



**District Governing Board Retreat
Agenda Summary
District Governing Board Workshop
Monday, December 11, 2017
9:00 AM**

Rock House, Prescott Campus
1100 E. Sheldon Street
Prescott , AZ 86301

Pursuant to Arizona Revised Statutes (A.R.S.) §38-431.02, notice is hereby given to the members of the Yavapai College District Governing Board and to the general public that the Board will hold a public meeting, open to the public as specified below. The Board reserves the right to change the order of items on the agenda. One or more members of the Board may participate in the meeting by telephonic communication.

Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Board may vote to go into Executive Session, which will not be open to the public, for legal advice concerning any item on the agenda or to review, discuss and consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. As indicated in the agenda, the Board may also vote to go into executive session, which will not be open to the public, to discuss specific agenda items.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Karen Jones at (928)776-2307. Requests should be made as early as possible to allow time to arrange the accommodation.

Please note that agenda item times are for planning purposes only and do not necessarily reflect the actual time of the agenda item. When regular board meetings, public hearings (both truth in taxation and budget adoption public hearings) and budget adoption special meetings are scheduled for the same date, each hearing or meeting will begin immediately upon adjournment of the preceding hearing or meeting. Members of the public wishing to attend those subsequent hearings or meetings are advised to arrive at the time that the first hearing or meeting is scheduled to begin.

Item No.	Item	Time Req.	Start Time	Ref No.
1	CALL TO ORDER - HEADING	0	9:00 AM	738216
2	Call to Order - PROCEDURAL	1	9:00 AM	738217
3	Welcome to Guests and Staff - PROCEDURAL	2	9:01 AM	738218
4	Adoption of Agenda - DECISION	1	9:03 AM	738219
5	DECISION ITEM - HEADING	0	9:04 AM	754898
6	For Consideration for Approval of a Waiver of Conflict of Interest Regarding Legal Services From the Yavapai County Attorney's Office Related to an Intergovernmental Agreement For the Northern Arizona Regional Training Academy Sergeant - RECEIPT, DISCUSSION AND/OR DECISION	2	9:04 AM	754897
7	POLICY REVIEW - HEADING	0	9:06 AM	738220
8	Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION	70	9:06 AM	738221
9	SHORT RECESS - PROCEDURAL	15	10:16 AM	738222

Item No.	Item	Time Req.	Start Time	Ref No.
10	Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION	91	10:31 AM	738223
11	SHORT RECESS AND POSSIBLE WORKING LUNCH - PROCEDURAL	45	12:02 PM	738224
12	Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION	90	12:47 PM	738225
13	SHORT RECESS - PROCEDURAL	15	2:17 PM	738227
14	Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION	90	2:32 PM	738230
15	ADJOURNMENT OF BOARD RETREAT MEETING - PROCEDURAL	1	4:02 PM	738229

Presenter : Ray Sigafoos **Start Time :** 9:00 AM **Item No :** 1
Proposed By : Ray Sigafoos **Time Req :** 0
Proposed : 9/15/2017 **Item Type :** Heading

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : CALL TO ORDER - HEADING

Details :

Attachments :

No Attachments

Presenter : Ray Sigafoos **Start Time :** 9:00 AM **Item No :** 2
Proposed By : Ray Sigafoos **Time Req :** 1
Proposed : 9/15/2017 **Item Type :** Procedure Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : Call to Order - PROCEDURAL

Details :

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 9:01 AM

Item No : 3

Proposed By : Ray Sigafoos

Time Req : 2

Proposed : 9/15/2017

Item Type : Procedure Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : Welcome to Guests and Staff - PROCEDURAL

Details : Chair Sigafoos will welcome all guests and staff and introduce Richard Stringham, Senior Associate, The Governance Coach.

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 9:03 AM

Item No : 4

Proposed By : Ray Sigafoos

Time Req : 1

Proposed : 9/15/2017

Item Type : Decision Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : Adoption of Agenda - DECISION

Details :

Attachments :

No Attachments

Presenter : Ray Sigafoos
Proposed By : Ray Sigafoos
Proposed : 12/6/2017

Start Time : 9:04 AM
Time Req : 0
Item Type : Heading

Item No : 5

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : DECISION ITEM - HEADING

Details :

Attachments :

No Attachments

Presenter : Ray Sigafoos
Proposed By : Ray Sigafoos
Proposed : 12/6/2017

Start Time : 9:04 AM
Time Req : 2
Item Type : Decision Item

Item No : 6

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : For Consideration for Approval of a Waiver of Conflict of Interest Regarding Legal Services From the Yavapai County Attorney's Office Related to an Intergovernmental Agreement For the Northern Arizona Regional Training Academy Sergeant - RECEIPT, DISCUSSION AND/OR DECISION

Details : For consideration for approval of a waiver of conflict of interest regarding legal services from the Yavapai County Attorney's Office related to an Intergovernmental Agreement (IGA) for the Northern Arizona Regional Training Academy (NARTA) Academy Sergeant. The current NARTA Sergeant is relocating back into service with the Prescott Police Department and the NARTA board selected a replacement from the Yavapai County Sheriff's office, therefore requiring a new IGA. Since the College and the County are both clients of the same attorney, a waiver of conflict of interest is required prior to drafting any new IGAs relating to the NARTA Academy Sergeant and Yavapai College.

Attachments :

Title	Created	Filename
Yavapai County Waiver.pdf	Dec 06, 2017	Yavapai County Waiver.pdf



Yavapai County Attorney

255 East Gurley Street
Prescott, AZ 86301
ycao@yavapai.us

SHEILA POLK
Yavapai County Attorney

November 28, 2017

Yavapai County Community College District Governing Board
Prescott Campus, Building 32, Room 203
1100 E. Sheldon Street
Prescott, AZ 86301

Re: Waiver of Conflict Regarding an intergovernmental agreement regarding the Northern Arizona Regional Training Academy ("NARTA") – Academy Sergeant

Dear Board Members:

Yavapai County has requested the Yavapai County Attorney's Office ("YCAO") to provide legal services regarding an intergovernmental agreement ("IGA") for the Northern Arizona Regional Training Academy ("NARTA") Academy Sergeant between Yavapai County and Yavapai County Community College District.

YCAO recognizes that the Yavapai County Community College District may have independent legal counsel. Nonetheless, YCAO maintains an attorney-client relationship with Yavapai County Community College District by statute and has periodically provided legal advice to Yavapai County Community College District. Yavapai County Community College District's "client" status does not change even if it uses independent legal representation. It is also possible that both parties may eventually ask YCAO for legal services concerning this matter.

Similar to all other attorneys and law offices, the Yavapai County Attorney, along with her deputies, is subject to the rules of professional conduct. Those rules include limitations as to when a lawyer may provide legal representation to a client if that representation may conflict with the lawyer's representation of another client. In some circumstances, a lawyer may proceed with representation if **all** affected parties provide a **written waiver of the conflict of interest** after being informed of the consequences of such a waiver. The request for legal services regarding the above referenced IGA is one of those circumstances.

Potential conflicts may arise in various scenarios. For example, although the parties to an agreement may be working towards a common goal, each party still has its own inherent self-interests. Misunderstandings or unforeseen consequences may disrupt an otherwise simple agreement. Moreover, because Yavapai County and Yavapai County Community College District are both clients of YCAO, there is a risk that YCAO's attorneys may be limited in their ability to advocate on behalf of one or both parties. YCAO's attorneys may not be able to

Criminal Division
(928) 771-3344

Civil Division
(928) 771-3338

Bad Check Program
(928) 771-3490

recommend or advocate all possible positions that Yavapai County may take because of a duty of loyalty to Yavapai County Community College District and vice versa. YCAO's duty of loyalty to Yavapai County Community College District does not stop whether or not it uses independent legal representation.

Another possibility of concern is the waiver of the attorney-client privilege in common representation situations. Even if YCAO's attorneys only review the above referenced issue(s) on behalf of Yavapai County with the consent of Yavapai County Community College District, there is the possibility such an arrangement could be construed as a common representation to which the attorney-client privilege does not attach. If YCAO's attorneys represent both parties in this matter, then neither party would likely have any confidentiality or privilege relative to the other regarding information shared with YCAO.

Further conflicts could arise if the parties' interests became adverse to one another. For instance, if one party alleged the other breached an agreement, or if one party violated a material term and the other wanted to seek enforcement of it, or if there was some other unanticipated dispute between the parties, additional conflicts may arise. These potential conflicts may foreclose alternatives that may otherwise be available to one or the other party. It is possible that these limitations or disputes could force YCAO to withdraw from or refuse representation related to the above referenced issue(s).

Even though Yavapai County Community College District has not yet requested that YCAO provide legal services on this matter, YCAO also asks that you waive the conflict in the event that Yavapai County Community College District requests our legal services, thereby enabling YCAO to provide services to both entities if requested.

Yavapai County's current request is for review of the proposed IGA. However, it is possible that upon analysis of the IGA, YCAO may determine that substantial revisions or additional contracts or intergovernmental agreements are required, so YCAO also asks that you waive any conflict regarding any such additional contracts or agreements regarding the NARTA Academy Sergeant between Yavapai County and Yavapai County Community College District.

If you feel you understand the above conflict of interest and its consequences, and are comfortable waiving those conflicts, YCAO asks that the Board Members pass an appropriate motion, sign and return the attached waiver. YCAO will be asking Yavapai County for a similar waiver. Upon receipt of waivers from **both parties**, YCAO will provide the requested service with respect to the above referenced issue(s).

Please feel free to contact me if you have any questions.

Sincerely,



Benjamin D. Kreutzberg
Deputy Yavapai County Attorney

BDK:jm
enclosure

WAIVER OF CONFLICT OF INTEREST

Re: Waiver of Conflict Regarding an intergovernmental agreement regarding the Northern Arizona Regional Training Academy (“NARTA”) – Academy Sergeant

Yavapai County Community College District, by and through its Board Members, has reviewed the conflict of interest letter dated November 27, 2017, from Deputy Yavapai County Attorney Benjamin D. Kreutzberg. Accordingly, Yavapai County Community College District fully understands the implications of waiving the Yavapai County Attorney’s Office’s conflict of interest described in that letter regarding Yavapai County Community College District and Yavapai County, both of which are clients of the Yavapai County Attorney’s Office.

Therefore, Yavapai County Community College District has passed a motion approving the waiver of the conflict of interest and authorizing the Yavapai County Attorney’s Office to proceed with review of the above referenced issue(s) on behalf of Yavapai County, or both parties to the IGA if both parties request services from the Yavapai County Attorney’s Office. Yavapai County Community College District also authorizes the Yavapai County Attorney’s Office to review or draft any other necessary contracts or intergovernmental agreements relating to the NARTA Academy Sergeant between Yavapai County Community College District and Yavapai County.

Dated this 11th day of December, 2017.

Yavapai County Community College District Governing Board
1100 E. Sheldon Street
Prescott, AZ 86301

Signature

Ray Sigafos, Board Chair
Name and title

Presenter : Ray Sigafoos	Start Time : 9:06 AM	Item No : 7
Proposed By : Ray Sigafoos	Time Req : 0	
Proposed : 9/15/2017	Item Type : Heading	

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : POLICY REVIEW - HEADING

Details :

Attachments :

No Attachments

Presenter : Ray Sigafoos	Start Time : 9:06 AM	Item No : 8
Proposed By : Ray Sigafoos	Time Req : 70	
Proposed : 9/15/2017	Item Type : Discussion	

Policy No.	Description	Ref No
2	The President shall not cause or allow any practice, which is either illegal, unethical, imprudent, or inconsistent with college policies.	344940

Description : Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION

Details : Richard Stringham, Senior Associate from Governance Coach, will lead the Board in a review and development of the Yavapai College District Governing Board Executive Limitations within a Policy Governance framework.

Attachments :

Title	Created	Filename
Executive Limitations.pdf	Dec 06, 2017	Executive Limitations.pdf

2 Executive Limitations

Rev Date : Rev No : Ref No
1/5/2012 4 34494

The President shall not cause or allow any practice, which is either illegal, unethical, imprudent, or inconsistent with college policies.

2.1 Service to the Public

Rev Date : Rev No : Ref No
1/5/2012 6 34494

The President shall not cause or allow to exist any condition, that is unsafe, compromises an individual's privacy or limits accessibility, nor fail to provide a grievance process.

2.1.1 Treatment of Employees

Rev Date : Rev No : Ref No
12/14/2011 4 34412

The President shall not cause or allow personnel policies and procedures that are illegal, unethical, or not in conformance with college policies or best practices.

2.1.2 Treatment of Students

Rev Date : Rev No : Ref No
2/11/2015 8 56065

The President shall not cause or allow policies and procedures that are illegal, unethical, or not in conformance with college policies or best practices that ensure a college-wide focus on student success.

2.2 Compensation and Benefits

Rev Date : Rev No : Ref No
12/14/2011 5 34413

The President will not allow employment, compensation, or benefit practices that are illegal, unethical, in violation of college policies or best practices, or incur unfunded liabilities or imply permanent or guaranteed employment.

2.3 Financial Management

Rev Date : Rev No : Ref No
2/11/2015 5 56065

The President shall not allow annual financial planning and budgeting that deviates materially from the Board's Ends' priorities, jeopardizes financial solvency, fails to be part of a multi-year strategic management plan, or violates applicable statutes.

2.3.1 Budget Deviations

Rev Date : Rev No : Ref No
2/11/2015 5 56065

The President shall not fail to promptly inform the Board when there are materially significant deviations from the budget.

2.3.2 Reserves

Rev Date : Rev No : Ref No
1/11/2017 7 69448

The President shall not allow the Current Fund Reserves to drop below seventeen percent (17%) or to exceed thirty-four percent (34%) of the Current Fund budget for more than a three-month continuous period without a realistic plan to bring the reserves within this range or specific Board authorization to remain outside the range.

The President shall not allow the Plant Fund Reserves to drop below \$1 million without specific Board authorization and a realistic recovery plan.

2.3.3 Certification Financial Records

The President shall not fail to assure the accuracy of financial records and require certification by the Chief Financial Officer as a part of the audit process.

2.3.4 Real Property

The President shall not acquire, encumber, or dispose of real property; neglect the replacement of critical equipment; nor unnecessarily defer maintenance and repairs on the facilities and infrastructure throughout the District without Board authorization.

2.3.4.1 Lease Limits and Delegation of Lease Authority for Real Property

Pursuant to A.R.S. §15-1444(B)(2), the Board hereby delegates to the College President the authority to enter into leases for real property either as lessor or lessee on behalf of the College without the need for the Board to approve such leases before they are effective. The College President may designate others serving under the President to assist with this duty; however, the College President shall continue to be responsible to the Board for the satisfactory execution of the delegated duty. This delegation may be rescinded in whole or in part at any time by the Board.

The President shall not enter into any lease agreement for more than one year in duration or that exceeds \$200,000 per year without Board authorization.

2.3.4.2 Improvements to Leased Property

The President shall not make improvements to any real property, structure, or land leased by the District without notifying the Board; any lease improvements over \$10,000 requires the Board's approval.

2.4 Asset Protection

The President shall not allow College assets, including intellectual property and operating capital to be unprotected, inadequately maintained, or inadequately insured.

2.5 Communication and Support to the District Governing Board

The President shall not permit the Board to be uninformed, misinformed, or unsupported in its work.

2.5.1 Compliance

The President shall not fail to advise the Board, if in the President's opinion, the Board is not in compliance with one or more of its own policies particularly in cases where Board behavior is detrimental to the working relationship between the Board and the President.

2.6 Presidential Continuity and Absences

The President shall not fail to appoint a College Vice President, or designee, to act in the President's place when the President is absent or unavailable, and to communicate this information to the Board prior to the absence.

Presenter : Ray Sigafoos **Start Time :** 10:16 AM **Item No :** 9
Proposed By : Ray Sigafoos **Time Req :** 15
Proposed : 9/15/2017 **Item Type :** Procedure Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : SHORT RECESS - PROCEDURAL

Details : The Board will have a short recess.

Attachments :

No Attachments

Presenter : Ray Sigafoos **Start Time :** 10:31 AM **Item No :** 10
Proposed By : Ray Sigafoos **Time Req :** 91
Proposed : 9/15/2017 **Item Type :** Discussion

Policy No.	Description	Ref No
2	The President shall not cause or allow any practice, which is either illegal, unethical, imprudent, or inconsistent with college policies.	344940

Description : Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION

Details : Richard Stringham, Senior Associate from Governance Coach, will lead the Board in a review and development of the Yavapai College District Governing Board Executive Limitations within a Policy Governance framework.

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 12:02 PM

Item No : 11

Proposed By : Ray Sigafoos

Time Req : 45

Proposed : 9/15/2017

Item Type : Procedure Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : SHORT RECESS AND POSSIBLE WORKING LUNCH - PROCEDURAL

Details : The Board will have a short recess with a possible working lunch

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 12:47 PM

Item No : 12

Proposed By : Ray Sigafoos

Time Req : 90

Proposed : 9/15/2017

Item Type : Policy & Decision

Policy No.	Description	Ref No
2	The President shall not cause or allow any practice, which is either illegal, unethical, imprudent, or inconsistent with college policies.	344940

Description : Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION

Details : Richard Stringham, Senior Associate from Governance Coach, will lead the Board in a review and development of the Yavapai College District Governing Board Executive Limitations Policies within a Policy Governance framework.

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 2:17 PM

Item No : 13

Proposed By : Ray Sigafoos

Time Req : 15

Proposed : 9/15/2017

Item Type : Procedure Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : SHORT RECESS - PROCEDURAL

Details : The Board will have a short recess.

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 2:32 PM

Item No : 14

Proposed By : Ray Sigafoos

Time Req : 90

Proposed : 9/15/2017

Item Type : Policy & Decision

Policy No.	Description	Ref No
2	The President shall not cause or allow any practice, which is either illegal, unethical, imprudent, or inconsistent with college policies.	344940

Description : Review of Yavapai College District Governing Board Executive Limitations Policies - INFORMATION, DISCUSSION, AND/OR DECISION

Details : Richard Stringham, Senior Associate from Governance Coach, will lead the Board in a review and development of the Yavapai College District Governing Board Executive Limitations Policies within a Policy Governance framework.

Attachments :

No Attachments

Presenter : Ray Sigafoos

Start Time : 4:02 PM

Item No : 15

Proposed By : Barbara Robinson

Time Req : 1

Proposed : 9/15/2017

Item Type : Procedure Item

Policy No.	Description	Ref No
3.4	To accomplish its job products with a governance style consistent with Board policies, the Board shall follow an annual agenda which (a) completes a re-exploration of Ends policies annually; and (b) continually improves Board performance through Board education and enriched input and deliberation.	558881

Description : ADJOURNMENT OF BOARD RETREAT MEETING - PROCEDURAL

Details :

Attachments :

No Attachments