue, Saratoga, CA, 95070, at the time they are distributed to the Board.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations should contact the Chancellor’s Office at 408-741-2011. Notification 24 hours prior to the meeting will allow the District to make reasonable arrangements to ensure accessibility.

(A) = Action      (I) = Information
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda</td>
<td>3</td>
</tr>
<tr>
<td>Minutes of the January 22, 2019, Board of Trustees Meeting</td>
<td>9</td>
</tr>
<tr>
<td>APPROVAL OF EXPENDITURE TO AD AGE MARKETING FOR MISSION COLLEGE</td>
<td>18</td>
</tr>
<tr>
<td>5.1 APPROVAL OF EXPENDITURE TO AD AGE MARKETING FOR MISSION COLLEGE</td>
<td></td>
</tr>
<tr>
<td>PEARSON VUE OPEN PURCHASE ORDER</td>
<td>20</td>
</tr>
<tr>
<td>5.2 PEARSON VUE OPEN PURCHASE ORDER</td>
<td></td>
</tr>
<tr>
<td>WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD</td>
<td>22</td>
</tr>
<tr>
<td>ACCEPT STUDENT TRAVEL EXCEEDING $10,000 IN COST</td>
<td>24</td>
</tr>
<tr>
<td>5.3 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD</td>
<td></td>
</tr>
<tr>
<td>5.4 ACCEPT STUDENT TRAVEL EXCEEDING $10,000 IN COST</td>
<td></td>
</tr>
<tr>
<td>WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD</td>
<td>26</td>
</tr>
<tr>
<td>5.5 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD</td>
<td></td>
</tr>
<tr>
<td>5.6 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD</td>
<td></td>
</tr>
<tr>
<td>5.7 ACCEPT WEST VALLEY COLLEGE STUDENT TRAVEL EXCEEDING $10,000 IN COST</td>
<td>30</td>
</tr>
<tr>
<td>PERSONNEL TRANSACTIONS TO BE ACTED UPON BY THE BOARD OF TRUSTEES</td>
<td>32</td>
</tr>
<tr>
<td>6.1 PERSONNEL TRANSACTIONS TO BE ACTED UPON BY THE BOARD OF TRUSTEES</td>
<td></td>
</tr>
<tr>
<td>REVIEW OF PURCHASE ORDER TRANSACTIONS</td>
<td>33</td>
</tr>
<tr>
<td>7.1 PO Report</td>
<td>34</td>
</tr>
<tr>
<td>Attach. 7.1 PO report</td>
<td></td>
</tr>
</tbody>
</table>
INCREASE IN BID THRESHOLD

7.2 Increase in bid threshold ................................. 41

APPROVE THE 2019/2020 NONRESIDENT TUITION RATE

7.3 Non-resident tuition FY 19-20 ............................. 42

CONTRACT INCREASE TO KRJ DESIGN GROUP FOR INTERIOR DESIGN SERVICES FOR THE STUDENT SERVICES CENTER AT WEST VALLEY COLLEGE

7.4 CO KRJ - WVC SS ........................................... 46

SECOND READING AND BOARD APPROVAL - CREATION OF BOARD POLICY 4021, HOURS AND UNITS; BOARD POLICY 4022, CURRICULUM APPROVAL; AND REVISION OF RELATED BOARD POLICIES

5.8 SECOND READING AND BOARD APPROVAL - CREATION OF BOARD POLICY 4021, HOURS AND UNITS; BOARD POLICY 4022, CURRICULUM APPROVAL; AND REVISION OF RELATED BOARD POLICIES ........................................... 48

RESOLUTION NO. 19020501 APPROVING 2019 AMENDED AND RESTATED BYLAWS FOR THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT CITIZENS' BOND OVERSIGHT COMMITTEE

7.5 CBOC - expand committee, by-laws ....................... 52
Attach. 7.5 #1 Expand CBOC .................................. 54
Attach. 7.5 #2 - Expand CBOC ................................. 57

RESOLUTION NO. 19020502 AUTHORIZING THE ISSUANCE OF WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (SANTA CLARA AND SANTA CRUZ, COUNTIES CALIFORNIA) ELECTION OF 2018 GENERAL OBLIGATION BONDS, SERIES 2019A, AND ACTIONS RELATED THERETO

7.6 Measure W bond sale resolution .......................... 63
Attach. 7.6 Measure W bond sale resolution ............... 65

RECENT ADVERSE PROPERTY TAX APPEALS BOARD DECISION AND CONSEQUENCES FOR WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT ................................. 90
1.0 CALL TO ORDER – PUBLIC SESSION
1.1 Roll Call

1.2 Oral Communication from the Public on Closed Session Agenda
Members of the audience may address the Board on any item listed on the
Closed Session agenda. Comments will be limited to three (3) minutes per
agenda item, with a total of fifteen (15) minutes of public comment on an item
unless waived by the Board.

2.0 ADJOURN TO CLOSED SESSION
DIRECTION TO LABOR NEGOTIATORS (Government Code 54957.6)
Provide direction to Associate Vice Chancellor of Human Resources, Albert Moore, and
Chancellor Patrick Schmitt, District-designated representatives, regarding negotiations with
WVMFT/AFT Local 6554, WVMCEA, Teamsters, and POA; and to Chancellor Patrick Schmitt
regarding unrepresented groups.

3.0 RECONVENE PUBLIC SESSION
3.1 PLEDGE OF ALLEGIANCE

3.2 REPORT OF CLOSED SESSION ACTION

3.3 APPROVAL OF THE ORDER OF THE AGENDA (A)

3.4 APPROVAL OF THE MINUTES (A) 9

3.5 PRESENTATIONS/RECOGNITIONS
Presentation of Badges and Swearing In Ceremony:
Chief of Police Ken Tenaka will administer the Oath of Office and present badges to new
District Police Officers Bruce Leung and Garrett Dang

Educational and Student Services Presentation:
STEM Programs at Mission College
Presenter: Danny Nguyen

3.6 ORAL COMMUNICATIONS FROM THE PUBLIC
This portion of the meeting is reserved for persons desiring to address the Board on any matter not
on the agenda. No action will be taken. Public Comment on Agenda items will be taken at the time
the item is considered by the Board.

3.7 WRITTEN COMMUNICATIONS FROM THE PUBLIC

4.0 UNFINISHED BUSINESS- There is none.
APPROVAL OF CONSENT AGENDA ACTION ITEMS

Action items will be acted upon in one motion unless they are removed from the Consent Agenda. Information items will not be discussed unless they are removed from the Consent Agenda.

5.0 COLLEGE PROGRAMS AND SERVICES – Consent Agenda

5.1 APPROVAL OF EXPENDITURES TO AD AGE MARKETING FOR MISSION COLLEGE

Recommendation: That the Board of Trustees approve expenditures of a total of $200,000 per year to Ad Age for its Marketing efforts for Mission College.

5.1 APPROVAL OF EXPENDITURE TO AD AGE MARKETING FOR MISSION COLLEGE

5.2 PEARSON VUE OPEN PURCHASE ORDER

Recommendation: That the Board of Trustees approve the increase to the open purchase order to Pearson Vue from $130,000 to $160,000.00 on behalf of the Health Workforce Initiative Regional Testing Center.

5.2 PEARSON VUE OPEN PURCHASE ORDER

5.3 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF A PLEDGE DONATION OF $25,000 TO ESTABLISH A NEW SCHOLARSHIP ENDOWMENT AT MISSION COLLEGE (MC)

Recommendation: That the Board of Trustees authorize the West Valley-Mission Community College District (WVMCCD) Foundation and the District administration to accept the donation of a pledge donation of $25,000.00 to establish a new scholarship endowment at Mission College; the name and criteria of which the donor will determine later.

5.3 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF A PLEDGE DONATION OF $25,000 TO ESTABLISH A NEW SCHOLARSHIP ENDOWMENT AT MISSION COLLEGE (MC)

5.4 ACCEPT STUDENT TRAVEL EXCEEDING $10,000 IN COST

Recommendation: That the Board of Trustees approve the student/faculty travel to Historically Black Colleges and Universities (HBCU) commencing March 31 – April 5, 2019.

5.4 ACCEPT STUDENT TRAVEL EXCEEDING $10,000 IN COST

5.5 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF JACK PEASE'S LATEST DONATION OF $10,000 TO WEST VALLEY COLLEGE (WVC)

(A)
Recommendation: That the Board of Trustees authorize the WVMCCD Foundation and the District administration to accept the donation to West Valley College of $10,000 from donor and West Valley College founder and faculty emeritus Jack Pease.

5.5 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF JACK PEASE’S LATEST DONATION OF $10,000 TO WEST VALLEY COLLEGE (WVC)

Recommendation: That the Board of Trustees authorize the WVMCCD Foundation and the District administration to accept the donation to West Valley College of $25,000 to establish the scholarship endowment in memory of late WVC photography instructor Brian J. Tramontana.

5.6 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF THE DONATION OF $25,000 TO WEST VALLEY COLLEGE (WVC) TO ESTABLISH THE BRIAN J. TRAMONTANA SCHOLARSHIP ENDOWMENT

Recommendation: That the Board of Trustees approve the student/faculty travel for the following Study Abroad Program (SAP) Study Tours held on various dates commencing May 27, 2019, through July 12, 2019.

5.7 ACCEPT WEST VALLEY COLLEGE STUDENT TRAVEL EXCEEDING $10,000 IN COST

Recommendation: That the Board of Trustees approve the listed items.

Reclassification(s)

a. Lili Ebrahemi, from Office Assistant, WVMCEA Unit, Range 50 ($4,041.83-$5,282.08), Student Activities, West Valley College, 80% of full time, 10 months per year; to Financial Assistant, WVMCEA Unit, Range 54 ($4,408.83-$5,766.08), Student Activities, West Valley College, 80% of full time, 10 months per year.

Transfer(s)

a. Brian Shively, WVMCEA Unit, from Program Specialist, Range 64 ($5,464.00-$7,190.50), Outreach, assigned to West Valley College, 100% of full time, 12 months per year to Program Specialist, Range 64 ($5,464.00-$7,190.50), Administrative Services, assigned to Mission College, 100% of full time, 12 months per year; effective February 11, 2019.
Interim Appointment(s)
*Temporary Academic*

a. Amanda Kight, temporary appointment, Spring 2019 semester. Instructor, Health Occupations, Mission College, 100% of full time, 10 months per year, effective January 25, 2019, through May 31, 2019.

6.1 PERSONNEL TRANSACTIONS TO BE ACTED UPON BY THE BOARD OF TRUSTEES

7.0 BUSINESS AND FINANCE – Consent Agenda

7.1 REVIEW OF PURCHASE ORDER TRANSACTIONS
Recommendation: That the Board of Trustees review purchase order transactions.
7.1 PO Report
Attach. 7.1 PO report

7.2 INCREASE IN BID THRESHOLD
Recommendation: That the Board of Trustees review the increase in the bid threshold.
7.2 Increase in bid threshold

7.3 APPROVE THE 2019/2020 NONRESIDENT TUITION RATE
Recommendation: That the Board of Trustees establish a nonresident tuition fee of $265 per credit unit and no foreign citizen capital outlay fee for fiscal year 2019/20.
7.3 Non-resident tuition FY 19-20

7.4 CONTRACT INCREASE TO KRJ DESIGN GROUP FOR INTERIOR DESIGN SERVICES FOR THE STUDENT SERVICES CENTER AT WEST VALLEY COLLEGE
Recommendation: That the Board of Trustees approve the contract increase in the amount of $30,000 to KRJ Design Group for interior design services for the Student Services Center project at West Valley College.
7.4 CO KRJ - WVC SS

REGULAR ORDER OF AGENDA

5.0 COLLEGE PROGRAMS AND SERVICES

5.8 SECOND READING AND BOARD APPROVAL - CREATION OF BOARD POLICY 4021, HOURS AND UNITS; BOARD POLICY 4022, CURRICULUM APPROVAL; AND REVISION OF BOARD POLICY 4020, CURRICULUM DEVELOPMENT
Recommendation: That the Board of Trustees conduct a second reading and approve the new and revised board policies on how the Colleges award credit/units based on instructional hours.
5.8 SECOND READING AND BOARD APPROVAL - CREATION OF BOARD POLICY 4021, HOURS AND UNITS; BOARD POLICY 4022, CURRICULUM APPROVAL; AND REVISION OF BOARD POLICY 4020

6.0 HUMAN RESOURCES - There are none.

7.0 BUSINESS AND FINANCE

7.5 RESOLUTION NO. 19020501 APPROVING 2019 AMENDED AND RESTATED BYLAWS FOR THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT CITIZENS’ BOND OVERSIGHT COMMITTEE (A) 52
Recommendation: That the Board of Trustees approve resolution No. 19020501 to expand the duties of the Citizens’ Bond Oversight Committee.
7.5 CBOC - expand committee, by-laws
Attach. 7.5 #1 Expand CBOC
Attach. 7.5 #2 - Expand CBOC

7.6 RESOLUTION NO. 19020502 AUTHORIZING THE ISSUANCE OF WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (SANTA CLARA AND SANTA CRUZ, COUNTIES CALIFORNIA) ELECTION OF 2018 GENERAL OBLIGATION BONDS, SERIES 2019A, AND ACTIONS RELATED THERETO (A) 63
Recommendation: That the Board of Trustees adopt Resolution No. 19020502 authorizing the issuance of Election of 2018 General Obligation Bonds, Series 2019A, and actions related thereto.
7.6 Measure W bond sale resolution
Attach. 7.6 Measure W bond sale resolution

8.0 BOARD

8.1 RECENT ADVERSE PROPERTY TAX APPEALS BOARD DECISION AND CONSEQUENCES FOR WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (A) 90
Recommendation: That the Board of Trustees discuss the recent 49ers/Stadco/Levi’s Stadium decision and, if found to be appropriate, instruct the Administration of the District to take further action.

9.0 INFORMATION REPORTS AND ITEMS FOR FUTURE CONSIDERATION

9.1 ACADEMIC SENATE UPDATE (Thais Winsome) (Gretchen Ehlers) (I) Oral
9.2 CLASSIFIED SENATE UPDATE (Thanh Do) (Cheryl Massa) (I) Oral
9.3 STUDENT SENATE UPDATE (Chantal Naugle) (Diego Jimenez) (I) Oral
9.4 MISSION COLLEGE UPDATE (Daniel Peck) (I) Oral
9.5 WEST VALLEY COLLEGE UPDATE (Brad Davis) (I) Oral
9.6 ASSOCIATE VICE CHANCELLOR OF HUMAN RESOURCES REPORT (I) Oral
9.7 VICE CHANCELLOR’S REPORT (Ed Maduli) (I) Oral
9.8 CHANCELLOR’S REPORT (Patrick Schmitt) (I) Oral
9.9 STANDING COMMITTEE REPORT (I) Oral
    Audit and Budget Oversight Committee
9.10 TRUSTEE COMMENTS (I) Oral
10.0 CONTINUATION OF CLOSED SESSION, IF NECESSARY
11.0 RECONVENE PUBLIC SESSION
11.1 Report of Closed Session Action

ADJOURNMENT
1.0 CALL TO ORDER - PUBLIC SESSION
Public session was called to order at 6:00 p.m.

1.1 Roll Call
Present: Board President Anne Kepner, Trustees Adrienne Grey, Randi Kinman, Jack Lucas, Robert Owens, and Karl Watanabe; and Chancellor Patrick Schmitt. Absent: None. Student Trustees: Kian Lechner and Roman Matera

1.2 Oral Communications from the Public on Closed Session Agenda – There were none.

2.0 ADJOURN TO CLOSED SESSION
The Board adjourned to Closed Session at 6:07 p.m. There was one agendized item:

DIRECTION TO LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE 54957.6
Provide direction to Associate Vice Chancellor of Human Resources, Albert Moore, and Chancellor Patrick Schmitt, District-designated representatives, regarding negotiations with WVMFT/AFT Local 6554, WVMCEA, Teamsters, and POA and to Chancellor Patrick Schmitt regarding unrepresented groups.

3.0 RECONVENE PUBLIC SESSION
Public Session reconvened at 7:03 p.m.

3.1 PLEDGE OF ALLEGIANCE
All present recited the Pledge of Allegiance.

3.2 REPORT OF CLOSED SESSION ACTION
Board President Kepner reported that no action was taken.

3.3 APPROVAL OF THE ORDER OF THE AGENDA
Board President Kepner announced that:
- Item 8.1, WVMCCD Board Acceptance of Proposal to name the District Facilities Building for Webster L. Owens., would be moved to immediately follow item 3.4, Approval of the Minutes.
- Item 7.11, Approval of the Updated Measure C Project Priority List, was being removed from the Consent Agenda for discussion and action in conjunction with Item 7.12, Approval of the Measure W Project Priority List.

Action Taken:
It was M/S/P 7/0/0 (Fish/Owens; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, and Watanabe; Nays: None) to approve the order of the agenda with the above changes.
Student Trustees: Two yes votes

3.4 APPROVAL OF THE MINUTES
Approval of the minutes of the December 11, 2018, Regular Meeting.

Action Taken:
It was M/S/P 7/0/0 (Owens/Matera; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, and Watanabe; Nays: None) to approve the minutes of the December 11, 2018, meeting.
Student Trustees: One yes vote; Lechner abstained.

8.1 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT’S PROPOSAL TO NAME THE DISTRICT FACILITIES BUILDING ON THE WEST VALLEY COLLEGE CAMPUS FOR WEBSTER L. OWENS
A discussion was held.

Action Taken:
It was M/S/P 7/0/0 (Matera/Fish; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, and Watanabe; Nays: None) to approve the minutes of the December 11, 2018, meeting.

Student Trustees: Two yes votes

3.5 PRESENTATIONS AND RECOGNITIONS

Educational and Student Services Presentation

Fiscal Year 2019/20 Budget Workshop

Vice Chancellor Ed Maduli provided the Board of Trustees with a detailed presentation regarding 2019/20 District budget development. Information presented included:

- The State’s proposed 2019/20 budget
- Capital outlay program funding and prioritized funding categories
- Proposed metrics for growth funding
- Student Centered Funding Formula, including Base Allocation, Supplemental Allocation, Student Success, Hold Harmless, and Summary of Allocation
- Multi-year Student Centered Funding Formula by Component
- District’s revised Resource Allocation Model
- The District’s 2019/20 budget development approach
- Resident Credit and Non-Credit FTES
- District liabilities
- Banked leave and vacation/comp time liability
- CalSTRS summary of employer contribution rate
- CalPERS summary of employer contribution rate
- District long term debt, including Lease Revenue Bonds
- Statutory obligations, including the 50% Law and the FON
- Challenges:
  - Possible recession
  - Implementing Community College Initiatives
  - Restructuring the Resource Allocation Model
  - 50% Law
  - Increased CalPERS/CalSTRS Employer Contribution Rates

There was a question and answer period, following which Board members thanked Mr. Maduli and his staff for the excellent work.

3.6 ORAL COMMUNICATIONS FROM THE PUBLIC

John Vlahos, West Valley College Dean and Athletics Director, along with Volleyball Coach Armen Zakarian and Men’s Soccer Coach, Gaspar Silveira, addressed the Board. They discussed the outstanding year that West Valley College athletics had in 2018, with four players named First Team All American in their sports. They spoke of the value of athletics to a student’s education and of the accomplishments of the College’s student athletes.

They introduced students Mapu Sekona, who was named First Team All American in Volleyball; Rudy Castro, First Team All American in Soccer; and Gerardo Martinez, First Team All American in Soccer.

3.7 WRITTEN COMMUNICATIONS FROM THE PUBLIC

There were none.

APPROVAL OF CONSENT AGENDA ACTION ITEMS

Action Taken:
It was M/S/P 7/0/0 (Lucas/Matera; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, and Watanabe; Nays: None) to approve the Consent Agenda items with the exception of Item 7.11, Approval of the Updated Measure C Project Priority List, which was removed from the Consent Agenda for discussion and action in conjunction with Item 7.12, Approval of the Measure W Project Priority List, on the Regular Order of the Agenda.
Student Trustees: Two yes votes

Consent Agenda Items are attached to these minutes as Appendix A.

REGULAR ORDER OF AGENDA

5.0 COLLEGE PROGRAMS AND SERVICES

5.4 FIRST READING - CREATION OF BOARD POLICY 4021, HOURS AND UNITS; BOARD POLICY 4022, CURRICULUM APPROVAL; AND REVIEW OF ADMINISTRATIVE PROCEDURE 4021, HOURS AND UNITS; AND REVISION OF RELATED BPs AND APs

A discussion was held.

Action Taken:

It was M/S/P 7/0/0 (Lucas/Kinman; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, and Watanabe; Nays: None) to conduct a first reading of the listed policies and review the associated procedures.

Student Trustees: Two yes votes

6.0 HUMAN RESOURCES

6.2 ADMINISTRATIVE PERSONNEL TRANSACTIONS TO BE ACTED UPON BY THE BOARD OF TRUSTEES

An oral report was made of all recommendations for final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of administrators, as defined in subdivision (d) of Section 3511.1, during the open meeting. Following the report, action was taken.

Appointment(s)

Paul McNamara, Director, College Advancement, West Valley College, Range 20 ($10,178.41-$12,689.41/per month); effective January 28, 2019. Compensation paid in the form of fringe benefits shall be limited per the coverage selected ranging from $11,741-$28,270 on an annual basis.

Jacqueline Escajeda, Dean, Mission College, Range 25 ($11,516.08-$14,356.91/per month); effective February 4, 2019. Compensation paid in the form of fringe benefits shall be limited per the coverage selected ranging from $11,741-$28,270 on an annual basis.

Danny Nguyen, Vice President, Administrative Services, Mission College, Range 30 ($13,029.33-$16,243.50/per month); effective January 28, 2019. Compensation paid in the form of fringe benefits shall be limited per the coverage selected ranging from $11,741-$28,270 on an annual basis.

Interim Appointment(s)

Gaye Dabalos, Interim Vice President, Administrative Services, Mission College, Range 30 ($13,029.33-$16,243.50/per month); effective August 13, 2018, through December 31, 2018; extend through January 27, 2019. Fund 110-General Fund. Compensation paid in the form of fringe benefits shall be limited per the coverage selected ranging from $11,741-$28,270 on an annual basis.

A discussion was held.

Action Taken:

It was M/S/P 7/0/0 (Owens/Grey; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, Watanabe; Nays: None) to approve the administrative personnel transactions as presented.

Student Trustees: Two yes votes

6.3 CHANCELLOR SEARCH UPDATE AND APPPROVAL OF CHANCELLOR PROFILE FOR RECRUITMENT

A discussion was held.

Action Taken:

It was M/S/P 7/0/0 (Owens/Fish; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, Watanabe; Nays: None) to approve the Chancellor Search Profile.

Student Trustees: Two yes votes

7.0 BUSINESS AND FINANCE

7.11 APPROVAL OF UPDATED MEASURE C PROJECT PRIORITY LIST

This item was removed from the Consent Agenda for discussion and action in conjunction with Item 12, Approval of the Measure W Project Priority List.

A discussion was held.

Action Taken:

It was M/S/P 7/0/0 (Matera/Owens; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, Watanabe; Nays: None) to approve the update and re-baseline of the Measure C Project Priority List.
7.12 APPROVAL OF THE MEASURE W PROJECT PRIORITY LIST
A discussion was held.
**Action Taken:**
It was M/S/P 6/1/0 (Grey/Kinman; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Watanabe; Nays: Owens) to approve the Measure W Project Priority List.

Student Trustees: Two yes votes

**Discussion and action on this item took place earlier in the meeting, following Item 3.4. The action is noted here for clarity’s sake.**

8.1 WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT’S PROPOSAL TO NAME THE DISTRICT FACILITIES BUILDING ON THE WEST VALLEY COLLEGE CAMPUS FOR WEBSTER L. OWENS
A discussion was held.
**Action Taken:**
It was M/S/P 7/0/0 (Matera/Fish; Ayes: Fish, Grey, Kepner, Kinman, Lucas, Owens, and Watanabe; Nays: None) to approve the minutes of the December 11, 2018, meeting.

Student Trustees: Two yes votes

9.0 INFORMATION REPORTS AND ITEMS FOR FUTURE BOARD CONSIDERATION

9.1 ACADEMIC SENATE UPDATE
West Valley College Academic Senate President, Gretchen Ehlers, indicated that faculty members are looking forward to the new semester and the first Senate meeting of the year. She wished everyone a happy new year.

Mission College Academic Senate President, Thais Winsome indicated that the Senate is gearing up for the new semester. There will be Department Chair meetings, trainings, and other events. She thanked the Board for its first reading of the new and revised policies related to course development, approval of which will bring the District into compliance with new state Chancellor's Office requirements. She thanked Cheryl Miller and Stephanie Kashima for their work on the new and revised policies and associated procedures.

Ms. Winsome closed by announcing that this will be her last semester as Mission's Academic Senate President. She introduced President-elect Aram Shepherd, Chair of the English Department, who will be attending many meetings with her in the upcoming semester as preparation for assuming this role. Dr. Shepherd has a reputation for integrity and strong leadership and Ms. Winsome could not be more pleased that he will lead the Senate in the next academic year.

9.2 CLASSIFIED SENATE UPDATE
West Valley College Classified Senate President, Cheryl Massa, said that the Senate’s Winter Fest in December was a great success. Groundskeeper Rick Hawley received an award for the beautiful and much-appreciated work he does in keeping the grounds in top shape, and Kristen Martin was awarded for going above and beyond in making students feel welcome and valued at the campus.

She noted that the Senate is working on upcoming workshops for Classified Development Days, and that lots of planning for the semester is taking place. She thanked President Davis for his ongoing support of classified professionals at West Valley College.

Mission College Classified Senate President, Thanh Do, discussed the upcoming semester, during which classified professionals at Mission will concentrate on equity. She highlighted the spring Professional Development Day.

9.3 STUDENT SENATE UPDATE
Mission College student Daniel Adams represented Senate President Diego Jimenez. He discussed the recent Senate Retreat and the excellent presentations. He highlighted the visit to E Bay as part of the retreat. He and other members of the Senate are looking forward with high hopes to the upcoming Semester.

There was no report from the West Valley College Senate.

9.4 WEST VALLEY COLLEGE UPDATE
President Davis discussed with pride the College’s Math Team, which won the 6th National Championship in
7 years, a truly outstanding accomplishment. He congratulated everyone involved. President Davis said that the second student-led service-learning trip, which was to Cambodia, went wonderfully well. Those student involved will deliver presentations to classes regarding their experiences and what they learned.

Two faculty members at the College, Roberta Berlani and Nils Michals, were the well-deserved recipients of Stanford Exceptional Teaching Awards. He congratulated Ms. Berlani and Mr. Michals.

The College is conducting second level interviews for the Provost/VP of Academic Affairs. He indicated that open forums for the final candidates will take place and invited those interested to attend or to view the forums on line.

President Davis closed by discussing the plans for the upcoming All College Day. Faculty and staff are looking forward to the beginning of the new semester.

9.5 MISSION COLLEGE UPDATE
President Peck thanked the Board for its approval of HR Transactions earlier in the meeting. He welcomed Jacqueline Escajeda as Dean of CTE and Danny Nguyen as the College’s new Vice President of Administrative Services.

He thanked Ms. Gaye Dabalos for her work as Interim Vice President of Administrative Services, keeping the College on track and leading it forward in many areas.

He discussed a number of recent events at the College, including Destination Registration, the GAP retreat, and trainings in E-Lumen.

Mr. Peck invited all present to All College Day, at which the keynote speaker will be Dr. Victor Rios, Professor of Sociology at UC Santa Barbara, a prolific author whose titles include two academic award winning books: Human Targets: Schools, Police, and the Criminalization of Latino Youth and Punished: Policing the Lives of Black and Latino Boys, as well as several books that examine issues ranging from masculinity to gang violence. He has also authored over 20 articles and received numerous awards, including the Public Understanding of Sociology Award from the American Sociological Association.

President Peck closed by noting the upcoming Golden Hammer Goodbye to the Main Building event and the February Community Partners Breakfast.

9.6 ASSOCIATE VICE CHANCELLOR OR HUMAN RESOURCES REPORT
Associate Vice Chancellor Albert Moore congratulated Mr. Danny Nguyen on his appointment as the new Mission College Vice President of Administrative Services. He welcomed and thanked Cheryl Massa for agreeing to serve as Human Resources’ Interim Executive Assistant.

Mr. Moore thanked the Board for its approval of the dedication of the facility building to Mr. Webster Owens, an esteemed classified professional in Facilities who epitomized the ideal of service that is invaluable to the District and its students’ successes.

9.7 VICE CHANCELLOR’S REPORT
There was no report.

9.8 CHANCELLOR’S REPORT
Chancellor Schmitt noted a recent news article regarding issues with employees and visas. He indicated that the District, in being supportive of employees, should be careful in hiring that potential employees meet all requirements.

9.9 STANDING COMMITTEE REPORT
ABOC President Owens indicated that the Committee met in the previous week and reviewed the budget calendar. At its next meeting, the Committee will have a report on student fees.

9.10 TRUSTEE COMMENTS
Trustee Lucas reported that he attended the December 13 Saratoga City Council meeting, at which the agenda included the appointment and Oath of Office for the 2019 Mayor and Vice Mayor. He noted that West Valley College President Brad Davis administered the Oath of Office to newly-appointed Mayor Manny Cappello.
Following the ceremonies, Trustee Lucas addressed the Council and, on behalf of the Board of Trustees, congratulated new Council Members on their recent elections and the Mayor and Vice Mayor on their appointments. He also reiterated the Board’s commitment to continuing positive interactions with the City of Saratoga.

Trustee Lucas announced that the County Office of Education, the Santa Clara County Library District, and the San Jose Public Library’s Silicon Valley Reads Community Advisory Board will open its seventeenth year of introducing to Silicon Valley one or more books with a common theme to Santa Clara County. This year’s theme is Finding Identity in Family History. He distributed the Silicon Valley Reads 2019 Calendar of Events and thanked the two College Presidents, on behalf of the SVR Advisory Board, for forwarding extra calendars to the College Libraries and English Departments.

Trustee Grey discussed her attendance at the January Board of Governors’ meeting at which there was a hearing regarding AB705. Students testified that some colleges are not moving forward with compliance with the legislation; there was discussion regarding what to do about colleges that do not want to comply. Trustee Grey said that she is very proud that Mission and West Valley Colleges quickly and thoroughly made compliance happen, not holding the District's students back.

Mission College Student Trustee Roman Matera noted that, as part of the recent retreat, he and other students went to a local school to promote higher education and Mission College. There were positive responses to this, which demonstrates the meaningful ways of outreach.

He indicated that one of the most meaningful programs on campus is the monthly food bank, as many students suffer from food insecurity. In addition, some students are in dire straits regarding housing. He would like to work with students on housing security and reasonable steps that could be taken to address this need.

Trustee Kinman volunteered her connections to people and organizations at the county who can provide services and resources regarding housing and homelessness.

Board President Kepner appointed Trustee Grey (Chair), Trustee Lucas, and Student Trustee Lechner to the Ad Hoc Committee for the CCCT Board Election. The Committee will receive material regarding candidates around the end of February.

President Kepner asked that any Trustees interested in serving on the Audit and Budget Oversight Committee contact her.

Board President Anne Kepner adjourned the meeting at 10:25 p.m.
CONSENT AGENDA ACTION ITEMS FROM THE JANUARY 22, 2019, MEETING
For the full text of each item, please see the agenda for that meeting.

5.0 COLLEGE PROGRAMS AND SERVICES – Consent Agenda

5.1 APROVE CONTRACT INCREASE WITH BALANCE.POINT STRATEGIC SERVICES
Recommendation: That the Board of Trustees authorize an increase of $70,000 to the District’s contract with Balance.point Strategic Services (BPSS) for additional service provided in support of the Mission College’s contract with the Santa Clara Valley Transportation Authority (VTA) for the Joint Workforce Investment (JWI) Leadership Program.

5.2 CONSIDER APPROVAL OF CURRICULUM CHANGES AT WEST VALLEY COLLEGE
Recommendation: That the Board of Trustees approve the curriculum changes at West Valley College as presented.

5.3 APPROVE STUDENT TRAVEL EXCEEDING $10,000 IN COST
Recommendation: That the Board of Trustees authorize approval of Mission College student, staff, and administrator travel to four (4) Northern California Colleges and Universities (NorCal College Tour) commencing April 2 through April 4, 2019.

6.0 HUMAN RESOURCES – Consent Agenda

6.2 PERSONNEL TRANSACTIONS TO BE ACTED UPON BY THE BOARD
Recommendation: That the Board of Trustees approve the listed items.

Appointment(s)

Classified
a. Aaron Perez, Custodian, WVMCEA Operations & Support Unit, Range 49 ($3,983.33-$5,198.25), Facilities Department, West Valley-Mission Community College District, 100% of full time, 12 months per year; effective January 28, 2019.
b. Kevin Bui, Custodian, WVMCEA Operations & Support Unit, Range 49 ($3,983.33-$5,198.25), Facilities Department, West Valley-Mission Community College District, 100% of full time, 12 months per year; effective January 28, 2019.

Police
c. Bruce Leung, Police Officer, POA Unit, ($6,670.08-$8,608.67), Police Department, West Valley-Mission Community College District, 100% of full time, 12 months per year; effective January 23, 2019.
d. Garrett Dang, Police Officer, POA Unit, ($6,670.08-$8,608.67), Police Department, West Valley-Mission Community College District, 100% of full time, 12 months per year; effective January 23, 2019.

Supervisors
e. Bryant Hernandez, Supervisor, Custodial Services, Supervisors Unit, Range 15 ($5,623.92-$7,532.25), Facilities Department, West Valley-Mission Community College District, 100% of full time, 12 months per year; effective January 28, 2019.

Interim Appointment(s)

Temporary Academic
a. Kashi Nath, temporary appointment, Spring 2019 semester. Instructor, Physical Sciences, West Valley College, 100% of full time, 10 months per year, effective January 25, 2019, through May 31, 2019.

Reclassification(s)
a. Michelle Carreiro, from Library Media Technician, WVMCEA Unit, Range 54 ($4,408.83-$5,766.08), Library & Learning Success Center, West Valley College, 100% of full time, 12 months per year; to Senior Library Media Technician, WVMCEA Unit, Range 58 ($4,790.33-$6,294.17), Library & Learning Success Center, West Valley College, 100% of full time, 12 months per year.
b. P. Ryan Kapowich, from Instructional Technology Technician, WVMCEA Unit, Range 72 ($6,520.17-$8,602.83), Educational Technology Services, Mission College, 100% of full time, 12 months per year; to Information Technology Analyst, WVMCEA Unit, Range 82 ($8,180.58-$10,862.92), Educational Technology Services, Mission College, 100% of full time, 12 months per year.
c. Leslie Pollock, from Administrative Assistant, WVMCEA Unit, Range 63 ($5,341.58-$7,037.25), Student Services, West Valley College, 100% of full time, 12 months per year; to Management
Analyst, WVMCEA Unit, Range 70 ($6,234.67-$8,233.50), Student Services, West Valley College, 100% of full time, 12 months per year.

Transfer(s)
Classified
a. Diemnhanh Le, WVMCEA Unit, from Enrollment & Financial Services Advisor, Range 57 ($4,695.50-$6,159.67), Financial Aid, assigned to Mission College, 100% of full time, 12 months per year to Enrollment & Financial Services Advisor, Range 57 ($4,695.50-$6,159.67), Admissions & Records, assigned to Mission College, 100% of full time, 12 months per year; effective January 28, 2019.

7.0 BUSINESS AND FINANCE – Consent Agenda
7.1 SANTA CLARA COUNTY TREASURY INVESTMENT PORTFOLIO STATUS
Recommendation: That the Board of Trustees review the Santa Clara Treasury Investment Portfolio status.

7.2 BUDGET CALENDAR
Recommendation: That the Board of Trustees review and adopt the 2019 budget calendar.

7.3 APPROVAL OF RFP 04-1819 FOR DISTRICT-WIDE CHARTER BUS SERVICES
Recommendation: That the Board of Trustees approve entering into contracts for district-wide charter bus services with Lux Bus America Co. and True Elegance Worldwide.

7.4 ACQUISITION OF DELL/WYSE THIN CLIENTS, MANAGEMENT SUITE AND DELL MONITORS FOR WEST VALLEY COLLEGE STUDENT SERVICES CENTER
Recommendation: That the Board of Trustees authorize the acquisition of Dell/Wyse Thin Clients, Management Suite and Dell Monitors from Keep It Simple Computer Center in the amount of $222,539.85.

7.5 ACQUISITION OF SWITCHES AND NETWORK EQUIPMENT FOR WEST VALLEY COLLEGE STUDENT SERVICES CENTER
Recommendation: That the Board of Trustees authorize the acquisition of Aruba switches and network equipment from Dasher Technologies in the amount of $201,559.63.

7.6 ACQUISITION OF DELL EQUIPMENT AND ENGINEERING SERVICES FOR MISSION COLLEGE VIRTUAL TECHNOLOGY SYSTEM AND INFRASTRUCTURE THROUGH KNOWLEDGE INFORMATION SOLUTIONS, INC
Recommendation: That the Board of Trustees authorize the acquisition of Dell equipment and engineering services in the amount of $232,520.40 through value-added-reseller Keep It Simple, Inc. (KIS).

7.7 APPROVAL OF AWARDING RFP 03-1819 FOR FACILITIES USE OF WEST VALLEY COLLEGE’S TENNIS COURTS
Recommendation: That the Board of Trustees approve entering into non-exclusive Facilities Use License Agreements with Gorin Tennis Academy, Inc., Lu Tennis Academy and Tennis Development, LLC for facilities use of West Valley College’s Tennis Courts. The term of the Agreements will be for a five (5) year term.

7.8 ACCEPT BASIC CONTRACT AS COMPLETE FOR BID #10-1718 SOLAR HOT WATER SYSTEM AT MISSION COLLEGE
Recommendation: That the Board of Trustees accept the basic construction contract with Environmental Systems, Inc. for installation of a solar hot water system at Mission College as complete and authorize the District to file a Notice of Completion.

7.9 PROJECT ASSIGNMENT AGREEMENT WITH LIONAKIS ARCHITECTS FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE ADMINISTRATION BUILDING AT WEST VALLEY COLLEGE
Recommendation: That the Board of Trustees approve the Project Assignment Agreement in the amount of $205,566 with Lionakis Architects for architectural and engineering services for the Administration Building project at West Valley College.

7.10 RATIFY APPROVAL OF EMERGENCY TEMPORARY TEMPERATURE CONTROLLED HYDRONIC SYSTEM AT MISSION COLLEGE
Recommendation: That the Board of Trustees ratify the bid received from Environmental Systems, Inc. in the amount of $226,488 for the emergency installation of a temporary temperature controlled hydronic system that will serve Mission College’s Gillmor Building HVAC system and monthly rental fee of $27,828 for a time period up to six months.

7.44 APPROVAL OF UPDATED MEASURE C PROJECT PRIORITY LIST
Recommendation: That the Board of Trustees approve the updated and re-baseline of the Measure C Project Priority List. This item was removed from the Consent Agenda for discussion and action in conjunction with Item 7.12, Approval of the Measure W. Project Priority List.
SUBJECT: AD AGE MARKETING FOR MISSION COLLEGE

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees approve expenditures of a total of $200,000 per year to Ad Age for its Marketing efforts for Mission College.

Funding Source/Fiscal Impact
Ad Age, as a third-party marketing agency, conducts ad buys on behalf of Mission College, which results in a savings of 25 percent per year compared to if Mission College Marketing were to buy each individually. Buying individually would also add labor hours to the Marketing Office. Ad Age also provides consulting advice and data in regards to where in the market to purchase advertising—outside advertising, radio, television, print on social media and in non-English speaking press. For Ad Age work, they receive a commission of 15 percent.

The Board of Trustees has already approved expenditures up to $175,000 in 2017-18 with AdAge. This is a request of an additional $25,000 of possible expenditures for the current fiscal year of 2018-19. The amount is already allocated in Mission College’s Marketing Budget, if needed.

Reference(s)
N/A

Background/Alternatives
Ad Age has been working with Mission College for the previous four years and has over 20 years of experience in the realm of media buying for companies, including colleges. With an increased marketing budget at Mission College (from a very low sum), Ad Age, on Mission’s behalf has purchased more advertising, based on marketing data, through radio, television, on Facebook and Twitter, and through outside advertising, such as bus ads. In additional, because of our ANNAPSI and HSI grants, we have been able to
purchase ads in foreign language press, which we have not done previously. This has led us to spend over $100,000 with Ad Age, of which only 15 percent continues go directly to Ad Age. The savings continue to be about 25 percent compared to doing it ourselves. All told, our ad buys are that much greater and farther reaching because of it.

**Coordination**
The Marketing Office, consults with the President’s Office, the Executive staff, the Marketing Committee, as well as individual departments to decide on individual initiatives in regards to advertising. Ad Age’s consultation refines these buys.

**Follow-up/Outcome**
Upon adoption of the resolution, Ad Age can continue to serve on our behalf to purchase advertising.
SUBJECT: PEARSON VUE OPEN PURCHASE ORDER

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees approve the increase of an open purchase order to Pearson Vue from $130,000.00 to $160,000.00 on behalf of the Health Workforce Initiative (HWI) Northern Regional Testing Center (NRTC).

Funding Source/Fiscal Impact
This purchase order is to procure the Pearson Vue National Nurse Aide Assessment Program (NNAAP) testing materials and services from July 2018 through June 2019. The nurse assistant candidates pay fees that are determined by the California Department of Public Health, which in turn pay for NNAAP testing materials. The fees and the testing materials are managed by the grant-funded HWI NRTC. There is no fiscal impact to Mission College or West Valley Mission Community College District, as costs are fully funded by the nurse assistant candidate fees and the HWI/California Healthcare Workforce Academy (CAHCWA) grant.

Reference(s)
As fiscal agent for NNAAP, Mission College is obligated to procure the NNAAP testing materials and services on behalf of the 150 partnering Northern California nurse assistant programs.

Background/Alternatives
The HWI NRTC is a Board of Trustees approved grant-funded regional center hosted at Mission College. HWI NRTC has been contracted by the California Community College Chancellor’s Office and the California Department of Public Health to manage the HWI NRTC for nurse assistant certification testing. The HWI NRTC Director contracts with multiple community colleges and independent nurse assistant programs to coordinate the nurse assistant certification testing for Northern California. The $160,000.00 will
accommodate the estimated 5,000 nurse assistant candidates requiring nurse assistant certification testing for fiscal year 2018/2019.

Coordination
This purchase order has been reviewed by the HWI NRTC Director and the president of Mission College.

Follow-up/Outcome
Upon Board of Trustees approval, the amended purchase order of $160,000.00 will be submitted to Pearson Vue for the nurse assistant certification testing materials and services.
SUBJECT: WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF A PLEDGE DONATION OF $25,000 TO ESTABLISH A NEW SCHOLARSHIP ENDOWMENT AT MISSION COLLEGE (MC)

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees authorize the West Valley-Mission Community College District (WVMCCD) Foundation and the District administration to accept the donation of a pledge donation of $25,000.00 to establish a new scholarship endowment at Mission College; the name and criteria of which the donor will determine later.

Funding Source/Fiscal Impact
The aforesaid donation will provide needed funds to support the college scholarship program.

Reference(s)
Per BP 3820: “No officer, employee, or representative of the District is authorized to accept gifts, donations, or bequests in excess of $10,000.00 on behalf of the Board without prior approval of the Board or approval by the Board’s designee pending acceptance by the Board on its Regular Agenda.”

Background/Alternatives
In December 2018, the donor, who prefers to remain anonymous, communicated with the Office of Advancement and the Foundation to establish this pledge donation of $25,000.00. He has made the first of three payments in the amount of $8,333.00.

Coordination
The establishment of this scholarship endowment was coordinated through communications between the donor and the Office of Advancement and Foundation. The Office coordinates all facets of the scholarship donor engagements including donation acknowledgments. The awarding of scholarships from this endowment will be made after reaching full endowment status and will be communicated and coordinated between the Office of Advancement, the Foundation and the MC Financial Aid Office.
Follow-up/Outcome
The Office of Advancement and the Foundation will follow up and communicate with the donor regarding future pledge payments and the naming of and criteria for this scholarship endowment. When the final payment is made, the acknowledgment letter will indicate payment completion, and the scholarship brochure will be created.
SUBJECT: ACCEPT STUDENT TRAVEL EXCEEDING $10,000 IN COST

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees approve the student/faculty travel to Historically Black Colleges and Universities (HBCU) commencing March 31 – April 5, 2019.

Funding Source/Fiscal Impact
Mission College will participate in a student tour of Historically Black Colleges and Universities (HBCUs) to provide our students the opportunity to make informed decisions about university transfer and to encourage them to attend universities that they may not have considered a viable option. Numerous other community colleges across California have participated in this tour in the past.

The total cost of the site visits to various universities for nine (9) students and two (2) chaperones is $21,100.00. The College’s Student Innovation and Student Equity Success Programs will fund the entire cost for the students and the Faculty/Administrative chaperones are seeking Profession Development funds.

This activity is aligned with the College’s approved Student Equity Plan and is supported by the state Chancellor’s Office as evidenced by the Community Colleges of California Transfer Guarantee to Historically Black Colleges and Universities (CCC Transfer Guarantee to HBCUs). University site visits are commonly held as one of the best practices to attract and engage students, and is a method to motivate them toward degree completion and transfer. Of the five state Student Equity Indicators (Access, Basic Skills/ESL, Course Completion, Degree and Certificate Completion, and Transfer), HBCU and other university site visits are noted strategies in three of the indicators.
Reference(s)
Board Policy 7400 indicates that colleges are required to seek Board Approval for any travel at District expense if the total travel expense exceeds $10,000.00 for any one purpose.

Background/Alternatives
The students will visit the following HBCUs: Clark-Atlanta University, Morehouse College, Spelman College, Edward Waters College, Florida A&M, Dillard University, Southern University, and Xavier University. The tour includes round trip airfare, ground transportation, hotel accommodations, breakfast, lunch, dinner, cultural excursions, pre-departure orientation, senior portfolio coordinator, HBCU tour T-shirt, on-site admissions option, backpack, and workbook. The Student Innovation and Equity Programs will fund the cost of student/chaperone lunches and dinners for the duration of the trip.

Coordination
Our Articulation Officer and Transfer Programs Director will serve as Co-coordinators. The Articulation Officer and the Director of TRIO will serve as chaperones of the trip.

Follow-up/Outcome
Upon Board approval, students will have authorization to travel and participate in HBCUs. Students will be required to present on their experiences at the Student Services Council and Academic Senate.
SUBJECT: WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF JACK PEASE’S LATEST DONATION OF $10,000 TO WEST VALLEY COLLEGE (WVC)

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees authorize the WVMCCD Foundation and the District administration to accept the donation to West Valley College of $10,000 from donor and West Valley College founder and faculty emeritus Jack Pease.

Funding Source/Fiscal Impact
The donation will provide needed funds to support the college scholarship program and award scholarships to WVC students. Pease’s latest $10,000 donation will be added to the Jack and Mary Pease Scholarship Endowment corpus to grow it and consequently yield a higher interest for more scholarship awards.

Reference(s)
Per BP 3820: “No officer, employee, or representative of the District is authorized to accept gifts, donations, or bequests in excess of $10,000 on behalf of the Board without prior approval of the Board or approval by the Board’s designee pending acceptance by the Board on its Regular Agenda.”

Background/Alternatives
Pease established in 2015-2016 the Jack and Mary Pease Scholarship Endowment to give back and make a difference to West Valley College and its students while commemorating his beloved late wife Mary who was a classified employee in the Assessment Center. This scholarship endowment serves as a symbol of their fond appreciation for West Valley College.

In establishing the Jack and Mary Pease Scholarship Endowment, $10,000 was initially donated to provide a resource for scholarships benefiting outstanding West Valley
College students majoring in math or music with a GPA of at least 3.0. Special consideration is given to students intending to teach.

Coordination
The establishment of this scholarship endowment was coordinated through communications between Jack Pease the WVMCCD Foundation and West Valley College. For the annual awarding of this scholarship, the WVMCCD Foundation communicates and coordinates with the WVC Financial Aid Office.

Follow-up/Outcome
Jack Pease will be invited to attend the scholarship award ceremony that takes place each spring. Scholarship awards, criteria, donor invitations, and donor photography sessions are coordinated via the WVMCCD Foundation, West Valley College, and the WVC Financial Aid Office.
SUBJECT: WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (WVMCCD) BOARD ACCEPTANCE OF THE DONATION OF $25,000 TO WEST VALLEY COLLEGE (WVC) TO ESTABLISH THE BRIAN J. TRAMONTANA SCHOLARSHIP ENDOWMENT

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees authorize the WVMCCD Foundation and the District administration to accept the donation to West Valley College of $25,000 to establish the scholarship endowment in memory of late WVC photography instructor Brian J. Tramontana.

Funding Source/Fiscal Impact
The aforesaid donation will provide needed funds to support the college scholarship program.

Reference(s)
Per BP 3820: “No officer, employee, or representative of the District is authorized to accept gifts, donations, or bequests in excess of $10,000 on behalf of the Board without prior approval of the Board or approval by the Board’s designee pending acceptance by the Board on its Regular Agenda.”

Background/Alternatives
Brian J. Tramontana was a beloved WVC photography instructor who passed away in Fall 2016. Several colleagues have repeatedly taken his photography classes and enjoyed his classes profusely. His stellar work as a photographer has garnered him accolades that continue to this day. He is also credited for taking the cover photo for the Fall 2013 edition of the Foundation News featuring the Kvammes--donors of the largest gift the District has received thus far.
In December 2018, his family established the Brian J. Tramontana Scholarship Endowment, which will provide a resource for scholarships benefiting outstanding West Valley College students with an interest in photography.

In Fall 2017, Tramontana’s family also donated to WVC a large amount of his photography equipment.

Coordination
The establishment of this scholarship endowment and the donation of Tramontana’s photography equipment were coordinated through communications between the family, President Bradley Davis and the West Valley-Mission Community College District Foundation. The Foundation Office coordinates all facets of the scholarship donor engagements including donation acknowledgments and scholarship endowment brochures. For the awarding of this new scholarship, WVMCCD Foundation will communicate and coordinate with the WVC Financial Aid Office.

Follow-up/Outcome
Tramontana’s family will be invited to attend the scholarship award ceremony that takes place each spring. Scholarship awards, criteria, donor invitations, and donor photography sessions are coordinated via the WVMCCD Foundation, West Valley College, and the WVC Financial Aid Office.
SUBJECT: ACCEPT WEST VALLEY COLLEGE STUDENT TRAVEL EXCEEDING $10,000 IN COST

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees to approve the student/faculty travel for the following Study Abroad Program (SAP) Study Tours held on various dates commencing May 27, 2019, through July 12, 2019.

Funding Source/Fiscal Impact
West Valley College will participate in a Study Abroad Program. The cost of the site visits to various study tours and seminars is $45,000. West Valley College Study Abroad Program (SAP) will support the costs detailed below for students as funded by the Entrepreneurial and Land Corporation funds.

Although students bear the responsibility of financing the trip, the College will offset that cost with scholarships funds. Each trip has a budget of $15,000. Faculty members will each receive a stipend of $1,000 to serve as trip leaders. The remaining budget will be used for student scholarships. The dean overseeing the area will determine the amount of the student scholarship (not to exceed $2,500 per award) depending on student need.

Intercultural Studies in Greece and the Greek Isles
Dr. John Hannigan and Michelle Zajac from the Communication Studies department are leading this trip.

Business and Culture in China
Lance Shoemaker from the Che School of Professional Studies is overseeing this trip.

Biodiversity in Belize
Leading this trip is Dr. Michelle Geary from the Biology Department.

Reference(s)
Board Policy 7400 indicates that colleges are required to seek Board Approval for any travel at District expense if the total travel expense exceeds $10,000 for any one purpose.

Background/Alternatives
The College Entrepreneurial and the Land Corporation funds the Study Abroad program. The dean overseeing each area and the faculty lead for the trip recommends the students who will receive scholarship funding. The student’s names are then forwarded to the Office of the President for final approval.

Coordination
Details of the program are coordinated between the Executive Director of General Services, the Coordinator of the Study Abroad Program, the Study Abroad Program faculty, the area Deans, the Vice President of Administrative Services and the President of West Valley College.

Follow-up/Outcome
Upon Board approval, students will have approval to travel and participate in the Study Abroad Program. Students will be required to present on their experiences upon completing the experience.
SUBJECT: PERSONNEL TRANSACTIONS TO BE ACTED UPON BY THE BOARD OF TRUSTEES

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees approve the listed items.

I. Reclassification(s)

   a. Lili Ebrahemi, from Office Assistant, WVMCEA Unit, Range 50 ($4,041.83-$5,282.08), Student Activities, West Valley College, 80% of full time, 10 months per year; to Financial Assistant, WVMCEA Unit, Range 54 ($4,408.83-$5,766.08), Student Activities, West Valley College, 80% of full time, 10 months per year. Position ID# WC1018. Effective March 16, 2018. Fund 110-General Fund.

II. Transfer(s)

   a. Brian Shively, WVMCEA Unit, from Program Specialist, Range 64 ($5,464.00-$7,190.50), Outreach, assigned to West Valley College, 100% of full time, 12 months per year to Program Specialist, Range 64 ($5,464.00-$7,190.50), Administrative Services, assigned to Mission College, 100% of full time, 12 months per year; effective February 11, 2019. From Position ID# WC1100 to Position ID# MC1109. Fund 110-General Fund (0.50) & Fund 597-Entrepreneurial Fund.

III. Interim Appointment(s)

   Temporary Academic

SUBJECT: REVIEW OF PURCHASE ORDER TRANSACTIONS

CHANCELLOR'S RECOMMENDATION:
That the Board of Trustees review purchase order transactions.

Funding Source/Fiscal Impact
There is no fiscal impact associated with this item.

Background/Alternatives
Attached are the purchase orders issued that are in excess of $10,000 from September 2018 thru December 2018. Purchase orders under $10,000 are available to be reviewed in the office of the Director of General Services. A report of purchase orders in excess of $10,000 is being provided so that larger expenditure items are separately identified for review by the Board of Trustees. Items appearing on the attached list will have, in some cases, been presented to the Board prior to issuance of a contract that was subsequently converted into a purchase order for payment purposes.

Reference(s)
Education Code Section 81656 states that the governing board of a community college district must review the purchases of the district.

Coordination
The Executive Director of General Services has reviewed this list with the Vice Chancellor of Administrative Services.

Follow-up/Outcome
A bi-monthly information report will be generated for Board review.
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<tr>
<td>P1901392</td>
<td>11/9/2018</td>
<td>$22,400.00</td>
<td>CircleUp Education</td>
<td>Diversity training</td>
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<td>P1901400</td>
<td>11/9/2018</td>
<td>$80,820.00</td>
<td>Ellucian</td>
<td>Additional time and materials</td>
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<tr>
<td>P1901400</td>
<td>11/9/2018</td>
<td>$80,820.00</td>
<td>Ellucian</td>
<td>Banner Advancement Project Mgt, addl time &amp; materials</td>
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<tr>
<td>P1901414</td>
<td>11/14/2018</td>
<td>$18,667.00</td>
<td>ASSA ABLOY Entrance Systems</td>
<td>Pro-Active Care Plan for Automatic Doors - WVC</td>
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</tr>
<tr>
<td>P1901414</td>
<td>11/14/2018</td>
<td>$18,667.00</td>
<td>ASSA ABLOY Entrance Systems US Inc</td>
<td>Care plan for automatic doors WVC</td>
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<tr>
<td>P1901413</td>
<td>11/14/2018</td>
<td>$22,000.00</td>
<td>ASSA ABLOY Entrance Systems</td>
<td>Pro-Active Care Plan for Automatic Doors - MC</td>
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<tr>
<td>P1901413</td>
<td>11/14/2018</td>
<td>$22,000.00</td>
<td>ASSA ABLOY Entrance Systems US Inc</td>
<td>Care plan for automatic doors MC</td>
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<td>P1901454</td>
<td>11/21/2018</td>
<td>$135,269.47</td>
<td>Navigator Networks LLC</td>
<td>Symantec security hardware, software &amp; support</td>
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<td>P1901457</td>
<td>11/27/2018</td>
<td>$30,000.00</td>
<td>Arterberry Blue &amp; Associates LLC</td>
<td>Recruitment for Chancellor</td>
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<td>P1901468</td>
<td>11/27/2018</td>
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<td>KIS</td>
<td>Symantec security hardware, software &amp; support</td>
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<td>P1901502</td>
<td>12/6/2018</td>
<td>$74,550.00</td>
<td>Ellucian</td>
<td>HR/Advancement consulting</td>
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<td>P1901589</td>
<td>12/20/2018</td>
<td>$18,000.00</td>
<td>Dan Marquos Consulting</td>
<td>Banner Consultant - Students, customization, groups rule, train IS</td>
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<td>PO Amount</td>
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<td>P1900896</td>
<td>9/4/2018</td>
<td>$13,985.00</td>
<td>Pfeiffer Electric</td>
<td>Electrical Work for Puente Honors Remodel</td>
<td>UCCA</td>
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<tr>
<td>P1900986</td>
<td>9/4/2018</td>
<td>$16,680.00</td>
<td>Confluence Restoration</td>
<td>WVC - Wildcat Creek Vegetation Enhancement &amp; replacement planting</td>
<td>UCCA</td>
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<td>P1900985</td>
<td>9/14/2018</td>
<td>$138,125.00</td>
<td>EnviroScience Inc.</td>
<td>Meas C - MC Main Building Demo - IH monitoring services</td>
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<tr>
<td>P1900984</td>
<td>9/14/2018</td>
<td>$51,750.00</td>
<td>EnviroScience Inc.</td>
<td>Meas C - MC Main Building Demo - Engineering consulting for underground storage tank removal</td>
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<td>P1901041</td>
<td>9/21/2018</td>
<td>$16,863.48</td>
<td>Escon Builders</td>
<td>WVC CDC Sand Box and Tanbark upgrade</td>
<td>UCCA</td>
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<tr>
<td>P1901057</td>
<td>9/27/2018</td>
<td>$10,182.00</td>
<td>Ninyo &amp; Moore Geotechnical and Enviromental Sciences Consultants</td>
<td>Meas C - WVC Athletic Field Turf Restoration Project-retining wall @ softball field, engineer &amp; testing services</td>
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<tr>
<td>P1901054</td>
<td>9/27/2018</td>
<td>$118,616.00</td>
<td>Ron Paris Construction Inc.</td>
<td>Meas C - WV School of Professional Studies Roof Screen Project</td>
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<tr>
<td>P1901105</td>
<td>10/2/2018</td>
<td>$21,389.00</td>
<td>WRNS Studio</td>
<td>Meas C - MC Main Building Demo - Site lighting at passenger drop-off area</td>
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<tr>
<td>P1901155</td>
<td>10/11/2018</td>
<td>$3,165,000.00</td>
<td>Ferma Corporation</td>
<td>Meas C - MC Main Building Demolition - Bid CA04-1819</td>
<td>9/18/2018</td>
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<tr>
<td>P1901168</td>
<td>10/12/2018</td>
<td>$49,368.00</td>
<td>Green Growth Industries Inc.</td>
<td>Meas C - MC MBR Phase II - landscaping and irrigation, this PO is a replacement for PO B0029688, closed FY 1718</td>
<td>UCCA</td>
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<tr>
<td>P1901212</td>
<td>10/22/2018</td>
<td>$11,470.87</td>
<td>School Health Corporation</td>
<td>Meas C - MC MBR Phase II - landscaping and irrigation, this PO is a replacement for PO B0029688, closed FY 1718</td>
<td>UCCA</td>
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<td>P1901244</td>
<td>10/23/2018</td>
<td>$460,000.00</td>
<td>Environmental Systems Inc.</td>
<td>Meas C - MC Main Building Demolition - CM for HazMat abatement/Underground Storage tank removal/Lab Decommissioning/construction fencing</td>
<td>UCCA</td>
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<tr>
<td>P1901206</td>
<td>10/24/2018</td>
<td>$56,755.00</td>
<td>Gilbane Building Company</td>
<td>Meas C - MC Main Building Demolition - CM</td>
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<tr>
<td>P1901190</td>
<td>10/24/2018</td>
<td>$114,148.29</td>
<td>SEWUP</td>
<td>Meas C - MC Main Building &amp; Central Plant Demo - Insurance/OCIP</td>
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<tr>
<td>P1901265</td>
<td>10/24/2018</td>
<td>$862,400.00</td>
<td>Gilbane Building Company</td>
<td>Meas C - WVC Fine Arts Bldg - CM</td>
<td>10/2/2018</td>
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<tr>
<td>P1901255</td>
<td>10/24/2018</td>
<td>$23,950.00</td>
<td>Environmental Systems Inc.</td>
<td>WVC - Science and Math - Replace Boiler and Pump</td>
<td>UCCA</td>
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<td>P1901269</td>
<td>10/24/2018</td>
<td>$65,000.00</td>
<td>KRJ Design Group Inc.</td>
<td>Meas C - MC Technology Enhanced Building-Design services</td>
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<td>P1901321</td>
<td>10/31/2018</td>
<td>$50,000.00</td>
<td>Sally Swanson Architects Inc.</td>
<td>Meas C - WVC Parking lot &amp; Campus Walkway resurface/replace-consultant</td>
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<td>PO Date</td>
<td>PO Amount</td>
<td>Vendor</td>
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<td>BoT Approval if necessary</td>
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<tr>
<td>P1901320</td>
<td>10/31/2018</td>
<td>$49,875.00</td>
<td>EnviroScience Inc.</td>
<td>Meas C - MC Main Building Demo - IH monitoring services for Central Power Plant and Mobile waste trailer</td>
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<td>P1901318</td>
<td>10/31/2018</td>
<td>$14,318.00</td>
<td>Elco Electric Inc.</td>
<td>Meas C - DS Facilities Bldg Repl - Additional electrical work in shop area</td>
<td>UCCA</td>
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<td>P1901325</td>
<td>11/1/2018</td>
<td>$25,000.00</td>
<td>Public Agency Law Group</td>
<td>Open PO for Legal Services FY 1819</td>
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<tr>
<td>P1901325</td>
<td>11/1/2018</td>
<td>$25,000.00</td>
<td>Public Agency Law Group</td>
<td>Legal Services Open PO for 1819</td>
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<tr>
<td>P1901358</td>
<td>11/7/2018</td>
<td>$10,000.00</td>
<td>TMT Enterprises Inc.</td>
<td>FY 18/19 Open PO Mission College Fields Supplies</td>
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<tr>
<td>P1901358</td>
<td>11/7/2018</td>
<td>$10,000.00</td>
<td>TMT Enterprises Inc.</td>
<td>Open PO MC fields supplies</td>
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<tr>
<td>P1901401</td>
<td>11/9/2018</td>
<td>$15,000.00</td>
<td>Able Construction Group Inc.</td>
<td>Meas C - MC Main Building Demolition - Contractor isolation valve install</td>
<td>UCCA</td>
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<tr>
<td>P1901401</td>
<td>11/9/2018</td>
<td>$15,000.00</td>
<td>Able Construction Group Inc.</td>
<td>Meas C - MC Main Building Demo &amp; Landscape-Isolation valve install</td>
<td>UCCA</td>
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<tr>
<td>P1901368</td>
<td>11/14/2018</td>
<td>$19,100.00</td>
<td>Michaiel, Samia</td>
<td>Meas C - DS Security Safety and Monitoring project - PM</td>
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<tr>
<td>P1901411</td>
<td>11/20/2018</td>
<td>$1,521,080.00</td>
<td>TLCD Architecture</td>
<td>Meas C - WVC Fine Arts Bldg - Visual &amp; Perf. Arts Phase I</td>
<td>10/2/2018</td>
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<tr>
<td>P1901411</td>
<td>11/20/2018</td>
<td>$1,521,080.00</td>
<td>TLCD Architecture</td>
<td>Meas C - WVC Fine Arts Bldg - Visual &amp; Perf. Arts Phase I - Architect</td>
<td>10/2/2018</td>
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<tr>
<td>P1901403</td>
<td>11/20/2018</td>
<td>$87,849.00</td>
<td>Gilbane Building Company</td>
<td>WVC Planetarium A/V CM</td>
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<tr>
<td>P1901403</td>
<td>11/20/2018</td>
<td>$87,849.00</td>
<td>Gilbane Building Company</td>
<td>WVC Planetarium A/V Construction - CM</td>
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<td>P1901440</td>
<td>11/21/2018</td>
<td>$31,270.32</td>
<td>Knorr Systems Inc.</td>
<td>WVC Aquatic Complex LED Pool Light Installation</td>
<td>UCCA</td>
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<td>P1901447</td>
<td>11/21/2018</td>
<td>$44,966.00</td>
<td>HY Floor and Gameline Painting Inc.</td>
<td>MC Replace Dance Studio floor</td>
<td>UCCA</td>
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<tr>
<td>P1901448</td>
<td>11/21/2018</td>
<td>$17,790.00</td>
<td>HY Floor and Gameline Painting Inc.</td>
<td>MC Replace Dance Studio floor, addl for union labor and removal &amp; disposal of old floor</td>
<td>UCCA</td>
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<tr>
<td>P1901486</td>
<td>12/3/2018</td>
<td>$10,450.00</td>
<td>Diamond Fence Company</td>
<td>Meas C - DS Facilities Bldg Repl - permanent Lot fencing</td>
<td>UCCA</td>
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<td>P1901501</td>
<td>12/6/2018</td>
<td>$14,708.47</td>
<td>Avidex Systems Inc.</td>
<td>Laser Projector for A/V</td>
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<td>P1901513</td>
<td>12/6/2018</td>
<td>$13,795.39</td>
<td>Escon Builders</td>
<td>Meas C - MC Main Building Demo &amp; Landscape-Tennis</td>
<td>UCCA</td>
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<td>P1901514</td>
<td>12/11/2018</td>
<td>$36,000.00</td>
<td>Schneider Brodine, Karen M.</td>
<td>Storm Water management services</td>
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<td>P1901550</td>
<td>12/13/2018</td>
<td>$19,525.00</td>
<td>Cal Coast Telecom</td>
<td>Meas C - MC Main Building Demo &amp; Landscape-Cable Demo</td>
<td>UCCA</td>
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<td>PO Number</td>
<td>PO Date</td>
<td>PO Amount</td>
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<td>BoT Approval if necessary</td>
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<td>P1901558</td>
<td>12/18/2018</td>
<td>$10,925.00</td>
<td>Cal Coast Telecom</td>
<td>MC Old PE Bldg Demo cabling; backbone removal and relocation</td>
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<td>P1901595</td>
<td>12/20/2018</td>
<td>$29,070.00</td>
<td>Guardsline Security Inc.</td>
<td>Meas C - MC Main Building Demo &amp; Landscape-Secure site during demo</td>
<td>UCCA</td>
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</table>
SUBJECT:  INCREASE IN BID THRESHOLD

CHANCELLOR'S RECOMMENDATION:
That the Board of Trustees review the increase in the bid threshold.

Funding Source/Fiscal Impact
N/A

Reference(s)
The Board of Governors of the California Community Colleges, pursuant to Public Contract Code Section 20651(d), shall annually adjust the $50,000 amount specified in Section 20651(a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for the prior fiscal year rounded to the nearest one hundred dollars ($100). The Board of Governors has delegated this responsibility (through standing orders) to the State Chancellor.

Background/Alternatives
The applicable adjustment of 3.39% applied to the current bid threshold of $90,200 results in the new threshold of $92,600 (rounded to the nearest one hundred). This new bid threshold shall commence with the 2019 calendar year.

Coordination
The Executive Director of General Services and the Vice Chancellor of Administrative Services received communication from the Assistant Vice Chancellor of College Finance & Facilities Planning, California Community Colleges System Office, notifying the District of the annual increase on January 16, 2019.

Follow-up/Outcome
Effective January 1, 2019, only those items exceeding $92,600 will necessitate a bidding process.
SUBJECT: APPROVE THE 2019/2020 NONRESIDENT TUITION RATE

CHANCELLOR'S RECOMMENDATION:
That the Board of Trustees establish a nonresident tuition fee of $265 per credit unit and no foreign citizen capital outlay fee for fiscal year 2019/20.

Funding Source/Fiscal Impact
In FY 2017/18, the District received $2,572,375 in non-resident tuition revenue. For FY 2018/19, the Board approved a non-resident tuition rate of $258 per unit with projected revenue of approximately $2,797,757. The estimated revenue for non-resident tuition for FY 2018/19 increased from FY 2017/18 by $225,382. This increase was primarily the result of an overall increase in enrollment and tuition rates. For FY 2019/20, the District is proposing to increase the non-resident tuition rate to $265 per unit, which is the statewide cost. The estimated revenue for FY 2019/20 will be approximately $2,851,546.

Reference(s)
Education Code Section 76140 requires each district governing board to establish the nonresident tuition fee for the succeeding fiscal year. Pursuant to Education Code Section 76141, a district may also charge to any non-resident student a capital outlay fee.

Background/Alternatives
Education Code section 76140 specifies seven options to determine the nonresident tuition fee. The options are as follows:

<table>
<thead>
<tr>
<th>Nonresident Tuition Fee Options</th>
<th>Per Credit Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1 – District Average Cost</td>
<td>$322</td>
</tr>
<tr>
<td>A.2 – District Average Cost with 10 percent or more noncredit FTES</td>
<td>N/A</td>
</tr>
<tr>
<td>B.1 – Statewide Average Cost</td>
<td>$265</td>
</tr>
</tbody>
</table>
Non-resident students served by the colleges are not supported with state apportionment funds. Districts are allowed and required to collect tuition fees from those students who do not meet the residency requirements for the State of California. The amount charged for non-resident tuition is determined using information provided by the state.

Districts are allowed to select from seven options in determining the amount to be charged for non-resident tuition. Revenue collected from non-resident students is retained by the District and does not affect the amount of state funding that is received. A discussion of the options is provided below.

**Option A.1 – District Average Cost.** This option allows the District to charge an amount equal to the cost of providing educational services to students. This is the full cost method, which recognizes that the District is providing services on a long-term basis and that non-resident students are factored into each of the college’s base operations. A disadvantage to this option is that some of the contiguous districts may charge less for tuition than West Valley - Mission’s actual cost of education.

Option A.1 is not recommended for the West Valley-Mission Community College District because it would significantly increase the fees for non-resident students.

**Option A.2 - District average cost with 10% or more non-credit FTES.** This option is not applicable to the District.

**Option B.1 – Statewide average cost of education.** This option provides districts with the ability to charge a tuition rate equal to the aggregated cost of education for the California community college system. This rate serves as the minimum amount that may be charged for those districts that have high costs of education and do not choose to have non-residents pay for the actual cost of education. An advantage of this option is that high cost districts can offer a lower tuition rate than what is allowed when the district rate exceeds the state rate. Districts surrounded by low cost of education districts may find that this pricing methodology provides a comparative advantage with students concerned only about price.

The disadvantage of using this rate is that the District is not recovering the full cost of education from non-resident students if the state rate is less than the District’s actual cost of education. In the past two years, non-resident FTES has been increasing. When a
recurring condition such as continuous enrollment of non-resident students occurs, the services necessary to accommodate those students are incorporated into the operations of the college. Those costs then become fixed costs. Over a period of time, there is no recognizable marginal increase that can be directly associated with a selected group of students. Accordingly, it is appropriate from a cost recovery perspective to charge the full cost of operations to non-resident students.

Option B.1 is being recommended for West Valley-Mission Community College District.

**Option B.2 – Highest Statewide Average Cost.** This option allows the District to use the greater of the succeeding fiscal year, the current fiscal year or any of the four prior fiscal years’ statewide average non-resident tuition fee calculation.

For the above option, it is the responsibility of the District to ensure and document that the additional revenue generated by the increased non-resident tuition permitted shall be used to expand and enhance services to resident students only (ECS 76140 (e)(1)(E)).

**Option C – Contiguous District.** This option allows the District to adjust its fee not to exceed the fee established by the governing board of any contiguous district. The advantage to this option is that the District may lower its tuition fee to mitigate concerns about students’ sensitivity to prices. When comparing tuition fees with contiguous districts, it is important to consider the capital outlay fees that must also be paid in a manner similar to tuition fees so that price-sensitive students consider the full amount of fees that are assessed for non-resident tuition.

**Option D – Between Statewide Average Expense of Education and District Expense of Education.** This option allows the District to charge a rate that is within a range where the state rate is the minimum fee and the District cost is the maximum fee. The advantage of this option is that the District can choose any amount within the range of costs. Additionally, through adjustment of the capital outlay fee, the District is able to match the fees of surrounding districts without creating a recognizable difference in tuition costs between the districts that are in direct competition with West Valley-Mission. Without state funding to compensate for the difference in the actual amount charged to non-resident students and the actual cost of education, funds are diverted from other programs and services to subsidize the cost of attendance by non-resident students.

**Option E – Comparable States Average.** This option allows the District to charge no more than the 2017/18 average nonresident tuition fee of public community colleges in a minimum of 12 states comparable to California in cost of living.

For the above option, it is the responsibility of the District to ensure and document that the additional revenue generated by the increased non-resident tuition permitted shall be used to expand and enhance services to resident students only (ECS 76140 (e)(1)(E)).
Nonresident Capital Outlay Fee
In addition to the non-resident tuition rate required under Education Code Section 76140, the District may charge a capital outlay fee to those students who are both citizens and residents of a foreign country. The actual cost of capital outlay for FY 2017/18 was $174.90 per unit and changes each year as a result of substantial construction activity that occurs on an irregular basis.

While the capital outlay fee increases the cost of tuition for foreign students, other non-resident students are not required to pay the capital outlay fee. Capital outlay fees are to be used only for the purchase of capital equipment, capital construction, or repair and maintenance of facilities. The amount of the fee is to be the lesser of the amount that was expended by the District for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the District in the preceding fiscal year or 50% of the non-resident tuition fee adopted pursuant to Education Code Section 76140. In establishing the non-resident tuition fee, it is important to also consider the impact of a capital outlay fee.

It is not recommended that the District assess a capital outlay fee for FY 2019/20.

Coordination
This item was coordinated with other community college districts.

Follow-up/Outcome
Once the Board approves the rates, the Office of the Vice Chancellor must communicate the outcome to the State Chancellor’s Office and to staff in charge of creating and publishing the class schedules at the colleges.
ITEM 7.4
FEBRUARY 5, 2019
ACTION ITEM
CONSENT AGENDA

PREPARED BY: JAVIER CASTRUITA
REVIEWED BY: ED MADULI
APPROVED BY: PATRICK SCHMITT

SUBJECT: CONTRACT INCREASE TO KRJ DESIGN GROUP FOR INTERIOR DESIGN SERVICES FOR THE STUDENT SERVICES CENTER AT WEST VALLEY COLLEGE

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees approve the contract increase in the amount of $30,000 to KRJ Design Group for interior design services for the Student Services Center project at West Valley College.

Funding Source/Fiscal Impact
The funding for this project is through Measure C, line item WV-4 on the West Valley Project Priority List.

Reference(s)
This item is associated with the implementation of the WVC Facilities Master Plan, the WVMCCD 5-Year Construction Plan, and the Measure C Bond Program.

Background/Alternatives
In June 2015, the District issued an agreement to KRJ Design Group in the amount of $75,500 for interior design services on the Student Services Center project at West Valley College. This change order in the amount of $30,000 will be for additional interior design services to address college program changes and coordination with the construction team and architect during the final construction phase.

The fee for this project is as follows:

1. Original Contract Amount: $ 75,500
2. This Change Order: $ 30,000
3. New Contract Amount: $105,500
Coordination
The Executive Director of Facilities Maintenance, Operations and Construction worked in developing this item.

Follow-up/Outcome
Upon Board approval, a fee increase will be executed for KRJ Design Group in the amount of $30,000.
SUBJECT: SECOND READING AND BOARD APPROVAL - CREATION OF BOARD POLICY 4021, HOURS AND UNITS; BOARD POLICY 4022, CURRICULUM APPROVAL; AND REVISION OF BOARD POLICY 4020, CURRICULUM DEVELOPMENT

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees conduct a second reading and approve the new and revised board policies on how the colleges award credit/units based on instructional hours.

Funding Source/Fiscal Impact
If the district does not approve these policies, the state chancellor’s office may restrict the colleges in their ability to award units to students, thus negatively affecting enrollment.

Reference(s)
The state Chancellor’s Office requires each college to have in place a board policy outlining how the college determines credits/units for each course based on hours. Colleges have the option to select one of the options on the CCCC0 Units/Hours Worksheet (see attached) or to select a range of hours. Mission and West Valley Colleges use the range of hours of 16-18 hours for 1 lecture unit and 48-54 hours for 1 lab unit. Currently, the WVMCCD does not have a board policy in place outlining this units-to-hours relationship. These new board policies will be fulfilling an existing requirement of the state Chancellor’s Office. The existing BP 4020 has been revised to remove reference to the units and hours issue.

Coordination
Mission College and West Valley College have agreed on this proposal and collaborated on its construction for this agenda item. Both College Academic Senates have reviewed and approved these changes.

Follow-up/Outcomes
Following Board approval of these new Board Policies, the colleges will be in compliance with the State Chancellor’s Office Credit Course and Program Certification requirements.

**Proposed New Board Policies:**

**BP 4021 Hours and Units**

Reference:
- Title 5 Sections 55002, 55002.5, 55256.5
- Code of Federal Regulations: 34 CFR 668

Title 5 (§55002 and §55002.5) provides minimum hour to unit ratios and minimum unit increments at California Community Colleges. Specific hour to unit ratios and unit increments are defined locally. At West Valley and Mission College, 48-54 total student learning hours are equivalent to 1 unit of credit and the minimum unit increment is 0.5.

Title 5 (§55256.5) provides specific hour to unit ratios for Cooperative Work Experience. The ratios are 75 hours of paid work experience for 1 unit of credit and 60 hours of non-paid work experience for 1 unit of credit.

The Code of Federal Regulations defines clock hour programs (34 CFR 668). Clock hour programs are required to use the formula for calculating units of credit that is contained within the code.

**BP 4022 Curriculum Approval**

Reference: Title 5 Section 55002, 55100, 55130, 55150

The West Valley Mission Community College District Chancellor shall ensure that procedures are written to establish the processes for approving individual credit and non-credit courses. Additionally, the Chancellor shall ensure that the procedures comply with Title 5 regulations and will include appropriate involvement with District faculty and the Academic Senates.
Proposed Revised Board Policy:  (please note that strikethroughs indicate removals and bold lettering indicates additions)

BP 4020: Program, Curriculum and Course Development

Education Code Sections 70901(b), 70902(b), and 78016; Title 5 Sections 51000, 51022, 55100, 55130, and 55150; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended 34 Code of Federal Regulations Sections 600.2, 602.24, 603.24, and 668.8; ACCJC Accreditation Standards II.A and II.A.9

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. To that end, the Chancellor shall establish administrative procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

These administrative procedures shall include:

• appropriate involvement of the faculty and Academic Senate in all processes
• regular review and justification of programs and course descriptions
• opportunities for training for persons involved in aspects of curriculum development and review
• Consideration of job market and other related information for vocational and occupational programs

All new programs and program deletions shall be approved by the Board.

All new programs shall be submitted to the California Community Colleges Chancellor’s Office for approval as required.

Individual degree-applicable credit courses offered as part of a permitted educational program shall be approved by the Board. Non-degree-applicable credit and degree applicable courses that are not part of an existing approved program must satisfy the conditions authorized by Title 5 regulations and shall be approved by the Board.

Credit Hour

Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a “credit hour” program or a “clock hour” program.

The Chancellor will establish procedures, which prescribe the definition of “credit hour” consistent with applicable federal regulations, as they apply to community college districts.

The Chancellor shall establish procedures to assure that curriculum at the District complies with the definition of “credit hour” or “clock hour,” where applicable. The Chancellor shall also
establish procedure for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit-hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.
SUBJECT: RESOLUTION NO. 19020501 APPROVING 2019 AMENDED AND
RESTATED BYLAWS FOR THE WEST VALLEY-MISSION
COMMUNITY COLLEGE DISTRICT CITIZENS’ BOND OVERSIGHT
COMMITTEE

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees approve resolution No. 19020501 to expand the duties of the
Citizens’ Bond Oversight Committee.

Funding Source/Fiscal Impact
There is no fiscal impact associated with this item.

Reference(s)
The Measure W election was conducted under Proposition 39, being chaptered as the
Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 et
seq. of the Education Code of the State (“Prop 39”). Pursuant to Section 15278 of the
Education Code, the District is now obligated to establish a Citizens’ Bond Oversight
Committee in order to satisfy the accountability requirements of Prop 39, and the
provisions of Board Policy (BP) 6740 – Citizens’ Bond Oversight Committee.

Background/Alternatives
On December 11, 2018, the Board of Trustees approved a resolution certifying to the
counties the results of the Measure W election in November 2018, which triggered a 60-
day period in which to form a Citizens’ Bond Oversight Committee. The Board of
Trustees, at its February 3, 2005 meeting, approved By-laws governing such a committee
for its Measure H bond election. At its July 17, 2012 meeting, the Board took action to
combine the Measure H and Measure C oversight responsibilities into the existing
Citizens’ Bond Oversight Committee by adopting Amended and Restated By-laws,
which govern the activities of the Committee. With Measure H bond funds fully
expended, and with Measure W now approved, the existing Citizens’ Bond Oversight
Committee By-laws must again be amended and restated to eliminate Measure H
activities and add Measure W activities.

Coordination
The resolution was reviewed by the Chancellor, Vice Chancellor, and bond counsel.
Follow-up/Outcome
Upon Board approval, the 2019 Amended and Restated Bylaws for the West Valley-Mission Community College District Citizens’ Bond Oversight Committee will be implemented.
WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
RESOLUTION NO. 19020501

RESOLUTION OF THE BOARD OF TRUSTEES OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT, APPROVING 2019 AMENDED AND RESTATED BYLAWS FOR THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT CITIZENS’ BOND OVERSIGHT COMMITTEE THEREFOR

WHEREAS, the Board of Trustees of the West Valley-Mission Community College District (the “District”) previously adopted a resolution requesting Santa Clara County (the “County”) to call an election for general obligation bonds (the “Bond Election”) to be held on November 6, 2018; and

WHEREAS, notice of the Bond Election was duly given, and on November 6, 2018 the Bond Election was duly held and conducted for the purpose of voting a measure for the issuance of bonds of the District in the amount of $698,000,000 (“Measure W”); and

WHEREAS, based on the Canvass and Statement of Results for the County, more than fifty-five percent of the votes cast on Measure W were in favor of issuing the aforementioned bonds; and

WHEREAS, the Board of Trustees of the District previously has established independent citizens’ bond oversight committee (the “Committee”) in connection with issuance of bonds under its Measure H and Measure C bond elections; and

WHEREAS, the Board of Trustees has previously approved Bylaws governing such Committee for its Measure H and Measure C bond elections and now desires to combine the Measure C and Measure W oversight responsibilities into the existing Citizens’ Bond Oversight Committee by adopting 2019 Amended and Restated Bylaws which govern the activities of the Committee.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. Authorization. Each of the Measure H, Measure C and Measure W were authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution in accordance with the requirements of the Strict Accountability In Local School Construction Bonds Act of 2000 (the “Act”).

Section 2. Bylaws. The Committee shall operate pursuant to the Board approved 2019 Amended and Restated Bylaws. The Committee shall have only those responsibilities granted to them in the Act, in the resolutions calling for the election for Measure C, Measure W and in the 2019 Amended and Restated Bylaws. The 2019 Amended and Restated Bylaws, as submitted
herewith and attached hereto, are hereby approved. The previous Bylaws related to the District’s Measure H and Measure C are rescinded and no further force and effect.

Section 3. ADOPTED, SIGNED AND APPROVED this 5th day of February, 2019:

BOARD OF TRUSTEES OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT

________________________________________
President

ATTEST:

________________________________________
Secretary
STATE OF CALIFORNIA  )
SANTA CLARA COUNTY  )

I, Patrick Schmitt, do hereby certify that the foregoing Resolution No. __________ was
duly adopted by the Board of Trustees of the West Valley-Mission Community College District at
a meeting thereof held on the 5th day of February, 2019, and that it was so adopted by the following
vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By: ________________________________

Secretary
Section 1. Committee Established. The West Valley-Mission Community College District (the "District") was successful at the election conducted on June 5, 2012 (the “2012 Election”), in obtaining authorization from the District’s voters to issue up to $350,000,000 aggregate principal amount of the District’s general obligation bonds (the “Measure C”). The District was successful at the election conducted on November 6, 2018 (“2018 Election”), in obtaining authorization from the District’s voters to issue up to $698,000,000 aggregate principal amount of the District’s general obligation bonds ("Measure W"). The 2018 Election and the 2018 Election are hereinafter referred to as the “Elections”. The Measure C and Measure W are hereinafter referred to as the “Measures”. The Elections were each conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 et seq. of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District has established a Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the West Valley-Mission Community College District (the "Board") hereby establishes the Independent Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these 2019 Amended and Restated Bylaws (the “Bylaws”). The Committee does not have independent legal capacity from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the Ralph M. Brown Public Meetings Act of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Elections are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure C and Measure W. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee’s review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform the duties set forth in Sections 3.1, 3.2, and 3.3 and shall refrain from those activities set forth in Sections 3.4 and 3.5:

3.1 Inform the Public. The Committee shall inform the public concerning the District’s expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 Review Expenditures. The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the Measure C and Measure W; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses, except as permitted by Attorney General Opinion 04-110 issued on November 9, 2004.
3.3 **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIII-A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 **Duties of the Board and/or Chancellor.** Either the Board or the Chancellor, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

(i) Approval of construction contracts,

(ii) Approval of construction change orders,

(iii) Expenditure of construction funds,

(iv) Handling of all legal matters,

(v) Approval of construction plans and schedules,

(vi) Approval of all deferred maintenance plans, and

(vii) Approval of the sale of bonds.

3.5 **Measure C and Measure W Projects Only.** In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without Measure C and Measure W bond proceeds shall be outside the authority of the Committee.

(b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.

(c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.

(d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.

(e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
(f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(g) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board’s sole discretion as part of carrying out its function under Prop 39.

Section 4. **Authorized Activities.**

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIIIa of the California Constitution.

(b) Inspect college facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Chancellor.

(c) Review copies of deferred maintenance proposal or plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(e) Receive from the Board, within three months of the District receiving Audits, responses to any and all findings, recommendation, and concerns addressed in the Audits, and review said responses.

Section 5. **Membership.**

5.1 **Number.**

The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member active in a support organization for either Mission College or West Valley College, such as a foundation.
• Two (2) members of the community at-large.

5.2 Qualification Standards.

(a) To be a qualified person, he or she must be at least 18 years of age.

(b) The committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code. Additionally, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than two (2) consecutive terms. At the Committee's first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) appropriate local groups will be solicited for applications; (b) the Chancellor or his or her designee will review the applications; and (c) the Chancellor or his or her designee will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District, (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual, and (c) the Committee may only receive copies of reports and documents which have been previously presented to the Board and which are a public record.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year but may meet more often as the Committee shall determine.

6.2 Location. All meetings shall be held within the West Valley-Mission Community College District, located in Santa Clara County and Santa Cruz County, California.

6.3 Procedures. All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. Meetings shall be conducted according to such
additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

Section 7. **District Support.**

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(b) provision of a meeting room, including any necessary audio/visual equipment;

(c) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 No bond proceeds shall be used to provide District support to the Committee.

Section 8. **Reports.** In addition to the Annual Report required in Section 3.2, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. **Officers.** The Chancellor shall appoint the initial Chair to serve for an initial two (2) year term. The Committee shall elect an initial Vice-Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as chair only when the Chair is absent.

Section 10. **Amendment of Bylaws.** Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. **Termination.** The Committee shall automatically terminate and disband 180 days following the date when all Measure H bond proceeds are spent.
CITIZENS' BOND OVERSIGHT COMMITTEE
ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to following carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- CONFLICT OF INTEREST. A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

- OUTSIDE EMPLOYMENT. A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.

- COMMITMENT TO UPHOLD LAW. A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the West Valley-Mission Community College District;

- COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.
SUBJECT:  RESOLUTION NO. 19020501 AUTHORIZING THE ISSUANCE OF WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT (SANTA CLARA AND SANTA CRUZ, COUNTIES CALIFORNIA) ELECTION OF 2018 GENERAL OBLIGATION BONDS, SERIES 2019A, AND ACTIONS RELATED THERETO

CHANCELLOR’S RECOMMENDATION:  
That the Board of Trustees adopt Resolution No. 19020501 authorizing the issuance of Election of 2018 General Obligation Bonds, Series 2019A, and actions related thereto.

Funding Source/Fiscal Impact
There is no fiscal impact to the General Fund resulting from the issuance of the Bonds.

Reference(s)
This item is associated with the implementation of the WVC and MC Facilities Master Plans, the WVMCCD 5-Year Construction Plan, and the Measure W Project Priority List.

Background/Alternatives
An election was held in the West Valley-Mission Community College District on November 6, 2018, for the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of $698,000,000 (the “Measure W”). The Bonds are being authorized for sale for the purpose of providing funds to (i) finance Measure W projects approved by the voters, and (ii) to pay the costs of issuing the Bonds.

(a) Bond Resolution. This Resolution authorizes the issuance of Bonds, specifies the basic terms, parameters and forms of the Bonds, and approves the form of Purchase Contract and form of Preliminary Official Statement described below. In particular, Section 1 of the Resolution establishes the maximum aggregate initial principal amount of the Bonds to be issued ($150,000,000). Section 4 of the Resolution states the maximum underwriters’ discount (0.50%) with respect to the Bonds, the maximum legal interest rate on the Bonds, and authorizes the Bonds to be sold at a negotiated sale to Morgan Stanley & Co. LLC and Piper Jaffray & Co. as the underwriters (the “Underwriters”). The Resolution authorizes the issuance of current interest bonds only; capital appreciation bonds are not authorized.
(b) **Form of Purchase Contract.** The Resolution approves the form of the Purchase Contract. Pursuant to the Purchase Contract, the Underwriters will agree to buy the Bonds from the District. All the conditions of closing the transaction are set forth in this document, including the documentation to be provided at the closing by various parties. Upon the pricing of the Bonds, the final execution copy of the Purchase Contract will be prepared following this form.

(c) **Form of Preliminary Official Statement.** The Resolution approves the form of the Preliminary Official Statement. The Preliminary Official Statement (the “POS”) is the offering document describing the Bonds which may be distributed to prospective purchasers of the Bonds. The POS discloses information with respect to, among other things, (i) the proposed uses of proceeds of the Bonds, (ii) the terms of the Bonds (interest rate, redemption terms, etc.), (iii) the bond insurance policy for the Bonds, if any, (iv) the security for repayment of the Bonds (the *ad valorem* property tax levy), (v) information with respect to the District’s tax base (upon which such *ad valorem* property taxes may be levied), (vi) District financial and operating data, (vii) continuing disclosure with respect to the Bonds and the District, and (viii) absence of material litigation and other miscellaneous matters expected to be of interest to prospective purchasers of the Bonds. Following the pricing of the Bonds, a final Official Statement for the Bonds will be prepared, substantially in the form of the POS.

(d) **Form of the Continuing Disclosure Certificate.** The form of the Continuing Disclosure Certificate can be found in APPENDIX C to the POS. Effective July 3, 1995, all underwriters of municipal bonds are obligated to procure from any public agency issuing debt a covenant that such public agency will annually file “material financial information and operating data” with respect to such public agency through the web-based Electronic Municipal Market Access (“EMMA”) system maintained by the Municipal Securities Rulemaking Board (a federal agency that regulates “broker-dealers,” including investment bank firms that underwrite municipal obligations). This requirement is expected to be satisfied by the filing of the District’s audited financial statements and other operating information about the District, in the same manner the District has filed such information in connection with prior bond issuances. The purpose of the law is to provide investors in the Bonds with current information regarding the District.

Coordination
This item has been reviewed by the Chancellor, Vice Chancellor of Administrative Services, and Bond Counsel.

Follow-up/Outcome
Upon Board approval, the administration will proceed with issuance of Election of 2018 General Obligation Bonds, Series 2019A, and actions related thereto.
RESOLUTION NO. 19020502


WHEREAS, a duly called election was held in the West Valley-Mission Community College District (the “District”), Santa Clara County (the “County”) and Santa Cruz County (together with the County, the “Counties”), State of California, on November 6, 2018 (the “Election”) and thereafter canvassed pursuant to law;

WHEREAS, at such election there was submitted to and approved by the requisite 55% vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount of $698,000,000, payable solely from the levy of an ad valorem property tax against the taxable property in the District (the “Authorization”);

WHEREAS, at this time this Board of Trustees (the “Board”) has determined that it is necessary and desirable to issue the first series of bonds under the Authorization, in an aggregate principal amount not-to-exceed $150,000,000 and styled as “West Valley-Mission Community College District (Santa Clara and Santa Cruz Counties, California) Election of 2018 General Obligation Bonds, Series 2019A” (the “Bonds”);

WHEREAS, pursuant to Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code (the “Government Code”), the Bonds are authorized to be issued by the District for the purposes set forth in the ballot submitted to the voters at the Election;

WHEREAS, this Board desires to authorize the issuance of the Bonds in one or more Series of Taxable or Tax-Exempt Current Interest Bonds (as such terms are defined herein);

WHEREAS, this Board desires to appoint certain professionals to provide services related to the issuance of the Bonds;

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED BY THE BOARD OF TRUSTEES OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT, SANTA CLARA AND SANTA CRUZ COUNTIES, CALIFORNIA, AS FOLLOWS:

SECTION 1. Authorization for Issuance of the Bonds. To raise money for the purposes authorized by the voters of the District at the Election, and to pay all necessary legal, financial,
engineering and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Bonds pursuant to Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code in one or more Series of Taxable or Tax-Exempt Current Interest Bonds, with appropriate designations if more than one Series is issued, all as more fully set forth in the executed Purchase Contract (as defined herein). The Board further orders such Bonds sold such that the Bonds shall be dated as of a date to be determined by an Authorized Officer (defined herein), shall be payable upon such terms and provisions as shall be set forth in the Bonds, and shall be in an aggregate principal amount not-to-exceed $150,000,000.

SECTION 2. Paying Agent. This Board hereby appoints the Paying Agent, as defined in Section 5 hereof, to serve as the paying agent, bond registrar, transfer agent and authentication agent for the Bonds on behalf of the District. This Board hereby authorizes the payment of the reasonable fees and expenses of the Paying Agent as they shall become due and payable. The fees and expenses of the Paying Agent which are not paid as a cost of issuance of the Bonds may be paid in each year from ad valorem property taxes levied and collected for the payment thereof, insofar as permitted by law, including specifically by Education Code Section 15232.

SECTION 3. Terms and Conditions of Sale. The Bonds shall be sold upon the direction of the Chancellor, the Vice Chancellor, Administrative Services of the District, or such other officers or employees of the District as the Chancellor or the Vice Chancellor, Administrative Services may designate for such purpose (collectively, the “Authorized Officers”), and pursuant to such terms and conditions set forth in the Purchase Contract. The Board hereby authorizes the sale of the Bonds at a negotiated sale, which is determined to provide more flexibility in the timing of the sale, an ability to implement the sale in a shorter time period, an increased ability to structure the Bonds to fit the needs of particular purchasers, and a greater opportunity for the Underwriters (as defined herein) to pre-market the Bonds to potential purchasers prior to the sale, all of which will contribute to the District’s goal of achieving the lowest overall cost of funds.

SECTION 4. Approval of Purchase Contract. The form of Purchase Contract by and between the District and the Underwriters, substantially in the form on file with the Secretary to the Board, is hereby approved and the Authorized Officers, each alone, are hereby authorized and requested to execute such Purchase Contract, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, (i) that the interest rates on the Bonds shall not exceed the maximum rate permitted by law; and (ii) the underwriting discount on the Bonds, excluding original issue discount, shall not exceed 0.40% of the aggregate principal amount of Bonds actually issued. The Authorized Officers, each alone, are further authorized to determine the principal amount of the Bonds to be specified in the Purchase Contract for sale by the District up to $150,000,000 and to enter into and execute the Purchase Contract with the Underwriters, if the conditions set forth in this Resolution are satisfied. The Board estimates that the costs associated with the issuance of the Bonds, including compensation to the Underwriters, will equal approximately 1.0% of the principal amount of the Bonds.

SECTION 5. Certain Definitions. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them (unless otherwise set forth in the Purchase Contract):

(a) “Beneficial Owner” means, when used with reference to book-entry Bonds registered pursuant to Section 6 hereof, the person who is considered the beneficial owner of
such Bonds pursuant to the arrangements for book-entry determination of ownership applicable to the Depository.

(b) “Bond Insurer” means any insurance company which issues a municipal bond insurance policy insuring the payment of principal of and interest on the Bonds.

(c) “Bond Payment Date” means, unless otherwise provided by the Purchase Contract, February 1 and August 1 of each year commencing on August 1, 2019 with respect to interest on the Bonds, and August 1 of each year, commencing August 1, 2019, with respect to payments of principal of the Bonds.

(d) “Bond Register” means the registration books which the Paying Agent shall keep or cause to be kept on which the registered ownership, transfer and exchange of Bonds shall be recorded.

(e) “Code” means the Internal Revenue Code of 1986, as the same may be amended from time to time. Reference to any particular section of the Code shall be deemed to be a reference to any successor to any such section.

(f) “Continuing Disclosure Certificate” means that certain contractual undertaking executed by the District in connection with the issuance of the Bonds pursuant to paragraph (b)(5) of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, and relating to the Bonds, dated as of the date of issuance thereof, as amended from time to time in accordance with the provisions thereof.

(g) “Current Interest Bonds” means Bonds, the interest on which is payable semiannually on each Bond Payment Date specified for each such Bond as designated and maturing in the years and in the amounts set forth in the Purchase Contract.

(h) “Date of Delivery” means the date of initial issuance and delivery of the Bonds, or such other date as shall appear in the Purchase Contract or Official Statement.

(i) “Depository” means the entity acting as securities depository for the Bonds pursuant to Section 6(c) hereof.

(j) “Director of Finance” means the Director of the Santa Clara County Finance Agency.

(k) “DTC” means The Depository Trust Company, 55 Water Street, New York, New York, 10041, a limited purpose trust company organized under the laws of the State of New York, in its capacity as the initial Depository for the Bonds.

(l) “Holder” or “Owner” means the registered owner of a Bond as set forth on the Bond Register maintained by the Paying Agent pursuant to Section 6 hereof.

(m) “Information Services” means the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System; or, such other services providing information with respect to called municipal obligations as the District may specify in writing to the Paying Agent or as the Paying Agent may select.
(n) “Long Current Interest Bonds” means Current Interest Bonds that mature more than 30 years from their Date of Delivery.

(o) “Moody’s” means Moody’s Investors Service, Inc., a corporation organized and existing under the laws of the State of Delaware, its successors and assigns, or, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, such other nationally recognized securities rating agency designated by the District.

(p) “Nominee” means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 6(c) hereof.

(q) “Official Statement” means the Official Statement for the Bonds, as described in Section 17 hereof.

(r) “Outstanding” means, when used with reference to the Bonds, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

(i) Bonds canceled at or prior to such date;

(ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 8 hereof; or

(iii) Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Bonds), in accordance with Section 19 of this Resolution.

(s) “Participants” means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(t) “Paying Agent” means initially The Bank of New York Mellon Trust Company, N.A., or any other Paying Agent as shall be named in the Purchase Contract or Official Statement, and afterwards any successor financial institution, acting as paying agent, transfer agent, authentication agent and bond registrar for the Bonds.

(u) “Permitted Investments” means (i) any lawful investments permitted by Government Code Section 16429.1 and Section 53601, (ii) shares in a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code which invests exclusively in investments permitted by Government Code Section 53635, but without regard to any limitations in such Section concerning the percentage of moneys available for investment being invested in a particular type of security, (iii) a guaranteed investment contract with a provider having a rating meeting the minimum rating requirements of the County investment pool maintained by the Director of Finance, (iv) the Local Agency Investments Fund of the California State Treasurer, and (v) United States Treasury Securities, State and Local Government Series.

(v) “Principal” or “Principal Amount” means, with respect to any Bond, the initial principal amount thereof.
“Purchase Contract” means the contract or contracts for purchase and sale of the Bonds, by and between the District and the Underwriters named therein. To the extent the Bonds are sold pursuant to more than one Purchase Contract, each shall be substantially in the form presented to the Board, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve.

“Record Date” means the close of business on the 15th day of the month preceding each Bond Payment Date.

“Series” means any Bonds executed, authenticated and delivered pursuant to the provisions hereof identified as a separate series of Bonds.

“S&P” means S&P Global Ratings, its successors and assigns, or, if such entity shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, such other nationally recognized securities rating agency designated by the District.

“Taxable Bonds” means any Bonds not issued as Tax-Exempt Bonds.

“Tax-Exempt Bonds” means any Bonds the interest on which is excludable from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of calculating the federal alternative minimum tax, as further described in an opinion of Bond Counsel supplied to the original purchasers of such Bonds.

“Term Bonds” means those Bonds for which mandatory redemption dates have been established in the Purchase Contract.

“Transfer Amount” means, with respect to any Outstanding Bond, the principal amount.

“Underwriters” means Morgan Stanley & Co. LLC and Piper Jaffray & Co. as underwriters of the Bonds.

SECTION 6. Terms of the Bonds.

(a) Denomination, Interest, Dated Dates and Terms. The Bonds shall be issued as fully registered Current Interest Bonds registered as to both Principal and interest, in denominations of $5,000 Principal Amount or any integral multiple thereof. The Bonds will initially be registered in the name of “Cede & Co.,” the Nominee of DTC.

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

To the extent the issuance of Bonds includes Long Current Interest Bonds, the useful life of any facility financed with such Long Current Interest Bonds will equal or exceed the maturity of such Long Current Interest Bonds.
(b) **Redemption.**

(i) **Terms of Redemption.** The Bonds shall be subject to optional or mandatory sinking fund redemption prior to maturity as provided in the Purchase Contract or the Official Statement.

(ii) **Selection of Bonds for Redemption.** Whenever provision is made in this Resolution for the optional redemption of Bonds and less than all Outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District, and if not so directed, by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; provided, however, that with respect to redemption by lot, the portion of any Bond to be redeemed in part shall be in the Principal Amount of $5,000 or any integral multiple thereof.

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

(iii) **Redemption Notice.** When redemption is authorized or required pursuant to Section 6(b) hereof, the Paying Agent, upon written instruction from the District, shall give notice (a “Redemption Notice”) of the redemption of the Bonds. Such Redemption Notice shall specify: (a) the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, (b) the date of redemption, (c) the place or places where the redemption will be made, including the name and address of the Paying Agent, (d) the redemption price, (e) the CUSIP numbers (if any) assigned to the Bonds to be redeemed, (f) the Bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the portion of the Principal Amount of such Bond to be redeemed, and (g) the original issue date, interest rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed at the redemption price thereof, together with the interest accrued to the redemption date, and that from and after such date, interest thereon shall cease to accrue.

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

1. At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.

2. At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to the Depository.
3. At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service, to one of the Information Services.

4. Such Redemption Notice shall be given such other persons as may be required pursuant to the Continuing Disclosure Certificate.

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

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

(iv) Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Principal Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(v) Effect of Redemption Notice. Notice having been given as aforesaid, and the moneys for the redemption (including the interest accrued to the applicable date of redemption) having been set aside as provided in Section 19 hereof, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in Section 6(b) hereof, together with interest accrued to such redemption date, shall be held in trust as provided in Section 19 hereof, as to be available therefor on such redemption date, and if a Redemption Notice thereof shall have been given as aforesaid, then from and after such redemption date, interest on the Bonds to be redeemed shall cease to accrue and become payable. All money held for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds to be so redeemed.
All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Paying Agent.

(vi) Bonds No Longer Outstanding. When any Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be held irrevocably in trust as provided in Section 19 hereof for the payment of the redemption price of such Bonds or portions thereof, and accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation.

(c) Book-Entry System.

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

With respect to book-entry Bonds, the District and the Paying Agent shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such book-entry Bonds. Without limiting the immediately preceding sentence, the District and the Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in book-entry Bonds, (ii) the delivery to any Participant or any other person, other than an Owner as shown in the Bond Register, of any notice with respect to book-entry Bonds, including any Redemption Notice, (iii) the selection by the Depository and its Participants of the beneficial interests in book-entry Bonds to be prepaid in the event the District redeems the Bonds in part, or (iv) the payment by the Depository or any Participant or any other person, of any amount with respect to Principal of, premium, if any, or interest on the book-entry Bonds. The District and the Paying Agent may treat and consider the person in whose name each book-entry Bond is registered in the Bond Register as the absolute Owner of such book-entry Bond for the purpose of payment of Principal of and premium and interest on and to such Bond, for the purpose of giving Redemption Notices and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent shall pay all Principal of and premium, if any, and interest on the Bonds only to or upon the order of the respective Owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of Principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of Principal of, premium, if any, and interest on the Bonds. Upon delivery by the Depository to the Owner and the Paying Agent, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to the Record Date, the word Nominee in this Resolution shall refer to such nominee of the Depository.

(1) Delivery of Letter of Representations. In order to qualify the book-entry Bonds for the Depository’s book-entry system, the District and the Paying Agent shall execute and
deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of
Representations shall not in any way impose upon the District or the Paying Agent any obligation
whatsoever with respect to persons having interests in such book-entry Bonds other than the
Owners, as shown on the Bond Register. By executing a Letter of Representations, the Paying
Agent shall agree to take all action necessary at all times so that the District will be in compliance
with all representations of the District in such Letter of Representations. In addition to the
execution and delivery of a Letter of Representations, the District and the Paying Agent shall
take such other actions, not inconsistent with this Resolution, as are reasonably necessary to

(2) Selection of Depository. In the event (i) the Depository determines not to
continue to act as securities depository for book-entry Bonds, or (ii) the District determines that
continuation of the book-entry system is not in the best interest of the Beneficial Owners of the
Bonds or the District, then the District will discontinue the book-entry system with the
Depository. If the District determines to replace the Depository with another qualified securities
depository, the District shall prepare or direct the preparation of a new single, separate, fully
registered bond for each maturity date of such Outstanding book-entry Bond, registered in the
name of such successor or substitute qualified securities depository or its Nominee as provided
in subsection (4) hereof. If the District fails to identify another qualified securities depository to
replace the Depository, then the Bonds shall no longer be restricted to being registered in such
Bond Register in the name of the Nominee, but shall be registered in whatever name or names
the Owners transferring or exchanging such Bonds shall designate, in accordance with the
provisions of this Section 6(c).

(3) Payments and Notices to Depository. Notwithstanding any other provision of
this Resolution to the contrary, so long as all Outstanding Bonds are held in book entry form and
registered in the name of the Nominee, all payments by the District or the Paying Agent with
respect to Principal of and premium, if any, or interest on the Bonds and all notices with respect
to such Bonds, including Redemption Notices, shall be made and given, respectively to the
Nominee, as provided in the Letter of Representations or as otherwise required or instructed by
the Depository and agreed to by the Paying Agent notwithstanding any inconsistent provisions
herein.

(4) Transfer of Bonds to Substitute Depository.

(A) The Bonds shall be initially issued as described in the Official Statement
described herein. Registered ownership of such Bonds, or any portions thereof, may not
thereafter be transferred except:

1. to any successor of DTC or its nominee, or of any substitute
depository designated pursuant to Section 6(c)(i)(4)(A)(2) (“Substitute Depository”);
provided that any successor of DTC or Substitute Depository shall be qualified under
any applicable laws to provide the service proposed to be provided by it;

2. to any Substitute Depository, upon (1) the resignation of DTC or
its successor (or any Substitute Depository or its successor) from its functions as
depository, or (2) a determination by the District that DTC (or its successor) is no longer
able to carry out its functions as depository; provided that any such Substitute Depository
shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(3) to any person as provided below, upon (1) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

(B) In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(1) or (2), upon receipt of all Outstanding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Bonds then Outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(3), upon receipt of all Outstanding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

(C) In the case of a partial redemption or an advance refunding of any Bonds evidencing a portion of the Principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Bonds indicating the date and amounts of such reduction in Principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository’s failure to make such notations or errors in making such notations.

(D) The District and the Paying Agent shall be entitled to treat the person in whose name any Bond is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any Beneficial Owners of the Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such Beneficial Owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Bonds.

SECTION 7. Execution of the Bonds. The Bonds shall be signed by the President of the Board, or other member of the Board authorized to sign on behalf of the President, by their manual or facsimile signature and countersigned by the manual or facsimile signature of the Secretary to or Clerk of the Board, or the designee thereof, all in their official capacities. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.
SECTION 8.  Paying Agent; Transfer and Exchange. So long as any of the Bonds remain Outstanding, the District will cause the Paying Agent to maintain and keep at its designated corporate trust office all books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute Owner of that Bond for all purposes of this Resolution.  Payment of or on account of the Principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of such Owner; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District’s liability upon the Bonds, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of like Series, tenor, maturity and Principal Amount upon presentation and surrender at the designated corporate trust office of the Paying Agent, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Bond may be transferred on the Bond Register only upon presentation and surrender of the Bond at the designated corporate trust office of the Paying Agent together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new bond or bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Principal Amount of the Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date.

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

If signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the District as provided in Section 7. In all cases of exchanged or transferred Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Bonds surrendered upon that exchange or transfer.

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

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

SECTION 9. Payment. Payment of interest on any Bond shall be made on any Bond Payment Date to the person appearing on the Bond Register of the Paying Agent as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by wire transfer to such Owner on the Bond Payment Date to the bank and account number on file with the Paying Agent for that purpose on or before the Record Date. The Principal of, and redemption premiums, if any, payable on the Bonds shall be payable upon maturity or redemption upon surrender at the designated office of the Paying Agent. The Principal of, premiums, if any, and interest on, the Bonds shall be payable in lawful money of the United States of America. The Paying Agent is hereby authorized to pay the Bonds when duly presented for payment at maturity, and to cancel all Bonds upon payment thereof. The Bonds are obligations of the District payable solely from the levy of ad valorem property taxes upon all property within the District subject to taxation, which taxes shall be without limit as to rate or amount. The Bonds do not constitute an obligation of the Counties except as provided in this Resolution, and no part of any fund of either of the Counties is pledged or obligated to the payment of the Bonds.

SECTION 10. Form of Bonds. The Bonds shall be in substantially the form as set forth in Exhibit A hereto, allowing those officials executing the Bonds to make the insertions and deletions necessary to conform the Bonds to this Resolution, the Purchase Contract and the Official Statement, or to correct or cure any defect, inconsistency, ambiguity or omission therein. Pending the preparation of definitive Bonds, the Bonds may be executed and delivered in temporary form exchangeable for definitive Bonds when ready for delivery. If the Paying Agent delivers temporary Bonds, it shall execute and deliver definitive Bonds in an equal aggregate Principal Amount of authorized denominations, when available, and thereupon the temporary Bonds shall be surrendered to the Paying Agent. Until so exchanged, the temporary Bonds shall be entitled to the same benefits hereunder as definitive Bonds.

SECTION 11. Delivery of Bonds. The proper officials of the District shall cause the Bonds to be prepared and, following their sale, shall have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Underwriters upon payment of the purchase price therefor.

SECTION 12. Deposit of Proceeds of Bonds. (a) The purchase price received from the Underwriters pursuant to the Purchase Contract, to the extent of the Principal Amount thereof, shall be paid to the County to the credit of the fund hereby authorized to be created to be known as the “West Valley-Mission Community College District Election of 2018 General Obligation Bonds, Series 2019A Building Fund” (the “Building Fund”) of the District, shall be kept separate and distinct from all other District and County funds, and such proceeds shall be used solely for the purposes for which the Bonds are being issued and provided further that such proceeds shall be applied solely to the purposes authorized by the voters of the District at the Election. The County shall have no responsibility for assuring the
proper use of the Bond proceeds by the District. At the election of the District, (i) to the extent the Bonds are issued in more than one Series, there shall be created a separate Building Fund for each such Series of Bonds, with appropriate Series designation, and all references herein to the Building Fund shall be deemed to include any Building Fund created for a Series of Bonds, or (ii) the Building Fund may be established as a subaccount of, or otherwise combined with, a fund established by the County for the purpose of holding proceeds of bonds issued pursuant to the Authorization.

The purchase price received from the Underwriters pursuant to the Purchase Contract, to the extent of any accrued interest and any original issue premium, shall be paid to the County to the credit of the fund hereby authorized to be created to be known as the “West Valley-Mission Community College District Election of 2018 General Obligation Bonds, Series 2019A Debt Service Fund” (the “Debt Service Fund”) for the Bonds and used for payment of Principal of and interest on the Bonds, and for no other purpose. At the election of the District, (i) to the extent the Bonds are issued in more than one Series, there shall be created a separate Debt Service Fund for each such Series of Bonds, with appropriate Series designation, and all references herein to the Debt Service Fund shall be deemed to include any Debt Service Fund created for a Series of Bonds, or (ii) the Debt Service Fund may be established as a subaccount of, or otherwise with, a fund established by the County for the purpose of holding proceeds of ad valorem property tax levies made to pay bonds issued pursuant to the Authorization.

Interest earnings on monies held in Building Fund shall be retained therein. Interest earnings on monies held in the Debt Service Fund shall be retained therein. Any excess proceeds of the Bonds on deposit in the Building Fund not needed for the authorized purposes set forth herein for which the Bonds are being issued shall, upon written notice from the District, be transferred to the Debt Service Fund and applied to the payment of Principal of and interest on the Bonds. If, after payment in full of the Bonds, there remain excess proceeds in the Debt Service Fund, any such excess amounts shall be transferred to the general fund of the District as permitted by law.

The costs of issuance of the Bonds are hereby authorized to be paid either from premium withheld by the Underwriters upon the sale of the Bonds, or from the Principal Amount of the Bonds received from the Underwriters. To the extent costs of issuance are paid from such Principal Amount, the District may direct that a portion thereof, in an amount not-to-exceed 2.0% of such Principal Amount, in lieu of being deposited into the Building Fund, be deposited in a costs of issuance account to be held by a fiscal agent of the District appointed for such purpose.

(b) Subject to federal tax restrictions, all funds held by the County hereunder shall be invested in Permitted Investments pursuant to law and the investment policy of the County. Neither the County nor its officers and agents, as the case may be, shall have any responsibility or obligation to determine the tax consequences of any investment. The District hereby authorizes investments made pursuant to this Resolution with maturities exceeding five years. The interest earned on the moneys deposited in the Building Fund shall be deposited in the Building Fund and used for the purposes of that fund. Except as required to satisfy the requirements of Section 148(f) of the Code, interest earned on the investment of moneys held in the Debt Service Fund shall be retained in the Debt Service Fund and used by the County to pay the Principal of and interest on the Bonds when due.

SECTION 13. Rebate Fund. The following provisions shall apply to any Bonds issued as Tax-Exempt Bonds.

(a) The District shall create and establish a special fund designated the “West Valley-Mission Community College District Election of 2018 General Obligation Bonds, Series 2019A Rebate
Fund” (the “Rebate Fund”). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the “Rebate Requirement”) pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the “Treasury Regulations”). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the Tax Certificate to be executed by the District in connection with the Tax-Exempt Bonds (the “Tax Certificate”).

(b) Within 45 days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the “rebate amount” within the meaning of Section 1.148-3 of the Treasury Regulations, using as the “computation date” for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the “rebate amount” so calculated. The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the “rebate amount” calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section. The District shall not be required to calculate the “rebate amount” and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Bonds (including amounts treated as proceeds of the Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(c) Any funds remaining in the Rebate Fund after redemption of all the Bonds and any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, including accrued interest, shall be remitted to the District.

(d) Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,

(1) not later than 60 days after the end of (i) the fifth Bond Year, and (ii) each fifth Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and

(2) not later than 60 days after the payment of all Bonds, an amount equal to 100% of the “rebate amount” calculated as of the date of such payment (and any income attributable to the “rebate amount” determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.
(e) In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(f) Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

(g) In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the “rebate amount” calculated in accordance with said subsection, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(h) The District shall retain records of all determinations made hereunder until three years after the complete retirement of the Bonds.

(i) Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Bonds.

SECTION 14. **Security for the Bonds.** There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* property tax annually during the period the Bonds are Outstanding in an amount sufficient to pay the Principal of and interest on the Bonds when due, which moneys when collected will be deposited in the Debt Service Fund of the District, and which fund is hereby designated for the payment of the Principal of and interest on the Bonds when and as the falls due, and for no other purpose. The District covenants to cause the Counties to take all actions necessary to levy such *ad valorem* property tax in accordance with this Section 14. Pursuant to Government Code Section 53515, the Bonds shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of *ad valorem* property taxes for the payment thereof.

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

The moneys in the Debt Service Fund, to the extent necessary to pay the Principal of and interest on the Bonds as the same become due and payable, shall be transferred by the Director of Finance to the Paying Agent which, in turn, shall pay such moneys to DTC to pay such Principal of and interest on. DTC will thereupon make payments of Principal of and interest on the Bonds to the DTC Participants who will thereupon make payments of such Principal of and interest on to the Beneficial Owners of the Bonds. Any moneys remaining in the Debt Service Fund after the Bonds and the interest thereon have been paid in full, or provision for such payment has been made, shall be transferred to the general fund of the District, pursuant to Education Code Section 15234.

SECTION 15. **Arbitrage Covenant.** The District covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, so that the Bonds
will not constitute arbitrage bonds under Section 148 of the Code and the applicable regulations prescribed thereunder or any predecessor section. Calculations for determining arbitrage requirements are the sole responsibility of the District.

SECTION 16. **Conditions Precedent.** The Board determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 17. **Official Statement.** The Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Secretary to the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Underwriters to be used in connection with the offering and sale of the Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement “final” pursuant to 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the Underwriters a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Bonds, and such Underwriters are directed to deliver copies of any final Official Statement to the purchasers of the Bonds. Execution of the Official Statement shall conclusively evidence the District’s approval of the Official Statement.

SECTION 18. **Insurance.** In the event the District purchases bond insurance for the Bonds, and to the extent that the Bond Insurer makes payment of the Principal of and interest on the Bonds, it shall become the Owner of such Bonds with the right to payment of such Principal of or interest on, and shall be fully subrogated to all of the Owners’ rights, including the Owners’ rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims that were past due interest the Paying Agent shall note the Bond Insurer’s rights as subrogee on the Bond Register for the Bonds maintained by the Paying Agent upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Bonds, and (ii) in the case of subrogation as to claims for past due Principal, the Paying Agent shall note the Bond Insurer as subrogee on the Bond Register for the Bonds maintained by the Paying Agent upon surrender of the Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

SECTION 19. **Defeasance.** All or any portion of the Outstanding maturities of the Bonds may be defeased prior to maturity in the following ways:

(a) **Cash:** by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which, together with any amounts transferred from the Debt Service Fund, is sufficient to pay all Bonds Outstanding and designated for defeasance (including all Principal thereof, accrued interest thereon and redemption premiums, if any) at or before their maturity date; or

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

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

For purposes of this Section, Government Obligations shall mean:

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

SECTION 20. Nonliability of Counties. Notwithstanding anything to the contrary contained herein, in the Bonds or in any other document mentioned herein, neither of the Counties, nor the respective officials, officers, employees or agents thereof, shall have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby, the Bonds are not a debt of the Counties or a pledge of either of the Counties’ full faith and credit, and the Bonds and any liability in connection therewith shall be paid solely from ad valorem property taxes lawfully levied to pay the Principal of or interest on the Bonds, which taxes shall be unlimited as to rate or amount.

SECTION 21. Reimbursement of County Costs. The District shall reimburse the Counties for all costs and expenses incurred by the Counties, its officials, officers, agents and employees in issuing or otherwise in connection with the issuance of the Bonds.

SECTION 22. Request to Counties to Levy Tax. The Boards of Supervisors and officers of the Counties are obligated by statute to provide for the levy and collection of ad valorem property taxes in each year sufficient to pay all principal of and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds. The District hereby requests the Boards of Supervisors of the Counties to annually levy a tax upon all taxable property in the District sufficient to pay all such principal of and interest on coming due on the Bonds in such year, and to pay from such
taxes all amounts due on the Bonds. The Board hereby finds and determines that such *ad valorem property* taxes shall be levied specifically to pay the Bonds being issued to finance specific projects authorized by the voters of the District at the Election.

**SECTION 23. Other Actions.** (a) Officers of the Board and District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The Board hereby appoints KNN Public Finance, as Municipal Advisor, Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond Counsel and Disclosure Counsel, and Morgan Stanley & Co. LLC and Piper Jaffray & Co., as Underwriters, each with respect to the Bonds.

(c) Based on a good faith estimate from the Municipal Advisor, the District finds that (i) the True Interest Cost of the Bonds (as defined in Government Code Section 5852.1) is expected to be approximately 3.706%, (ii) the total Finance Charge of the Bonds (as defined in Government Code Section 5852.1) is expected to be $1,407,232.00, (iii) the total proceeds expected to be received by the District from the sale of the Bonds, less the Finance Charge of the Bonds and any reserves or capitalized interest paid or funded with proceeds of the Bonds, is $149,192,768.00, and (iv) the District expects that the Total Payment Amount (as defined in Government Code Section 5852.1), calculated to the final maturity of the Bonds, will be $248,882,100.00. The information presented in this Section 24 (c) is included in satisfaction of Government Code Section 5852.1, and shall not abrogate or otherwise limit any provision of this Resolution.

(d) The provisions of this Resolution as they relate to the Bonds may be amended by the Purchase Contract or the Official Statement.

**SECTION 24. Resolution to County Treasurers.** The Secretary to this Board is hereby directed to provide a certified copy of this Resolution to the Director of Finance, and to the treasurer-tax collector of Santa Cruz County, immediately following its adoption.

**SECTION 25. Continuing Disclosure.** The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated as of the Date of Delivery, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The Board hereby approves the form of the Continuing Disclosure Certificate appended to the draft Preliminary Official Statement presented as this meeting. The Authorized Officers, each alone, are hereby authorized to execute the Continuing Disclosure Certificate with such changes thereto as the Authorized Officers executing the same shall approve, such approval to be conclusively evidenced by such execution and delivery. Noncompliance with the Continuing Disclosure Certificate shall not result in acceleration of the Bonds.

**SECTION 26. Effective Date.** This Resolution shall take effect immediately upon its passage.

**SECTION 27. Further Actions Authorized.** It is hereby covenanted that the District, and its appropriate officials, have duly taken all actions necessary to be taken by them, and will take any additional actions necessary to be taken by them, for carrying out the provisions of this Resolution.
SECTION 28. Recitals. All the recitals in this Resolution above are true and correct and this Board so finds, determines and represents.

PASSED, ADOPTED AND APPROVED this 5th day of February, 2019, by the following vote:

AYES: MEMBERS __________________________________________
NOES: MEMBERS __________________________________________
ABSTAIN: MEMBERS _________________________________________
ABSENT: MEMBERS _________________________________________

________________________________
President of the Board of Trustees
West Valley-Mission Community College District

ATTEST:

________________________________
Secretary to the Board of Trustees
West Valley-Mission Community College District
SECRETARY’S CERTIFICATE

I, Patrick Schmitt, Secretary to the Board of Trustees of the West Valley-Mission Community College District, Santa Clara and Santa Cruz Counties, California, hereby certify as follows:

The foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of Trustees of said District duly and regularly and legally held at the regular meeting place thereof on February 5, 2019, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes.

Said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: February ____, 2019

________________________________________
Secretary to the Board of Trustees of the West Valley-Mission Community College District
EXHIBIT A

FORM OF BONDS

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TO THE PAYING AGENT FOR REGISTRATION OF TRANSFER, EXCHANGE OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN

REGISTERED NO. $ ________________

WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
(SANTA CLARA AND SANTA CRUZ COUNTIES, CALIFORNIA)
ELECTION OF 2018 GENERAL OBLIGATION BONDS, SERIES 2019A

INTEREST RATE: _____ % per annum

Maturity Date: August 1, ______

Dated As Of: ______, 20____

Cusip

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The West Valley-Mission Community College District (the “District”) in Santa Clara and Santa Cruz Counties, California, for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the “Bond Payment Dates”), commencing on August 1, 2019. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before July 15, 2019, in which event it shall bear interest from the Date of Delivery. Interest shall be computed on the basis of a 360-day year of twelve, 30-day months. Principal of and interest on are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered, such owner being the Registered Owner, on the Register maintained by the Paying Agent, initially The Bank of New York Mellon Trust Company, N.A. Principal is payable upon presentation and surrender of this bond at the designated corporate trust office of the Paying Agent. Interest is payable by wire transfer to the bank and account number on file with the Paying Agent.
Agent as of the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the “Record Date”).

This bond is one of an authorization of bonds approved to raise money for the purposes authorized by voters of the District at the Election (defined herein) and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite vote of the electors of the District cast at a general election held on November 6, 2018 (the “Election”), upon the question of issuing bonds in the amount of $698,000,000 and the resolution of the Board of Trustees of the District adopted on February 5, 2019 (the “Bond Resolution”). This bond is being issued under the provisions of Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code. This bond and the issue of which this bond is one are payable as to both principal of and interest on solely from the proceeds of the levy of ad valorem property taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with Education Code Sections 15250 and 15252. Pursuant to California Government Code Section 535515, the Bonds shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of such ad valorem property taxes.

Pursuant to Government Code Sections 5450 and 5451, the District has pledged all revenues received from the levy and collection ad valorem property taxes for the payment of the Bonds, and all amounts on deposit in the Debt Service Fund (as defined in the Bond Resolution), to the payment of the Bonds. Such pledge shall constitute a lien on and security interest in such taxes and amounts in the Debt Service Fund, and shall constitute an agreement between the District and the Registered Owners of the Bonds to provide security for the payment of the Bonds in addition to any statutory lien that may exist.

The bonds of this issue comprise $______ Principal Amount of current interest bonds, of which this bond is a part (collectively, the “Bonds”).

This bond is exchangeable and transferable for Bonds of like series, tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the designated corporate trust office of the Paying Agent in Dallas, Texas, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

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

The Bonds maturing on or before August 1, 20___ are not subject to redemption prior to their respective stated maturity dates. The Bonds maturing on or after August 1, 20___ are subject to redemption prior to their stated maturity dates, at the option of the District, from any source of available funds, in whole or in part, on any date on or after August 1, 20___ at a redemption price equal to the Principal Amount of the Bonds called for redemption, without premium, plus interest accrued thereon to the date of redemption.
The Bonds maturing on August 1, 20__, are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20__, at a redemption price equal to the Principal Amount to the dated fixed for redemption, together with accrued interest to the date set for such redemption, without premium. The Principal Amount represented by such Bonds to be so redeemed and the dates therefor and the final principal payment date are as indicated in the following table:

<table>
<thead>
<tr>
<th>Redemption Dates</th>
<th>Principal Amounts</th>
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<tr>
<td>TOTAL</td>
<td></td>
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</table>

(1) Maturity.

In the event that portions of the Bonds shown above are optionally redeemed prior to their respective maturity dates, the remaining mandatory sinking fund payments with respect thereto shall be reduced proportionately, in integral multiples of $5,000 Principal Amount, in respect of the portion of such Bonds optionally redeemed.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by Paying Agent as directed by the District, and if not so directed, by lot. Redemption by lot shall be in such manner as shall be determined by the Paying Agent, provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or some multiple thereof. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called by the Paying Agent in any order directed by the District and, if not so directed, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of certain defined terms used herein, as well as the provisions, among others, with respect to the nature and extent of the security for the Bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the Bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the Bonds; and that due provision has been made for levying and collecting ad valorem property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

A-3

/4810-7018-5860v3/022940-0015
IN WITNESS WHEREOF, the West Valley-Mission Community College District, Santa Clara and Santa Cruz Counties, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signature of the President of the Board of Trustees of the District, and to be countersigned by the manual or facsimile signature of the [Secretary to/Clerk of] the Board of Trustees of the District, all as of the date stated above.

WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT

By: ___________ (Facsimile Signature) ___________

President of the Board of Trustees

COUNTERSIGNED:

__________________________________

(Facsimile Signature)

[Secretary to/Clerk of] the Board of Trustees

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Resolution referred to herein which has been authenticated and registered on ______, 20__. 

By: THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., as Paying Agent

__________________________________

Authorized Officer
ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): __________________________________________________
this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: ___________________________ ___________________________

Signature Guaranteed:

________________________________________

Notice: The assignor’s signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: ______

Unless this bond is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any bond issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile Signature)

[Secretary to/Clerk of] the Board of Trustees
SUBJECT: RECENT ADVERSE PROPERTY TAX APPEALS BOARD DECISION AND CONSEQUENCES FOR WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT

CHANCELLOR’S RECOMMENDATION:
That the Board of Trustees discuss the recent 49ers/Stadco/Levi’s Stadium decision and, if found to be appropriate, instruct the Administration of the District to take further action.

Funding Source/Fiscal Impact
None anticipated.

Reference(s)
Not applicable.

Background/Alternatives
A recent county assessment appeals board decision has changed the assessment rate regarding Levi Stadium with consequent impact on property tax receiving government entities, including West Valley-Mission Community College District.

Follow-up/Outcome
After discussion, the Board may indicate action to be taken by the District Administration.