SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

TIM NADER, GOVERNING BOARD PRESIDENT
NORMA L. HERNANDEZ, GOVERNING BOARD VICE PRESIDENT
NICK AGUILAR, GOVERNING BOARD MEMBER
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
TERRI VALLADOLID, GOVERNING BOARD MEMBER
CLAUDIA DURAN, STUDENT GOVERNING BOARD MEMBER
DENISE WHITTAKER, INTERIM SUPERINTENDENT/PRESIDENT

SUGGESTED ORDER OF BUSINESS
SPECIAL MEETING OF THE GOVERNING BOARD
POLICY COMMITTEE
NICK AGUILAR, GOVERNING BOARD MEMBER & COMMITTEE CHAIR
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Wednesday, June 15, 2011
TIME: 10:00 a.m.
LOCATION: Southwestern College
Building 100, Conference Room A
900 Otay Lakes Road
Chula Vista, CA 91910

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

<table>
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<tr>
<th>ITEM</th>
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<tr>
<td><strong>Call to Order</strong></td>
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<tr>
<td>1. CALL TO ORDER</td>
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<tr>
<td>(Aguilar)</td>
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<tr>
<td>Building 100, Conference Room A</td>
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<tr>
<td>Attendance at this special meeting (Board members arriving after meeting commences will be noted as &quot;present&quot; at point in this suggested order of business at which they arrive).</td>
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<tr>
<td>Present:</td>
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<tr>
<td><strong>Oral Communication</strong></td>
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<td>2.</td>
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<td>Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered.</td>
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<tr>
<td>An oral presentation to the Board does not constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)): &quot;No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.&quot;</td>
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<tr>
<td><strong>Action</strong></td>
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<tr>
<td>3. APPROVAL OF MINUTES (ENCLOSURE)</td>
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<tr>
<td>(Aguilar)</td>
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<tr>
<td>Policy Committee Meeting, May 18, 2011</td>
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4. **DISCUSSION OF DRAFT BUSINESS POLICIES AND PROCEDURES (ENCLOSURE)**
   (Aguilar)
   Discussion of draft business policies and procedures:
   
   A. Policy No. 6330 - Purchasing
   B. Procedure No. 6330 - Purchasing
   C. Policy No. 6340 - Contracts
   D. Procedure No. 6340 - Contracts

5. **DISCUSSION OF CHAPTER 2 PROCEDURES (ENCLOSURE)**
   (Aguilar)
   Discussion of Chapter 2 procedures for the policies listed below:
   
   A. Chapter 2 Procedures Information
   B. Policy No. 2435 - Evaluation of the Superintendent/President
   C. Policy No. 2610 - Presentation of Initial Collective Bargaining Proposals
   D. Policy No. 2745 - Governing Board Self-Evaluation

6. **ADJOURNMENT**
   (Aguilar)

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Nick Aguilar  
Policy Committee Chair
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

TIM NADER, GOVERNING BOARD PRESIDENT
NORMA L. HERNANDEZ, GOVERNING BOARD VICE PRESIDENT
NICK AGUILAR, GOVERNING BOARD MEMBER
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
TERRI VALLADOLID, GOVERNING BOARD MEMBER
MANUEL R. LOPEZ, JR., STUDENT GOVERNING BOARD MEMBER
DENISE WHITTAKER, INTERIM SUPERINTENDENT/PRESIDENT

MINUTES
SPECIAL MEETING OF THE GOVERNING BOARD
POLICY COMMITTEE
NICK AGUILAR, GOVERNING BOARD MEMBER & COMMITTEE CHAIR
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER

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LOCATION: Southwestern College
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<th>1. CALL TO ORDER (Aguilar)</th>
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<tr>
<td></td>
<td>10:02 a.m., Building 100, Conference Room A</td>
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<tr>
<td>Attendance at this special meeting (Board members arriving after meeting commences will be noted as “present” at point in this suggested order of business at which they arrive).</td>
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<tr>
<td>Members Present: Nick Aguilar</td>
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<tr>
<td>Absent: Jean Roesch</td>
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<tr>
<td>Staff Present: Denise Whittaker, Michael Kerns, Patti Blevins</td>
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<tr>
<td>Others Present: Caree Lesh, Academic Senate Representative</td>
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<th>2. ORAL COMMUNICATION</th>
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No speakers appeared.
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<td>3.</td>
<td>APPROVAL OF MINUTES (ENCLOSURE)</td>
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<tr>
<td>(Aguilar)</td>
<td>Policy Committee Meeting, April 14, 2011</td>
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<td>The minutes were accepted as amended to include others in attendance.</td>
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<td>4.</td>
<td>PROPOSED REVISED POLICY NO. 2430 - DELEGATION OF AUTHORITY TO THE SUPERINTENDENT/PRESIDENT (ENCLOSURE)</td>
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<tr>
<td>(Aguilar)</td>
<td>The Policy Committee will review proposed revised Policy No. 2430 — Delegation of Authority to the Superintendent/President.</td>
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<td>After discussion, it was determined that the proposed policy would be submitted as presented to the Board for first reading in June.</td>
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<td>5.</td>
<td>PROPOSED REVISED PROCEDURE NO. 2715 - CODE OF ETHICS (ENCLOSURE)</td>
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<tr>
<td>(Aguilar)</td>
<td>The Policy Committee will review proposed revised Procedure No. 2715 — Code of Ethics.</td>
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<td></td>
<td>The proposed procedure was reviewed and discussed. Also discussed was input and suggested revisions provided by the Board at its meeting on May 11. As suggested by the Board, the Committee also considered legal counsel’s opinion on reporting to the Board in closed session. Whittaker reported that legal counsel advised that counsel briefings on ethics should not be discussed in closed session. Jean Roesch joined the meeting via telephone at 10:23 a.m. After discussion, it was determined that the proposed policy as revised by the Committee would be submitted to the Board in June for first reading.</td>
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<tr>
<td>6.</td>
<td>PROPOSED REVISED POLICY NO. 1100 THE SOUTHWESTERN COMMUNITY COLLEGE DISTRICT (ENCLOSURE)</td>
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<tr>
<td>(Aguilar)</td>
<td>The Policy Committee will review proposed revised Policy No. 1100 — The Southwestern Community College District.</td>
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<td>The proposed policy was reviewed. Whittaker reported that the policy has gone through the consultation process. The Committee made further revisions including the college seal or logo and facilities owned, leased or managed by the College are property of the College District. It was noted that it could take a year to update written publications to reflect the “College District.” The proposed policy, as revised by the Committee, will be submitted to the Board in June for first reading.</td>
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<tr>
<td>7.</td>
<td>DRAFT INDEPENDENT CONTRACTOR AGREEMENT (ENCLOSURE)</td>
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<td>(Aguilar)</td>
<td>Consultant Contract drafted pursuant to committee discussions regarding the establishment of general legal counsel hired by and reporting directly to the Governing Board.</td>
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<td>Discussion included possible options and results of a designated campus counsel responsible for all legal matters. Aguilar referenced the UC model for the legal counsel reporting to the regents, as well as other models reviewed by the Committee in the past.</td>
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<td>After much discussion, it was determined that this topic would be a good subject session for Board discussion and to get direction from the Board as a whole. Roesch agreed to take it to the Board as she had concerns.</td>
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8. POLICY/PROCEDURES UPDATES

The Policy Committee will receive updates on the following:

A. Freedom of Expression Procedure

Kerns provided an update on the procedure and reported that the work group reconvened a few weeks ago, and Counsels Jon Pearl and Ernest Bell have been working with the ACLU. Jon Pearl will bring back suggestions to the work group and then move forward. The procedure will go through the shared consultation process. It is anticipated that the procedure will not be ready before September; the procedure is anticipated for implementation during the fall 2011 semester.

B. Preference for local businesses, vendors, contractors

Whittaker reported that Board President Nader has scheduled a meeting with her on May 31 to discuss whether preference for local vendors can be given through the bid process. Whittaker suggested that policies and procedures need to be established by Business & Financial Affairs. Blevins reported that there were a few Chapter 2 policies that need procedures and asked if she should work on developing those. It was determined that Blevins would provide the list of procedures to be placed on the agenda for the next Policy Committee meeting. Whittaker indicated that items have been cleared from the agenda and suggested Policy Committee meeting in July would not be necessary.

9. ADJOURNMENT 11:28 a.m.
(Aguilar)

Denise Whittaker
Governing Board Secretary (Interim)

Nick Aguilar
Policy Committee Chair
PURCHASING

DRAFT

Reference: Education Code Section 81656;
Public Contracts Code Section 20650

The Superintendent/President is delegated the authority to purchase supplies, materials, apparatus, equipment, and services as necessary to the efficient operation of the District. No such purchase shall exceed the amounts specified by Section 20651 ($________) of the California Public Contract Code as amended from time to time.

All such transactions shall be reviewed by the Governing Board at least every 30 days.
PURCHASING

DRAFT

Reference: Education Code Section 81641, et seq; Education Code Section 81550, et seq; Public Contract Code Section 20650, et seq; Government Code Section 12940; Public Contract Code Section 3400; Labor Code Section 1775, et seq;

The Governing Board has delegated the legal authority to commit the District to any expenditure or receipt of funds. The Board has delegated that authority to specific individuals are authorized to sign contracts, purchase orders, or other documents that commit the District to expend or receive funds.

The District has established a centralized Purchasing Department, whereby all requests for purchase orders, contracts and procurement cards shall be routed.

The Purchasing Department shall comply with all applicable laws and regulations in conducting Purchase and Contracting activities on behalf of the District.

The Vice President of Business and Financial Affairs or designee is hereby designated as the District officer(s) to sign purchase orders on behalf of the District.

It shall be the policy of the Board, if all other considerations are equal, to purchase or award contracts within the District from established local merchants, contractors, salespersons or distributors, or those residing in the District.

As allowed under Public Contracts Code Section 3400, when issuing bids for equipment and systems that will be installed in District buildings, if the District makes a finding that a particular materials, product, thing, or service is designated by specific brand or trade name for the purpose of matching other products or systems in use on a particular public improvement either completed or in the course of completion or if the necessary material, product, thing, or service is only available from one source, the District is not required to use the words "or equal" in the bid specifications when calling out for said brand or trade name.

If certain products, brands, and services have been determined by the District to have standards for which no equal would be allowed due to standardization and compatibility with existing District systems, then the District will adopt resolutions specifying such products, brands, and services that can be called out in bid specifications by specific brand or trade name with using the words "or equal". Such resolutions will be effective until a revision is made and then will be evaluated by a District committee and a recommendation will be made to the Governing Board to either re-adopt or discontinue the use of the designated products/bands.

Adopted by SCC:
PURCHASING

As allowed under Public Contracts Code Section 20118.2, due to the highly specialized and unique nature of technology, telecommunications, related equipment, software and services, and factors such as standardization and compatibility of existing systems, the District may procure computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation rather than the formal bid process.

Competitive negotiation requires that a request for proposals shall be prepared and submitted to an adequate number of qualified sources. As determined by the District, to permit reasonable competition consistent with the nature and requirement of the procurement. The notice of request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.

The Board authorized the Vice President of Business and Financial Affairs or designee to award purchases or contracts placed in accordance with this policy and all policies of the Board otherwise applicable, to local business people based upon the following considerations when:

1. Their quotation is competitive.
2. Freight charges are a factor.
3. Maintenance/repair service may be required.
4. Promptness of delivery is a consideration provided that all statutes pertaining to public purchasing are duly observed.

The Purchasing Department shall set forth operating procedures for adherence by employees for purchase orders, contracts, and procurement cards.
CONTRACTS

DRAFT

References:

Education Code Sections 81641 et seq.;
Public Contracts Code Sections 20650 et seq.

The Governing Board delegates to the Superintendent/President the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts are not enforceable obligations until they are ratified by the Governing Board.
- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contracts Code Section 20651 shall require prior approval by the Governing Board.
- When bids are required according to Public Contracts Code Section 20651, the Governing Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Governing Board requires or rejects all bids.

If the Superintendent/President concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contracts Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition, or purchase order though any other public corporation or agency in accordance with Public Contracts Code Section 20652, the Superintendent/President is authorized to proceed with a contract.
CONTRACTS
DRAFT

Reference: Education Code Sections 81641, et seq; 81550, et seq;
Public Contract Code Sections 2002, 3400, 22000, et seq; 20650, et seq;
Government Code Section 12940;
Labor Code Sections 1770 et seq; 1775, et seq;

Bid Limits

Bid or quotations (formal or informal) shall be secured as may be necessary to obtain the lowest possible prices as follows:

- If a contemplated expenditure is between $5,000 and $15,000 for supplies, materials, equipment, or services; or between $3,000 and $5,000 for work to be done, a reasonable effort must be made to obtain three quotes either by phone or in writing.

- If a contemplated expenditure is between $15,001 and the formal bid limits set by the Board of Governors for supplies, materials, equipment, or services; or between $5,001 AND $15,000 for work to be done, at least three written quotes must be obtained, unless special circumstances exist, determined by the Vice President of Business and Financial Affairs.

- If contemplated expenditure exceeds the formal bid limits set by the Board of Governors for supplies, materials, equipment, or services; or exceeds $15,000 for work to be done, the sealed, formal bid process must be utilized.

Purchases or contracts involving expenditures that require the competitive bidding process require Governing Board approval prior to award.

Note: The bid thresholds are annually readjusted by the Board of Governors of the Community Colleges as required by Public Contract Code Section 20651(d). The District Purchasing & Contracts office will reflect the updated amount in the annual competitive bid process (for example, as of January 1, 2009, the competitive bid amount is $76,700). The current bid minimum can be found at [http://www.cde.ca.gov/fg/ac/co/].
CONTRACTS
DRAFT

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

No specifications shall be called out by specific brand or trade name unless the specification is followed by the words “or equal” so that bidders may furnish any equal material, product, thing, or service.

As allowed under Public Contracts Code Section 3400, when issuing bids for equipment and systems that will be installed into District buildings, if the District makes a finding that a particular material, product, thing, or service is designated by specific brand or trade name for the purpose of matching other products or systems in use on a particular public improvement either completed or in the course of completion or if the necessary material, product, thing, or service is only available from one source, the District is not required to use the words “or equal” in the bid specifications when calling out for said brand or trade name.

If certain products, brands, and services have been determined by the District to have standards for which no equal would be allowed due to standardization and compatibility. With existing District systems, then the District will adopt resolutions specifying such products, brands, and services that can be called out in bid specifications by specific brand or trade name without using the words “or equal”. Such resolutions will be effective until a revision is made and then will be evaluated by a District committee and a recommendation will be made to the Governing Board to either re-adopt or discontinue the use of the designated products/brands.

As allowed under Public Contracts Code Section 20118.2, due to the highly specialized and unique nature of technology, telecommunications, related equipment, software, and services, and factors such as standardization and compatibility of existing systems, the District may procure computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through competitive negotiation rather than the formal bid process.

Competitive negotiation requires that a request for proposals shall be prepared and submitted to an adequate number of qualified sources, as determined by the District, to permit reasonable competition consistent with the nature and requirement of the procurement. The notice of request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.

Adopted:
Notice for Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated with the District, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, post on the District's website or through an electronic portal, a notice calling for bids or proposals, stating the materials, supplies, equipment or services to be furnished and the time and place when the bids will be opened. Whether or not bids or proposals are opened exactly at the time fixed in the public notice for opening bids or proposals, a bid or proposal shall not be received after that time. The stamped time from the date-time clock located at the bid collection point will be the official time for the bid opening. Bids will be received up to and including 590 seconds after the hour. Bids received late will be time stamped and then returned to the bidder unopened.

Bid and contract forms shall be prepared and maintained by the Vice President of Business and Financial Affairs or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Vice President of Business and Financial Affairs or designee shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open, competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices. All Bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete and nonresponsive.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into a contract and furnish the required contract documents. When no longer required for the protection of the District, any bidder's security received shall be returned to the respective bidder, but no later than 60 days after the bid opening.

All contracts for public works must require a bid bond in the amount of 10% of the total bid amount.

The Vice President of Business and Financial Affairs or designee shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

Adopted:
A deposit for sets of plan and specification may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District for good sufficient reason.

- All formal, sealed bids shall be opened publicly and bidder shall be given the opportunity to review the bids received.

- Bid and contract award recommendations to the Governing Board shall show a tabulation of the bids received in reasonable detail.

- Bid and contract awards shall be made to the lowest responsive, responsible bidder meeting all of the terms, conditions, and specifications. The District reserves the right to make its selection of materials, supplies, equipment, and services purchased based on its best judgment as to which bid complies with the quality required by the specifications.

- The District may contract with a party who has submitted one of the three lowest responsive, responsible proposals or bids, for the acquisitions, procurement, or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software, and related materials, good and services, in accordance with procedures and criteria established by the Governing Board.

Purchases and Contracts Without Advertising for Bids

The Vice President of Business and Financial Affairs or designee is authorized to make purchases or enter into lease agreements for materials, supplies, equipment, vehicles, or other personal property with firms awarded cooperative contracts including any state, county, city, town, district, consortium, or professional organization, without calling for bids where it appears advantageous to do so, and by presenting to the Governing Board a resolution authorizing such purchases.

The Vice President of Business and Financial Affairs or designee may make purchases for materials, supplies, equipment, vehicles, or other personal property through the State of California Cooperative Purchasing Program operated by the Department of General
CONTRACTS
DRAFT

Services without calling for bids where it appears advantageous to do so, and by presenting to the Governing Board a resolution authorizing such purchases. The Vice President of Business and Financial Affairs or designee may purchase supplementary textbooks, library books, and educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of the colleges without taking estimates or advertising for bids.

The Vice President of Business and Financial Affairs or designee may purchase from the federal government or any agency thereof any surplus property, as defined in the Surplus Property Act of 1944, in any amount needed for the operations of the colleges without taking estimates or advertising for bids.

Duration of Continuing Contracts for Materials, Supplies, Equipment, and Services

Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for the District are not to exceed five years.

Continuing contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts Without Advertising for Bids

In an emergency when any repairs, alterations, work, or improvement is necessary to permit the continuance of existing college classes, or to avoid danger to life or property, the Governing Board, by unanimous vote, with the approval of the County Superintendent of Schools, may do either of the following without advertising for or inviting bids, subject to ratification by the Governing Board:

1) Make a contract in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials, equipment, or supplies.

2) Notwithstanding Section 20655 of the Public Contract Code, authorize the use of day labor or force account for the purpose.

3) Nothing in this section shall eliminate the need for any bonds or security otherwise required by law.

Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders, purchase orders, contracts, or projects any work, project, service, or purchase of materials, supplies, and equipment for

Adopted:
the purpose of evading the provisions of the formal bid thresholds as required by the California Codes.

Alternate Bidding Procedures

The District may elect to adopt the Uniform Public Construction Cost Accounting Act for the bidding of public works projects including construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased or operated facility. This alternate procedure is not applicable to maintenance work as defined in Public Contract Code Section 22002(d).

The Governing Board must adopt a resolution and elect to become subject to the Uniform Public Construction Cost Accounting Act by written communication to the State Controller’s Office and must follow the procedures as outlined in the procedure manual issued by the Controller’s Office.
CHAPTER 2 PROCEDURES TO BE DRAFTED

The following procedures are legally required:

Policy 2435  EVALUATION OF THE SUPERINTENDENT/PRESIDENT .......... Adopted 3/08
Procedure 2435 is legally required – initial review of draft 6/15

Policy 2610  PRESENTATION OF INITIAL COLLECTIVE
BARGAINING PROPOSALS ................................. Adopted 3/08
Procedure 2610 is legally required – initial review of draft 6/15

Policy 2745  GOVERNING BOARD SELF-EVALUATION ...................... Adopted 3/08
Procedure 2745 is legally required – initial review of draft 6/15

The following procedures are legally advised:

Policy 2110  VACANCIES ON THE BOARD .................................. Adopted 3/08
Procedure 2110 is legally advised – needs to be drafted

Policy 2365  RECORDING .................................................. Adopted 3/08
Procedure 2365 is legally advised – needs to be drafted

The following procedures are suggested as good practice:

Policy 2320  SPECIAL AND EMERGENCY MEETINGS ...................... Adopted 4/06
Procedure 2320 is suggested as good practice – needs to be drafted

Policy 2350  ORAL COMMUNICATIONS ................................. Adopted 3/08
Procedure 2350 is suggested as good practice – needs to be drafted

Policy 2360  MINUTES .................................................. Adopted 4/06
Procedure 2360 is suggested as good practice – needs to be drafted

Policy 2410  POLICY & ADMINISTRATIVE PROCEDURES .............. Adopted 3/08
Procedure 2410 is suggested as good practice – needs to be drafted

Policy 2735  TRAVEL–BOARD MEMBERS & SUPERINTENDENT/PRESIDENT .... Adopted 3/08
Procedure 2735 is suggested as good practice – needs to be drafted

Other:

Policy 2345  PUBLIC PARTICIPATION AT BOARD MEETINGS .......... Adopted 4/06
Procedure 2345 is referenced in other policies - needs to be drafted.
EVALUATION OF THE SUPERINTENDENT/PRESIDENT

Reference: Accreditation Standard IV.B.1

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

The Governing Board shall evaluate the Superintendent/President using an evaluation process developed and jointly agreed to by the Board and the Superintendent/President.

The criteria for evaluation of the Superintendent/President's job description and performance goals and objectives shall be developed in accordance with Board Policy No. 2430, "Delegation of Authority to the Superintendent/President."

Adopted: 3/12/08
Replaces District Policy #3029 (Superintendent/President Evaluation)
EVALUATION OF THE SUPERINTENDENT/PRESIDENT EVALUATION

Reference: Accreditation Standard IV.A

(From SWC Policy #3029)

Evaluation of the Superintendent/President is to be based upon performance of the duties outlined in the job description for that position and upon the strategic goals established for the District in its current Five-Year Plan as approved by the Governing Board.

1. The Governing Board shall informally review and assess, in writing, the performance of the Superintendent/President once each year.

2. For odd-numbered year evaluations, the Superintendent/President will present to the Governing Board a written report no later than the last regular Board Meeting in December on his/her accomplishments in leading the Southwestern Community College District, as its chief administrative officer, toward the strategic goals established in the College's Five-Year Institutional Plan currently in effect. At the end of this report, Governing Board members shall have a space for noting commendations, recommendations and general comments. The Governing Board members shall submit to the Board President those written statements no later than the regular Board Meeting in January. The Board President shall consolidate the commendations, recommendations and general comments of Board members. This consolidated report shall be attached to a copy of the Superintendent/President's written report and approved in Closed Session with the Superintendent/President on the date of the regular Board Meeting in February. (Page 6 of the form for "Annual Evaluation of Superintendent/President (for Even-Numbered Years)," added to the above-referenced Superintendent/President's report, will comprise the evaluation form for odd-numbered years).

3. The form used for the Superintendent/President's evaluation on even-numbered years will be the form entitled "Annual Evaluation of Superintendent/President (for Even-Numbered Years)." (See attached form). This form will allow the Governing Board to evaluate the performance of the Superintendent/President on duties and responsibilities in terms of excellent, good, acceptable, improvement needed, not satisfactory and not observed. Space on the form will allow the members of the Governing Board to offer commendations, recommendations and general comments.

4. The even-numbered year evaluation is to be completed by each individual Governing Board member and submitted to the Board President no later than the regular Board Meeting in January.

5. Tabulation results and a summary of Board comments on the even-numbered year
EVALUATION OF THE SUPERINTENDENT/PRESIDENT EVALUATION

evaluation will be reviewed and approved in Closed Session with the Superintendent/President at the regular Board meeting in February.

6. Action to amend the Superintendent/President's salary, or extension of employment contract for an additional period of time may be scheduled at the discretion of the Governing Board for the regular March meeting of the Governing Board.

7. The first evaluation of the Superintendent/President under this Policy will be in the year 1997.
PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference: Government Code Section 3547

Meetings between the Board and its designated representatives for the purpose of discussing the Board's position regarding any matter within the scope of representation shall be deemed closed meetings and held in Executive Session. All such discussion shall be deemed confidential. Except by majority authorization of the Governing Board, the content of such confidential discussions shall not be released to any party not present at the Executive Session, other than as required by the representatives in the performance of their negotiations duties.

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

Adopted: 3/12/08
First Reading 2-13-08
Replaces District Policies #1019 (Governing Board Negotiations Policy) and #1017 (Personnel Negotiations/ Public Notice Policy)
PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference: Government Code Section 3547

Whenever an initial collective bargaining proposal is received from an exclusive representative of College District employees, or whenever the College District’s own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Governing Board:

1. The exclusive representative or the College District must present the initial collective bargaining proposal orally or in writing to the Governing Board at a public meeting.

2. The public shall have an opportunity to respond to the initial proposal at a subsequent public Governing Board meeting. The opportunity for public response shall appear on the Governing Board’s regular agenda. Public response shall be taken in accordance with the Governing Board’s policies regarding speakers.

3. After the public has an opportunity to respond to an initial proposal presented by the District, the Governing Board shall, at the same meeting or a subsequent meeting, adopt the District’s initial proposal. The adoption shall be indicated as a separate action item on the Governing Board agenda. There shall be no amendment of the District’s initial proposal unless the public is again afforded a reasonable opportunity to respond to the proposed amendment at a public meeting. (No Governing Board action is required in response to an initial proposal by an exclusive representative.)

4. If new subjects for meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the College District, shall be posted by the College District in the same public place it posts its agendas within twenty-four (24) hours after the new subjects are presented in negotiations.

5. When a request to reopen a collective bargaining agreement is received from an exclusive representative, or is made by the District, the public notice process outlined in items 1-4 of this procedure shall be followed.

When the College District and the exclusive representative agree to amend an executed collective bargaining agreement, the following procedure shall be followed:

The amendment shall appear on the agenda as a notice item, for action at a subsequent Governing Board meeting.

The public shall have an opportunity to respond to the amendment at a subsequent Governing Board meeting. The public response shall be indicated on the agenda.
BOARD SELF-EVALUATION

References: Accreditation Standard IV.B.1.e and g

The Governing Board is committed to assessing its own performance as a Board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Governing Board shall establish procedures for annual self-evaluation.

Please see District Procedure No. 2745 "Board Self-Evaluation."

Adopted: 3/12/08
GOVERNING BOARD SELF-EVALUATION

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

Pursuant to Policy No. 2745, the Governing Board hereby establishes procedures and adopts the attached form for annual self-evaluation.

Based on this annual self-evaluation, the Governing Board may develop both short-term and long-term goals for itself, the Superintendent/President and the College District. In addition to identifying specific issues, discussion of the Governing Board’s roles and responsibilities may build communication and understanding of Governing Board members’ values and strengths as individuals, and lead to a stronger, more cohesive working group.

- The content and format of the Self-Evaluation Form will be developed and revised as necessary by the Superintendent/President upon advice of counsel and/or at the request of the Governing Board.

- The Superintendent/President or designee will distribute the Self-Evaluation Form to each Governing Board member at least one month prior to the annual retreat.

- Each Governing Board member shall submit a completed Self-Evaluation Form to the Superintendent/President or designee two weeks before the annual retreat. The results will be compiled by tallying the responses given for each question and providing a list of all comments.

- Review of the self-evaluation results will be conducted at the annual retreat. A facilitator may be used to assist in this process. The results of this self-evaluation will be published in the agenda of a regularly scheduled Governing Board meeting no later than two (2) months following the Governing Board retreat.

- All forms and documentation associated with the Governing Board Self-Evaluation will be kept as source documents for the Agenda item.
Southwestern Community College District

Governing Board Self-Evaluation Form

<table>
<thead>
<tr>
<th>RATING SCALE</th>
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<tbody>
<tr>
<td>1</td>
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<tr>
<td>2</td>
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<tr>
<td>3</td>
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</table>

Using the rating scale above, please indicate your evaluation of how the Governing Board, as an entity, fulfills its responsibilities in the following areas:

1. Are the roles of Board chair and other officers clear?  
2. Are meetings conducted in such a manner that the purposes are achieved effectively and efficiently?  
3. Do Board members respect each other's opinions?  
4. Are discussions structured so that all have an opportunity to contribute?  
5. Do Board members have adequate information upon which to base decisions?  
6. Are decisions clearly defined?  
7. Do all Board members receive support for ongoing education about college and state issues?  
8. Is information shared among Board members about important issues?  
9. Does the Board keep the CEO informed on contacts with the community or college employees?  
10. Does the CEO keep the Board informed of contacts with the community or college employees?  
11. Is the Board available to the CEO for support and feedback?  
12. Is the CEO available to the Board for support and feedback?  
13. Does the Board show its support for the college through members attending various events?
### Southwestern Community College District
### Governing Board Self-Evaluation Form
### Page 2 of 2

<table>
<thead>
<tr>
<th>Question</th>
<th>1</th>
<th>2</th>
<th>3</th>
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</thead>
<tbody>
<tr>
<td>14. Is the Board sensitive to the concerns of students and employees while maintaining impartiality?</td>
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<tr>
<td>15. Is the Board knowledgeable about the institution's history, mission, values, strengths, and weaknesses?</td>
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<td>16. Does the composition of the Board reflect the community in which it serves?</td>
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<tr>
<td>17. Does the Board have strategies for involving the community in relevant decisions?</td>
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<tr>
<td>18. Does the Board help promote the image of the college in the community?</td>
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<tr>
<td>19. Do agendas focus on those policy issues that relate to Board responsibilities?</td>
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<tr>
<td>20. Do agendas include legislative and state policy issues that will impact the college?</td>
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<tr>
<td>21. Do agendas provide adequate time for planning and discussion?</td>
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<tr>
<td>22. Are agendas focused enough to use the Board's time efficiently?</td>
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<tr>
<td>23. Are issues dealt with in a timely manner?</td>
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<tr>
<td>24. Were issues which occupied most of the Board's time and attention during the last year closely tied to the mission and goals of the institution?</td>
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<tr>
<td>25. Has the Board spent adequate time on future planning and providing a vision for the college?</td>
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</tbody>
</table>

**COMMENTS**

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Item 5D

Governing Board Self Evaluation

Sample Form 2
Southwestern Community College District  
Governing Board Self-Evaluation

<table>
<thead>
<tr>
<th>I. PHILOSOPHY AND MISSION, GOALS AND POLICIES</th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Board assures a systematic, comprehensive review of the District's policies and the procedures which implement them.</td>
<td></td>
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</tr>
<tr>
<td>2. The Board requires and approves comprehensive institutional planning for enrollment, staffing, physical facilities, availability of resources, budget development, and educational programs.</td>
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</tr>
<tr>
<td>3. In the past year the Board has reviewed the District's educational program to determine if it is meeting the educational and community services needs of the community at large.</td>
<td></td>
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</tr>
</tbody>
</table>

COMMENTS:

<table>
<thead>
<tr>
<th>II. BOARD ORGANIZATION AND MEETINGS</th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. With input from the Board through the Board Chair, Board agendas are adequately developed, the issues coming to the Board are appropriate, supporting information is sufficient, and sufficient time is allowed for study in advance of the meetings.</td>
<td></td>
<td></td>
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<tr>
<td>2. Provision is made for hearing of the public at Board meetings while still preventing domination or control of discussion by a single individual or group. Executive (closed) sessions are held only when needed and strictly according to law.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3. Board meetings are conducted in such a manner that the purposes are achieved efficiently and effectively. The Board acts with a spirit of harmony and cooperation, giving each member courteous consideration of his/her opinion.</td>
<td></td>
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</tbody>
</table>

COMMENTS:
### III. BOARD-SUPERINTENDENT/PRESIDENT
### RELATIONSHIP AND RESPONSIBILITIES

<table>
<thead>
<tr>
<th></th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Board provides the Superintendent/President with a clear job description and performance expectations and, based on these, annually evaluates the Superintendent/President’s performance. During expanded evaluations (at least once every three years), the input of community members, administrative management staff, faculty, classified staff, and students is sought. The Board regularly offers commendation when deserved and constructive criticism when necessary. The Board provides the support necessary for the Superintendent/President to be effective in carrying out his/her role and encourages the professional growth of the Superintendent/President.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>The Board works to develop and maintain a climate of confidence, mutual respect and trust, with open communication with the Superintendent/President. The Board and Superintendent/President work cooperatively to maintain a total District perspective. The Board channels concerns, complaints and criticisms of the college through the Superintendent/President for study and reporting back to the Board if action is required.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COMMENTS:**
IV. BOARD RELATIONSHIPS WITH THE SUPERINTENDENT/PRESIDENT, FACULTY, STAFF AND STUDENTS

<table>
<thead>
<tr>
<th></th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Board's emphasis is on the establishment of policy and the Board holds the Superintendent/President and his/her staff accountable for the administration of District programs and services, and the conduct of District business.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>The Board is committed to shared governance and the involvement of faculty and staff in decision-making as specified in AB 1725 and District policy. The Board, through the Superintendent/President, delegates to the Academic Senate responsibility for implementing educational policies as specified in state statutes and regulations.</td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td>The Board protects the academic freedom of faculty in actions and in written policy.</td>
<td></td>
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<tr>
<td>4.</td>
<td>The Board, through the Superintendent/President, seeks advice and recommendations from faculty, staff, and students in formulating basic educational policies.</td>
<td></td>
<td></td>
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<tr>
<td>5.</td>
<td>The Board demonstrates its commitment to equal opportunity and diversity.</td>
<td></td>
<td></td>
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<tr>
<td>6.</td>
<td>The Board establishes and assures currency of written policies for the guidance of the Superintendent/President, faculty and staff in the operation of the District.</td>
<td></td>
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</tr>
</tbody>
</table>

COMMENTS:
V. PRIMACY OF EDUCATIONAL WELFARE OF STUDENTS

<table>
<thead>
<tr>
<th></th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Board weighs decisions in terms of what is best for students. The equality of opportunity for all students is assured.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>The District's goals in the area of student services are clear and serve as a standard against which the student support services can be evaluated. The Board, through staff, annually reviews and evaluates the District's non-curricular student services with respect to stated philosophy and mission, community needs, effectiveness and cost-effectiveness.</td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td>The District's goals in the area of instructional program services are clear and serve as a standard against which program services can be evaluated. The Board, through staff, regularly reviews and evaluates the District's instructional services to students with respect to goals and mission, community needs, and program effectiveness.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COMMENTS:
**VI. BUSINESS & FINANCIAL MANAGEMENT**

<table>
<thead>
<tr>
<th></th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Board makes long-range planning provisions for acquisition of sites, facilities and maintenance. The Board adopts a realistic annual budget supporting the District's mission, priorities and programs. The Board monitors the budget and spending patterns to assure fiscal integrity. The Board establishes written policies to ensure efficient administration of budget, purchasing, accounting, risk management and other business &amp; financial areas.</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td>The Board assures that the budget reflects the District priorities for programs and services. The Board requires in its operating budget that capital fund requests reasonably equate programs with the availability of funds to support them.</td>
<td></td>
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<tr>
<td>3.</td>
<td>The Board works to influence the appropriation of adequate financial support for the District through legislative contacts and participation in the efforts of statewide community college organizations. The Board supports, and assists when appropriate, the activities and fundraising efforts on behalf of the college district by the Southwestern College Foundation.</td>
<td></td>
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</tbody>
</table>

**COMMENTS:**

**VII. PHYSICAL FACILITIES AND LONG-RANGE PLANNING**

<table>
<thead>
<tr>
<th></th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Board has approved a facilities master plan, and requires periodic update reports from the Superintendent/President for the physical needs, present and anticipated, for each campus or center, including information regarding technology infrastructure, equipment, and software needs and utilization.</td>
<td></td>
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<tr>
<td>2.</td>
<td>The Board requires physical plant utilization studies before approving requests for remodeling or new construction. The Board requires provision for both necessary and preventive maintenance of facilities.</td>
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</table>

**COMMENTS:**
### VIII. BOARD/GOVERNMENTAL/COMMUNITY RELATIONS

<table>
<thead>
<tr>
<th></th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Board assures that the District at large is well-informed about educational issues in the community, California and in the nation and that channels of access and exchange of views exist among the District and appropriate governmental bodies.</td>
<td></td>
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<tr>
<td>2.</td>
<td>The Board, together with District staff, works to maintain ongoing positive relations with those legislators elected from the District, to provide them with information on issues important to the District, and to request active support for District priorities.</td>
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<tr>
<td>3.</td>
<td>The Board encourages and assists staff to educate and involve community, businesses, and industry representatives in governmental advocacy supporting District priorities.</td>
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</table>

**COMMENTS:**
<table>
<thead>
<tr>
<th>IX. PERSONAL QUALITIES</th>
<th>Exceeds Expectations</th>
<th>Meets Expectations</th>
<th>Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Each Board member devotes the time and effort necessary to make a positive and proactive contribution to the District and maintains a District-wide perspective rather than representing a faction of the constituency. Board members recognize they act only as a team.</td>
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<td></td>
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<tr>
<td>2. Each Board member takes special care to be positive, constructive, respectful and considerate of other Board members, their opinions and concerns, and when commenting on work of the Superintendent/President and staff. Board deliberations and discussions are conducted in open meetings, except in those cases where a closed session is necessary and allowed by the Brown Act.</td>
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<tr>
<td>3. The Board encourages support for and interest in the District. The Board encourages citizen participation in an advisory capacity in the solution of specific problems.</td>
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<tr>
<td>4. Each Board member seeks to be aware of the broader community college issues at the state and national levels; participates in discussion and resolution of these issues as appropriate; and seeks to improve his/her performance by participation at state conferences and other educational meetings.</td>
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</table>

COMMENTS:
Item 5D

Governing Board Self Evaluation

Sample Form 3
Southwestern Community College District

GOVERNING BOARD SELF-EVALUATION FORM

Please rate the Governing Board's performance as an entity, using the following key:

1 = unsatisfactory
2 = somewhat unsatisfactory
3 = somewhat satisfactory
4 = satisfactory
5 = exceeds expectations

Please provide comments to improve the performance of the Board.

### Board Organization

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
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<th>5</th>
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</thead>
<tbody>
<tr>
<td>Board officer responsibilities are clear</td>
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<tr>
<td>The Board considers and respects minority opinions</td>
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<tr>
<td>Board committees have clear and appropriate responsibilities</td>
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<tr>
<td>Board members make decisions after thorough discussion</td>
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<tr>
<td>and exploration of many perspectives</td>
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<tr>
<td>Meeting agenda items contain sufficient background information</td>
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<tr>
<td>and recommendations for the Board</td>
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**COMMENTS:**

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### Policy Role

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<th>5</th>
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<tbody>
<tr>
<td>Board members understand and support the concept that Board</td>
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<tr>
<td>policy is the primary voice of the Board</td>
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<tr>
<td>The Board has clarified the difference between its policy role</td>
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<tr>
<td>and the roles of the Superintendent/President and staff</td>
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<tr>
<td>The Board focuses on policy in Board discussions, not</td>
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<tr>
<td>administrative matters</td>
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<tr>
<td>The Board, through the Superintendent/President, seeks advice</td>
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<tr>
<td>and recommendations from faculty, staff, and students in</td>
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<tr>
<td>developing educational policy</td>
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</table>

**COMMENTS:**

____________________________________________________________________
____________________________________________________________________
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____________________________________________________________________
**Strategic Planning**

- The Board requires long-range strategic planning.
- The Board is appropriately involved in the planning process.
- The Board is familiar with the general strategic and master plans of the institution.

**Comments:**


**Community Relations**

- The Board effectively represents the "voice" of the community.
- The Board encourages active cooperation by citizens, organizations, and the media with respect to establishing policy on current college operations and proposed future developments.
- The Board has strategies for involving the community in discussion of issues that impact the community.
- The Board assists in developing educational partnerships with community agencies, businesses and local government, where appropriate.

**Comments:**


**Board-Superintendent/President Relations**

- A climate of mutual trust and respect exists between the Board and Superintendent/President.
- The Board sets clear expectations for the Superintendent/President.
- The Board effectively evaluates the Superintendent/President.
- The Board clearly delegates the administration of the District to the Superintendent/President.

**Comments:**


Southwestern Community College District
Governing Board Self-Evaluation Form
Page 2 of 5
### Standards for District Operations

- The Board assures that the budget reflects college priorities in the mission and goals of the strategic plan
- The Board assures that student access and success and institutional effectiveness are priorities in mission and goals of the strategic plan
- The Board is supportive of efforts to improve teaching and learning

### COMMENTS:


### Institutional Effectiveness

- The Board monitors the effectiveness of the college in fulfilling the mission
- The Board requires the college to regularly evaluate program effectiveness
- The Board regularly reviews reports on student learning outcomes
- The Board reviews accountability reports to state and federal agencies

### COMMENTS:


### Board Leadership

- The Board understands its roles and responsibilities
- The Board adheres to a code of ethics or standards of practice
- The Board works together in a spirit of harmony, unity and cooperation to accomplish the work of the Board
- Board members are adequately prepared and participate in Board meetings
- The Board accommodates the differences of opinion that arise during debates of issues
- Once a decision is made, Board members cease debate and uphold the decision of the Board
- The Board maintains confidentiality of privileged information
- Through its behavior, the Board has set a positive example for the SUPERINTENDENT/PRESIDENT and other employees
- The Board works to build positive relationships with all stakeholders

### COMMENTS:


Southwestern Community College District
Governing Board Self-Evaluation Form
Page 3 of 5
### Advocating for the College

<table>
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<tbody>
<tr>
<td>• Board members support the colleges by attending various events</td>
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<td>• The Board helps educate the local community about community college needs and issues</td>
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<td>• The Board advocates college interests to state and national agencies and legislators</td>
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<td>• The Board works to secure adequate public funding</td>
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<td>• The Board actively supports the college's foundation and fundraising efforts</td>
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</table>

**COMMENTS:**

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### Board Education

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<tr>
<td>• New Board members receive an orientation to the Board and the institution</td>
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<td>• Board members are engaged in a continuous process of training and development</td>
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<td>• The Board is knowledgeable about state and national laws and issues related to community colleges</td>
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<td>• The Board is knowledgeable about major social and economic trends and issues that affect the institution</td>
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<td>• The Board adequately studies issues prior to Board action</td>
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<tr>
<td>• The Board annually evaluates itself</td>
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</table>

**COMMENTS:**

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GENERAL QUESTIONS

A. What are the Board's greatest strengths?

B. What are the major accomplishments of the Board in the past year?

C. What are the areas in which the Board could improve?

D. Do you have suggestions for improving Board meetings and/or other functions?

E. What three to five issues do you believe the Board should include in setting priorities for the coming year?