

Chapter 2 – Board of Trustees

AP 2210 Officers

References:

Education Code Sections 85232, 85233, and 87412

The power and duties of the Board of Trustees include:

Contracts and Signatures

A. Preparation of Contracts

As a general rule, preparation and negotiation of contracts will be carried out in consultation with the College's legal counsel. Where contracts use a standard agreement form that has been developed by legal counsel (such as construction, consulting services, and use of facilities), the contract need not be reviewed by legal counsel as to form. However, if there are significant changes in the general provisions of any of these contracts, then they should be reviewed with counsel. A contract presented to the district in a form established by another agency or party will be thoroughly reviewed by counsel. It is preferred that the College's form of a contract be used rather than contracting party documents.

B. Processing of a Contract

1. Employees authorized by the Board of Trustees to sign documents are named in Board Policy 6150 (Designation of Authorized Signatures). Established policy refers only to the College President/CEO and two Vice Presidents. In addition, those approved by Board resolution (updated every December) may sign contracts or documents. This includes purchase orders; facilities agreements; construction contracts; payroll warrants; and county, State, and federal reports.
2. The general rule is that the Board of Trustees will approve contracts prior to the signing of these agreements. Exceptions to this rule may occur when (a) it is considered to be an emergency in terms of the health and safety of the students and employees; (b) where it is budgeted and below required bid limits; (c) where it is ordinary and routine, such as the purchase of supplies; (d) where the timing of a Board of Trustees Meeting would incur financial loss if prior approval were required. Exceptions will be kept to a minimum and specifically approved by the College President/CEO prior to entering into agreements subject to ratification.
3. All cost contracts will be reviewed by the Chief Fiscal/Business Officer prior to submission to the Board of Trustees. (Cost is defined as any contract where money or something of value is exchanged between parties.)

4. Signed copies of all cost contracts shall be distributed as follows: (a) one copy to contractor; (b) one copy to the county, if required; (c) one copy to the cost contract master file in the Mt. San Antonio College Accounting Office; and (d) one copy to the manager responsible for administering the contract.
5. It is understood that contracts that are driven by Board of Trustees approved rate schedules, such as use of facilities or by specific budget appropriation that would be approved in due course through approval of purchase orders, need not be specifically agendized for Board of Trustees approval. It is important to note, however, that any contract which varies from fee schedule, or is a negotiated fee, or involves new programs or considerations, will be agendized for Board of Trustees approval.

C. Administration of Contracts

1. If a contract calls for the College to pay, the responsible administrator will verify that all goods or services contained in the contract have been received or accomplished in accordance with the provisions of the contract. This will provide the Mt. San Antonio College Accounting Office with authority to pay under the terms of the contract.
2. If the contract calls for the College to receive payment, the responsible administrator shall verify that the College has met its obligations under the contract before the Mt. San Antonio College Accounting Office invoices the other party.

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