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SANTA MONICA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES

REGULAR MEETING

DECEMBER 4, 2012

Santa Monica College  
1900 Pico Boulevard  
Santa Monica, California

Board Room (Business Building Room 117)

6:00 p.m. – Closed Session  
7:00 p.m. – Public Meeting

*The complete agenda may be accessed on the  
Santa Monica College website:*

<http://www.smc.edu/admin/trustees/meetings/>

*Written requests for disability-related modifications or accommodations,  
including for auxiliary aids or services that are needed in order to  
participate in the Board meeting are to be directed to the Office of the  
Superintendent/President as soon in advance of the meeting as possible.*

**PUBLIC PARTICIPATION**  
**ADDRESSING THE BOARD OF TRUSTEES**

Members of the public may address the Board of Trustees by oral presentation **concerning any subject that lies within the jurisdiction of the Board of Trustees** provided the requirements and procedures herein set forth are observed:

1. Individuals wishing to speak to the Board at a Board of Trustees meeting during Public Comments or regarding item(s) on the agenda must complete an information card with name, address, name of organization (if applicable) and the topic or item on which comment is to be made.

Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Board reserves the option of limiting the time for each speaker. A speaker's time may not be transferred to another speaker.

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

General Public Comments and Consent Agenda

- The card to speak during Public Comments or on a Consent Agenda item must be submitted to the recording secretary at the meeting **before** the Board reaches the Public Comments section in the agenda.
- Five minutes is allotted to each speaker per topic for general public comments or per item in the Consent Agenda. The speaker must adhere to the topic. Individuals wishing to speak during Public Comments or on a specific item on the Consent Agenda will be called upon during Public Comments.

Major Items of Business

- The card to speak during Major Items of Business must be submitted to the recording secretary at the meeting **before** the Board reaches that specific item in the Major Items of Business in the agenda.
- Five minutes is allotted to each speaker per item in Major Items of Business. The speaker must adhere to the topic. Individuals wishing to speak on a specific item in Major Items of Business will be called upon at the time that the Board reaches that item in the agenda.

Exceptions: This time allotment does not apply to individuals who address the Board at the invitation or request of the Board or the Superintendent

2. Any person who disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting of the Board of Trustees by uttering loud, threatening, or abusive language or engaging in disorderly conduct shall, at the discretion of the presiding officer or majority of the Board, be requested to be orderly and silent and/or removed from the meeting.

No action may be taken on items of business not appearing on the agenda

*Reference: Board Policy Section 1570  
Education Code Section 72121.5  
Government Code Sections 54954.2, 54954.3, 54957.9*

***A G E N D A***

A meeting of the Board of Trustees of the Santa Monica Community College District will be held in the Santa Monica College Board Room (Business Building Room 117), 1900 Pico Boulevard, Santa Monica, California, on Tuesday, December 4, 2012.

6:00 p.m.     *Call to Order*  
                   *Closed Session*  
 7:00 p.m.     *Public Meeting*

The agenda includes the following items: (Items for action - recommendations - are listed numerically; items for information are listed alphabetically).

**I.     *ORGANIZATIONAL FUNCTIONS*****A     CALL TO ORDER****B     ROLL CALL**

Dr. Margaret Quiñones-Perez, Chair  
 Dr. Nancy Greenstein, Vice-Chair  
 Dr. Susan Aminoff  
 Judge David Finkel (Ret.)  
 Louise Jaffe  
 Rob Rader  
 Dr. Andrew Walzer  
 Michelle Olivarez, Student Trustee

**C     PUBLIC COMMENTS ON CLOSED SESSION ITEMS****II.    *CLOSED SESSION*****CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

Agency designated representatives:     Marcia Wade, Vice-President, Human Resources

   Robert Myers, Campus Counsel

Employee Organization:

CSEA, Chapter 36

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)****REAL PROPERTY (Government Code Section 54956.8)**

Property Address:     Santa Monica College Olympic Shuttle Lot/3400-3500 Airport Ave.

Under Negotiation:     Terms and Conditions of Land Swap with City of Santa Monica

College Negotiators:     Dr. Chui Tsang, Robert M. Myers, and Don Girard

City of Santa of Monica's Representative: Rod Gould, Joseph Lawrence

III.	<b><i>PUBLIC SESSION - ORGANIZATIONAL FUNCTIONS</i></b>	
	D	<u>PLEDGE OF ALLEGIANCE</u>
	E	<u>CLOSED SESSION REPORT</u> (if any)
	#1	Resolution of the Board of Trustees of the Santa Monica Community College District Seating Board Members in Accordance with Education Code Sections 5326 and 5328
		6
	#2	Election of Officers of the Board of Trustees for 2013
		7
	F	Seating Arrangement of the Board of Trustees
		7
	#3	Designation of Board Representative to LACSTA
		8
	#4	Authorized Signature Resolution
		9
	G	<u>PUBLIC COMMENTS</u>
IV.	<b><i>SUPERINTENDENT'S REPORT</i></b>	
	•	Acknowledgement:
	–	Donation to Santa Monica College Foundation: <i>Lenore Bergmann and John Elmer Bergmann Scholarship Fund</i>
	•	Update:
	–	Winter and Spring 2013
V.	<b><i>ACADEMIC SENATE REPORT</i></b>	
VI.	<b><i>MAJOR ITEMS OF BUSINESS</i></b>	
	H	Report: Cradle to Career Initiative on Santa Monica's First Youth Wellbeing Report Card
		10
	#5	Appointment of Personnel Commissioner
		11
	I	Report: Transfer Program
		12
	#6-A	Public Hearing: Resolution to Increase the Construction Cost Retention – Student Services and Administration Building
		14
	#6-B	Resolution to Increase Construction Cost Retention – Student Services and Administration Building
		15
	#7	Resolution Requesting the Issuance of 2012-2013 Tax and Revenue Anticipation Notes for the District by the Board of Supervisors of the County of Los Angeles
		18
VII.	<b><i>CONSENT AGENDA</i></b>	
		<i>Any recommendation pulled from the Consent Agenda will be held and discussed in Section VIII, Consent Agenda – Pulled Recommendations</i>
		<b><i>Approval of Minutes</i></b>
	#8	Approval of Minutes: November 13, 2012 (Regular Meeting)
		19
		<b><i>Grants and Contracts</i></b>
	#9	Ratification of Contracts and Consultants
		20

**Human Resources**

#10	Academic Personnel	21
#11	Health Reimbursement Arrangement (HRA) Adoption Agreement	22
#12	Classified Personnel – Regular	23
#13	Classified Personnel – Limited Duration	24
#14	Classified Personnel – Non Merit	24

**Facilities and Fiscal**

#15	Facilities		
	A	Amendment to Agreement for Building Commissioning Services for LEED Certification of Media and Technology Project at AET Campus	25
	B	Change Order No. 2 – Bike Parking and Temporary Modular Offices	25
	C	Project Close Out – 1520 Pico Blvd., Repair, Seal and Restoration of Building Moisture Protection	26
	D	Award of Bid – AET Relocation	26
	E	Amendment to Agreement for Architectural Service – AET Relocation	27
#16	Budget Transfers	28	
#17	Budget Augmentation	29	
#18	Payroll Warrant Register	30	
#19	Commercial Warrant Register	30	
#20	Auxiliary Payments and Purchase Orders	30	
#21	Direct, Benefit and Student Grant Payments	30	
#22	Purchasing		
	A	Award of Purchase Orders	31

VIII. ***CONSENT AGENDA – Pulled Recommendations***

*Recommendations pulled from the Section VII. Consent Agenda to be discussed and voted separately. Depending on time constraints, these items might be carried over to another meeting.*

IX. **REPORTS FROM DPAC CONSTITUENCIES**

- Associated Students
- CSEA
- Faculty Association
- Management Association

X. **BOARD COMMENTS AND REQUESTS**

XI. **ADJOURNMENT**

The next regular meeting of the Santa Monica Community College District Board of Trustees will be **Tuesday, January 15, 2013** at 7 p.m. (5:30 p.m. if there is a closed session) Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

<u>Appendix A:</u>	Resolution Requesting the Issuance of 2012-2013 Tax and Revenue Anticipation Notes for the District by the Board of Supervisors of the County of Los Angeles	33
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<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**RECOMMENDATION NO. 1**

**SUBJECT:** **RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA MONICA COMMUNITY COLLEGE DISTRICT SEATING BOARD MEMBERS IN ACCORDANCE WITH EDUCATION CODE SECTIONS 5326 AND 5328**

**SUBMITTED BY:** Superintendent/President

**RESOLUTION:** **WHEREAS** , in accordance with California Education Code Section 5326, when the number of candidates for governing board member at large does not exceed the number of offices to be filled at the election, no election need be held and the qualified persons nominated shall be seated at the organizational meeting of the board; and

**WHEREAS**, three offices were scheduled to be filled at the November 6, 2012, election; and

**WHEREAS**, the following individuals and no others were nominated for the four offices: Susan Aminoff, Margaret Quiñones-Perez, and Rob Rader, and

**WHEREAS**, in accordance with California Education Code Sections 5328, Susan Aminoff, Margaret Quiñones-Perez, and Rob Rader assume office by Operation of Law to the Santa Monica Community College District Board of Trustees for full term of four years each.

Now, therefore, the Board of Trustees of the Santa Monica Community College District does determine:

1. In accordance with California Education Code Sections 5326 and 5328, Susan Aminoff, Margaret Quiñones-Perez, and Rob Rader are to be seated as Members of the Board of Trustees for the full term of four (4) years each at the organizational meeting held on December 4, 2012.
2. A qualified person shall administer the Oath of Office prescribed in the Constitution of the State of California to Susan Aminoff, Margaret Quiñones-Perez, and Rob Rader and shall have them subscribe to it and file it in the office of the Secretary to the Board of Trustees.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

<b>BOARD OF TRUSTEES</b>	<b>Action</b>
Santa Monica Community College District	December 4, 2012

ORGANIZATIONAL FUNCTIONS

**RECOMMENDATION NO. 2**

**SUBJECT:** **ELECTION OF OFFICERS OF THE BOARD OF TRUSTEES, DECEMBER 2012 – DECEMBER 2013**

2-A REQUESTED ACTION: It is recommended that the election be held for Chair of the Board of Trustees of the Santa Monica Community College District.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

2-B REQUESTED ACTION: It is recommended that the election be held for Vice-Chair of the Board of Trustees of the Santa Monica Community College District.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

2-C REQUESTED ACTION: It is recommended that Superintendent/President Chui L. Tsang be elected Secretary to the Board of Trustees; Executive Vice-President Randal Lawson, be elected Assistant Secretary to the Board of Trustees; and Coordinator, District/Board of Trustees Office Lisa Rose, be elected Recording Secretary to the Board of Trustees.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

COMMENT: In accordance with Board Policy 1170, the officers and auxiliary personnel of the Board of Trustees of the Santa Monica Community College District shall consist of a chair, vice-chair, secretary, assistant secretary and recording secretary.

**ORGANIZATIONAL FUNCTION F**

**SUBJECT:** **SEATING ARRANGEMENT OF THE BOARD OF TRUSTEES**

The Board of Trustees will be seated according to Board Policy 1260 with the Board Chair in the middle, the Vice-Chair to the left of the Chair, the Superintendent to the right of the Chair, and the Student Trustee in the designated Student Trustee position. Seating arrangement of other trustees will be determined by the drawing of numbers.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

ORGANIZATIONAL FUNCTIONS

**RECOMMENDATION NO. 3**

**SUBJECT:**                    **DESIGNATION OF SMCCD BOARD OF TRUSTEES REPRESENTATIVE TO THE LOS ANGELES COUNTY SCHOOL TRUSTEES ORGANIZATION (LACSTA)**

**REQUESTED ACTION:**    It is recommended that the Board of Trustees designate a SMCCD Board of Trustees representative to the Los Angeles County School Trustees Organization (LACSTA).

**COMMENT:**                The role of the representative is to vote on all LACSTA matters and communicate between the LACSTA Executive Board, LACSTA and the local Board.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:



<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

ORGANIZATIONAL FUNCTIONS

**RECOMMENDATION NO. 4**

**SUBJECT: AUTHORIZED SIGNATURE RESOLUTION**

**REQUESTED ACTION:** It is recommended that the Board of Trustees authorize the following Santa Monica College administrators to sign District documents as indicated.

Name/Title	Warrants	Orders for Salary Payment	Notices of Employment	Contracts	Auxiliary Warrants	Purchase Orders
Dr. Chui L. Tsang Superintendent/President	X	X	X	X	X	X
Randal Lawson Executive Vice-President	X	X	X	X	X	X
Robert Isomoto Vice-President, Business and Administration	X	X		X	X	X
Marcia Wade Vice-President, Human Resources			X	X		
Christopher Bonvenuto Director, Fiscal Services	X	X		X	X	X
George Prather Director of Auxiliary Services				X	X	X
Cynthia Moore Director of Purchasing				X		X

It is further recommended that the "Certification of Signatures" be completed and filed with the County Superintendent of Schools. The signatures shall be considered valid for the period of December 4, 2012 through December 31, 2013.

**COMMENT:** The County Superintendent of Schools requires that the Certification of Signatures be approved at the annual organizational meeting of the Board of Trustees which is held within a 15-day period that commences with the date upon which a governing board member elected takes office.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

<b>BOARD OF TRUSTEES</b>	<b>INFORMATION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**INFORMATION ITEM H**

**SUBJECT:** **CRADLE TO CAREER INITIATIVE ON SANTA MONICA'S FIRST YOUTH WELLBEING REPORT CARD**

**SUBMITTED BY:** Superintendent/President

**SUMMARY:** In 2010, the City of Santa Monica called together a diverse group of community stakeholders in response to youth violence and mental health-related incidents in the community. In 2011, the Cradle to Career (C2C) Working Group broadened its focus to encompass the full spectrum of factors that influence wellbeing and to understand what it takes to support the successful growth and development of youth 0 – 24 years. The C2C Working Group comprises representatives from the City of Santa Monica, Santa Monica-Malibu Unified School District, Santa Monica College, local nonprofit and neighborhood leaders.

In late October 2012, the C2C produced a Youth Wellbeing Report Card to establish a baseline assessment in four major wellbeing domains: physical development, learning, mental health, and social skills. Compiling data from ten sources about infants, children, teens and young adults, the Report Card provides summary and disaggregated data. The good news is that, overall, youth are doing well; the high school graduation rate is 90%, and youth feel safe and cared for at a rate higher than the county average. However, there are areas of concern such as alcohol use among older teens which is reported at 10% above county rates, and only one third of children are measured to be “very ready” for kindergarten, with boys lagging 12% behind girls. Fortunately, the gaps are manageable, especially when taking into consideration the number of youth in Santa Monica and the considerable resources.

The report card results highlight the need to address the fragmented system of services that support youth and families. C2C Working Group representatives will provide the Board of Trustees with a briefing on the Youth Wellbeing Report Card.

<b>BOARD OF TRUSTEES</b>	<b>INFORMATION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**RECOMMENDATION NO. 5**

**SUBJECT:** **APPOINTMENT OF PERSONNEL COMMISSIONER**

**SUBMITTED BY:** Superintendent/President

**REQUESTED ACTION:** It is recommended that the Board of Trustees reappoint Deborah Jansen to the SMC Personnel Commission for a three-year term that commences December 1, 2012 and expires November 30, 2015.

**SUMMARY:** The process of filling a position on the Personnel Commission requires that two members be appointed by Board of Trustees; two members be selected by the classified employees of the District and appointed by the Board of Trustees; and the fifth member is appointed by the four appointed commissioners. CSEA Chapter 36 unanimously elected Deborah Jansen for the term December 1, 2012 through December 1, 2015.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

<b>BOARD OF TRUSTEES</b>	<b>INFORMATION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**INFORMATION ITEM I**

**SUBJECT:**                    **TRANSFER PROGRAM**

**SUBMITTED BY:**            Superintendent/President

**SUMMARY:**     For 2011-12, Santa Monica College is once again #1 in transfer when combining the total number of transfers to the UCs and CSUs. We are also number one in transfers to the University of California, and number one in transfers to USC for Fall 2012. For CSU, SMC sent 1,100 students in 2011-12, ranking us 6<sup>th</sup> for all California community colleges. Last year, our ranking was 14<sup>th</sup> to the CSU.

The University of California has been increasing transfer numbers for the last 3 years. The UC enrolled 16,246 transfers for 2011-12, which was larger than 2010-11, which was larger than 2009-10. The University of California continues to offer Transfer Admission Guarantees to seven campuses in the UC system.

The CSU has had varying transfer admission policies. Statewide CSU transfer admission numbers have been vacillating.

Academic Year	Total number of CCC Transfers
2011-12	51,050
2010-11	56,959
2009-10	37,647
2008-9	49,770

In Spring 2010, CSU suspended transfer admission due to budget considerations, severely curtailing numbers in 2009-10, but then pent up demand and a willingness to open Spring catapulted numbers in 2010-11. In Spring 2013, CSU transfer admission was restricted again, so next year's numbers will be depressed again. However, some CSU campuses are admitting more fall applicants to compensate for the erratic policies coming down from the CSU Chancellor's Office. For the last few years, certain CSUs have been giving priority admission to students in their local service area. For example, Long Beach gave priority consideration to transfers from Long Beach City College, and many community colleges in Orange County. Local area admission priority coupled with decreasing transfer slots makes it harder for out of area students to get into more desired CSUs.

Senate Bill 1440 has introduced Associate transfer degrees (AA-T or AS-T) that offer guaranteed admission to a CSU. Two important caveats are the guarantee is not to the CSU of the student's choice, and the guarantee is only to CSUs that have similar majors. There are 22 finalized Transfer Model Curriculums (TMCs), which are designed by the statewide academic senate. Using the TMC, SMC submits the proposed AA-T or AS-T. Santa Monica College has submitted 6 AA/AS-Ts, 5 which have been approved by the Chancellor's Office. The California Community Colleges Board of Governors adopted a goal for each college to have 80 percent AA-T and AS-T degrees approved by Fall of 2013 in the AA/AS majors offered and which there is an approved TMC. By Fall 2014, it is expected there will be 100% compliance. These percentages refer to SMC AA degrees offered in disciplines aligned with the TMC curriculum. The SMC faculty is currently looking into developing 3-5 additional AA/-Ts for which SMC currently offers an AA.

Local private and out-of-state institutions, anecdotally, have been noticing an increase in transfer applications, especially for the Spring semesters. University transfer admission evaluators are indicating that transfer students are submitting multiple transcripts. Transfer students are attending multiple institutions to cobble together the units needed to meet transfer admission requirements. The reasons for multiple transcripts are shrinking offerings at community colleges, and an explosion of online alternatives at a fairly competitive price. National headlines about the defunding of UC and CSU, and other anecdotal stories of the difficulty of getting classes even if admitted, are causing students to look beyond California for undergraduate study.

<b>BOARD OF TRUSTEES</b>	<b>INFORMATION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**RECOMMENDATION NO. 6-A**

**SUBJECT:** **PUBLIC HEARING: RESOLUTION TO INCREASE THE CONSTRUCTION COST RETENTION – STUDENT SERVICES AND ADMINISTRATION BUILDING**

**SUBMITTED BY:** Superintendent/President

**REQUESTED ACTION:** It is recommended that the Board of Trustees conduct a public hearing on the Resolution to Increase the Construction Cost Retention – Student Services and Administration Building.

OPEN PUBLIC HEARING:  
MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY:  
AYES:  
NOES:

PUBLIC COMMENTS:

CLOSE PUBLIC HEARING:  
MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY:  
AYES:  
NOES:

<b>BOARD OF TRUSTEES</b>	<b>INFORMATION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**RECOMMENDATION NO. 6-B**

**SUBJECT:** **RESOLUTION TO INCREASE THE CONSTRUCTION COST RETENTION – STUDENT SERVICES AND ADMINISTRATION BUILDING**

**SUBMITTED BY:** Superintendent/President

**REQUESTED ACTION:** It is recommended that the Board of Trustees approve the following Resolution to Increase the Construction Cost Retention – Student Services and Administration Building.

**WHEREAS**, Public Contract Code section 9203 requires local agencies, such as the District, to withhold not less than five percent of the construction contract price until final completion and acceptance of the project;

**WHEREAS**, Public Contract Code section 7201(b)(4) provides that the District may withhold such retention proceeds in excess of five percent from the original contractor where the District has approved a finding during a properly noticed and normally scheduled public hearing prior to bid that the project is substantially complex and therefore requires a higher retention amount than five percent, and includes both this finding and the actual retention amount in the bid documents;

**WHEREAS**, the District intends to solicit bids for a new Student Services and Administration Building, which includes an above ground building of approximately 88,000 sf. including classrooms, lecture halls, administrative offices, and meeting rooms, with below grade parking for approximately 500 cars, for a total of approximately 365,000sf. and a project duration of approximately thirty two months (“Project”);

**WHEREAS**, the Project is comprised of shear wall and moment frame systems used in conjunction with more complex systems, including a seismic joint consisting of series of buckling restrained braces and earthquake protection system isolators and a building roof with nearly 120 foot spans made of composite roof girders;

**WHEREAS**, the Project architects, Steinberg Architects, have further described the complexities associated with the Project in the attached **Exhibit “A”**; and

**WHEREAS**, increasing the retention on the Project from five percent (5%) to ten percent (10%) will serve to ensure contractor and subcontractor contractual compliance on the work of the Project.

**NOW THEREFORE**, the Board of Trustees of the Santa Monica Community College District hereby resolves, determines, and finds the following:

1. That the foregoing recitals are true.
2. That the Project be deemed “substantially complex” as contemplated by Public Contract Code 7201(b)(4) because of the scale and substantially complex components of the Project as indicated in **Exhibit “A”** attached hereto and made part of this Resolution.

3. That increasing the retention on the Project from five percent (5%) to ten percent (10%) will serve to ensure contractor and subcontractor contractual compliance on the work of the Project.
4. That the Invitation to Bid and the contract documents for the Project reflect the fact that the District's Board of Trustees has made a finding that the Project is "substantially complex" as contemplated by Public Contract Code Section 7201(b)(4) and that the District will withhold retention in the amount of ten percent (10%) for this Project.
5. That the District Vice President for Business and Administration or designee is authorized to take all other actions necessary to initiate and enforce the Board's findings under this Resolution.

COMMENT: Retention is the amount withheld from the payments under the construction contract to cover claims. Claims may include payments due to a sub-contractor or for unfinished work that the District may have to complete on its own. In the past, the Public Contract Code allowed government agencies to withhold up to 10 percent of the contract amount to cover these contingencies. Recently, the allowable retention amount was changed in the Public Contract Code to a maximum of 5 percent unless the governing board declares that the project is "substantially complex" therefore allowing a 10 percent maximum retention. The Student Services building is the most complex building project that the District has ever attempted, so it clearly meets this definition. Each project must be approved individually. There will be other complex projects that will be presented to the Board in the near future for consideration.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY:

AYES:

NOES:



October 25, 2012

Board of Trustees  
Santa Monica College  
1900 Pico Boulevard  
Santa Monica, CA 90405

Re: Santa Monica College  
Construction Retention

Board Members:

Construction cost retention is an important tool for the District to manage a general contractor and its subcontractors to ensure timely and quality performance. The percentage retained can vary and is often dependent upon scale and project complexity. In the case of the Student Services and Administration Building, ten percent retention would be appropriate and is recommended when one considers the scale and complexity of the Student Services and Administration Building project ("Project").

The Project includes both Administration and Student Services functions as well as a below grade parking structure. The above ground building is approximately 88,000 s.f. which includes classrooms, lecture halls, administrative offices, and meeting rooms. The below grade parking structure is three stories and provides parking for approximately 500 cars. The total area for the facility including below grade parking, the enclosed building and covered exterior areas is approximately 365,000 s.f. The contract time to complete the Project is approximately 32 months.

In addition to the scale of the Project, the structure of the facility is comprised of a variety of systems. The facility is made of shear wall and moment frame systems used in conjunction with more complex systems. The building includes a seismic joint which consists of series of Buckling Restrained Braces (BRB's) and Earthquake Protection System (EPS) Isolators. In addition to the seismic joint, the building roof is designed with long spans which are made of composite roof girders. The composite girders are a combination of box steel girders and concrete. The network of girders is tied together with a series of steel tubes and reinforcing, all of which are then encased in concrete to achieve spans of nearly 120 feet.

In addition to the scale of the Project and its structural systems, the Project includes a substantial roof mounted photovoltaic system (i.e., solar panels).

Given the combination of the scale and complex systems present in this Project, ten percent retention is appropriate and recommended.

STEINBERG ARCHITECTS



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Senior Associate

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<b>BOARD OF TRUSTEES</b>	<b>INFORMATION</b>
Santa Monica Community College District	December 4, 2012

MAJOR ITEMS OF BUSINESS

**RECOMMENDATION NO. 7**

**SUBJECT:** **RESOLUTION REQUESTING THE ISSUANCE OF 2012-2013 TAX AND REVENUE ANTICIPATION NOTES FOR THE DISTRICT BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES**

**SUBMITTED BY:** Superintendent/President

**REQUESTED ACTION:** It is recommended that the Board of Trustees approve the Resolution Requesting the Issuance of 2012-2013 Tax and Revenue Anticipation Notes for the District by the Board of Supervisors of the County of Los Angeles (see Appendix A).

**COMMENT:** The success of Proposition 30 has provided much needed relief from the budget reductions of the past few years. At the current time, there are many questions regarding the implementation of the Proposition 30 and the monies from the Educational Protection Account (EPA). The most significant question is: what happens if there is a shortfall in the anticipated EPA revenues – would the colleges receive an automatic backfill?

Based on previously released payment schedules from the California Community Colleges Chancellor’s Office, the District may experience a cash flow shortage in Spring 2013. It is recommended that Board of Trustees authorize the resolution to join in the Los Angeles County Schools Pooled Financing to issue 2012-2013 Tax and Revenue Anticipations Notes.

The District, in consult with the Underwriters, believe at this time that the District’s financial condition and marketability will result in the ability to issue the TRANS at a premium which is projected to fully cover the cost of bond council, underwriters and other costs of issuance. The District would still be responsible for the repayment of the interest due on the issued TRANS but this amount depends on several factors including final pricing/interest rates at time of issuance, interest earnings on deposit and length of use of the funding provided by the issuance. Due to these unknown factors, an interest cost cannot be accurately projected at this time, but it is believed to be negligible given the historically low interest rates in the market.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
SANTA MONICA COMMUNITY COLLEGE DISTRICT	December 4, 2012

**VII. CONSENT AGENDA**

*Any recommendation pulled from the Consent Agenda will be held and discussed in Section VIII, Consent Agenda – Pulled Recommendations*

**RECOMMENDATION:**

The Board of Trustees take the action requested on Consent Agenda Recommendations #8-#22.

Recommendations pulled for separate action and discussed in Section VIII, Consent Agenda – Pulled Recommendations:

- MOTION MADE BY:
- SECONDED BY:
- STUDENT ADVISORY:
- AYES:
- NOES:

**VIII. CONSENT AGENDA – Pulled Recommendations**

*Recommendations pulled from the Section VII, Consent Agenda to be discussed and voted on separately. Depending on time constraints, these items might be carried over to another meeting.*

**IX. REPORTS FROM DPAC CONSTITUENCIES**

- Associated Students
- CSEA
- Faculty Association
- Management Association

**RECOMMENDATION NO. 8 APPROVAL OF MINUTES**

Approval of the minutes of the following meetings of the Santa Monica Community College District Board of Trustees:

November 13, 2012 (Regular Board of Trustees Meeting)

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: GRANTS AND CONTRACTS

**RECOMMENDATION NO. 9 RATIFICATION OF CONTRACTS AND CONSULTANTS**

*Requested Action: Ratification*

*Approved by: Chui L. Tsang, Superintendent/President*

The following contracts for goods, services, equipment and rental of facilities, and acceptance of grants in the amount of \$50,000 or less have been entered into by the Superintendent/President and are presented to the Board of Trustees for ratification.

*Authorization: Board Policy Section 6255, Delegation to Enter Into and Amend Contracts*

*Approved by Board of Trustees: 9/8/08*

*Reference: Education Code Sections 81655, 81656*

Provider/Contract		Term/Amount	Service	Funding Source
A	G. Bruce Smith	January 1, 2013 – June 30, 2013  Amount: Not to exceed \$15,600.	Assist District with formulating recommendations for restructuring of the public information, institutional communications, and institutional advancement communications functions of the College.  Comment: The District is reviewing opportunities available through social media and CMS (client management systems) as well as an emerging need for communications to be integrated with institutional advancement strategies. The District is also reviewing the need to provide a policy analysis function. G. Bruce Smith will retire from SMC at the end of this year with 24 years of service as the College's Public Information Officer.	District Funds
<i>Approved by: Don Girard, Senior Director, Government Relations/Institutional Communications</i>				
B	Stephanie Barger Earth Resources	December 10, 2012  Not to exceed \$300	Consultant is a guest lecturer for the Recycling and Resource Management (RRM) program, providing industry expertise to RRM students.  Additionally, they provide real world perspectives on RRM curriculum and connect students to industry professionals.	Department of Labor CBJT grant (100%)
<i>Requested by: Genevieve Bertone, Director, Sustainability</i>				
<i>Approved by: Jeff Shimizu, Vice-President</i>				

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 10 ACADEMIC PERSONNEL**

*Requested Action: Approval/Ratification*  
*Reviewed by: Sherri Lee-Lewis, Dean, Human Resources*  
*Approved by: Marcia Wade, Vice-President, Human Resources*

SABBATICALS, 2013-2014

Gordon Dossett, Fall 2013

Eric Oifer, Fall 2013

ELECTIONS

Aberbook, Vickie, Full-Time Faculty, Nursing Spring 2013

PROJECT MANAGER (Extension)

Cascio, Joe, Athletics 01/01/13 – 06/30/13

ADJUNCT FACULTY

Approval/ratification of the hiring of adjunct faculty. (List on file in the Office of Human Resources)

SEPARATIONS

RETIREMENT

Rodriguez, Nuria, Professor – Physical Science (24 + years) 01/02/13

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 11 HEALTH REIMBURSEMENT ARRANGEMENT (HRA) ADOPTION AGREEMENT**

*Requested Action: Approval/Ratification*  
*Reviewed by: Sherri Lee-Lewis, Dean, Human Resources*  
*Approved by: Marcia Wade, Vice-President, Human Resources*

Establish a Health Reimbursement Arrangement (HRA) Adoption Agreement for SMCCD Police Officers represented by the SMC Police Officers Association (POA). This Health Reimbursement Arrangement Adoption Agreement with Keenan and Associates will include police officers as an additional class of employees. This class is listed as “Class D” (Police Officers) and is effective January 1, 2013.

The negotiated Agreement between the District and POA was ratified by the Board of Trustees at its November 13, 2012 meeting. Article 12 of this Agreement contains a provision which adds police officers as an employment category eligible for a Health Reimbursement Arrangement which meets the requirements of Section 105 of the Internal Revenue Service Code of 1986, as amended.

The District presently has a service agreement contract with Keenan and Associates and with category to its Health Reimbursement Adoption Agreement for inclusion of police officers represented by SMCPOA. An additional 8 police officers will be offered the HRA. There will be a one-time deposit of \$12,000 made by the District for the additional HRAs. The funds will be held in a group annuity contract. The one-time breakdown of the HRA options are for police officers with the following health benefits plans as of December 31, 2012:

Health Maintenance Organization:	\$1,000
PersChoice:	\$1,000
PersCare (single person)	\$2,000
PersCare (two-party):	\$3,000
PersCare (Family – 3 and above):	\$4,000

The District will pay to the provider, each quarter, \$7.00 per active participant. Part time employees shall receive pro-rated payment of the applicable benefit equal to the percentage of the part-time employees full time equivalency.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 12 CLASSIFIED PERSONNEL - REGULAR**

*Requested Action: Approval/Ratification*  
*Reviewed by: Sherri Lee-Lewis, Dean, Human Resources*  
*Approved by: Marcia Wade, Vice-President, Human Resources*

The following positions will be established/abolished in accordance with district policies and salary schedules.

ESTABLISH

Laboratory Technician – Life Science 12/05/12  
 Life Science, 11 months, 30 hours, Varied Hours  
 Comment: This position is for the new Medical Laboratory Technician (MLT) Program established in partnership with Santa Monica/UCLA Hospital.

All personnel assigned into authorized positions will be elected to employment (merit system) in accordance with district policies and salary schedules.

ELECTIONS

PROMOTION

Gomez, Nina M. 12/04/12  
 From: Student Services Clerk, Financial Aid  
 To: Student Services Specialist – Financial Aid, Financial Aid

Ong, Maria T, 12/04/12  
 From: Student Services Clerk, Financial Aid  
 To: Student Services Specialist – Financial Aid, Financial Aid

LEAVE OF ABSENCE WITHOUT PAY W/BENEFITS UNDER MOU AGREEMENT (10/23/12)

Kolbly, Joseph, Instructional Assistant – Math 01/02 – 02/07/13

LEAVES OF ABSENCE - UNPAID

Schelbert, Barbara, Instructional Assistant – English 01/02/12 – 02/07/13  
 Willis, Sandra, Tutoring Coordinator – Science, LRC 01/15/13 – 02/07/13

VOLUNTARY REDUCTION IN HOURS/TEMPORARY

Lemons, Bradley 02/11/13 – 06/11/13  
 From: Lab. Tech.-Broadcasting/Electronic Media, Comm. 11 mos, 40 hrs, NS-1  
 To: Lab. Tech.-Broadcasting/Electronic Media, Comm. 11 mos, 36 hrs

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 13 CLASSIFIED PERSONNEL – LIMITED DURATION**

*Requested Action: Approval/Ratification*  
*Reviewed by: Sherri Lee-Lewis, Dean, Human Resources*  
*Approved by: Marcia Wade, Vice-President, Human Resources*

The following positions will be established/abolished in accordance with district policies and salary schedules.

ELECTIONS

PROVISIONAL: Temporary personnel who meet minimum qualifications and are assigned to work 90 working days; who have not come from an eligibility list.

Blanchard, Katherine L, Theatre Tech Specialist, SMC Performing Arts Center	11/16/12-06/30/13
Hudson, Michael, Asst. Director Human Resources	11/21/12-02/01/13
Morley, Sheldon, Theatre Technical Specialist, SMC Performing Arts Center	11/26/12-06/30/13

SUBSTITUTE – LIMITED TERM: Positions established to replace temporarily absent employees. Substitute limited-term appointment may be made for the duration of the absence of a regular employee but need not be for the full duration of the absence.

Marcus, Liza, Administrative Assistant I, Bundy Campus	10/10/12-12/31/12
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**RECOMMENDATION NO. 14 CLASSIFIED PERSONNEL - NON MERIT**

*Requested Action: Approval/Ratification*  
*Reviewed by: Sherri Lee-Lewis, Dean, Human Resources*  
*Approved by: Marcia Wade, Vice-President, Human Resources*

All personnel assigned will be elected on a temporary basis to be used as needed in accordance with District policies and salary schedules.

STUDENT EMPLOYEES

College Student Assistant, \$8.00/hour (STHP)	27
College Work-Study Student Assistant, \$8.00/hour (FWS)	37
CalWorks, \$8.00/hour	1

SPECIAL SERVICE

Art Models, \$18.00/hour	39
Community Services Specialist 1, \$35.00/hour	33
Community Services Specialist 2, \$50.00/hour	10



<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 15 FACILITIES**

*Requested Action: Approval/Ratification*  
*Requested by: Greg Brown, Director, Facilities Planning*  
*JC Keurjian, Chief Director, Facilities Management*  
*Approved by: Robert G. Isomoto, Vice-President, Business/Administration*

15-A AMENDMENT TO AGREEMENT FOR BUILDING COMMISSIONING SERVICES FOR LEED CERTIFICATION OF MEDIA AND TECHNOLOGY PROJECT AT ACADEMY OF ENTERTAINMENT AND TECHNOLOGY CAMPUS

Amend the agreement with P2S Engineering on the Media and Technology project at the Academy of Entertainment and Technology Campus in the amount of \$9,600.

Original Agreement Amount	\$10,300
Previously Approved Amendments	0
Amendment 1	<u>9,600</u>
Revised Agreement Amount	\$20,900

Funding Source: Measure AA

Comment: A stand-alone measurement and verification (M & V) was prepared for the existing Media and Technology Complex at the Academy of Entertainment and Technology. However, since all of the technical planning for the entire AET campus will now be bid as one project, a revised M & V plan that encompasses the overall project needs to be created. This is a requirement for LEED certification.

15-B CHANGE ORDER 2 – BIKE PARKING AND TEMPORARY MODULAR OFFICES

Change Order 2 – MINCO CONSTRUCTION on the Bike Parking and Temporary Modular Offices project in the amount of \$747.

Original Contract Amount	\$1,337,700
Previously Approved Change Orders	59,747
Change Order 2	<u>747</u>
Revised Contract Amount	\$1,398,194

This change order results in no change to the contract length

Funding Source: Measure AA

Comment: Change Order 2 provides for the labor and material for the installation of horizontal rebar per revised detail.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 15 FACILITIES** (continued)

15-C PROJECT CLOSE OUT, 1510 PICO –REPAIR, SEAL AND RESTORATION OF BUILDING MOISTURE PROTECTION

Subject to completion of punch list items by OMEGA CONSTRUCTION authorize the District Representative without further action of the Board of Trustees, to accept the project described as 1510 Pico – The Repair, Seal and Restoration of Building Moisture Protection as being complete. Upon completion of punch list items by OMEGA CONSTRUCTION the District Representative shall determine the date of Final Completion and Final Acceptance. Subject to the foregoing and in strict accordance with all applicable provisions and requirements of the contract documents relating thereto, upon determination of Final Completion and Final Acceptance disbursement of the final payment is authorized.

15-D AWARD OF BID – ACADEMY OF ENTERTAINMENT AND TECHNOLOGY RELOCATION

Award the bid to the lowest responsive bidder for the Academy of Entertainment and Technology Relocation project:

<u>Bidder</u>	<u>Amount</u>
<b>Fast Track Construction</b>	<b>\$2,303,600</b>
SBS Corp	\$2,359,426
Minco Construction	\$2,477,700
Trimax Construction	\$2,671,400
Pars Arvin Construction	\$3,383,000

Funding Source: Measure AA

Comment: In order to avoid disruption from construction activity at the AET campus, and in order to proceed with construction more efficiently, the District has planned the temporary relocation of the AET program to the Bundy campus and to the Airport Arts campus. This contract provides for setting up modular classrooms and adapting existing facilities at the two sites.

The temporary classrooms will remain available for District use after the completion of the AET campus project in order to provide for the relocations needed to construct the planned Math/Science building on the Main campus.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	December 4, 2012

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 15 FACILITIES** (continued)

15-E AMENDMENT TO AGREEMENT FOR ARCHITECTURAL SERVICES – AET RELOCATION

Amend the agreement with Clive Wilkinson Architects for the Academy of Entertainment and Technology project in the amount of \$74,500.

Original Agreement Amount	\$5,550,000
Amendment 1	496,000
Amendment 2	78,868
Amendment 3	121,095
Amendment 4	<u>74,500</u>
Revised Agreement Amount	\$6,320,463

Funding Source: Measure AA

Comment: Additional architectural services needed to provide for circulation improvements related to currently planned programming and future planned site additions at the Bundy campus.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	November 13, 2012

**CONSENT AGENDA: FACILITIES AND FISCAL**

*Requested by: Chris Bonvenuto, Director, Fiscal Services*  
*Approved by: Robert G. Isomoto, Vice-President, Business/Administration*  
*Requested Action: Approval/Ratification*

**RECOMMENDATION NO. 16 BUDGET TRANSFERS**

**16-A FUND 01.0 – GENERAL FUND - UNRESTRICTED**

Period: October 30, 2012 to November 1, 2012

Object Code	Description	Net Amount of Transfer
1000	Academic Salaries	0
2000	Classified/Student Salaries	0
3000	Benefits	0
4000	Supplies	2,200
5000	Contract Services/Operating Exp	37,800
6000	Sites/Buildings/Equipment	0
7000	Other Outgo/Student Payments	-40,000
Net Total:		0

**16-B FUND 01.3 – GENERAL FUND - RESTRICTED**

Period: October 30, 2012 to November 1, 2012

Object Code	Description	Net Amount of Transfer
1000	Academic Salaries	0
2000	Classified/Student Salaries	23,216
3000	Benefits	-1,620
4000	Supplies	-495
5000	Contract Services/Operating Exp	-27,907
6000	Sites/Buildings/Equipment	6,806
7000	Other Outgo/Student Payments	0
Net Total:		0

Comment: The Adopted Budget needs to be amended to reflect the totals of the departmental budgets. The current system of the Los Angeles County Office of Education requires Board approvals each month for budget adjustments. Only the net amount of the transfers in or out of the object codes is shown. In addition to the budget adjustments, transfers result from requests by managers to adjust budgets to meet changing needs during the course of the year.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	November 13, 2012

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 17 BUDGET AUGMENTATION**

The 2012-2013 Adopted Budget will be amended to reflect the following budget augmentations

**17-A COOPERATIVE AGENCIES RESOURCES FOR EDUCATION (CARE)**

Granting Agency: State of California  
Appropriated Funding: \$2,793  
Matching Funds: None  
Performance Period: July 1, 2012 – June 30, 2013  
Summary: The District qualifies for an additional \$2,793 in CARE funding per the letter from Chancellor’s Office dated 08-29-2012.  
Budget Augmentation: Revenue:  
8600 State Revenue \$ 2,793  
Expenditures:  
7000 Other Outlay \$ 2,793

**17-B EXTENDED OPPORTUNITY PROGRAMS AND SERVICES (EOPS)**

Granting Agency: State of California  
Appropriated Funding: \$6,350  
Matching Funds: None  
Performance Period: July 1, 2012 – June 30, 2013  
Summary: The District qualifies for an additional \$6,350 in EOPS funding per the letter from Chancellor’s Office dated 08-29-2012.  
Budget Augmentation: Revenue:  
8600 State Revenue \$ 6,350  
Expenditures:  
5000 Other Operational Expenses \$ 2,706  
6000 Capital Outlay \$ 2,260  
7000 Other Outlay \$ 1,384

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	November 13, 2012

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 18 PAYROLL WARRANT REGISTER**

*Requested by: Ian Fraser, Payroll Manager*  
*Approved by: Robert G. Isomoto, Vice-President, Business/Administration*  
*Requested Action: Approval/Ratification*

October 1 – October 31, 2012                      C1C – C2D                      \$10,070,349.93

Comment: The detailed payroll register documents are on file in the Accounting Department.

**RECOMMENDATION NO. 19 COMMERCIAL WARRANT REGISTER**

*Requested by: Robin Quaile, Accounts Payable Supervisor*  
*Approved by: Robert G. Isomoto, Vice-President, Business/Administration*  
*Requested Action: Approval/Ratification*

October 1 – October 31, 2012                      5234 - 5276                      \$9,606,206.62

Comment: The detailed Commercial Warrant documents are on file in the Accounting Department.

**RECOMMENDATION NO. 20 AUXILIARY PAYMENTS and PURCHASE ORDERS**

*Requested by: George Prather, Director of Auxiliary Services*  
*Approved by: Robert G. Isomoto, Vice-President, Business/Administration*  
*Requested Action: Approval/Ratification*

	Payments	Purchase Orders
October 1 – October 31, 2012	\$644,605.20	\$277,893.31

Comment: All purchases and payments were made in accordance with Education Code requirements and allocated to approved budgets in the Bookstore, Trust and Other Auxiliary Funds. The detailed Auxiliary payment documents are on file in the Auxiliary Operations Office.

**RECOMMENDATION NO. 21 DIRECT, BENEFIT and STUDENT GRANT PAYMENTS**

*Requested Action: Approval/Ratification*  
*Requested by: Robin Quaile, Accounts Payable Supervisor*  
*Approved by: Robert G. Isomoto, Vice-President, Business/Administration*

Payments were authorized upon delivery and acceptance of the items ordered, or performance of the service. All payments were made in accordance with Education Code requirements and allocated to approved budgets. List on file in Fiscal Services.

October 1 – October 31, 2012	
D000199 – D000217	\$ 349,329.77
B000237 – B000321	\$1,479,647.50
ST00047 – ST00065	\$ 965.50

*D – Direct Payments*  
*B – Benefit Payments (Health Insurance, Retirement, etc.)*  
*ST – Student Grant Payments*

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	November 13, 2012

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 22 PURCHASING**

*Requested by: Cynthia Moore, Director of Purchasing*

*Approved by: Robert Isomoto, Vice President*

*Requested Action: Approval/Ratification*

**22-A AWARD OF PURCHASE ORDERS**

Establish purchase orders and authorize payments to all vendors upon delivery and acceptance of services or goods ordered. All purchases and payments are made in accordance with Education Code requirements and allocated to approve budgets. Lists of vendors on file in the Purchasing Department

October 1 – October 31, 2012                      \$9,260,154.10

<b>BOARD OF TRUSTEES</b>	<b>REGULAR MEETING</b>
SANTA MONICA COMMUNITY COLLEGE DISTRICT	December 4, 2012

X. BOARD COMMENTS AND REQUESTS

XI. ADJOURNMENT

The meeting will be adjourned in memory of Kathy McTaggart, community partnership coordinator at the Santa Monica-Malibu Unified School District.

The next regular meeting of the Santa Monica Community College District Board of Trustees will be held on **Tuesday, January 15, 2013** at 7 p.m. (5:30 p.m. if there is a closed session) in the Santa Monica College Board Room, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

The agenda for the next meeting will include the following:

1. 2013-2014 Non Resident Tuition Rate
2. Report: Global Citizenship



## APPENDIX A

### **RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA MONICA COMMUNITY COLLEGE DISTRICT REQUESTING THE ISSUANCE OF 2012-2013 TAX AND REVENUE ANTICIPATION NOTES FOR THE DISTRICT BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES**

WHEREAS, pursuant to Sections 53850 *et seq.*, of the Government Code of the State of California (the “Code”) contained in Title 5, Division 2, Part 1, Chapter 4, Article 7.6 thereof, on or after the first day of any fiscal year, the Santa Monica Community College District (the “District”) may borrow money by issuing notes to be designated “Santa Monica Community College District 2012-2013 Tax and Revenue Anticipation Notes” (the “Notes”) in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the District attributable to its fiscal year ending June 30, 2013 (the “Repayment Fiscal Year”) for any purpose for which the District is authorized to expend moneys, including but not limited to current expenses, capital expenditures and the discharge of any obligation or indebtedness of the District; and

WHEREAS, Section 53853 of the Code provides that such notes may be issued by the board of supervisors of the county, the county superintendent of which has jurisdiction over the school or community college district on behalf of the school or community college district upon the authority of a resolution of the governing board of the school or community college district; and

WHEREAS, this Board of Trustees (the “Board of Trustees”), being the governing board of the District, desires the assistance of the Board of Supervisors of the County of Los Angeles (the “County Board”) in connection with the issuance of the Notes; and

WHEREAS, pursuant to the Code, the Notes shall be payable no more than 13 months after the date of issue and the Notes shall be payable only from revenue received or accrued during the fiscal year in which the Notes were issued; and

WHEREAS, pursuant to Section 53856 of the Code, the District may pledge any taxes, income, revenue, cash receipts or other moneys deposited in inactive or term deposits, excepting funds of the District otherwise restricted, to the repayment of the Notes, which shall be issued as a general obligation of the District, and to the extent not paid from the taxes, income, revenue, cash receipts and other moneys of the District pledged for the payment thereof, shall be paid with interest thereon from any other moneys of the District lawfully available therefor, as required by Section 53857 of the Code; and

WHEREAS, the Notes to be issued hereunder in Fiscal Year 2012-2013 when added to the interest payable thereon, may not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including but not limited to revenue from state and federal governments), cash receipts and other moneys of the District which will be available for the payment of principal of the Notes and the interest thereon, as required by Section 53858 of the Code; and

WHEREAS, it may be in the best interests of the District to participate in a Los Angeles County Schools Pooled Financing 2012-2013 Tax and Revenue Anticipation Notes Program (the “Pooled Program”) in order to achieve the highest possible rating, the lowest

possible interest rate for the Notes and savings in costs of issuance and to improve the marketability of the Notes, and, accordingly, for the Treasurer and Tax Collector of the County of Los Angeles (the “Treasurer and Tax Collector”) to provide for the execution and delivery of participation certificates (“Participation Certificates”), evidencing proportionate interests in the Notes for sale to the general public on a pooled basis with the tax and revenue anticipation notes of other school districts and/or community college districts located within the County of Los Angeles (the “County”); and

WHEREAS, the Los Angeles County Office of Education has approved the selection of underwriters who will purchase any Notes issued under the Pooled Program (the “Pooled Program Notes”) and the selection of Bond Counsel who will provide the approving opinion on the Notes, and the Board of Trustees desires to have any Pooled Program Notes or, in the alternative, to have its individual Notes purchased by such underwriters upon such terms as may be approved by an Authorized Officer (as defined in Section 7 below) of the District;

NOW, THEREFORE, this Board of Trustees hereby determines and resolves as follows:

Findings and Determinations. All of the recitals set forth herein are true and correct and this Board of Trustees so finds and determines.

Authorization of Issuance of Notes; Terms of the Notes. This Board of Trustees hereby authorizes the issuance of its Notes in a principal amount not to exceed **\$20,000,000** under Section 53850, *et seq.*, of the Code to be designated “Santa Monica Community College District, 2012-2013 Tax and Revenue Anticipation Notes,” the principal amount to be set forth in the Purchase Contract (hereinafter defined) and the Notes. The Notes are to be numbered from one consecutively upward in order of issuance, to be in denominations of \$5,000 or any integral multiples thereof, to be dated the date of delivery thereof; to mature (without option of prior redemption) not more than 13 months after their date of issue and to bear interest, payable on the date of maturity (the “Maturity Date”) and, if the Maturity Date for such Notes is more than 12 months from the date of issuance, on a date not more than 12 months after their date issuance and on the Maturity Date, all as determined by the Treasurer and Tax Collector and provided for in the Notes, computed on the basis of a 360-day year consisting of twelve 30-day months, at the interest rate or rates determined at the time of sale thereof but not in excess of the maximum rate permitted by law. The Notes may be issued for purchase by the Pooled Program whereby the District and certain other school districts and community college districts (collectively, with respect to any one series of Participation Certificates, the “Participants”) located within the County will simultaneously issue tax and revenue anticipation notes to secure Participation Certificates evidencing proportionate and undivided interests in the Notes and the tax and revenue anticipation notes of the other Participants as provided in Section 7 below.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America at the office of the Treasurer and Tax Collector if such Notes are issued for purchase by the Pooled Program. The Treasurer and Tax Collector is hereby requested to act as a trustee, fiscal agent, dissemination agent and/or presentation agent (the “Fiscal Agent”) in connection with the Notes and the Participation Certificates related thereto, and the County may appoint an agent or other third party to perform any or all of such duties.

If the Notes are not issued for purchase by the Pooled Program, the principal of and interest on the Notes shall be payable to the registered owner thereof upon surrender of the Note at the principal office of The Bank of New York Mellon Trust Company, N.A., as certificate agent (the "Certificate Agent") as provided in the Trust Agreement (the "Trust Agreement") to be entered into by and between the County and the Certificate Agent.

Form of Notes. The Notes shall be issued in fully registered form, and shall be substantially in the form attached hereto as Exhibit A and by this reference incorporated herein or with appropriate modifications to such form as the Treasurer and Tax Collector may determine and approve. There shall be delivered with the Notes a legal opinion of Hawkins Delafield & Wood LLP, or such other counsel as the Los Angeles County Office of Education may appoint, as bond counsel ("Bond Counsel") respecting the validity of said Notes and the exclusion from gross income of the interest thereon for federal income tax purposes and the exemption of interest thereon from present State of California personal income taxes.

Deposit of Note Proceeds; No Arbitrage. The proceeds of sale of the Notes (net of costs of issuance) shall be deposited in or to the credit of the general fund of the District or otherwise as directed by the Authorized Officer to be withdrawn and expended for any lawful purpose for which the District is authorized to expend moneys, including, but not limited to, current expenses, capital expenditures and the discharge of any obligations or indebtedness of the District. The District hereby covenants that it will comply with the requirements of the Tax Certificate to be executed by the District with respect to the Notes and any other instructions requested by or otherwise provided by Bond Counsel.

Payment of Notes.

Source of Payment. The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the District during, or are attributable to, the Repayment Fiscal Year and which are lawfully available therefor. The Notes shall be a general obligation of the District, and to the extent the Notes are not paid from the Pledged Revenues defined below, the Notes shall be paid with interest thereon from any other moneys of the District lawfully available therefor, as provided herein and by law.

Pledged Revenues. As security for the payment of the principal of and interest on the Notes, the District hereby pledges from the first unrestricted revenues received by the District (such pledged amounts being hereinafter called the "Pledged Revenues"), the amounts as fully described in the Purchase Contract and Notes. The term "unrestricted revenues" shall mean taxes, income, revenue, cash receipts, and other money of the District as provided in Section 53856 of the Code, which are intended as receipts for the general fund of the District and which are generally available for the payment of current expenses and other obligations of the District. The principal of the Notes and the interest thereon shall be a first lien and charge against and shall be payable from the moneys received by the District from such Pledged Revenues, as provided by law. Any tax and revenue anticipation notes issued subsequent to the Notes (the "Subordinated Notes") shall be payable from and secured by a lien on unrestricted revenues received or attributable to Fiscal Year 2012-13 on a basis junior and subordinate in all respects to the lien on the unrestricted revenues received or attributable to Fiscal Year 2012-13 of the Notes authorized under Section 2 of this District Resolution. The Subordinated Notes shall not mature prior to the Notes or be subject to redemption prior to the maturity of the Notes. No deposit to any account established for the payment of principal of and interest on the Subordinated Notes shall be permitted prior to the deposit in full of each monthly set-aside requirement in the Repayment Fund for the Notes pursuant to Section 5 hereof.

In order to effect the pledge referred to in the preceding paragraph, the District agrees to the establishment of the Repayment Fund (hereinafter defined) and the District agrees to cause to be deposited, and shall request specific amounts from the District's funds on deposit with the Treasurer and Tax Collector for such purpose, directly therein the first unrestricted revenues received by the District in the amounts and on the dates set forth in the Trust Agreement if such Notes are issued for purchase by the Pooled Program or in the Notes if such Notes are issued on a stand-alone basis (each individual month a "Repayment Month" and collectively, the "Repayment Months") and any amount thereafter attributable to the Repayment Fiscal Year, until the amount on deposit in such fund, taking into consideration anticipated investment earnings thereon to be received by the Maturity Date (as specified in the Purchase Contract and Notes) is equal to the principal of and interest due on the Notes at maturity as specified in the Purchase Contract and the Notes; provided, however, that nothing herein shall prohibit or restrict the District from depositing moneys into the Repayment Fund in advance of a Repayment Month.

The District shall and does hereby authorize and instruct that, in the event that there have been insufficient Pledged Revenues received by the District by the third Business Day prior to the last Business Day (as defined in the Trust Agreement) of any Repayment Month (the "Pledge Date") to permit the deposit into the Repayment Fund of the full amount of the Pledged Revenues required to be deposited with respect to such Pledge Date, the Auditor-Controller shall collect the amount of any deficiency for deposit in the Repayment Fund in such amount as may be directed by the Treasurer and Tax Collector from any other unrestricted moneys of the District lawfully available for the payment of the principal of the Notes and the interest thereon on such Pledge Date or thereafter on a daily basis when and as such Pledged Revenues and unrestricted moneys are received by the District or for the account of the District and shall deposit said moneys with the Treasurer and Tax Collector for credit directly to the Repayment Fund.

None of the Pledged Revenues shall be available for the payment of principal of and interest due on any tax and revenue anticipation notes attributable to any Participant other than the District, and the District acknowledges and agrees that by participation in the Pooled Program or by issuing its Notes on a stand-alone basis, it shall not be entitled to any payment of principal of and interest on the Notes from the moneys of any Participant other than the District.

Intercept Procedure. In accordance with Section 5(B) hereof and to effect the pledge contained in this resolution (the "District Resolution"), the District shall and does hereby authorize and instruct the Los Angeles County Auditor-Controller (the "Auditor-Controller") to intercept Pledged Revenues as set forth in Notes and the Trust Agreement, and place such amounts on deposit each Repayment Month with the Treasurer and Tax Collector directly in the Repayment Fund held by the Fiscal Agent with a designation to the Certificate Agent of the amounts to be credited for the District. Upon such deposit, such funds will not be available to the District.

Deposit of Pledged Revenues in Repayment Fund. The Pledged Revenues shall be held by the County in a separate and special fund designated as the "Santa Monica Community College District, 2012-2013 Tax and Revenue Anticipation Notes Repayment Fund" (herein called the "Repayment Fund") and the County will administer the Pledged Revenues through and including the Maturity Date of the Notes and apply such funds as directed in this District Resolution. Any moneys deposited in the Repayment Fund shall be for the sole benefit of the owners of the Notes and until the Notes and all interest thereon are paid, or until provision has been made for the payment of the principal of the Notes and all interest thereon in

accordance with their terms, the moneys in the Repayment Fund shall be applied only for the purposes for which the Repayment Fund is created. The Treasurer and Tax Collector is directed to deposit all Pledged Revenues subject to deposit as provided in this Section 5(D) when and as received directly into the Repayment Fund, without further instruction by the District. From the dates of receipt by the Treasurer and Tax Collector of any of the Pledged Revenues subject to such deposit, the District shall have no right, title or interest therein.

Disbursement and Investment of Moneys in Repayment Fund. All Pledged Revenues shall be deposited into the Repayment Fund upon receipt. After such date as the amount of Pledged Revenues on deposit in the Repayment Fund shall be sufficient to pay in full the principal of and interest on the Notes, when due, any moneys in excess of such amount remaining in or accruing to the Repayment Fund shall be transferred to the general fund of the District or otherwise as directed by the Authorized Officer. On the Maturity Date of the Notes, the moneys in the Repayment Fund shall be used, to the extent necessary, to pay the principal of and interest on the Notes.

Moneys in the Repayment Fund, to the greatest extent possible, shall be invested in Permitted Investments (as defined in the Trust Agreement) as directed by the Treasurer and Tax Collector or by the Authorized Officer in consultation with the Los Angeles County Office of Education. The Treasurer and Tax Collector (who is hereby designated as agent of the District for these purposes) is hereby requested to invest and/or to direct the investment of the proceeds of the Notes and the Participation Certificates and any other funds held under the Trust Agreement in accordance with the Trust Agreement and County policy governing the investment of such funds.

Defaults in the Repayment of the Notes. If the Notes are not paid when due or are paid in whole or in part by a draw under or claim upon a form of credit support for the Notes or a series of Participation Certificates (“Credit Enhancement”) which draw or claim is not fully reimbursed on such date, they shall become Defaulted Notes (as defined in the Trust Agreement), and the unpaid portion thereof (or the portion thereof with respect to which Credit Enhancement applies for which reimbursement on a draw or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest at the default rate specified in the Trust Agreement (the “Default Rate”). If the Notes are not secured by Credit Enhancement in whole or in part and are not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Enhancement applies which is unpaid), including the respective series of Participation Certificates, shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding two sentences, the obligation of the District with respect to such Defaulted Notes or unpaid Notes shall not be a debt or liability of the District prohibited by Article XVI, Section 18 of the California Constitution and the District shall not be liable thereon except to the extent of any available revenues attributable to the Repayment Fiscal Year as provided in Section 5(B) above.

Execution of Notes. The District hereby requests the Treasurer and Tax Collector, or his designated deputy, and the appropriate officers of the County Board to execute the Notes by their manual or facsimile signatures and to affix a facsimile of the seal of the County thereon. Said officers shall be authorized to cause the blank spaces thereof to be filled in prior to initial delivery as may be appropriate. The District’s approval of the information set forth therein shall be conclusively evidenced by the execution of the District’s Note by the Treasurer and Tax Collector.

Approval of Sale of Notes. This Board of Trustees hereby delegates to the President or Chairperson, as applicable, of the Board of Trustees, to the Superintendent, Assistant Superintendent for Fiscal Services, Business Manager or Chief Business Officer of the District, as the case may be, or such other authorized person (each, an “Authorized Officer”), the right, on behalf of the District, to elect to have the District participate in the Pooled Program or to have the Notes issued on a stand-alone basis. Such election shall be conclusively evidenced by the execution of the District’s Note by the Treasurer and Tax Collector. In case any officer whose signature shall appear on any Notes shall cease to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Treasurer and Tax Collector shall, within the limitations set forth below, be authorized and directed, on behalf of the District, to enter into a contract of purchase (the “Purchase Contract”) with the Underwriters (hereinafter defined) for the purchase of the Notes and the respective series of Participation Certificates. In connection with the Pooled Program, the Los Angeles County Office of Education, with the concurrence of this District, has appointed RBC Capital Markets, LLC, as representative of itself and any co-underwriter the Los Angeles County Office of Education may appoint as underwriters (collectively, the “Underwriters”)

The tax and revenue anticipation notes of the Pooled Program shall be deposited into a trust to be established under and pursuant to the Trust Agreement, creating a trust estate, which shall contain the Notes and the tax and revenue anticipation notes of the other Participants in such series, if any. The Notes, if such Notes are issued on a stand-alone basis, shall be deposited into a trust to be established under and pursuant to the Trust Agreement, creating a trust estate, which shall contain the Notes. It is hereby recognized, acknowledged and agreed that the Certificate Agent appointed pursuant to the Trust Agreement may execute and deliver a Series of Participation Certificates on behalf of the District and the other Participants of such Series, each representing the proportional, undivided ownership interest of the registered owner thereof in the Notes of the Pooled Program related to such Series of Participation Certificates. The District agrees to recognize each registered owner of the related Series of Participation Certificates as the beneficial owner of its Notes to the extent of such registered owner’s proportional, undivided interest in the Notes. The Authorized Officer is hereby authorized to execute and deliver any documents and to take such other action as may be necessary or proper to carry out the interest of the provisions hereof. The participation by the District in the Pooled Program and the execution and delivery of a Series of Participation Certificates under the Trust Agreement shall not cause the District to be liable for payments of principal of or interest on the tax and revenue anticipation notes attributable to any other Participant.

Authorization and Approval of Preliminary Official Statement and Official Statement. The Underwriters are hereby authorized to prepare a Preliminary Official Statement and an Official Statement relating to the Notes and the Pooled Program. Each Authorized Officer is hereby authorized and directed to provide to the Underwriters such information relating to the District as the Underwriters shall reasonably request in connection with the preparation of and for inclusion in the Preliminary Official Statement and the Official Statement. Upon inclusion of the information relating to the District therein, the Preliminary Official Statement, except for certain omissions permitted by Rule 15c2-12 of the Securities and Exchange Commission (the “SEC”) promulgated under the Securities Exchange Act of 1934, as amended (the “Rule”), is hereby deemed “final” within the meaning of the Rule; provided that no representation is made by the District as to the information contained in the Preliminary Official Statement relating to the other Participants or any municipal bond insurer.

If, at any time prior to the execution of the Purchase Contract by the County, any event occurs as a result of which the information contained in the Preliminary Official Statement relating to the District might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the District shall promptly notify the Underwriters. If, at any time subsequent to the execution of the Purchase Contract by the County and prior to the “end of the underwriting period” (as defined in the Rule), any event occurs as a result of which the information contained in the Official Statement relating to the District might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the District shall promptly notify the Underwriters. If, in the opinion of the Underwriters, such event requires the preparation and distribution of a supplement or amendment to the Preliminary Official Statement or Official Statement, the District shall prepare and furnish to the Underwriters, at the expense of the District, such number of copies of the supplement or amendment to the Preliminary Official Statement or Official Statement, as applicable, in form and substance mutually agreed upon by the District and the Underwriters, as the Underwriters may reasonably request.

#### Representations and Warranties.

The District is a validly existing school district or community college district under the Constitution and laws of the State, with the right and power to execute, deliver and perform its obligations under this District Resolution.

The performance of the District’s obligations under this District Resolution and compliance with the provisions hereof by the District do not and will not conflict with or constitute on the part of the District a breach of, or a default under, the Constitution of the State, any existing law, charter, ordinance, regulation, decree, order or resolution, or any agreement, indenture, mortgage, lease or other instrument, to which the District is subject or by which it is bound.

No action, suit, proceeding or investigation is pending or threatened against the District in any court or before any governmental authority seeking to restrain or enjoin the execution or delivery of or in any way contesting or affecting the validity of this District Resolution or the receipt or application of the Pledged Revenues pledged to pay the Notes or contesting the powers of the District to participate in the financing represented by the Participation Certificates.

The maximum aggregate principal amount of the Notes, when added to the interest payable thereon, shall not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including but not limited to revenue from the State and federal governments), cash receipts and other moneys of the District which will be available for the payment of the Notes and interest thereon as required by Section 53858 of the Act.

The District, for the purpose of evidencing compliance with the provisions of Section 42133 of the California Education Code, has not filed its Fiscal Year 2011-12 or Fiscal Year 2012-13 interim financial reports with a qualified or negative certification pursuant to Education Code Section 42131(a)(1) and the Superintendent of Schools has not classified the District’s interim financial reports for such fiscal year to be qualified or negative pursuant to Education Code Section 42131(a)(2); provided, however, that if the District has a qualified or negative certification with respect to its interim financial reports for such fiscal year, the District shall provide to Bond Counsel the written determination by the County Superintendent of

Schools that the repayment of the Note is probable pursuant to Section 42133 of the Education Code.

The District has funded and will continue to fund its Reserve for Economic Uncertainties for Fiscal Year 2012-13 in at least the minimum amount recommended by the State Superintendent of Public Instruction and Los Angeles County Office of Education.

Continuing Disclosure.

As required by the Rule, the District covenants with the beneficial owners of the Notes and the related Series of Participation Certificates that it will, and hereby authorizes its appropriate officers and employees to provide or cause to be provided, in a timely manner not in excess of ten (10) Business Days after the occurrence of such Listed Event (hereinafter defined), for the benefit of the beneficial owners of the Notes and the related Series of Participation Certificates, notice of any of the following Listed Events to the MSRB through its EMMA System with respect to its Notes:

principal and interest payment delinquencies.

non-payment related defaults, if material.

modifications to rights of holders, if material.

Bond calls, if material and tender offers.

defeasances.

rating changes with respect to the related Series of Participation Certificates.

adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (Internal Revenue Service Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Notes and the related Series of Participation Certificates, or other material events affecting the tax status of the Notes and the related Series of Participation Certificates.

unscheduled draws on the debt service reserves reflecting financial difficulties.

unscheduled draws on the credit enhancements reflecting financial difficulties.

release, substitution or sale of property securing repayment of the Notes and the related Series of Participation Certificates, if material.

bankruptcy, insolvency, receivership or similar event of the District (such event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the District in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under State or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the District, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court



or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the District);

substitution of credit or liquidity providers, or their failure to perform with respect to its Note and the related Series of Participation Certificates;

the consummation of a merger, consolidation, or acquisition involving the District or the sale of all or substantially all of the assets of the District, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

appointment of a successor or additional Certificate Agent or the change of name of a Certificate Agent, if material.

Unless otherwise required by the MSRB or the SEC, all notices, documents and information provided to the MSRB shall be provided to the EMMA System (hereinafter defined), the current internet address of which is <http://emma.msrb.org>. All notices, documents and information provided to the MSRB shall be provided in an electronic format as prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

Notwithstanding any other provision herein, failure of the District to perform in accordance with this Section 10(A) shall not constitute a default under this District Resolution and may be enforced only as provided in this Section 10.

Each Listed Event Notice shall be so captioned and shall prominently state the title, date and CUSIP numbers of the affected Participation Certificates and the Participant or Participants for which such Listed Event is applicable.

Except as otherwise described in the Official Statement, the District represents that in the last five years, it has not failed to comply in any material respect with any previous undertaking in a written contract or agreement specified in paragraph (b)(5)(i) of the Rule.

(+)1. This Section 10 may be amended by the District without the consent of the holders of the Notes and the related Series of Participation Certificates (except to the extent required under clause (d)(ii) below), if all of the following conditions are satisfied: (a) such amendment is made in connection with a change in circumstances that arises from a change in legal (including regulatory) requirements, a change in law (including rules or regulations) or in interpretations thereof, or a change in the identity, nature or status of the District or the type of business conducted thereby; (b) this Section 10 as so amended would have complied with the requirements of the Rule as of the date of this District Resolution, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; (c) the District shall have delivered to the County and the Certificate Agent an opinion of Bond Counsel, addressed to the District, the County and the Certificate Agent, to the same effect as set forth in clause (b) above; (d) either (i) the District shall have delivered to the County and the Certificate Agent an opinion of Bond Counsel or a determination by an entity, in each case unaffiliated with the District (such as Bond Counsel, the County or the Certificate Agent), addressed to the District, the County and the Certificate Agent, to the effect that the amendment does not materially impair the interests of the holders of the Notes and the related Series of Participation Certificates or (ii) the holders of the Notes and the related Series of Participation Certificates consent to the amendment to this Section 10 pursuant to the same procedures as are

otherwise required for amendments to this District Resolution with consent of holders of the Notes and the related Series of Participation Certificates pursuant to this District Resolution as in effect at the time of the amendment, and (e) the District shall have delivered copies of such opinion(s) and amendment to the EMMA System.

This Section 10 may be amended and any provision of this Section 10 may be waived, by written agreement of the parties, without the consent of the holders of the Notes and the related Series of Participation Certificates, if all of the following conditions are satisfied: (a) an amendment to the Rule is adopted, or a new or modified official interpretation of the Rule is issued, after the effective date of this District Resolution which is applicable to Section 10 of this District Resolution, (b) the District shall have delivered to the County and the Certificate Agent an opinion of Bond Counsel, addressed to the District, the County and the Certificate Agent, to the effect that performance by the District, the County and the Certificate Agent under this Section as so amended will not result in a violation of the Rule and (c) the District shall have delivered copies of such opinion and amendment to the EMMA System.

This Section 10 may be amended, without the consent of the holders of the Notes and the related Series of Participation Certificates, if each of the following conditions are satisfied: (a) the District shall have delivered to the Certificate Agent an opinion of Bond Counsel, addressed to the District and the Certificate Agent, to the effect that the amendment is permitted by rule, order or other official pronouncement, or is consistent with any interpretive advice or no-action positions of staff of the SEC, and (b) the Certificate Agent shall have delivered copies of such opinion and amendment to the EMMA System.

~~(H)~~1. The provisions of this Section 10 shall inure solely to the benefit of the holders from time to time of the Notes and the related Series of Participation Certificates, except that beneficial owners of the Notes and the related Series of Participation Certificates shall be third-party beneficiaries of this Section 10.

Except as provided in this Section 10(E)(2), the provisions of this Section 10 shall create no rights in any person or entity. The obligations of the District to comply with the provisions of this Section 10 shall be enforceable in the case of enforcement of obligations to provide notices, by any Registered Owner of outstanding Participation Certificates, or by the Fiscal Agent and Certificate Agent on behalf of the Registered Owners of outstanding Participation Certificates; *provided, however*, that the Fiscal Agent and Certificate Agent shall not be required to take any enforcement action except at the direction of the Registered Owners of not less than a majority in aggregate principal amount of the related Series of Participation Certificates at the time outstanding who shall have provided the Certificate Agent with adequate security and indemnity. The Registered Owners', Fiscal Agent's and Certificate Agent's rights to enforce the provisions of this Section 10 shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the District's obligations under this Section. In consideration of the third-party beneficiary status of beneficial owners of Participation Certificates pursuant to Section 10(E)(1) of this Section, beneficial owners shall be deemed to be Registered Owners of Participation Certificates for purposes of this Section 10(E).

For the purposes of this District Resolution, unless the context otherwise requires, the terms defined in this Section 10(F) shall, for all purposes of this District Resolution, have the meanings specified herein:

“*Bond Counsel*” means an attorney or firm of attorneys of nationally recognized standing in matters pertaining to the validity of, and tax-exempt nature of interest on, obligations issued by states and their political subdivisions.

“*Business Day*” means any day of the year other than Saturday or Sunday or any day on which banks in New York, New York or Los Angeles, California are not authorized or obligated by law or executive order to close and on which the New York Stock Exchange is not closed.

“*EMMA System*” means the MSRB’s Electronic Municipal Market Access system or any other repository so designated by the MSRB or the SEC.

“*Listed Event*” means any of the events with respect to the Notes, set forth in Section 10(A) above.

“*Listed Event Notice*” means a notice of a Listed Event.

“*MSRB*” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of the MSRB contemplated herein.

“*Register*” means the book or book of registration kept by the Registrar in which are maintained the names and addresses and principal amounts registered to each Registered Owner.

“*Registered Owner*” means the Person in whose name a Participation Certificate is registered on the Register.

“*Registrar*” means the Certificate Agent, or a substitute Registrar.

“*SEC*” means the Securities and Exchange Commission of the United States of America.

Delivery of Notes. The proper officers of the County Board are hereby requested to deliver the Notes to the Treasurer and Tax Collector upon payment therefor in accordance herewith and in accordance with the terms of the Purchase Contract executed in connection with the Notes or the Participation Certificates, as appropriate, and the Trust Agreement. All actions heretofore taken by the officers and agents of the District and the County Board with respect to the Notes are hereby approved, confirmed and ratified, and the officers of the District and the County Board are hereby authorized and directed to do any and all things and take any and all actions including but not limited to those described herein, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Notes in accordance with this District Resolution and any resolutions hereafter adopted by this Board of Trustees.

Non-Negotiability of Notes. In the event that the Authorized Officer shall elect to issue the District’s Notes within the Pooled Program, such Notes shall be deposited with the Certificate Agent and maintained in trust until their scheduled maturity and payment in full. The Notes shall not be transferable or assignable by the Certificate Agent. Notwithstanding the foregoing, in the event that the Notes should be lost, stolen, destroyed or mutilated prior to their stated maturity, the District shall cause to be issued a new Note or Notes of the same tenor, term and maturity as the original to replace the same upon such reasonable terms and conditions,

including the payment of costs and the posting of a surety bond, as may from time to time be determined and prescribed by the Authorized Officer in consultation with the Los Angeles County Office of Education.

Authorization for Credit Enhancement. This Board of Trustees acknowledges and agrees that the District shall be obligated to pay the District's *pro rata* share of the cost or the cost, respectively, of any Credit Enhancement required for the Pooled Program or the District in the event the District issues its Notes on a stand-alone basis, respectively, and this Board of Trustees specifically finds and determines that the acquisition of such Credit Enhancement will benefit the District by reducing the interest cost associated with the Notes. The Authorized Officer is hereby authorized and directed to execute such reimbursement or other financing agreement as may be necessary in order to obtain said Credit Enhancement for the District's participation in the Pooled Program or for the District if the Notes are issued on a stand-alone basis, and the District agrees to perform its obligations pursuant to such reimbursement or other financing agreement.

Authorization to Attest. Any Authorized Officer or the Clerk of the Board of Trustees, or designee thereof, is hereby authorized and directed to attest to the signature of any other Authorized Officer, whenever required or advisable for the transactions contemplated by this District Resolution. Each Authorized Officer is authorized and directed to execute and attest such further documents, instruments and certificates as may be deemed necessary or advisable by Bond Counsel in order to accomplish the purposes of this District Resolution.

Further Actions Authorized. It is hereby covenanted that the District, and its appropriate officials, have duly taken all proceedings necessary to be taken by them, and will take any additional proceedings necessary to be taken by them, for the levy, collection and enforcement of the taxes and other revenues pledged under this District Resolution in accordance with the law and for carrying out the provisions of this District Resolution. The Authorized Officers, and other officers and staff of the District are hereby directed to take such further action as may be necessary to carry out the intent and purpose of this District Resolution and to execute and deliver any and all agreements, certificates and other documents that they or Bond Counsel may deem necessary or advisable to effectuate the purposes of this District Resolution without further approval of this Board of Trustees.

Costs and Expenses. The District covenants and agrees to pay its *pro rata* share of the costs and expenses incurred in connection with the execution and delivery of the Notes, the Participation Certificates and the administration of the Pooled Program, in the event that its Authorized Officer should elect to issue the Notes.

Indemnification of Certificate Agent. The District shall indemnify, to the extent permitted by law, the Certificate Agent and its officers, directors, agents and employees for losses, costs, expenses (including, without limitation, legal fees and expenses), suits, damages, judgments and liabilities incurred by the Certificate Agent under this District Resolution and the Trust Agreement not resulting from the Certificate Agent's own gross negligence or willful misconduct.

Limited Liability. Notwithstanding anything to the contrary contained herein or in the Notes or in any other document mentioned herein, the District shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 5 hereof and the County is not liable for payment on the Notes or any other obligation of the District hereunder.

Effective Date. This Resolution shall become effective upon its adoption by the Board of Trustees.

PASSED AND ADOPTED by the Board of Trustees of the Santa Monica Community College District on this \_\_\_\_\_, 2012, by the following vote:

AYES: \_\_\_\_

NOES: \_\_\_\_

ABSENT: \_\_\_\_

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Chair of the Board of Trustees of the  
Santa Monica Community College  
District

ATTEST:

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Secretary of the Board of Trustees of the  
Santa Monica Community College District

**EXHIBIT A**

**FORM OF 2012-2013 TAX AND REVENUE ANTICIPATION NOTE**

SANTA MONICA COMMUNITY COLLEGE DISTRICT  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA  
2012-2013 TAX AND REVENUE ANTICIPATION NOTE

No. R-1

Maturity Date: \_\_\_\_\_, 20\_\_

Principal Amount: \$\_\_\_\_\_

Interest Rate: \_\_\_\_%

FOR VALUE RECEIVED, the SANTA MONICA COMMUNITY COLLEGE DISTRICT (the "District"), County of Los Angeles, State of California, acknowledges itself indebted to and promises to pay to the [TREASURER AND TAX COLLECTOR OF THE COUNTY OF LOS ANGELES][Registered Owner] the Principal Amount stated above in lawful money of the United States of America, on the Maturity Date stated above, together with interest thereon at the Interest Rate stated above, calculated on the basis of a 360-day year of twelve 30-day months, in like lawful money of the United States of America from the date hereof until maturity. The principal of and interest due at maturity on this Note shall be payable only upon surrender of this Note as the Note shall fall due.

It is hereby certified, recited and declared that this Note is made, executed and given pursuant to and by authority of a resolution duly passed and adopted by the Board of Trustees of the District, and of a resolution duly passed and adopted by the Board of Supervisors of the County of Los Angeles, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5, of the California Government Code, and that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note have existed, happened and been performed in regular and due time, form and manner as required by law, and that this Note, together with all other indebtedness and obligations of the District, does not exceed any limit prescribed by the Constitution or laws of the State of California.

The Principal Amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the District during, or are attributable to, Fiscal Year 2012-2013 and which are lawfully available therefor. The District has pledged certain unrestricted revenues the ("Pledged Revenues") to the payment of principal of the Notes and interest thereon on the dates and in the amounts set forth in the Trust Agreement, dated as of \_\_\_\_\_ 1, 2013 by and between the County of Los Angeles and The Bank of New York Mellon Trust Company, N.A., as Certificate Agent, as security for the Notes. The Notes shall be a general obligation of the District, and to the extent the Notes are not paid from the Pledged Revenues, the Notes shall be paid with interest thereon from any other moneys of the District lawfully available therefor, as provided herein and by law.

In the event of the nonpayment of this Note on the Maturity Date hereof, the balance due shall accrue interest at a default rate of one and one-half percent (1.5%) per annum above the next Business Day, 1-Year Treasury Constant Maturities yield in Federal Reserve Statistical Release H-15 (or successor publication) and the first Business Day of each month thereafter until paid in full. Such interest to be calculated based on a 360-day year of twelve 30-day months.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Note to be executed by its Chair and by the Treasurer and Tax Collector of the County of Los Angeles and countersigned by the Executive Officer-Clerk of the Board of Supervisors, or their duly designated deputies, which signatures may be facsimile signatures (provided that one of such signatures must be manually affixed) and has caused a facsimile of its official seal to be printed hereon this \_\_\_\_ day of \_\_\_\_\_ 2013.

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
Treasurer and Tax Collector

Countersigned:

By: \_\_\_\_\_  
Executive Officer-Clerk of  
the Board of Supervisors

ASSIGNMENT

For value received, the undersigned do(es) hereby sell, assign and transfer unto The Bank of New York Mellon Trust Company, N.A., acting as Certificate Agent, the within Note and do(es) hereby irrevocably constitute and appoint \_\_\_\_\_ as the undersigned's attorney to transfer such Note on the registration books of the Certificate Agent, with full power of substitution in the premises.

TREASURER AND TAX COLLECTOR OF THE  
COUNTY OF LOS ANGELES

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_

Note: The signature(s) to this Assignment must correspond with the name(s) as written on the face of the within Certificate in every particular, without alteration or enlargement or any change whatsoever.

Social Security Number,  
Taxpayer Identification Number  
or other Identifying Number of Assignee:

\_\_\_\_\_