

Chapter 2

Board of Trustees

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BP 2010 Board Membership

Reference: Education Code Sections 72023, 72103; 72104

The Board shall consist of seven members elected by the qualified voters of the District.

Members shall be elected by trustee area as defined in Board Policy 2100.

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the district may not be sworn into office as an elected or appointed member of the governing board unless he or she resigns as an employee.

No member of the governing board shall, during the term for which he or she is elected, hold an incompatible office.

BP 2015 Student Member

Reference: *Education Code Section 68000; 72023.5; and 72425*

The Board shall include one non-voting student member. The term of office shall be one year commencing June 1.

The student member shall be a resident of California at the time of nomination, and during the term of service, and shall have completed a minimum of twelve units in the District at the time of nomination and have and maintain a 2.0 grade-point-average during the entire term of office.

The student member shall be seated with the Board and shall be recognized as a full member of the Board at meetings. The student member is entitled to participate in discussion of issues and receive all materials presented to members of the Board (except for closed session). The student member shall be entitled to any mileage allowance necessary to attend board meetings to the same extent as publicly elected trustees.

On or before May 15 of each year, the Board shall review AP 2015 to consider changes to the student member privileges in accordance with EC 72023.5.

See Administrative Procedure 2015.

BP 2100 Board Elections

Reference: Education Code Sections 5000 et seq.

The term of office of each trustee shall be four years, commencing on the first Friday in December following the general election in November. Elections shall be held every two years, in even numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

The Board of Trustees has provided for the election of trustees by four trustee areas:

- Two from Trustee Area I (Yuba County--Marysville SD, including a portion of Butte County; Wheatland SD; and Live Oak SD in Sutter County),
- Two from Trustee Area II (Sutter County, including Yuba City SD, Sutter Union SD, East Nicolaus SD including a portion of Placer County; and a portion of Woodland SD in Sutter County),
- Two from Trustee Area III (Esparto SD and Woodland SD in Yolo County; Pierce SD and Colusa SD in Colusa County), and
- One from Trustee Area IV (Williams SD, Princeton SD, and Stoney Creek SD in Colusa County; Stony Creek SD in Glenn County; and Konocti SD and Middletown SD in Lake County).

The election of a board member residing in and registered to vote in the trustee area he or she seeks to represent shall be only by the registered voters of the same trustee areas.

The Chancellor shall submit recommendations to the Board regarding adjustments to be made to the boundaries of each trustee area, if any adjustment is necessary, after each decennial federal census. The Chancellor shall submit the recommendation in time for the Board to act as required by law.

BP 2105 Election of Student Member

Reference: Education Code Section 68000; 72023.5; 72425, 72103

The student member shall be chosen by the students enrolled in the district as follows:

The student member shall be elected by the students enrolled in the district in a general election held for that purpose. The student trustee shall serve a term of one year commencing June 1 and ending May 31 of the following year.

Special elections shall be held if the office becomes vacant by reason of the resignation or disqualification of an elected student member, or by any other reasons. A resignation must be in writing. Special elections shall be held within twenty days after notice of the vacancy comes to the attention of the Chancellor. No special election will be called if the vacancy occurs within 60 days of a regularly scheduled election. Candidates for the position may nominate themselves or be nominated by others by the filing of an application at their campus of residence certifying that the candidate is eligible for service under the criteria set forth in California law and these policies.

An election will be conducted at each college in accordance with the administrative procedures adopted by the college student elections, except that all members of the student body shall be permitted to vote for the student member. Each candidate from throughout the District who has qualified shall be listed on the ballot at each college. The successful candidate must receive a plurality of all votes cast.

See Administrative Procedure 2105

Rev. 1/07

BP 2110 Vacancies on the Board

Reference: *Education Code Sections 5090, et seq. , Government Code 1770.*

Vacancies on the Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board shall be governed by EC 5090.

Within 60 days of the vacancy or filing of a deferred resignation, the Board shall make a provisional appointment to fill the vacancy.

However, if the vacancy occurs within four months of the end of the person's term, the board may not appoint to fill the position.

If a provisional appointment is made, it shall be subject to the conditions in EC 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members, when the election shall be held to fill the vacancy for the remainder of the un-expired term.

The provisional appointment will be made by a majority public vote of the board members at a public meeting.

The Chancellor shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board will determine the schedule and appointment process, which may include interviews at a public meeting.

See Administrative Procedure 2110

BP 2200 Board Duties and Responsibilities

Reference: Accreditation Standard 1VB.1.d

The Board of Trustees governs on behalf of the citizens of the Yuba Community College District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest
- Provide vision and policy direction for the district
- Establish policies that define the institutional mission and set prudent, ethical and legal standards for college operations
- Hire and evaluate the Chancellor
- Delegate power and authority to the Chancellor to effectively lead the district
- Assure fiscal health and stability
- Monitor institutional performance and educational quality
- Advocate and protect the district

Additional duties and responsibilities may be added.

New 1/07

BP 2210 Officers

Reference: Education Code Section 72000

At the annual organizational meeting, the Board shall elect from among its members a President, Vice President and Clerk of the Board. The terms of office are for one year.

The duties of the President of the Board are:

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

The duties of the Vice President of the Board of Trustees are to serve as the President of the Board in the absence of the President, including the following:

- Preside at any Regular and/or Special meetings,
- Sign such documents that the acts of the Board of Trustees may require, and
- Represent the District in its relations with other Board of Trustees in the absence of the Board President.

The duties of the Clerk of the Board of Trustees are:

- Certify or attest to actions taken by the Board of Trustees whenever such certification or attestation is required for any purpose,
- Make or maintain such other records or reports as are required by law,
- Perform such other duties as may require official signature by the Board of Trustees of the District.
- Approve all expense claims submitted by the District Superintendent-President.

The Chancellor shall serve as Secretary to the Board. The duties of the Secretary are:

- Notify members of the Board of regular, special, emergency, and adjourned meetings;
- Prepare and post board meeting agendas;
- Prepare and post all legal notices and attest to reports as prescribed by law;
- Keep a record of all proceedings of the Board;

- Have prepared for adoption minutes of board meetings;
- Attend all board meetings and closed sessions, unless excused, and in such cases to assign a designee;
- Conduct the official correspondence of the Board;
- Certify as legally required all board actions;
- Represent the Board in all matters involving questions of law or legal procedures in securing opinions from the Board's legal advisors and other governmental agencies and officials, and in the purchase or sale of real or personal property;
- Sign, when authorized by law or by board action, any documents that would otherwise require the signature of the Secretary or the Clerk of the Board;
- In addition to these duties, the Secretary shall perform such other duties as may be directed by the board or required by law.

The Board does not have an official system of rotation of officers; it elects the offices each year from among all its members.

BP 2220 Committees of the Board

Reference: Government Code Section 54952

The Board may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any committee established by board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board and do not have authority that may lawfully be exercised by the Board itself, are not required to comply with the Brown Act, or with these policies regarding open meetings.

Board committees have no authority or power to act on behalf of the Board. Findings or recommendations shall be reported to the Board for consideration.

BP 2305 Annual Organizational Meeting

Reference: Education Code Section 72000(c)(2)(A)

The annual organizational meeting of the Board will be held within fifteen days of the date that elected governing board members take office, generally at the regular meeting held the first two weeks of December. Organizational meetings in years in which no such regular election for Board of Trustees members is conducted shall be held during the same 15-day period on the calendar. The day and time of the annual meeting shall be selected by the Board at its Regular meeting held immediately prior to the first day of such 15-day period, and the Board shall notify the Yuba County Superintendent of Schools of the date and time selected. The Secretary of the Board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting. At the annual meeting, the Board shall organize by electing in public session a president, vice president, and clerk from its members, and a secretary who shall be the Chancellor of the District.

BP 2310 Regular Meetings of the Board

Reference: *Education Code Section 72000(d); Government Code 54952.2, 54953 et seq.; 54961*

Regular meetings of the Board of Trustees are held in accordance with the annual calendar adopted at the organizational meeting of the Board. The Board may meet at any of the Campuses or Centers of the District if a notice is posted at the College ten days in advance of the proposed meeting (*Education Code Section 72132*).

A notice identifying the location, date, and time of each regular meeting of the Board shall be posted at least ten days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

All regular and special meetings of the Board shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

BP 2315 Closed Sessions

Reference: *Government Code Sections 54956.8, 54956.9, 54957, 54957.6; 11125/4.
Education Code Section 72122*

Closed sessions of the Board shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code, and California Education Code. Matters discussed in closed session may include:

- Appointment, employment, evaluation of performance, discipline, or dismissal of a public employee;
- Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four hours written notice of the closed session.
- Advice of counsel on pending litigation, as defined by law;
- Consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
- Real property transactions;
- Threats to public security;
- Review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- Discussion of student disciplinary action, with final action taken in public;
- Conferring of honorary degrees;
- Consideration of gifts from a donor who wishes to remain anonymous;
- To consider its response to a confidential final draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

After any closed session, the Board shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records, or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board or by law.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Chancellor. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board. The

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employee shall be given at least twenty-four hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

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BP 2320 Special and Emergency Meetings

Reference: *Government Code Sections 54956, 54956.5, 54957; Education Code Section 72129*

Special meetings may from time to time be called by the President of the Board or by a majority of the members of the Board. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with Brown Act. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the President of the Board when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The Chancellor shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

See Administrative Procedure 2320

BP 2330 Quorum and Voting

Reference: *Education Code Sections 72000(d)(3, 81310 et seq., 81365, 81511, 81432; Government Code Section 53094; Code of Civil Procedure Section 1245.240*

A quorum of the Board shall consist of a simple majority of members.

The Board shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot.

The following actions require a two-thirds majority of all members of the Board:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

No individual member or group of members of the Board shall exercise any authority outside the regularly constituted Board Meeting unless directed to do so by the Board of Trustees.

BP 2340 Agendas

Reference: *Government Code Sections 54954 et seq., 6250 et seq.; Education Code Sections 72121, 72121.5*

An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- A majority decides there is an “emergency situation” as defined for emergency meetings;
- Two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- An item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The Chancellor shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Agendas shall be developed by the Chancellor in consultation with the Board President

Members of the public may place matters directly related to the business of the District on an agenda for a board meeting by submitting a written summary of the item to the Chancellor. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law. (*See BP 2315*)

Agenda items submitted by members of the public must be received by the office of the Chancellor at least eight District office work days prior to the regularly scheduled board meeting.

Agenda items initiated by members of the public shall be placed on the Board’s agenda following the items of business initiated by the Board and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

See Administrative Procedure 2340.

BP 2345 Public Participation at Board Meetings

Reference: *Government Code Sections 54954.3, 54957.5; Education Code 72121.5*

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

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of two ways:(1) There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

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Members wishing to present such items shall submit a written request at the beginning of the meeting to the President of the Board that summarizes the item and provides his or her name, address, and organizational affiliation, if any. No action may be taken by the Board on such items.

2. Members of the public may place items on the prepared agenda in accordance with BP 2340.

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

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

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

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

For complaints or charges against an employee see BP 2315.

See Administrative Procedure 2345.

BP 2350 Speakers

Reference: *Government Code Sections 54950, et seq.; Education Code Section 72121.5*

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

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

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

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

- The President of the Board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- No member of the public may speak without being recognized by the President of the Board.
- Each speaker will be allowed a maximum of five minutes per topic. Twenty minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one board meeting. At the discretion of a majority of the Board, these time limits may be waived for all speakers.
- Each speaker coming before the Board is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.
- A Board member making individual presentations is limited to no more than five minutes per item. A Board member commenting on an agenda item is also limited to five minutes. Where two or more items on an agenda are related, the limit may be expanded to ten minutes, but will be applied inclusively to all of the related items. These time limits may be waived by action of the Board.

Persons wishing to address the Board regarding items listed on an agenda or items not listed on an agenda should complete a request card as indicated below. Individual presentations are limited to five minutes. The maximum total time for all audience presentations on the same subject is twenty minutes. Proponents on the same subject should determine their principal speakers in advance so they may be accorded first consideration in using their time. If the speakers cannot determine among themselves who will use their share of the time, an alternate method may be used by the Board.

Speaking to Items Listed on the Agenda:

- Persons wishing to address an item on the agenda should complete the designated card and submit it to the Board Secretary.
- After an agenda item has been presented and staff reports made, the Board shall invite public presentations relating to the item. Persons addressing the Board shall preface their remarks by stating their name and address, and indicate the organization or group represented, if any. Speakers are encouraged to (a) be direct and concise, (b) avoid repetition of statements already made on the same subject, and (c) put their views in writing for information to the Board.
- Those wishing to submit questions to the Board for public presentation should do so in writing. At the Board's request, the Chancellor will provide written responses to such questions in a timely manner following the Board Meeting.

Speaking to Items Not Listed on the Agenda

- Persons wishing to address an item not on the agenda should complete the designated card and submit it to the Board Secretary.
- At a time so designated on the agenda, members of the public also may bring before the Board matters that are not listed on the agenda of a regular meeting, but are within the subject matter jurisdiction of the Board.
- Persons requesting presentations on items not on the agenda shall be prepared to be heard by the Board at the conclusion of all other sections of the Board agenda. All requests for presentations on items not on the agenda should be submitted to the Board secretary prior to the beginning of the meeting.
- Any individual member of the public, individual Board Member, individual group, or individual organization shall be limited to initiating one non-agenda item per regular Board Meeting. This limitation may be waived by the Board when it determines, upon motion and vote, that it is in the best interest of the District to do so.
- The Board may refer such matters to the Chancellor or designee to take under advisement, but shall not take action at that time. Action of items not listed on the agenda is restricted by law. (Gov. Code 54954.2 and 549454.3) Persons addressing the Board will be advised in a timely manner of the Chancellor's findings and recommendations, and any board decision on the matter.

BP 2355 Decorum

Reference: *Education Code Section 72121.5; Government Code Section 54954.3 (b)*

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

- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session.
- Profanity, obscenity and other offensive language.
- Physical violence and/or threats of physical violence directed towards any person or property.

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

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

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

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared and may continue in session. The Board shall only consider matters appearing on the agenda.

Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

BP 2360 Minutes

Reference: Education Code Section 72121(a), Govt. Code 54957.5

The Chancellor shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board. The minutes shall be public records and shall be available to the public. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

The minutes shall also record names of those present, all motions, names of those making and seconding motions, votes, and major discussion points.

See Administrative Procedure 2360

Rev. 10/12/06

BP 2365 Recording

Reference: Government Code Sections 54953.5, 54953.6; Education Code Section 72121(a)

If the Board causes any tape or video recording of a meeting, the recording shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250, et seq. Recordings shall be maintained for at least thirty days following the taping or recording.

Persons attending an open and public meeting of the Board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

BP 2410 Policy and Administrative Procedure

Reference: *Education Code Section 70902; Accreditation Standard IV.B.1.b & e*

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

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

Policies of the Board may be adopted, revised, added to or amended at any regular board meeting by a majority vote. The Board delegates to the Chancellor the authority to do minor editing, to include spelling, grammar, and title changes, as necessary.

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

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

All policies and administrative procedures shall be readily available to District employees through the District Office.

See Administrative Procedure 2410.

Revised 9/13/06

BP 2430 Delegation of Authority to Chancellor

Reference: *Education Code Sections 70902(d), 72400; Accreditation Standard IV.B.1.j; IV.B.2*

The Board delegates to the Chancellor the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The Chancellor may delegate any powers and duties entrusted to him or her by the Board including the administration of colleges and centers, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

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

The Chancellor is expected to perform the duties contained in the Chancellor job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board in consultation with the Chancellor. The Chancellor shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

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

The Chancellor shall act as the professional advisor to the Board in policy formation.

The Chancellor is authorized to sign in the name of the Board of Trustees any and all documents necessary to implement transactions.

The Chancellor is authorized to sign contracts that are routine in nature and do not exceed \$15,000 nor represent a new direction or programs for the District, nor those that have policy implications. Contracts like hospital agreements and those that have no further impact on the budget can be signed by the Chancellor based on the recommendation from the appropriate Vice President.

See Administrative Procedure 2430.

BP 2431 Chancellor Selection

Reference: Accreditation Standard IV.B.1, IV.B.1.j.: Title 5, Sections 53000 et seq.

In the case of a Chancellor vacancy, the Board shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

BP 2432 Chancellor Succession

Reference: Education Code Sections 70902(d); 72400; Title 5 Section 53021(b)

In the absence of the Chancellor and when an acting president has not been named, administrative responsibility shall reside with the executive staff member as previously identified by the Chancellor for a period not to exceed 90 calendar days at a time.

The Board shall appoint an acting Chancellor for periods exceeding 90 days.

BP 2435 Evaluation of Chancellor

Reference: Accreditation Standard IV.B.1

The Board shall conduct an evaluation of Chancellor at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the Chancellor as well as this policy.

The Board shall evaluate the Chancellor using an evaluation process developed and jointly agreed to by the Board and the Chancellor.

The criteria for evaluation shall be based on board policy, the Chancellor job description, and performance goals and objectives developed in accordance with Board Policy 2430.

See Administrative Procedure 2435.

BP 2510 Participation in Local Decision Making

Reference: *Education Code Section 70902(b)(7); Title V, Sections 53200 et seq., (Academic Senate), 51023.5 (staff), 51023.7 (students); Accreditation Standard IV.A*

The Board is the ultimate decision-maker in those areas assigned to it by state and federal laws and regulations. In executing that responsibility, the Board is committed to its obligation to ensure that appropriate members of the District participate in developing recommended policies for board action and administrative procedures for Chancellor action under which the District is governed and administered.

Each of the following shall participate as required by law in the decision-making processes of the district:

- Academic Senate (Title V, Sections 53200-53206.)

The Board or its designees will consult collegially with the Academic Senate, as duly constituted with respect to academic and professional matters, as defined by law. Procedures to implement this section are developed collegially with the Academic Senate.

- Staff (Title V, Section 51023.5.)

Staff shall be provided with opportunities to participate in the formulation and development of district policies and procedures that have a significant effect on staff. The opinions and recommendations of the Classified Staff will be given every reasonable consideration.

- Students (Title V, Section 51023.7.)

The Associated Students shall be given an opportunity to participate effectively in the formulation and development of district policies and procedures that have a significant effect on students, as defined by law. The recommendations and positions of the Associated Students will be given every reasonable consideration. The selection of student representatives to serve on district committees or task forces shall be made after consultation with the Associated Students.

There is a process established and the constituent group or groups should have the opportunity to participate in that process. When matters come before the Board, there is the expectation that the process is completed.

Nothing in this policy will be construed to interfere with the formation or administration of employee organizations or with the exercise of rights guaranteed under the Educational Employment Relations Act, Government Code Sections 3540, et seq.

See Administrative Procedure 2510.

BP 2610 Presentation of Initial Collective Bargaining Proposals

Reference: Government Code Section 3547

The Chancellor is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration in accordance with timelines prescribed by the rules and regulations and of the California Public Employment Relations Board.

See Administrative Procedure 2610.

BP 2710 Conflict of Interest

Reference: *Government Code Sections 1090, et seq.; 1126; 87200, et seq.; Title 2, Sections 18730 et seq.*

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as board members.

A board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a board meeting and have the disclosure noted in the official board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other board member to enter into the contract.

A board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the district. A Board member shall not simultaneously hold two public offices that are incompatible.

Upon leaving the Board, former members shall not, for a period of one year act as an attorney, agent or otherwise represent for compensation others appearing before the Board.

In compliance with law and regulation, the Chancellor shall establish administrative procedures to provide for disclosure of assets of income of board members who may be affected by their official actions, and prevent members from making or participating in the making of board decisions which may have a foreseeable material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

See Administrative Procedure 2710.

Rev. 8/06 Revised in accordance with SB 8 and SB 274.

BP 2715 Code of Ethics/Standards of Practice

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

The Board maintains high standards of ethical conduct for its members. Members of the Board are responsible to:

- Serve as a steward of the resources and facilities available to the District, and to be a part of the team which seeks to meet student needs, extend their opportunities and enhance the quality of education they are offered;
- Uphold the ethical and legal commitments and responsibilities of the District to the State, the residents of the District, the staff it employs, and the students it serves;
- Maintain an atmosphere in which controversial issues may be freely discussed and to uphold the honor and dignity of individuals. There will be confidentiality of all privileged information, including that shared in closed session. Closed sessions will be limited to those allowed by the Ralph M. Brown Act;
- Recognize that individual Board Members shall not make statements, which may indicate they are speaking for the entire Board. A Board Member has no legal authority as an individual
- Delegate authority to the Chancellor for the operation of the District, colleges and centers, and to limit Board action to determining policy;
- Not supervise, ask favors of, or otherwise involve herself/himself in the responsibilities of District employees, with the exception of the Chancellor. All concerns about college employees will be expressed by Board Members to the Chancellor, who will review such matters and report back to the Board;
- Relate to each employee of the college, faculty, staff and administrators with respect, kindness, and integrity;
- Maintain and enhance individual professional effectiveness and confidence through continuing education to improve skills and acquire new knowledge related to professional trusteeship.

Trustee Censure Policy

1. **Statement of Purpose.** Censure is an official expression of disapproval passed by the Governing Board. A Board Member may be subject to a resolution of censure by the Governing Board should it be determined that trustee misconduct has occurred.

All Board Members are expected to maintain the highest standards of conduct and ethical behavior. To give guidance to individual members in conforming their conduct to minimum standards, the Board has adopted a Trustee Code of Ethics. In order to maintain public confidence in the Board, and in governance, the Board will be prepared to investigate the factual basis behind any charge or complaint of trustee misconduct.

2. **Censure Procedure.** If a complaint of trustee misconduct is submitted, the Board will first consider the complaint to determine whether further investigation is warranted. If the

Board does determine such further investigation or consideration is warranted, the complaint will be referred by the Board President for investigation and review to an *ad hoc* committee composed of three trustees not subject to the complaint. In a manner deemed appropriate by the committee, a thorough fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the *Trustee Code of Ethics*. (1997)

The trustee subject to the charge of misconduct shall not be precluded from presenting information to the committee.

The committee shall, within a reasonable period of time, make a report of its findings to the Governing Board for action.

BP 2716 Political Activity

Reference: Education Code Sections 7054; 7056; Government Code 8314

Members of the Board shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Governing Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the district. The Board may by resolution express the board's position on ballot measures. Public resources may be used only for informational efforts regarding ballot measures.

Rev. 10/12/05

BP 2717 Personal Use of Public Resources

Reference: Government Code Section 8314; Penal Code Section 424

No trustee shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

BP 2720 Communications among Board Members

Reference: Government Code Section 54952.2

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board.

BP 2725 Board Member Compensation

Reference: *Education Code Section 1090, 35120, 72024*

Members of the Board who attend all board meetings shall receive compensation as provided by law and the student member \$47.00 per month. A member of the Board who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

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

The Board may, on an annual basis, increase the compensation of board members by five percent. However, any increase is subject to rejection in a referendum by a majority of the voters in the district.

Rev. 1/07 Education Code Section number updated

BP 2730 Health Benefits

Reference: Government Code Section 53201

Members of the Board participate in the District's following health and welfare plans for both members and dependent family members, subject to the rules and regulations of the recognized bargaining unit contracts:

- (1) Group health insurance Plan III, as provided by Tri-County Schools Insurance Group;
- (2) Group dental insurance as provided by Delta Dental, Plan D2B;
- (3) Group vision insurance as provided by California Vision Service, Plan C;
- (4) Life insurance (1) Provident decreasing term; and (2) Transamerica \$50,000.

OR such other group health, dental, vision, or life insurance programs as may be mutually agreed upon by District and recognized bargaining units.

Upon reaching age of 65 years, member must participate in Medicare, Plans A and B. Medicare becomes primary insurance and District insurance is secondary.

Retired Members:

- (1) Retirement (Definition). Retirement in this sense is the act of ceasing to serve as a Trustee of the District, either by retirement, resignation, or not being returned by the electorate.
- (2) Eligibility (*Government Code* Section 53201). The Board Member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995, and the member must have served at least twelve years.
- (3) Benefits (*Government Code* Section 53201) Eligible Board Members, upon retirement, may participate, at District expense, in the following Health and Welfare plans for both members and dependent family members, subject to the rules and regulations of the recognized bargaining unit contracts -
 1. Group health insurance Plan III, as provided by Tri-County Schools Insurance Group;
 2. Group dental insurance as provided by Delta Dental, Plan D2B;
 3. Group vision insurance as provided by California Vision Service, Plan C;
 4. Life insurance (1) Provident decreasing term; and (2) Transamerica \$50,000.

OR such other group health, dental, vision, or life insurance programs as may be mutually agreed upon by District and recognized bargaining units.

Upon reaching age of 65 years, member must participate in Medicare, Plans A and B. Medicare becomes primary insurance and District insurance is secondary.

- (4) Benefits (*Government Code* Section 53201). Trustees who leave trustee service, either by retirement, resignation, or not being returned by election, who have completed one or

more terms in office, but less than twelve years of service as a Trustee of the Yuba Community College District, and who agree and do pay the cost of the benefits, may continue those Health and Welfare benefits - group health insurance, group dental insurance, group vision insurance, and life insurance.

BP 2735 Board Member Travel

Reference: Education Code Section 72423

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

Board attendance at conferences or workshops related to Board responsibilities shall be approved by action of the Board of Trustees at Open Meeting.

A District Trustee may be selected to serve as the Board's representative on committees, or other organizations related to Board responsibilities, by action of the Board of Trustees at open meeting. Such action serves as authorization to charge registration fees, mileage, and other related costs to the District.

It is the Board's intent that their travel will be approved at open Board Meeting in advance to the occurrence*; however, a Trustee may submit a request to the Board at an open meeting for reimbursement of expenses incurred because of an unscheduled meeting called in the District within 30 days of the occurrence of the meeting.

*This does not include mileage reimbursement claim.

See Administrative Procedure 2735.

BP 2740 Board Education

Reference: Accreditation Standard IV.B.1.f

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

To that end, the Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster trustee education.

See Administrative Procedure 2740

BP 2745 Board Self-Evaluation

Reference: Accreditation Standard IV.B.1.e & g

The Board is committed to assessing its own performance as a board in order to identify its strengths and areas in which it may improve its functioning. The Board performs an annual self-evaluation.