

**Yavapai College**  
District Governing Board  
Policy & Attorney Education Workshop

Tuesday, January 16, 2024

9:00 a.m.

The meeting location will be open to the public at 8:45p.m. at the latest.

**Career and Technical Education Center**  
**220 Ruger Road**  
**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, A.3 and A.4, 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 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; or to consult with and instruct its attorneys regarding its position on contracts, litigation or settlement discussions. If indicated on 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 reasonable accommodation, such as a sign language interpreter or closed caption, by contacting the Executive Assistant at (928)776-2307. Requests should be made as early as possible to allow time to arrange the accommodation.

Please note that the meeting conclusion time is included for planning purposes only and does 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.

If the agenda includes an Open Call, members of the public will have no more than 3 minutes to speak. The time allotted for each speaker may be less than 3 minutes, depending on the number of individuals wishing to address the board at the meeting and the board president's determination of the total time available for open call at the meeting, given the other matters on the board's agenda. \*In addition, if there are a number of people who wish to speak about the same issue and who have the same viewpoint about that issue, the board president may direct them to appoint a representative or representatives to speak for the entire group. Members of the board may not discuss items that are not specifically identified on the agenda but that are raised in Open Call. Matters raised during Open Call that are on the current board agenda may be discussed and/or decided by the board at the appropriate time on the agenda.

**AGENDA**

1. General Functions: Procedural
  - a. Call to Order {Time: 1}
  - b. Adoption of Agenda – **DECISION** {Time: 1}
  - c. 2024 Board Member Liaison Committee Appointments – **DISCUSSION AND DECISION** – Ms. Deborah McCasland, Board Chair {Time: 10}

2. Board Business
  - a. Executive Session
    - i. Pursuant to A.R.S. Section 38-431.03(A)(9), Discussion Regarding the College's Information Technology Security Plans, Procedures, Assessments, Measures or Systems – Mr. Patrick Burns, Chief Information Officer - **PROCEDURAL** {Time: 60}
  - b. Reconvene in Public Session
    - i. Possible Action RE: Yavapai College's Information Technology Security Systems and Plans as a result of Executive Session – Attorney Lynne Adams – **DECISION** {Time: 5}
  - c. Consent Agenda – **DECISION** {Time: 5}
    - i. Regular Meeting Minutes – Tuesday, November 28, 2023 (*Attached*)
    - ii. Executive Session Confidential Minutes - Tuesday, November 28, 2023
    - iii. Special Meeting Minutes – Thursday, December 14, 2023 (*Attached*)
    - iv. Executive Session Confidential Minutes – Thursday, December 14, 2023
    - v. Cooperative Purchase Agreement – Mohave Educational Services Cooperative, Inc. – Shamrock Food Services (*Attached*)
    - vi. Land Lease Agreement – Northern Arizona Council of Government (NACOG) – Head Start Program (*Attached*)
    - vii. Waiver of Conflict of Interest for Yavapai Library Network (YLN) for School Libraries (*Attached*)
  - d. Revision to Yavapai College District Governing Board Policy 204 – Financial Conditions - **INFORMATION, DISCUSSION, AND DECISION** – Dr. Clint Ewell, Vice President of Finance {Time: 20} (*Attached*)
  - e. Revision to Yavapai College District Governing Board Policy 304 – Board Elections & Appointments - **INFORMATION, DISCUSSION, AND DECISION** – Attorney Lynne Adams {Time: 20} (*Attached*)
  - f. Yavapai College District Governing Board Meeting Delivery Procedures – **INFORMATION, DISCUSSION, AND DECISION** – Ms. Deborah McCasland, Board Chair {Time: 30}
    - i. Livestream, Board Meeting Locations, and Executive Session – Mr. Ray Sigafos, Board Member
3. Study Session
  - a. Government Affairs Update – **INFORMATION** – Mr. Rodney Jenkins, Vice President of Community Relations {Time: 20} (*Attached*)
  - b. Yavapai College District Governing Board Policies – **INFORMATION AND DISCUSSION** – Dr. David Borofsky, Director of the Arizona Association of Community Colleges Trustee {Time: 90}
  - c. Open Meeting Law Review - **INFORMATION AND DISCUSSION** – Attorney Lynne Adams {Time: 30} (*Attached*)
  - d. 2024 Board Member Conflict of Interest Forms – **INFORMATION AND DISCUSSION** – Attorney Lynne Adams {Time: 5}
4. Adjournment of Board Workshop: Procedural - **DECISION** {Time: 1}

**Yavapai College**  
District Governing Board  
Regular Meeting

Tuesday, November 28, 2023  
1:00 p.m.

The meeting location will be open to the public at 12:45 p.m. at the latest.

**Verde Valley Campus**  
**M-137**  
**601 W. Black Hills Dr.**  
**Clarkdale, AZ 86324**

**Members Present:**

Ms. Deb McCasland, Board Chair  
Mr. Chris Kuknyo, Secretary  
Mr. Ray Sigafos, Board Member  
Mr. Steve Bracety, Board Member  
Mr. Toby Payne, Board Member

**Administration Present:**

Dr. Lisa B. Rhine, President  
Atty. Lynne Adams, Board Attorney  
Ms. Yvonne Sandoval, Executive Assistant  
Ms. Deanne Petty, DGB Coordinator

**MINUTES**

<https://yavapai.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=a1ac32ce-ca2e-4269-a6db-b0cb018b6c65>

1. General Functions: Procedural
  - a. Call to Order {Time: 1}

Chair McCasland called the Yavapai College District Governing Board Meeting to order at 1:00 p.m.

- b. Pledge of Allegiance {Time: 1}

The Pledge of Allegiance was led by Member Payne.

- c. Adoption of Agenda – **DECISION** {Time: 1}

**Member Bracety moved, seconded by Member Sigafos, to adopt the agenda. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

2. Study Session
  - a. Open Call – **INFORMATION** {Time: 10}

**The following members of the public requested to speak:**

**1. Stephen King (Recording at 2:29)**

3. Board Business

a. Executive Session

- i. A.R.S. §38-431.03(A)(7), Discussion and Consultation with College Representatives Regarding Potential Lease and/or Purchase of Real Property, or Properties, in Prescott – **PROCEDURAL** {Time: 90}

**Member Sigafos moved, seconded by Member Bracety, to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(7) for Discussion and Consultation with College Representatives Regarding Potential Lease and/or Purchase of Real Property, or Properties, in Prescott. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

b. Reconvene in Public Session

- i. Possible Action: Confirm Instructions to College Representatives Regarding Negotiations for Potential Lease and/or Purchase of Real Property, or Properties, in Prescott, as the Result of Executive Session – **DECISION** {Time: 5}

The Board reconvened in public session at 2:01 p.m.

**Member Sigafos moved, seconded by Member Bracety, that the board confirm instructions to College Representatives regarding negotiations for potential lease and/or purchase of real property, or properties, in Prescott, as the result of executive session. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, and Payne).**

4. Study Session

a. President's Reports - Dr. Lisa Rhine - **INFORMATION** {Time: 60}

- i. State of the College

***Recorded discussion and comments are available and begin at 9:10.***

Dr. Rhine delivered her State of the College report to the board. She reviewed the nine parts of the Strategic Plan and the four pillars. She presented a several slides to help communicate the progress of the plan and explained each slide in depth to explain the College's progress. She presented several statistics from the 2023 Strategic Vision Outcome Report, which provides statewide data related to access, completion and alignment with workforce needs at Arizona community colleges. The College was number one in the state for graduation rates, AGEC completion rates, and percent of learners achieving a successful outcome, including earning a certificate, degree, or credential. Dr. Rhine concluded by indicating that the success is due to shared successes of faculty, staff, the board, and, of course, the students.

Chair McCasland thanked everyone for all their hard work. The statistics show how dedicated everyone is and how the students are energized, excited, and involved.

1. Yavapai College's Analysis of Economic Impact – Mr. Gavin Lepage, Economic Analyst

***Recorded discussion and comments are available and begin at 25:51.***

Mr. Gavin Lepage, Lightcast Economic Analyst, gave an informational presentation that summarized the results of the College's Economic Impact Study. This presentation is to help the board, the college personnel, and the public understand the economic value of Yavapai College in the community.

- ii. College Council – Dr. Janet Nix and Mr. Rodney Jenkins
  1. Faculty Senate – Dr. Andrew Winters (*Attached*)

***Recorded discussion and comments are available and begin at 54:38.***

Dr. Janet Nix introduced Dr. Andrew Winters to give an update on the Faculty Senate. Dr. Winters shared how faculty invest their time outside of the classroom.

He provided information about Josh Schmidt, Megan Hanna, and Lindsay Masten and their additional personal and professional work and projects.

2. Staff Association – Ms. Bobbi Evans (*Attached*)

***Recorded discussion and comments are available and begin at 59:20.***

Dr. Janet Nix introduced Ms. Bobbi Evans to give an update on the Staff Association. Ms. Evans gave an update on the events the YCSA has been planning. The Winter Celebration will be held on December 11<sup>th</sup> at the Verde Campus and December 12<sup>th</sup> at the Prescott Campus. The YC Angel Tree is intended to assist the College community, and YCSA is accepting toy donations until December 12<sup>th</sup>. The YC Food Drive is to help our students, and YCSA is accepting food donations through December 12<sup>th</sup>.

3. Student Government Association – Ms. Shanna Collier, Treasurer of Yavapai College Student Government Association (*Attached*)

***Recorded discussion and comments are available and begin at 1:03:36.***

Mr. Rodney Jenkins introduced Ms. Shanna Collier to give an update on the Student Government Association. SGA hosted events at the Residence Halls to provide students the opportunity to connect with SGA leadership. They plan to continue these events. SGA has created 2023-24 SGA Initiatives: OER Support and community service. The following Senators were elected: Gavae Burton (Online), Jessica Lopez (Prescott/Res Halls), Tammy Brockett (Prescott Valley), Kyle Olson (Chino Valley/CTEC), and Brenda McCord (Sedona/Verde Valley).

- iii. Budget to Actual Monthly Report and Cash Reserves Monthly Report  
(*Attached*)

There were no comments or questions about the report.

- b. Overview and Environmental Scan of Yavapai County and Yavapai College – Dr. Clint Ewell, Vice President of Finance – **INFORMATION AND DISCUSSION** {Time: 30} (*Attached*)

***Recorded discussion and comments are available and begin at 1:08:47.***

Dr. Clint Ewell introduced Dr. Tom Hughes to share a presentation on statistics from the Yavapai College Environmental Scan. Dr. Hughes covered several categories within the scan, such as demographics, social & political, economy & workforce, education, and technology. (The information presented, including numerous statistics, can be found in the Agenda Packet and within the recorded PowerPoint presentation.)

### **SHORT RECESS**

- c. Property and Housing Update – Dr. Clint Ewell, Vice President of Finance, **INFORMATION AND DISCUSSION** {Time: 30} (*Attached*)

***Recorded discussion and comments are available and begin at 1:46:38.***

Dr. Clint Ewell delivered an update to the board and public about the current projects the College is working on to alleviate the housing crisis for students, faculty, and staff. These include:

- **The attainable housing pilot project in Cottonwood.** The Inspiration Apartments would be leased out for the College's cost to College staff or students, first responders or other local teachers. Ultimately, the College did not have enough people interested in this option, and the College will be releasing the "hold" on the apartments we could not fill.

Member Payne asked about the cost of securing the availability of the apartments. Dr. Ewell informed him that the College did not have any costs for this pilot. The units were held for the College's potential use, but now will be released without any charge to the College.

Secretary Kuknyo asked whether any federal funding was available for housing. Dr. Ewell said he did not think there was any grants or other funding to assist colleges with these projects, but that he would look into it. Secretary Kuknyo would like that to happen before the Legislative Conference in DC.

- **The College's Cottonwood RV park.** The College has built ten RV pads complete with septic system, water, and power. It is in the process of building a laundry facility and a pavilion to provide some shade. The College has purchased four RVs for use on the site. Of the six empty pads, four are now being used at a rental cost for the pad of \$500 a month. Two of the four RV units have been rented.
- **Manufactured Housing through Fain Signature Group.** The College is still planning on participating in the project as it progresses through the approval process. The College has not made any capital investments into this project, which includes Zenni Homes.
- **Partnering with the College's internal traditional construction program.** The program has been building some tiny homes and will have about 6 or 7 built by the end of the school year. The College would like to start placing the homes for use either at the Chino Valley Campus or at the Verde Campus.
- **3D construction.** The College was an early adopter of the technology and has become an acknowledged leader in the industry. The College is considering a small home design that is approximately 600 sq ft, but can be constructed as a two-story home, making it 1200 sq ft. This pilot is one of the lowest price points available, coming in around \$200/sq ft.
- **Housing Assistance programs.** These programs involve a co-owned property between the employee and an employer entity – here it would be the College. The employee would put down 5%, and the College would put down 15% so that no mortgage insurance would be required. The employee will pay up to 35% of their gross income ongoing for housing. When the employee leaves the College, they have the option to buy out the College or to sell and split profit/losses based on the investment of the employee and of the College.
- **Community Land Trust.** A trust is a 501(c)(3) non-profit entity that is set up for the specific purpose of providing housing to target communities. The trust would maintain ownership of the land and can restrict the deed. For example, when employees move, they would be restricted to selling to another employee who is qualified to participate in the program.

Dr. Ewell indicated that the College is continuing to investigate housing options, and he plans to provide additional information to the board in connection with its capital budget discussion later in the year.

- d. District Governing Board Agenda Packet Procedure – Board Chair McCasland – **INFORMATION AND DISCUSSION** {Time: 15}

*Recorded discussion and comments are available and begin at 2:05:11.*

Chair McCasland would like to push back the deadline for providing the board meeting materials to the board so that the College's financial reports can be more current. She indicated as Board Chair she can make the change without a board vote but wanted input from the board. The board will get the agenda the Friday before a Tuesday board meeting. If a meeting falls on a Thursday, the agenda will go out on Tuesday. The Agenda will continue to be posted at least 24 hours in advance of the meeting, as required by law.

- e. Board Liaisons' Reports - **INFORMATION AND DISCUSSION** {Time: 10}
  - i. Board Spokesperson – Board Chair McCasland
  - ii. Arizona Association of Community College Trustee (AACCT) – Board Chair McCasland
  - iii. Yavapai College Foundation – Member Steve Bracety

***Recorded discussion and comments are available and begin at 2:10:02.***

Chair McCasland indicated that she did not speak as the Board Spokesperson since the last meeting.

Chair McCasland indicated that as the AACCT representative, there were some meetings in Las Vegas during the ACCT Conference. They have been working with the AC4 Presidents to develop a legislative priority plan. The AACCT executive committee has discussed plans for the Legislative Convention in Washington, DC. She indicated that Mr. Jenkins and Mr. Hernandez are helping set up meetings with the legislators.

Member Bracety gave a brief overview of the last Foundation meeting. The Foundation is on track with fundraising to hit the budget of \$1.3 million, and they are currently at \$450,000.

- f. Dates and Time of Future Meetings and Events – **INFORMATION, DISCUSSION, AND DECISION** {Time: 5}
  - i. 2023-2024 Dates, Times, and Places of Future Board Meetings, Workshops, and Retreats (*Attached*)
  - ii. 2023-2024 Dates, Times, and Places of Future College Events (*Attached*)
  - iii. 2023-2024 Dates, Times, and Places of Future National, State, and Local Events (*Attached*)

***Recorded discussion and comments are available and begin at 2:14:57.***

Executive Assistant, Ms. Yvonne Sandoval, reviewed the future meetings, college events, and conference dates. She asked for a decision to modify a future meeting date due to the College being accepted to the Bellwether Conference that is currently scheduled during February's Budget Workshop on February 27, 2024. The new dates staff would be available for the Budget Workshop to be moved to would be either February 12 or 13<sup>th</sup>.

**Chair McCasland moved, seconded by Member Sigafos, to move the February 27, 2024, Budget Workshop to February 13, 2024. Motion**

carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).

5. Board Business

- a. Preliminary Budget Assumptions & Proposed Scholarship, Tuition, Fees, and Discounts for Fiscal Year 2025 – Dr. Clint Ewell, Vice President of Finance – **INFORMATION, DISCUSSION, AND DECISION** {Time: 30} (Attached)

*Recorded discussion and comments are available and begin at 2:19:59.*

Dr. Clint Ewell stated that due to major changes in the federal financial aid process, this discussion was moved to November instead of the usual October meeting so he can be as accurate as possible with the information he provides.

Dr. Ewell reminded the board of the budget process and timeline. He informed them that much of our revenues come from property taxes. The State of Arizona no longer provides much financial support for community colleges, which puts more of a burden on local taxpayers.

Secretary Kuknyo indicated that he thought state funding was being restored. Dr. Ewell informed him that it is increasing very slightly – from 1% to 2% – but still not the 1/3 that we need it to be. Chair McCasland indicated it used to be 1/3 until the cuts in 2008, and it has been a continuous decline.

Dr. Ewell indicated that AZ is the 11<sup>th</sup> lowest for both residential and business taxes in the country. Yavapai College is right at the low median of the other colleges for property taxes.

The next largest revenue stream is tuition. The College would like to keep tuition both competitive and affordable. Yavapai College is below the state average by about 8% and below the national average for full time students by about 38%. If compared to four-year universities in Arizona, the College is about 80% less expensive.

Dr. Ewell then reviewed the Budget Assumption Spreadsheets, information and supporting statistics. (This information can be found in the Agenda Packet and/or within the PowerPoint Presentation.) He plans to ask the board to approve a 5% increase in tuition rates, and he anticipates a 3% growth in student credit hours.

**Member Sigafos moved, seconded by Member Bracety, to approve the requested fees and tuition rates for 2024-25, as set forth on the “Request Approval” slide (page 85 of the Agenda Packet). Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

- b. Consent Agenda – **DECISION** {Time: 5}
  - i. Regular Meeting Minutes – Tuesday, October 17, 2023 (*Attached*)
  - ii. Receipt of Report on Revenues and Expenditures for September 2023 (*Attached*)
  - iii. Receipt of Report on Revenues and Expenditures for October 2023 (*Attached*)

- iv. Intergovernmental Agreement – Mountain Institute Career Technical Education District No. 2 (MICTED) – Joint Use Vehicles (*Attached*)
- v. Yavapai College Summary of New Program Proposals
  - 1. Practical Nursing Fast Track Certificate

***Recorded discussion and comments are available and begin at 2:44:44.***

**Member Sigafos moved, seconded by Member Bracety, to approve the Consent Agenda. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

- 6. Adjournment of Board Regular Meeting: Procedural - **DECISION** {Time: 1}

**Member Sigafos moved, seconded by Member Bracety, to adjourn the Regular Board Meeting. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

Regular Meeting adjourned at 4:52 p.m.

Respectfully submitted:

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Deanne K. Petty, Recording Secretary

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Date

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Ms. Deb McCasland, Board Chair

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Mr. Chris Kuknyo, Secretary

**Yavapai College**  
District Governing Board  
Special Meeting

Thursday, December 14, 2023

9:00 a.m.

The meeting location will be open to the public at 8:45 a.m. at the latest.

**Prescott Campus**  
**Rock House**  
**1100 East Sheldon Street**  
**Prescott, Arizona 86301**

**Members Present:**

Ms. Deb McCasland, Board Chair  
Mr. Chris Kuknyo, Secretary  
Mr. Ray Sigafoos, Board Member  
Mr. Steve Bracety, Board Member  
Mr. Toby Payne, Board Member (Late)

**Administration Present:**

Dr. Lisa B. Rhine, President  
Atty. Lynne Adams, Board Attorney  
Ms. Deanne Petty, DGB Coordinator

**MINUTES**

<https://yavapai.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=6c04e33f-438b-49b6-be87-b0d8011f5c9a>

1. General Functions: Procedural
  - a. Call to Order {Time: 1}

Chair McCasland called the Yavapai College District Governing Board Meeting to order at 9:04 a.m.

- b. Adoption of Agenda – **DECISION** {Time: 1}

**Member Sigafoos moved, seconded by Member Bracety, to adopt the agenda. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafoos, Bracety; Absent: Payne).**

2. Board Business
  - a. Executive Session

- i. A.R.S. §38-431.03(A)(7), Discussion and Consultation with College Representatives Regarding Potential Lease and/or Purchase of Real Property, or Properties, in Prescott – **PROCEDURAL** {Time: 60}

**Member Sigafoos moved, seconded by Member Bracety, to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(7) for**

**Discussion and Consultation with College Representatives Regarding Potential Lease and/or Purchase of Real Property, or Properties, in Prescott. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

- b. Reconvene in Public Session
  - i. Possible Action: Confirm Instructions to College Representatives Regarding Negotiations for Potential Lease and/or Purchase of Real Property, or Properties, in Prescott, as the Result of Executive Session – **DECISION** {Time: 5}

The Board reconvened in public session at 10:16 a.m.

**Member Sigafos moved, seconded by Member Bracety, that the board confirm instructions to College Representatives regarding negotiations for potential lease and/or purchase of real property, or properties, in Prescott, as the result of executive session. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, and Payne).**

- 3. Adjournment of Board Special Meeting: Procedural - **DECISION** {Time: 1}

**Member Bracety moved, seconded by Secretary Kuknyo, to adjourn the Special Board Meeting. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).**

Special Meeting adjourned at 10:17 a.m.

Respectfully submitted:

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Deanne K. Petty, Recording Secretary

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Date

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Ms. Deb McCasland, Board Chair

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Mr. Chris Kuknyo, Secretary

**ADDENDUM TO COOPERATIVE PURCHASE AGREEMENT  
MOHAVE EDUCATIONAL SERVICES COOPERATIVE, INC.**

625 East Beale Street • Kingman, AZ 86401-5920  
(928) 753-6945 Phone • (928) 718-3232 Fax  
www.mesc.org

**ASPIN/MOHAVE**

4750 N. Oracle Road, Ste. 116 • Tucson, AZ 85705  
(520) 888-9664 Phone • (520) 888-9692 Fax

This Addendum, is entered into the 27th day of November, 2023, by and between Mohave Educational Services Cooperative, Inc., an Arizona nonprofit corporation and public procurement unit established pursuant to provisions of A.R.S. § 11-952, A.R.S. § 11-952.01, and A.R.S. § 41-2632, hereinafter called "MESC," and Yavapai County Community College District d/b/a Yavapai College a local or public procurement unit, or a governmental public entity that is a political subdivision for purposes of federal income tax, or a nonprofit educational or public health institution that is a political subdivision for purposes of federal income tax or meets the requirements of § 115 of the Internal Revenue Code, hereinafter called the "Member," to permit the Member to participate in the ASPIN/Mohave food service cooperative purchasing program. This Addendum shall supplement the Cooperative Purchase Agreement in place between MESC and the Member. The governing body of any Member may enter into an Agreement with MESC for the purpose of utilization of term contracts by such Member (Arizona State Procurement Code, ARS § 41-2631 *et seq*; ARS § 15-213; Arizona State Board of Education School District Procurement Rules, R7-2-1001 *et seq*).

**PURPOSE**

The purpose of this Addendum is to allow eligible Members to purchase food service related materials, supplies, equipment and services jointly by combining the purchasing requirements of each of the parties and thereby enabling them to order materials, supplies, and services from contracts awarded pursuant to the CPA and this Addendum.

**AGREEMENT**

In consideration of the mutual promises contained in this Agreement, and the mutual benefits to result there from, the parties agree as follows:

**MESC SHALL**

1. Prepare competitive procurement solicitations for goods, equipment, and/or services in order to contract in the manner required by law. Specifications and terms and conditions will be determined by MESC. Specifications are subject to review by the ASPIN Executive Committee.
2. Select ASPIN contractors in a manner prescribed by law and in accordance with MESC policies.
3. Monitor, direct, supervise, and evaluate contractors for storage and distribution services, as needed.
4. Certify records, documents and reports on behalf of ASPIN, as required by law.
5. Maintain ASPIN documents and records for the term and in the manner prescribed by law.
6. Designate a representative and alternate to serve as a member of the ASPIN Advisory Committee (AAC) and ASPIN Executive Committee (AEC).
7. Assist members with purchase verification. However, it is the Member's responsibility to independently verify that quotations and purchase orders comply with the terms of the award of a contract or procurement. This responsibility is set by rule and statute and cannot be changed by MESC.
8. Establish the ASPIN Holding Fund (Holding Fund). The fund will not be subject to reversion, being a continuing fund.
9. Process payment for all purchase orders issued by Members from the Holding Fund, taking advantage of all discounts wherever possible.
10. Receive, deposit, and account for payments to and from the Holding Fund.
11. Disburse interest earned on the Holding Fund as determined by the AEC and MESC policies and procedures.

**MEMBER SHALL**

1. Pay a maintenance fee to fund ASPIN's operations. The Mohave Board of Trustees shall set the amount of the maintenance fee.

2. Be responsible for actively participating as needed to promote the efforts of ASPIN and secure the benefits thereto.
3. Designate a representative and alternate to the AAC. Member representative shall be approved by the governing body or designated official of the Member.
4. Place orders for all food, supplies and commodities according to deadlines established by MESC, and inform MESC of quantities and types of products that the Member wishes to purchase through ASPIN/Mohave contracts, or on its behalf.
5. Place orders for all food, supplies and commodities according to procedures and schedules established by MESC.
6. Submit payment for all purchases, debts, obligations, assessments, and liabilities according to MESC policies and procedures.
7. Engage in product testing to ensure that all goods purchased pursuant to this Addendum are acceptable to the Member.
8. Check and reconcile all shipping, receiving, inventory, and verification documents, invoices, purchase orders, and payment instruments relating to Member's ASPIN transactions in a timely manner.
9. Authorize payment for food and supplies ordered by a Member drawn on Member's Holding Fund account. Vouchers for such payments shall be executed by MESC.
10. Not request that any ASPIN contractor make any additions, changes, or modifications to the services provided to ASPIN by any contractor without the prior written approval of MESC.
11. Send a purchase order to MESC to establish Member's Holding Fund account in an amount determined by an agreement between the ASPIN Director and the Member. MESC may make adjustments and/or assessments, if necessary, to ensure sufficient cash flow in the Holding Fund.
12. ASPIN/Mohave may stop placing orders for any member agency if there are insufficient funds in the member's Holding Fund account. ASPIN/Mohave shall make the decision whether to place a member on "order hold," and ASPIN/Mohave's decision shall be final.

**MESC and MEMBER SHALL**

1. Establish the AAC composed of one representative from each Member. The AAC shall have the duties, rights, and powers set forth in MESC policies and procedures.
2. Establish the AEC composed of the MESC representative and a duly elected representative from six Members set forth in the membership list. The AEC shall have the duties, rights, and powers set forth in MESC policies and procedures.

**GENERAL PROVISIONS**

1. Any and all members of Mohave Educational Services Cooperative, Inc. through a signed CPA may become parties to this Addendum upon application and completion of the required governing body approval and submission of the proper paperwork to MESC
2. This Addendum shall take effect upon execution by the parties and shall continue until it is terminated. This Agreement supersedes any and all previous ASPIN CPA Addendums between MESC and the Member.
3. Member shall not assign this Addendum to another party, including a successor in interest, without prior written approval from MESC.
4. Member may terminate this Addendum by sending to MESC a true copy of Member's adopted governing body resolution of intention to terminate. Such resolution of intention to terminate the Addendum shall be delivered to MESC not later than the first day of March before the close of the fiscal year in which the resolution is adopted. The effective date of a Member's termination shall be at the end of the fiscal year in which it gave the notice of intention to terminate.
5. A Member terminating this Addendum shall remain liable for any debts, liabilities or obligations incurred by that Member while it was a party to this Addendum including, but not be limited to costs of storage, management, and distribution of commodities, goods containing commodities, and purchased goods. Storage costs after the effective date of withdrawal shall be at market commercial storage and draw rates in effect at such time.
6. Debts, liabilities, or obligations of a terminating Member shall be paid out of the Member's Holding Fund account. Such funds shall remain in the Holding Fund until all debts, liabilities, or obligations of the Member are paid.

7. MESC shall assess the terminating Member for additional funds should the remaining balance in the Member's Holding Fund account be insufficient to meet all obligations incurred by the Member. Any excess funds, including interest, shall be returned to the Member within ninety (90) days of the effective date of withdrawal.
8. MESC may terminate this Agreement without notice if the Member fails to comply with the terms of this Agreement and/or the terms of a MESC contract.
9. Termination of this Agreement shall not relieve the Member from Member's exclusive obligation comply with the terms of any Member purchase order processed by MESC prior to termination and to pay for materials and/or services so ordered and received.
10. MESC shall give not less than one hundred twenty (120) days written notice before the effective date of MESC's withdrawal as program administrator.
11. Failure of a Member to secure performance from a vendor in accordance with the terms and conditions of its purchase order does not mean MESC will be required to exercise its own rights or remedies.
12. The Constitution, statutes and laws of the State of Arizona shall govern and are controlling in interpretation of this Addendum.
13. This agreement may be canceled pursuant to the provisions of ARS § 38-511; and is exempt from the provisions of ARS § 11-952, subsections D, E, and F under the provisions of ARS § 41-2632 and Arizona State Board of Education Rule R7-2-1191.
14. The Member and MESC agree to be in compliance with all State and Federal employment hiring and employee practices. Both parties agree to use arbitration to the extent required in ARS § 12-1518.
15. In the event of the dissolution of ASPIN, any property interest remaining in ASPIN following a discharge of all obligations, shall be disposed of in accordance with MESC policies and procedures.
16. Except as otherwise provided in this Addendum, each party to the Addendum assumes the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this Addendum. To achieve this purpose, each party indemnifies and holds harmless the other party for any loss, cost, or expenses that may be imposed upon such other party solely by virtue of the party being a member of ASPIN.
17. Should any portion, term, condition, or provision of this Addendum be decided by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Arizona, or be otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, or provisions shall not be affected thereby.

**SIGNATURES**

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be duly executed by their authorized officers thereunto duly authorized to set forth herein below.

*For Mohave Educational Services Cooperative, Inc.:*

\_\_\_\_\_  
Anita McLemore, Executive Director

\_\_\_\_\_  
Date

*For the Member:*

*Ed Lacasse*  
\_\_\_\_\_

\_\_\_\_\_  
Director of Procurement & Contract Services

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Ed Lacasse

\_\_\_\_\_  
11/27/2023

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Ed Lacasse  
Director of Procurement & Contract Services  
Yavapai County Community College District  
\_\_\_\_\_

**Please print the following information**

Kelsey Ream  
Sr. Procurement Specialist  
Yavapai County Community College District  
\_\_\_\_\_

\_\_\_\_\_  
Member Representative

\_\_\_\_\_  
Alternate Representative

Address 1100 E Sheldon Street, Prescott, AZ 86301

Telephone 928-776-2195 Fax \_\_\_\_\_ Email Procurement@YC.edu

Rev. 6/27/14 DS

Date \_\_\_\_\_

The Governing Body of \_\_\_\_\_

at a legally convened meeting held on the day of \_\_\_\_\_, 20\_\_\_\_, did adopt a resolution which:

1. Requests that the Entity be accepted as a member of ASPIN (Arizona School Partners In Nutrition), a cooperative for food and supply procurement;
2. Authorizes the Superintendent or the duly authorized representative to ASPIN to sign an Addendum to the Cooperative Purchasing Agreement between the Entity and Mohave Educational Services Cooperative which establishes ASPIN; and
3. Designates the persons below to represent the district for all ASPIN activities with full voting rights as established in the ASPIN Addendum and empowered to represent the Entity in matters relating to the ASPIN.

Representative \_\_\_\_\_  
(print)

Title \_\_\_\_\_

Alternate \_\_\_\_\_  
(print)

Title \_\_\_\_\_

**FOR THE GOVERNING BODY**

Clerk of the Board \_\_\_\_\_

Printed Name \_\_\_\_\_

*Mail one original signature copy (not faxed) to Mohave Educational Services, Inc., 625 E. Beale Street, Kingman, AZ 86401-5920*

Rev. 6/7/06



MOHAVE EDUCATIONAL SERVICES COOPERATIVE, INC.  
COOPERATIVE PURCHASE AGREEMENT

625 East Beale Street • Kingman, AZ 86401-5920  
(928) 753-6945 Phone • (928) 718-3232 Fax  
www.mesc.org

Rev Logo. 2/13/2019, DS

This Agreement entered into the 19th day of May 2021, by and between Mohave Educational Services Cooperative, Inc., an Arizona nonprofit corporation and public procurement unit established pursuant to provisions of A.R.S. § 11-952, A.R.S. § 11-952.01, and A.R.S. § 41-2632, hereinafter called "MESC," and Yavapai County Community College District d/b/a Yavapai College, a local or public procurement unit, or a governmental public entity that is a political subdivision for purposes of federal income tax, or a nonprofit educational or public health institution that is a political subdivision for purposes of federal income tax or meets the requirements of § 115 of the Internal Revenue Code, hereinafter called the "Member," to permit the Member to purchase materials, services and construction from vendors at the prices and terms contained in contracts between MESC and those vendors. The governing body of any Member may enter into an Agreement with MESC for the purpose of utilization of term contracts by such Member (Arizona State Procurement Code, A.R.S. § 41-2631 *et seq*; A.R.S. § 15-213; Arizona State Board of Education School District Procurement Rules, R7-2-1001 *et seq*).

In consideration of the mutual promises contained in this Agreement, and the mutual benefits to result there from, the parties agree as follows:

1. MESC shall:

- a. Provide the Member with information on contracts, products and services via MESC's website and/or other means as MESC determines appropriate.
- b. Use specifications, terms and conditions for products, materials, services, and construction determined appropriate by MESC.
- c. Conduct the procurement in compliance with the Arizona State Procurement Code and the Arizona State Board of Education School District Procurement Rules (A.R.S. Title 41, Chapter 23 and A.A.C. R7-2-1001 *et seq*). MESC will seek contracts for a variety of materials, services, equipment, and/or construction to enable Members to be/remain in compliance with local, State, or Federal laws or rules, and that promote the overall efficiency, effectiveness and economy of public procurement.
- d. Indicate that all Members will be eligible participants in any solicitation intended for general use by MESC's Members. In addition, MESC may invite Members to participate in specific solicitations. Members indicating an interest in participating in such specific solicitations will be eligible to participate in the resulting contracts.
- e. Hold the Member harmless from any liability which may arise from MESC's action or inaction relating to this Agreement.

2. The Member shall:

- a. Insure that purchase orders issued against MESC contracts are processed in accordance with the processes and procedures established by MESC, and the terms and prices established in said contracts.
- b. Pay for materials, services or construction in accordance with the terms of the applicable MESC contract. Payment for, and inspection and acceptance of materials, services or construction ordered by the Member shall be the exclusive obligation of the ordering Member.
- c. Not use an MESC contract as a method for obtaining additional concessions or reduced prices for similar material or services.
- d. Be responsible for ordering of materials, services or construction under this Agreement. MESC shall not be liable in any fashion for any violation by the Member of this Agreement, and the Member shall hold MESC harmless from any liability, which may arise from action or inaction of the member relating to the Agreement or its subject matter.

## MESC Cooperative Purchase Agreement

- e. Pay to MESC an administration fee based upon the cost of ordered materials, services and/or construction (excluding shipping, taxes, bonds, and other ancillary costs specified by MESC), as provided in A.R.S. § 41-2632(5). The amount of the administration fee shall be determined by the MESC Board of Trustees, and shall be remitted to MESC as specified by MESC.
3. The exercise of any rights or remedies by the Member shall be the exclusive obligation of the Member. However, MESC as the contract administrator, and without subjecting itself to any liability, may join in the resolution of any controversy should it so desire.
4. MESC assists Members with purchase verification. However, it is the Member's responsibility to independently verify that quotations and purchase orders comply with the terms of the award of a contract or procurement.
5. MESC may terminate this Agreement without notice if the Member fails to comply with the terms of this Agreement and/or the terms of a MESC contract.
6. The Member may terminate the Agreement without notice if MESC fails to comply with the terms of this Agreement.
7. Either party may terminate this Agreement with at least ninety (90) days written notice to the other party.
8. Termination of this Agreement shall not relieve the Member from Member's exclusive obligation to comply with the terms of any Member purchase order issued prior to termination and payment for materials, services and/or construction so ordered and received.
9. This Agreement shall take effect upon execution by the parties and shall continue until it is terminated. This Agreement supersedes any and all previous Cooperative Purchase Agreements between MESC and the Member.
10. Failure of a Member to secure performance from a vendor in accordance with the terms and conditions of its purchase order does not mean MESC will be required to exercise its own rights or remedies.
11. This agreement may be canceled pursuant to the provisions of A.R.S. § 38-511; and is exempt from the provisions of A.R.S. § 11-952, subsections D, E, and F under the provisions of A.R.S. § 41-2632 and Arizona State Board of Education Rule R7-2-1191.
12. The Member and MESC agree to be in compliance with all State and Federal employment hiring and employee practices. Both parties agree to use arbitration to the extent required in A.R.S. § 12-1518.

IN WITNESS WHEREOF, the parties of this Agreement have caused their names to be affixed.

**FOR THE MEMBER**

*Ryan Bouwhuis*  
\_\_\_\_\_  
Signature

Ryan Bouwhuis  
Printed Name

Director of Procurement & Contract Services  
Title

**FOR MESC**

*Anita S. McLemore*  
\_\_\_\_\_  
Signature

Anita McLemore  
Printed Name

Executive Director  
Title

# MESC Cooperative Purchase Agreement

## Welcome to Mohave

We need some information for your member record. We look forward to serving your purchasing needs.

Name of Organization Yavapai County Community College District d/b/a Yavapai College

### Correspondence Address

1100 East Sheldon Street                      Prescott                      AZ 86301  
Street    City    State & Zip

### Billing Address

Same  
Street    City    State & Zip

County Yavapai

### Type of Organization

Public School	_____	College/University	<u>✓</u>
City Government	_____	County Government	_____
Federal Government	_____	Tribal Government	_____
BIA School	_____	Other Political Subdivision	_____

Nonprofit Education or  
Public Health Institution \_\_\_\_\_

(A nonprofit education or public health institution must be a political subdivision for purposes of federal income tax or meet the requirements of § 115 of the Internal Revenue Code. *Attach supporting documentation.*)

### Contacts

#### Member Representative (Receives official correspondence. Holds your entity's voting rights.)

Ryan Bouwhuis                      928-776-2195                      ryan.bouwhuis@yc.edu  
Name    Phone #    Email

#### Purchasing (Your primary contact. Receives contract information and general correspondence.)

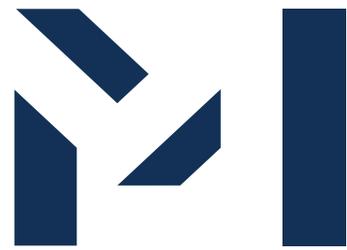
Kelsey Ream                      928-776-2190                      kelsey.ream@yc.edu  
Name    Phone #    Email

#### PO Confirmation (Receives email confirming purchase order review. Contact for order inquiries.)

Kelsey Ream                      928-776-2190                      procurement@yc.edu  
Name    Phone #    Email

#### Accounts Payable (Contacted if we have payment questions or need assistance with internal audit.)

Cassidy Grantham                      928-776-2134                      accountspayable@yc.edu  
Name    Phone #    Email



**ASPIN**  
MOHAVE COOPERATIVE



# ASPIN Arizona School Partners in Nutrition

Phone: (520) 888-9664  
Fax: 520-888-9692

[mesc.org/aspin](http://mesc.org/aspin)  
Updated October 17, 2023



# Who Are We

**ASPIN (Arizona School Partners in Nutrition)** is Mohave Educational Services Cooperative's food service purchasing program. ASPIN administers contracts for food and supplies for over 150 member agencies composed of schools, cities, counties, and qualifying nonprofit agencies throughout Arizona.

## Our Procurement

ASPIN compiles the collective purchasing volume on all food service products utilized by its members. This combined volume is presented to vendors in a competitive solicitation for delivery of these goods. The result of this solicitation, combined with our volume, equates to competitive, stable pricing and reliable delivery to our members. All ASPIN/Mohave contracts are compliant with:

- Arizona Department of Education School District Procurement Rules
- Arizona Procurement Code and sections of the Arizona Revised Statutes
- USDA Procurement Regulations on food contracts
- Education Department General Administration Regulations (EDGAR)

ASPIN meets these requirements, therefore, our members are considered to have met the requirements. ASPIN provides members with the legal means to satisfy the procurement process.

## Our Funding

ASPIN funds its operations with a maintenance/membership fee based on a member's annual purchases under the contract. The annual fees are as follows:

<b>Annual Purchase Amount</b>	<b>ASPIN Maintenance/Membership Fee Rate</b>
\$0 - \$49,999	4%
\$50,000 - \$99,999	3%
\$100,000 - \$249,999	2%
\$250,000 - \$499,999	1.25%
\$500,000 - \$1,499,999	1%
\$1,500,000 +	0.5%

## Holding Fund

One of the reasons ASPIN has competitive contract pricing is because ASPIN pays the contracted vendor directly for all member purchases through the contract within ten (10) days of delivery. Therefore, the primary vendor does not have exposure to the receivables cost associated with ASPIN members.

A Holding Fund is established for each member. The fund is equal to six (6) weeks estimated member purchases. ASPIN utilizes this Holding Fund to pay the invoices on behalf of the member. ASPIN invoices the member; the member pays ASPIN, and that amount goes back into the members Holding Fund to cover future purchases.

The member's Holding Funds are deposited into an interest-bearing account. The money in this account belongs to our members and can in no way, be utilized by ASPIN or Mohave for their operations. Should a member choose to terminate its membership, or if ASPIN were to cease operations, the Holding Fund amount on deposit, plus earned interest, is refunded to the member minus any outstanding obligations.

## Prompt Pay Discount

The result of ASPIN paying invoices within 10 days provides the members a prompt pay discount from the vendor. This discount is currently 0.5% and is reflected on each ASPIN invoice.



## Volume Incentive Discount

Our Food Service vendor also offers a volume incentive discount. The ASPIN staff tracks and compiles this information quarterly and provides it to the vendor. The vendor then generates a quarterly discount for the volume incentive discounts earned. The quarterly discount are applied to the members ASPIN invoices. This discount does not apply to purchases from the Dairy or Fresh Bread contracts. Orders with the following minimums qualify for the volume incentive discounts.

> \$8,000.00	1%
> \$15,000.00	1.5%
Drop Ship Orders	6%

## ASPIN “Core” List

ASPIN annually evaluates member usage by item. The highest volume items are sent to our contracted distributor, currently Shamrock Foods Company. The distributor reaches out to manufacturers requesting updated pricing for these, or equivalent items. Once pricing is received, ASPIN compiles a “Core” list of best value items for the members. This list currently consists of approximately 1,500 food and supply items. However, all items at Shamrock Foods Company are available under the contract, allowing members to purchase items unique to each member.



Additional items may be available to members per member request, given they meet the minimum stocking criteria. Items may also be available by special order.

## Our Services

ASPIN Food Service Cooperative offers procurement excellence to its members by providing:

- USDA requirements within all food contracts
- Buy American provision
- Certification regarding lobbying
- Suspension and debarment certification
- Price audits on all items delivered to members
- Quick pay discount applied to every member invoice
- Volume incentive discounts for qualifying deliveries
- Consolidated invoicing by member
- Price File maintenance
- Product Nutritional Data
- Net-Off-Invoice (NOI) and Fee-For Service through distributor (FFSD) products.
- Vendor payment on behalf of members
- Customer service for all aspects of order processing and product information.
- Competitive, stable food supply and costs

## Contact Information

Tami Hitt-Wyant, <i>Director of ASPIN</i>	520-888-7658	tamih@mesc.org
Charlene Johnson, <i>ASPIN Member Services Coordinator</i>	520-888-4930	charlene@mesc.org
Bob Hickok, <i>Accounting Specialist</i>	520-888-0597	bobh@mesc.org
Debbie Gasiorek, <i>Project Specialist</i>	602-363-3311	debbie@mesc.org

ASPIN Arizona Food Service Cooperative  
211 7th Street, Kingman, AZ 86401  
Phone: 520-888-9664 Fax: 520-888-9692  
[www.mesc.org/aspin](http://www.mesc.org/aspin)

# ASPIN New Member Checklist

## CPA and Purchase Order Instruction

**CPA** – Mail original Board Approved and signed Cooperative Purchasing Addendum to:

Mohave Educational Services Cooperative, Inc.  
211 7th Street, Kingman, AZ 86401

Mohave's Executive Director will sign and return a fully executed copy to the member.

### Purchase Orders –

- Annual Maintenance Membership Fee
- Holding Fund Deposit
- ASPIN/Mohave for food and related supplies

Make purchase orders out to and email (fax acceptable):

ASPIN/Mohave Contract #21O-SFC-0701  
211 7th Street, Kingman, AZ 86401  
Fax: 520-888-9692  
Email: [aspin@mesc.org](mailto:aspin@mesc.org)

ASPIN pays contracted vendor for all member purchases made under the distribution of food and related supplies contract. ASPIN then invoices the member for purchases directly. The member will remit payment to ASPIN/Mohave at the following address:

ASPIN/Mohave  
PO Box 840642  
Los Angeles, CA 90084-0642



# ASPIN New Member Checklist CPA and Purchase Order Instruction

## Current Contracted Vendors

### Dairy – Shamrock Farms

Per contract requirements, purchase orders shall be made out to the current contracted vendor and emailed or faxed to ASPIN for review.

Email: [aspin@mesc.org](mailto:aspin@mesc.org)  
Fax: 520-888-9692  
Mohave Contract #21B-SHAM-0701  
Shamrock Farms  
2228 North Black Canyon  
Phoenix, AZ 85009  
Phone: 800-388-3247



### Fresh Bread- Holsum Bakery

Per contract requirements, purchase orders shall be made out to the current contracted vendor and emailed or faxed to ASPIN for review.

Email: [aspin@mesc.org](mailto:aspin@mesc.org)  
Fax: 520-888-9692  
Mohave Contract #21C-BAKE-0701  
Holsum Bakery  
2322 W. Lincoln Avenue  
Phoenix, AZ 85009  
Phone: 480-296-9063



Member will submit payment directly to dairy and fresh bread contracted vendor.

# District Checklist

Task	Completed
Review potential cost savings with ASPIN	
Approve holding fund and maintenance fee quotes	
Email Board approved Cooperative Purchasing Agreement Addendum	
Submit purchase order to ASPIN/Mohave for the holding fund and maintenance/membership fee	
Make payment for holding fund invoice and maintenance/membership fee	
Submit purchase order to ASPIN/Mohave for contract purchases	
Reach out to your assigned sales representative for ordering procedures training	

## Order Cycle Overview for Member

1. Member forwards purchase orders to ASPIN/Mohave.
2. ASPIN/Mohave reviews and logs member purchase orders.
3. Member places order with contract vendor.
4. Contracted vendor provides products.
5. Contracted vendor provides invoices to ASPIN/Mohave.
6. ASPIN/Mohave price confirms products delivered.
7. ASPIN/Mohave invoices member.
8. ASPIN/Mohave pays contracted vendor.
9. Member pays ASPIN/Mohave.



# NON-PROCUREMENT CONTRACT

Current \_\_\_\_\_

Expired, no longer needed, archive \_\_\_\_\_

- Type:  Intergovernmental Agreement  
 Facilities Use Agreement  
 IGA—Nursing and/or Allied Health Affiliation  
 IGA—Prescott Valley EMT Affiliation  
 Nursing Affiliation  
 Allied Health Affiliation  
 Prescott Valley EMT Affiliation  
  
 Memorandum of Agreement

Property lease/IGA/Rental agreement

Entity NACOG

Purpose Lease of property on our PV Campus for Headstart location

Originating Department Facilities / Bus office

Original date: March 1, 2012

Expiration date: 2/28/2017

Renewal clause Renewable for 5 year terms

Costs, if any/ payor None

Insurance copy \_\_\_\_\_

PO required for payment? (no) Number, F/Y and Dollar Amount

Governing Board approval date if applicable March 2012



## LEASE AGREEMENT

This agreement is entered into on this 1<sup>st</sup> day of March, 2012, by and between the Governing Board of Yavapai Community College District, doing business as Yavapai College, a community college district of the State of Arizona (hereinafter "Y.C."), and Northern Arizona Council of Governments Head Start (hereinafter "NACOG"). This agreement supersedes the previous lease agreement entered into on March 1, 1997. Y.C. has provided a location on the Prescott Valley Campus, Prescott Valley, Arizona, for a facility for the operation of a Head Start Program by NACOG, and use of the available space. NACOG has installed a modular unit facility and operates a Head Start Program at that location. Y.C. will remain the owner of the land upon which NACOG is operating the Head Start Program.

It is anticipated that NACOG will continue to operate the Head Start Program on the Prescott Valley Campus on the dedicated parcel as determined by Y.C. under this lease until such time as the parties determine by mutual consent to terminate this lease agreement. NACOG shall bear all related costs of infrastructure, site preparation, construction and location costs for the installation of a modular unit facility. NACOG shall bear all costs to remove the modular unit in the event that this agreement is terminated.

1. Y.C. agrees to lease up to a maximum of .76 acres of land owned by Yavapai College as described in the attached Exhibit A for use by NACOG for a Head Start Program.
2. The term of this lease shall be five (5) years from the date of execution by both parties. It can be renewed by mutual agreement of the parties for five year terms thereafter. This lease can be terminated by either party if NACOG or Y.C. breaches the terms of this lease.
3. NACOG shall be obligated to pay for the service utilities required (i.e. water, utilities, refuse removal, transportation) and all other services as required by NACOG to operate a licensed Head Start Program.
4. If NACOG ceases to operate a Head Start Program on the premises or expands its operation services to other uses besides a Head Start Program without prior written approval of Y.C., this lease shall be terminated.
5. NACOG shall comply with all applicable laws, rules, and regulations and shall not engage in unlawful discrimination or civil rights violations.
6. NACOG agrees to indemnify and save harmless Y.C. from any and all loss, damage or expense which Y.C. may sustain or incur on account of loss of, or damage to, property, or injury to or death of persons arising in any manner out of the use of said premises and

improvements, or out of the sole or contributing acts or negligence of NACOG or the employees or agents of NACOG on or about said premises.

7. NACOG shall maintain liability and property insurance in accordance with legal standards governing the Head Start Program and shall name Y.C. co-insured. Current levels of liability insurance are \$1,000,000 per occurrence and a total of \$1,000,000.
8. NACOG shall keep premises in good repair and maintenance and shall conduct any activity in a safe and prudent manner. No improvements or otherwise changes in the land shall take place without consent of Y.C. Any location given to Head Start by Y.C. within the dedicated parcel will be accessible and adequate for Head Start service with normal modular unit site preparation standards.
9. Y.C. shall have jurisdiction on where, relative to said parcel, NACOG shall have usage of property.
10. The parcel of land used by Head Start is leased space incurring a fee of \$1.00 per year for Head Start use.

Dated: 4/19/2012

YAVAPAI COLLEGE



Dr. Penelope H. Wills, President



Dr. Dale Fitzner, Chair, Board of Governors  
Mr. Ray Sigafos, Acting Chair  
District Governing Board

Dated: \_\_\_\_\_

NACOG, HEAD START



Chris Fetzner, Executive Director

SCHEDULE A

EXHIBIT "A"

All that portion of the Northeast quarter of the Northeast quarter of Section 15, Township 14 North, Range 1 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, based on record information, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 15;

thence South 00°01'30" East along the East line of said Section 15, a distance of 645.00 feet, to a point on the center line of the High School Access Road as recorded on the 69-89A connector Road right of way map located in Book 27 of Maps and Plats, page 19, and Book 1858, page 853 of Official Records, Yavapai County Recorder's Office;

thence South 60°52'21" West along said center line, a distance of 26.15 feet to a point on the Southwesterly right of way line of said 69-89A Connector Road;

thence South 29°07'39" East along said Southwestern right of way, a distance of 34.00 feet to a point on the Southerly right of way of said High School Access Road, said point being the TRUE POINT OF BEGINNING;

thence South 29°07'39" East, continuing along said Southwesterly right of way of the 69-89A Connector Road, a distance of 12.98 feet, to a point on the East line of said Section 15;

thence South 00°01'30" East along the East line of said Section 15, a distance of 604.56 feet to the Northeast corner of Lynx Lake Estates as recorded in Book 9 of Maps and Plats, page 18, Yavapai County Recorder's Office;

thence a calculated bearing of South 89°03'09" West (recorded as South 89°05'30" West, 429.63 feet, as recorded in Book 1770, page 244 of Official Records and South 89°05'19" West, 454.63 feet as recorded in Book 9, page 18 of Maps and Plats, Yavapai County Recorder's Office) along the North line of said Lynx Lake Estates, a calculated distance of 454.84 feet to a point being on the Northerly extension of the West right of way line of Pleasant View Drive, said point being the Southeast corner of that certain parcel recorded in Book 1770, page 244 of Official Records, Yavapai County Recorder's Office;

Continued...

BOOK 2909 PAGE 501

SCHEDULE A

EXHIBIT "A"

thence North  $00^{\circ}01'30''$  West along the East line of said parcel, said line being parallel with the East line of said Section 15, a distance of 446.45 feet, to a point on the Southerly right of way of said High School Access Road;

thence North  $89^{\circ}59'23''$  East along said Southerly right of way, a distance of 7.55 feet to a point of curvature;

thence continuing along said Southerly right of way along a curve to the left having a radius of 474.74 feet, a central angle of  $29^{\circ}07'02''$  and an arc length of 241.26 feet to the point of tangency;

thence North  $60^{\circ}52'21''$  East, continuing along said Southerly right of way, a distance of 240.22 feet to the TRUE POINT OF BEGINNING.

BOOK 2909 PAGE 502

CASE NO. 303596

99-C-1

**STEWART TITLE**  
GUARANTY COMPANY

OFFICE OF THE PRESIDENT  
1100 East Sheldon Street  
Prescott, Arizona 86301  
Phone: 928-776-2022  
FAX: 928-776-2019



# Memo

**To:** Phyllis Lewellen, Purchasing Director  
**From:** Karen Jones  
**Date:** April 19, 2012  
**Re:** NACOG Lease Agreement

---

Attached is the original Lease Agreement with NACOG for the Prescott Valley Head Start. Please forward this original to NACOG for their records and be advised that the second original agreement is filed in the President's Office within the March 2012, District Governing Board Packet. Please call if you have any questions.

*Purchasing did not get one :)*

## SIXTH AMENDMENT TO LEASE AGREEMENT

This Sixth Amendment to Lease Agreement is entered into by and between the Governing Board of Yavapai County Community College District, doing business as Yavapai College, a community college district of the State of Arizona (hereinafter “YC”), and Northern Arizona Council of Governments Head Start (hereinafter “NACOG”).

### 1. RECITALS.

- 1.1 YC and NACOG entered into a Lease agreement (hereinafter referred to as “Lease”) of up to a maximum of .76 acres of land owned by YC for use by NACOG for a Head Start Program for the period from March 1, 2012 through February 28, 2017.
- 1.2 YC and NACOG renewed the Lease to extend it one additional year through February 28, 2018 as allowed under Section 2 of the Lease through the First Amendment to Lease.
- 1.3 YC and NACOG renewed the Lease to extend it one additional year through February 28, 2019 as allowed under Section 2 of the Lease through the Second Amendment to Lease.
- 1.4 YC and NACOG renewed the Lease to extend it one additional year through February 28, 2020 as allowed under Section 2 of the Lease through the Third Amendment to Lease.
- 1.5 YC and NACOG renewed the Lease to extend it one additional year through February 28, 2021 as allowed under Section 2 of the Lease through the Fourth Amendment to Lease.
- 1.6 YC and NACOG desire to renew the Lease to extend it three (3) additional years through February 28, 2024, as allowed under Section 2 of the Lease.
- 1.7 YC and NACOG desire to renew the Lease to extend it five (5) additional years through February 28, 2029, as allowed under Section 2 of the Lease.

NOW, THEREFORE IT IS MUTUALLY AGREED BY YC AND NACOG THAT SAID LEASE IS AMENDED AS FOLLOWS:

1. The Term of the Lease is extended for five (5) additional years from February 29, 2024, through February 28, 2029.

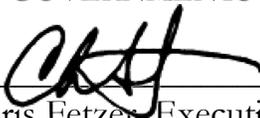
2. Except as expressly amended herein, the terms and conditions set forth in said original Lease and prior Amendments to Lease shall remain in full force and effect.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED THIS SIXTH AMENDMENT TO LEASE TO BE SIGNED ON THEIR BEHALF BY THEIR DULY AUTHORIZED REPRESENTATIVES.

YAVAPAI COUNTY COMMUNITY  
COLLEGE DISTRICT

NORTHERN ARIZONA COUNCIL  
OF GOVERNMENTS HEAD START

\_\_\_\_\_  
Deb McCasland, District Governing  
Board Chair

  
\_\_\_\_\_  
Chris Fetzer, Executive Director

\_\_\_\_\_  
Date

1/9/24  
Date

**WAIVER OF CONFLICT OF INTEREST**

Re: Yavapai County Community College District (Yavapai College) – Waiver of Conflict of Interest Regarding Agreements between the Yavapai County Free Library District, Yavapai County Community College District (Yavapai College) for Library Support Services and Membership in the Yavapai Library Network

The Governing Board of Yavapai County Community College District (Yavapai College), having reviewed the conflict of interest letter dated December 18, 2023, from Deputy County Attorney Michael E. Cordrey of the Yavapai County Attorney’s Office (“YCAO”), affirms that it is fully informed and it consents to and understands the implications of waiving the conflict of interest of YCAO between Yavapai County Free Library District, Yavapai County Community College District (Yavapai College), and other affected School Districts listed in the Attachment to this Waiver of Conflict of Interest, all of which are clients of YCAO.

Therefore, the Governing Board of Yavapai County Community College District (Yavapai College) approves the Waiver of Conflict of Interest and authorizes YCAO to proceed with preparation and review of, to provide legal services regarding, and to provide advice, review, and conduct communications related to, the above-referenced matters on behalf of the Yavapai County Free Library District, Yavapai County Community College District (Yavapai College), and/or any or all of the affected School Districts listed in the Attachment to this Waiver of Conflict of Interest, if requested and if such dual representation is appropriate. The Governing Board of Yavapai County Community College District (Yavapai College) also authorizes YCAO to review or draft agreements, including any revisions, additional contracts, agreements, intergovernmental agreements, follow-on agreements, amendments, renewals, extensions, or follow-on communications, review, and advice, between the Yavapai County Free Library District, Yavapai County Community College District (Yavapai College), and/or any or all of the affected School Districts listed in the Attachment to this Waiver of Conflict of Interest, regarding Agreements for Library Support Services and Membership in the Yavapai Library Network.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_

**Yavapai County Community College District (Yavapai College)**

By: \_\_\_\_\_  
Governing Board President

**Attachment for Waiver of Conflict of Interest**

Ash Fork Joint Unified School District No. 31  
Beaver Creek Elementary School District No. 26  
Camp Verde Unified School District No. 28  
Cañon Elementary School District No. 50  
Chino Valley Unified School District No. 51  
Clarkdale-Jerome Elementary School District No. 3  
Humboldt Unified School District No. 22  
Mayer Unified School District No. 43  
Mingus Union High School District No. 4  
Prescott Unified School District No. 1  
Seligman Unified School District No. 40  
Skull Valley Elementary School District No. 15  
Yavapai County Community College District



Origination: 6/2/2021  
Effective: 10/19/2021  
Last Approved: 10/19/2021  
Last Revised: 10/19/2021  
Next Review: 1/31/2024  
Owner: *Yvonne Sandoval: President's  
Office Executive Assistant*  
Area: *District Governing Board Policies*  
References:

## 204 Financial Conditions

With respect to the actual, ongoing financial conditions and activities, the Yavapai College President shall not cause or allow the development of financial jeopardy or a material deviation of actual expenditures from Board-stated priorities.

Accordingly, the President shall not:

1. Expend more funds than have been received or are available in reserves in the fiscal year
2. Allow current fund reserves to drop below seventeen percent (17%) or plant fund reserves to drop below eight percent (8%) of the operating budget (including general fund and auxiliary fund budgets), to be effective no later than fiscal year 2024-2025.
3. Allow reserve funds to replenish at an inappropriate rate after, in accordance with specified Board approvals, funds have dropped below the President's authorized limits.
4. Allow the Board to be without monthly reports of budget deviations and reserves.
5. Allow planning that is not fiscally sound or doesn't build organizational capabilities sufficient to achieve board goals in future years.
6. Enter into any lease agreement as lessee for more than five-years in duration or that exceeds \$200,000 per year.
7. Make any tenant improvements over \$30,000 to leased property.
8. Make or delegate financial decisions for which legislation specifically requires delegation of authority from the Board except for the following, which the Board authorizes without the need for further Board approval provided the decisions are compliant with the Board's policies: pursuant to A.R.S. Section 15-1444(B)(2), the authority to enter in to a lease for real property either as lessor or lessee on behalf of the College.

### Attachments

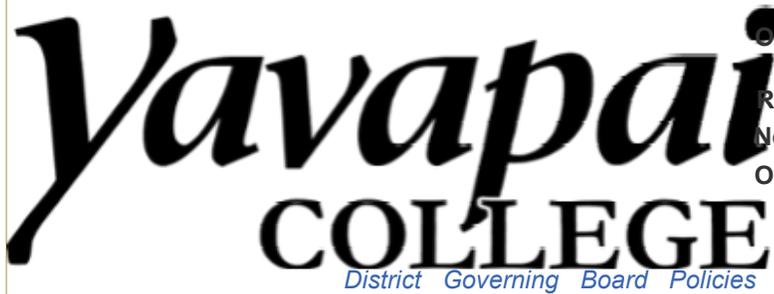
No Attachments

## Approval Signatures

Step Description	Approver	Date
	Yvonne Martinez-Sandoval: President's Office Executive Assistant	10/26/2021

Current Status: Active

PolicyStat ID: 10631237



Origination: 6/2/2021 Effective: 10/19/2021  
Last Approved: 10/19/2021 Last Revised: 10/19/2021  
Next Review: 1/31/2024

Owner: Yvonne Sandoval: President's Office Executive Assistant Area:

References: **204 Financial**

## Conditions

With respect to the actual, ongoing financial conditions and activities, the Yavapai College President shall not cause or allow the development of financial jeopardy or a material deviation of actual expenditures from Board-stated priorities.

Accordingly, the President shall not:

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3. Allow reserve funds to replenish at an inappropriate rate after, in accordance with specified Board approvals, funds have dropped below the President's authorized limits.
4. Allow the Board to be without monthly reports of budget deviations and reserves.
5. Allow planning that is not fiscally sound or doesn't build organizational capabilities sufficient to achieve board goals in future years.
6. Enter into any lease agreement as lessee for more than five-years in duration or that exceeds \$200,000 per year without the District Governing Board (DGB) approval.
7. Make any tenant improvements over \$30,000 to leased property without the DGB approval.
8. Make or delegate financial decisions for which legislation specifically requires delegation of authority from the Board except for the following, which the Board authorizes without the need for further Board approval provided the decisions are compliant with the Board's policies: pursuant to A.R.S. Section 15-1444(B)(2), the authority to enter in to a lease for real property either as lessor or lessee on behalf of the College.
9. For purposes of the Expenditure Limit Report, the District may be reduced to an amount equal to actual expenditures, once expenditures have been determined by the annual audit conducted on the District's Financial Statements. Any other modifications to the approved District Budget must be via formal DGB resolution.

## Attachments

No Attachments

## Approval Signatures

Step Description	Approver	Date
	Yvonne Martinez-Sandoval: President's Office Executive Assistant	10/26/2021

DRAFT

DRAFT



**Origination:** 6/2/2021  
**Effective:** 10/19/2021  
**Last Approved:** 10/19/2021  
**Last Revised:** 10/19/2021  
**Next Review:** 1/31/2024  
**Owner:** *Yvonne Sandoval: President's Office Executive Assistant*  
**Area:** *District Governing Board Policies*  
**References:**

## 304 Board Elections & Appointments

As required by A.R.S. 15-1443(B), the Board will elect a Chair and a Secretary every January. The expectation will be that the newly-elected Chair and Secretary will serve a two-year term. The Chair and Secretary will serve from the date of election until the date on which their replacements are elected. The newly-elected Board Chair will appoint Board Liaisons for one-year terms at the January meeting. The following procedure will be used by the Board for the nomination and election of a Chair and Secretary:

1. The current Board Chair shall call for nominations.
2. After the Board Chair determines that no other nominations are forthcoming, the Board Chair shall declare the nominations to be closed.
3. Board Chair shall call on nominees in alphabetical order based on their last names to speak. After all nominees have been offered the opportunity to speak, Board members may speak about the candidates being considered regarding their nomination. The Board Chair shall call for the vote of each nominee, in randomly-selected order, until a nominee receives at least a majority vote of the Board.
4. After nominee receives at least a majority vote of the Board, the process is complete even if there are remaining nominees who have not been voted on.
5. If no nominee receives at least a majority vote of the Board, the Board Chair shall begin the process again.

### Attachments

No Attachments

### Approval Signatures

Step Description	Approver	Date
	Yvonne Martinez-Sandoval: President's Office Executive Assistant	10/29/2021

Current Status: Active

PolicyStat ID: 10647518



Owner:

Origination: 6/2/2021  
Effective: 10/19/2021  
Last Approved: 10/19/2021  
Last Revised: 10/19/2021  
Next Review: 1/31/2024

Yvonne Sandoval: President's  
Office Executive Assistant Area:

District Governing Board Policies References:

## 304 Board Elections & Appointments

As required by A.R.S. 15-1443(B), the Board will elect a Chair and a Secretary in January of the year in which the current terms of the Chair and Secretary expire. The expectation will be that the newly-elected Chair and Secretary will serve a two-year term. The Chair and Secretary will serve from the date of election until the date on which their replacements are elected. The newly-elected Board Chair will appoint Board Liaisons for one-year terms at the January meeting. The following procedure will be used by the Board for the nomination and election of a Chair and Secretary:

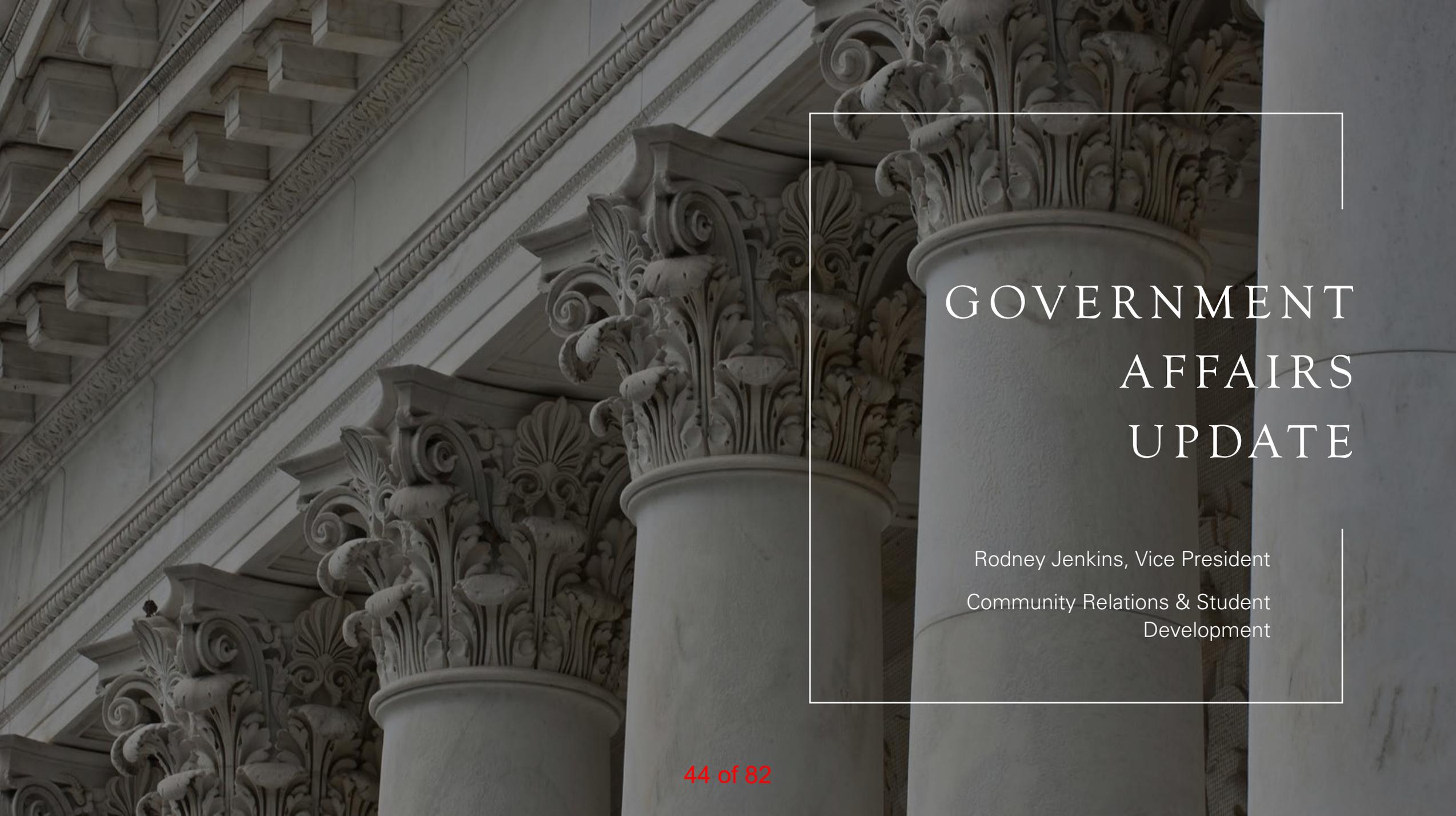
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### Attachments

No Attachments

### Approval Signatures

Step Description	Approver	Date
	Yvonne Martinez-Sandoval: President's Office Executive Assistant	10/29/2021



# GOVERNMENT AFFAIRS UPDATE

Rodney Jenkins, Vice President  
Community Relations & Student  
Development

# ACCT 2024: NATIONAL LEGISLATIVE SUMMIT

SUNDAY,  
FEBRUARY 4-7, 2024  
WASHINGTON, D.C.



## Summit At Glance:

- Opening General Session: February 5<sup>th</sup> @ 8:00 am
- Community College Priorities Session @ 10:00 am
- General Session Luncheon @ 12:15 pm
- Tentative: Senator Mark Kelly (Hotel)
- Tentative: Senator Kyrsten Sinema (Capital Hill)
- Confirmed: Congressman Eli Crane (Yavapai Delegation)
- Confirmed: Department of Education Representative (Noah Brown, Senior Advisor)
- Confirmed: National Science Foundation representative (James L. Moore III, Directorate for STEM Education)

# COMMUNITY COLLEGE FEDERAL LEGISLATIVE PRIORITIES

## **Strengthen the Workforce Innovation and Opportunity Act (WIOA)**

Enhance WIOA, and with that the national economy, by bolstering the role of community colleges in the federal workforce development system. Community colleges should be a guaranteed part of the leadership apparatus for workforce development policy at both the state and local levels. The system should prioritize credential attainment and streamline reporting requirements. Greater training opportunities should be provided.

## **Authorize a Major Community College-Led Job Training Program**

Reauthorize the Trade Adjustment Assistance Community College and Career Training (TAACCCT) program. The TAACCCT program significantly increased credential attainment and job placement, but the skills gap persists. Congress can achieve this goal by authorizing and growing the Strengthening Community College Training Grants in a WIOA reauthorization or reauthorization of TAACCCT.

## **Bolster Job Training and Career & Technical Education**

Enhance funding for Perkins Career and Technical Education (CTE) programs, Adult Basic and Literacy Education State Grants, state grants under the Workforce Innovation and Opportunity Act (WIOA), and the National Science Foundation's Advanced Technological Education (ATE) program.

## **Support Rural Community Colleges**

Create federal funding streams for community colleges to support rural economic development, particularly in the agricultural sector. Rural community colleges play an increasing role in training workers to support agriculture and ag-related fields. Providing grants to assist community colleges for agricultural and natural resources would support the growing need for an agricultural workforce that needs skilled training.

## **Increase Access to SNAP**

Support streamlining of access to SNAP benefits for community college students, preventing bureaucratic barriers and increasing participation among eligible students.

# 2024 FISCAL YEAR COMMUNITY COLLEGE FEDERAL FUNDING PRIORITIES

- Increase PELL GRANT maximum award to \$13,000 via mandatory & discretionary spending
- Increasing funding for the Strengthening Community College Funding Grant (SCCTG) from \$65 million to \$100 million
- Increase Title – IIIA funding to \$210 million (supports under-resourced institutions/students)
- Enacting President Biden’s Free Community College through discretionary funding (Federal-State Partnership)
- Support Short Term Pell (currently advancing through the legislature)



## ARIZONA LEGISLATURE: COMMUNITY COLLEGE DAY AT THE CAPITAL

- January 30, 2024-Front Lawn of the Capital
- All 10 College Districts will be represented
- Each institution will highlight a particular academic program
- Legislators will drop by throughout the morning



Advancing  
America's  
Community  
Colleges

# JOINT LEGISLATIVE AGENDA FOR THE 118th CONGRESS (2023-2024)

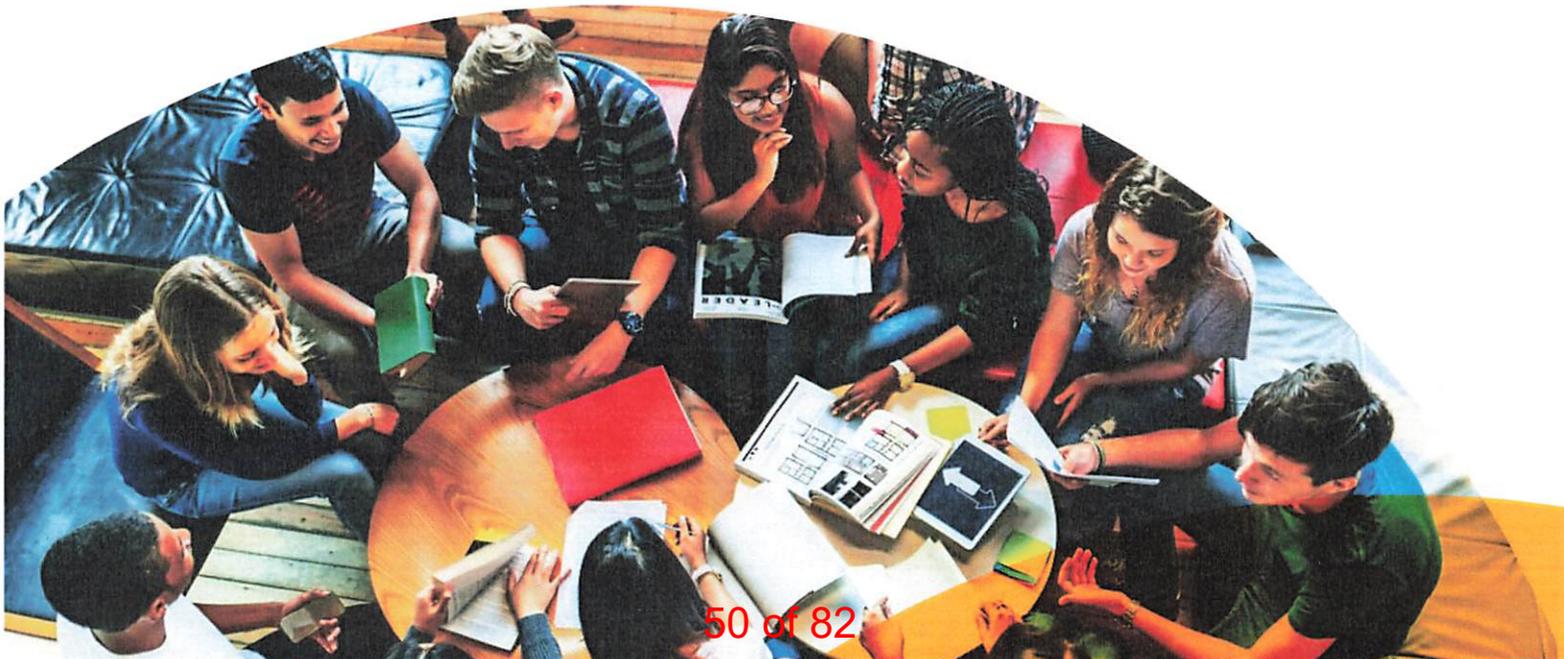


# COMMUNITY COLLEGE FACTS & STATS

<p><b>Total Number of Community Colleges</b></p> <ul style="list-style-type: none"> <li>• 1,039</li> </ul>	<p><b>Representation of Community College Students Among Undergraduates</b></p> <ul style="list-style-type: none"> <li>• 38.1% All U.S. Undergraduates</li> </ul>
<p><b>Total Enrollment (Fall 2021)</b></p> <ul style="list-style-type: none"> <li>• 6.1 million Credit</li> <li>• 4.1 million Non-credit</li> <li>• 10.2 million Total</li> </ul>	<p><b>Degrees and Certificates Awarded (2017- 2018)</b></p> <ul style="list-style-type: none"> <li>• 877,240 Associate Degrees</li> <li>• 592,863 Certificates</li> </ul>
<p><b>Students Enrolled for Credit (full-time and part-time)</b></p> <ul style="list-style-type: none"> <li>• 2.1 million Full-time (36%)</li> <li>• 4.1 million Part-time (64%)</li> </ul>	<p><b>Student Demographics</b></p> <ul style="list-style-type: none"> <li>• 58.6% Women</li> <li>• 41.4% Men</li> <li>• 27 - Average Age</li> <li>• 29% First Generation</li> <li>• 23% Parents</li> <li>• 4% Veterans</li> </ul>
<p><b>Race and Ethnicity</b></p> <ul style="list-style-type: none"> <li>• 44.5% White</li> <li>• 12.2% Black or African American</li> <li>• 27.2% Hispanic or Latino</li> <li>• 6.0% Asian/Pacific Islander</li> <li>• 1.0% Native American or Alaska Native</li> </ul>	<p><b>Working Students</b></p> <ul style="list-style-type: none"> <li>• 31% Full-time</li> <li>• 37% Part-time</li> </ul>
<p><b>Average Cost of Attendance (Full-Time, 2020-2021)</b></p> <ul style="list-style-type: none"> <li>• \$3,860 Tuition and Fees</li> <li>• \$9,610 Room and Board</li> <li>• \$1,460 Books and Supplies</li> <li>• \$4,300 Transportation and Other Expenses</li> <li>• \$19,230 Full Cost of Attendance</li> </ul>	<p><b>Percentage of Students Receiving Aid (Grants, Loans, State, Institutional)</b></p> <ul style="list-style-type: none"> <li>• 56% Any Aid</li> <li>• 42% Federal Grants</li> <li>• 15% Federal Loans</li> <li>• 25% State Aid</li> <li>• 6% Institutional Aid</li> </ul>

**SOURCES:**

AACC Analysis of Integrated Postsecondary Education Data Surveys (IPEDS) 2021 Fall enrollment survey (<https://nces.ed.gov/ipeds>)  
 AACC Analysis of Integrated Postsecondary Education Data Surveys (IPEDS) 2020-21 Completions File (<https://nces.ed.gov/ipeds>)  
 College Board Trends in College Pricing and Student Aid 2022 - <https://research.collegeboard.org/media/pdf/trends-in-college-pricing-student-aid-2022.pdf>



# COMMUNITY COLLEGE FEDERAL LEGISLATIVE PRIORITIES

The American Association of Community Colleges (AACC) and the Association of Community College Trustees (ACCT) support the following legislative priorities for the 118th Congress.

## Federal Pell Grants

- Restore and maintain the purchasing power of the Federal Pell Grant, which is the foundation of student aid for millions of financially needy undergraduate college students.
- Extend Pell Grant eligibility to high-quality, workforce-oriented short-term programs offered by community colleges.
- Increase lifetime Pell Grant eligibility to 14 semesters (full-time equivalent).
- Ensure Pell Grant reserve funds remain dedicated to the Pell Grant program to safeguard the program's future financial stability.

## Funding for Federal Student Financial Aid and Institutional Aid Programs

- Support federal investments in higher education by providing funding allocations for domestic discretionary programs sufficient to support the broad community college mission.
- Support the Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS) programs, which enhance community college student enrollment and success.
- Increase funding for vital institutional aid programs, including the Strengthening Institutions (Title III-A of the HEA), Developing Hispanic-Serving Institutions, Tribal Colleges and Universities, Historically Black Colleges and Universities, Asian American and Native American Pacific Islander Serving Institutions, and Predominantly Black Institutions programs.
- Strengthen TRIO, GEAR UP, CCAMPIS, Postsecondary Student Success Grants, Basic Needs Grants and other student support programs that help community colleges meet the needs of diverse, historically underrepresented, and economically disadvantaged populations.

## Higher Education Act (HEA) Reauthorization

### Student Financing, Access, and Affordability

- Support responsible student borrowing by tying borrowing limits to enrollment intensity, giving institutions more authority to limit borrowing in defined circumstances, and allowing institutions to require additional loan counseling.

- Reform the allocation formulas for the FSEOG and FWS programs to distribute funds based on current student and family finances rather than previous allocations.
- Create a federal-state partnership that provides federal support to states that make community college tuition-free for all students.
- Restore full Title IV student eligibility for community college students who lack a high school diploma or its equivalent but can benefit from postsecondary education.

### Institutional Accountability and Promoting Student Success

- Create a federal student unit record system to generate accurate, meaningful student-level data on postsecondary outcomes and earnings.
- Establish more accurate measures of community college success by counting in the graduation rate students who complete within six years and those who transfer to other colleges with or without a credential or degree.
- Ensure that the Cohort Default Rate measure or any institutional accountability metric reflects rates of student borrowing.
- Evaluate any risk-sharing proposals in terms of financial impact on community colleges, particularly since risk-sharing generally penalizes institutions that enroll high percentages of low-income students and that have relatively few resources.
- Support an independent accreditation process that provides necessary quality assurance for the federal government and other stakeholders without limiting autonomy or hindering innovation, including in the dual enrollment context.

### Innovation and Compliance

- Lighten the federal regulatory burden wherever possible; ensure that the Department of Education works with colleges in a positive, partnership-oriented fashion.
- Develop Title IX policies that enhance student safety and clarify institutional responsibilities, while taking into account the unique features of community college campuses.
- Encourage quality innovations in higher education, including competency-based education, dual enrollment, guided pathways, new credentials, and other educational advancements.
- Uphold institutional gatekeeping and anti-fraud protections such as the "90/10" rule, which requires that for-profit institutions derive at least 10% of their overall funding from non-Title IV sources.

# COMMUNITY COLLEGE FEDERAL LEGISLATIVE PRIORITIES

## Access to Basic Needs Services for Low-Income Students

- Enact policies that allow community college students with unmet need to access programs providing food, housing, medical care, including mental health services, and other basic needs. If such policies already exist, streamline the application process to improve student access and eligibility.
- Alter the CCAMPIS program to provide grant funding of adequate size to maintain high-quality, broadly available campus childcare; provide limited funding for facilities upgrading.
- Allow community college students to substitute work requirements with postsecondary enrollment to qualify for safety net programs such as SNAP.

## Workforce Development, Adult Basic Education and Career and Technical Education

- Substantially increase funding for the Strengthening Community College Training Grants program.
- Increase funding for state grants under the Carl D. Perkins Career and Technical Education Act (CTE), the occupational and adult basic education programs in the Workforce Innovation and Opportunity Act (WIOA), the Advanced Technological Education (ATE) program at the National Science Foundation and include community colleges in efforts to bolster America's competitiveness in science, technology, engineering, and mathematics (STEM) fields.
- Enhance the Workforce Innovation and Opportunity Act to bolster the role of community colleges in workforce development by ensuring community colleges are part of the leadership apparatus, prioritizing credential attainment, and streamlining reporting requirements.
- Foster rural economic development by providing adequate federal resources for essential programs addressing rural education, rural health care, renewable energy, and rural workforce development.
- Create federal funding streams for community colleges to provide programing targeting rural economic development, particularly in the agricultural sector.

## Higher Education Tax Benefits for Low-Income Students

- End the taxation of Pell Grants
- Alter the eligibility criteria for the American Opportunity Tax Credit (AOTC) so that low-income community college students, particularly Pell Grant recipients, qualify for the credit

- Improve the Lifetime Learning Credit for business and community college students by covering 100% of the first \$2,000 of expenses for technical education programs.

## DREAM Act and Immigration Policy

- Pass comprehensive immigration reform that creates a path to citizenship for qualifying undocumented students and that allows them to be eligible for federal student aid.
- Allow DACA/TPS participants to be eligible for federal student aid.
- Eliminate federal restrictions on states that offer in-state tuition to undocumented students.
- Provide a pathway for students with Temporary Worker Visas and their families to stay in the U.S. while enrolled in higher education, providing a pathway for these students to obtain other visas for high-need skill areas in H1B or H1C areas.

## Veterans

- Fund new and existing programs to help institutions better serve the needs of veteran students.
- Ensure that active-duty personnel and their dependents can fully participate in community college educational programs.
- Enact reforms that help veterans choose the educational program that best suits their needs and prevents their exploitation.

## International Education Programs

- Increase opportunities for community college students to study abroad and encourage international students to enroll in community colleges.
- Increase funding for the HEA Title VI and Fulbright Hays undergraduate international education programs, which are vital to national security and economic productivity.
- Improve the F1 student visa approval process to ensure all international students can access U.S. education and training programs.

## Infrastructure

- Invest in upgrading and modernizing the community college facility infrastructure, as they are integral to the nation's economic vitality.
- Ensure that community colleges and their students can access technology equipment, including high-speed broadband internet services.



## **Association of Community College Trustees**

**Jee Hang Lee**, President and CEO

**Carrie Warick-Smith**, Vice President-Public Policy

**José Miranda**, Director of Government Relations

**Rosario Durán**, Senior Government Relations Associate

**A:** 1101 17th Street NW, Suite 300 | Washington, D.C. 20036

**P:** (202) 775-4667 | **E:** [publicpolicy@acct.org](mailto:publicpolicy@acct.org)  
**www.acct.org**



## **American Association of Community Colleges**

**Dr. Walter G. Bumphus**, President and CEO

**David Baime**, Senior Vice President for Government Relations

**James (Jim) Hermes**, Associate Vice President for Government Relations

**Kathryn Gimborys**, Government Relations Manager

**Alexis Gravely**, Legislative Analyst, Government Relations

**A:** One Dupont Circle NW, Suite 700 | Washington, DC 20036

**P:** 202-728-0200 | **www.aacc.nche.edu**



ACCT

Menu

# 2024 National Legislative Summit

[Register now!](#)

## Summit at a Glance

### Sunday, February 4

- 8:30 a.m. – 11:00 a.m. ACCT Board of Directors Meeting
- 9:00 a.m. – 5:00 p.m. Registration
- 10:00 a.m. – 4:00 p.m. New Trustee Academy\*\*
- 11:00 a.m. – 4:00 p.m. Advocacy Leadership Academy\*\*
- 1:00 p.m. – 2:30 p.m. AACC/ACCT Executive Committees Meeting (by invitation)

3:30 p.m. – 5:30 p.m.

ACCT

3:30 p.m. – 6:00 p.m.

State, Province and Territory Coordinators Orientation and

ACCT Regional Nominating Committees Meeting (by invitation)

**Monday, February 5**

7:00 a.m. – 2:30 p.m.

Registration

8:00 a.m. – 9:45 a.m.

Opening General Sessions

10:00 a.m. – 12:00 p.m.

Roundtable Seminar for Community College Lawyers

10:00 a.m. – 11:30 a.m.

Community College Priorities Session

12:15 p.m. – 2:00 p.m.

General Session Luncheon\*

2:15 p.m. – 3:15 p.m.

Policy Focus Sessions

2:15 p.m. – 3:15 p.m.

Student Session

2:30 p.m. – 3:30 p.m.

ACCT Advisory Committee of Presidents Meeting (by invitation)

3:30 p.m. – 4:30 p.m.

Asian, Pacific Islander and Native American Trustees Meeting

3:30 p.m. – 4:30 p.m.

Student Trustee Advisory Committee Meeting

3:30 p.m. – 5:00 p.m.

African American Trustees Meeting

3:30 p.m. – 5:00 p.m.

Association of Latino Community College Trustees Meeting

4:00 p.m. – 5:30 p.m.

Corporate Council Roundtable Meeting (by invitation)

5:30 p.m. – 6:30 p.m.

National Capital Reception

**Tuesday, February 6**

7:00 a.m. – 2:30 p.m.

Registration

7:30 a.m. – 8:30 a.m. State Breakfast Meetings (at hotel)



***Morning Visits to House, Senate, and Executive Branch Offices***

12:00 p.m. – 1:00 p.m. Taste of D.C. (lunch on your own)

***Afternoon Visits to House, Senate, and Executive Branch Offices***

3:30 p.m. – 5:00 p.m. Community College Congressional Forum on Capitol Hill

7:00 p.m. – 9:00 p.m. Capital Awards and Entertainment Banquet\*

**Wednesday, February 7**

8:30 a.m. – 10:30 a.m. General Session Breakfast \*

Morning and Afternoon Visits to House, Senate, and Executive Branch Offices



Association of Community College Trustees

## 2023 COMMUNITY COLLEGE FEDERAL LEGISLATIVE PRIORITIES

### Bolster The Role of Community Colleges in Workforce Development

#### **Strengthen the Workforce Innovation and Opportunity Act (WIOA)**

Enhance WIOA, and with that the national economy, by bolstering the role of community colleges in the federal workforce development system. Community colleges should be a guaranteed part of the leadership apparatus for workforce development policy at both the state and local levels. The system should prioritize credential attainment and streamline reporting requirements. Greater training opportunities should be provided.

#### **Authorize a Major Community College-Led Job Training Program**

Congress should once again enact major support for the community college workforce education mission, as it did previously with the Trade Adjustment Assistance Community College and Career Training (TAACCT) program. The TAACCT program significantly increased credential attainment and job placement, but the skills gap persists. Congress can achieve this goal by authorizing and growing the Strengthening Community College Training Grants program in a WIOA reauthorization or reauthorizing the TAACCT program itself.

### Fund Key Education and Workforce Programs

#### **Support Student Access and Success**

Boost the Pell Grant maximum award, at minimum by an inflationary adjustment, and set the long-term goal to double the Pell Grant from the 2021-22 award year. Pell Grants enable millions of low-income community college students to pay tuition and fees and meet other college expenses and is the foundation of all other student aid. Increasing the maximum award promotes affordability and student success for low-income students, while reducing their need to borrow.

Funding increases should also be provided for key financing and student support programs such as the Supplemental Educational Opportunity Grants (SEOG), Federal Work-Study, TRIO, GEAR UP, Child Care Access Means Parents in School (CCAMPIS), Postsecondary Student Success, and Basic Needs for Postsecondary Students programs.

#### **Strengthen Under-Resourced Institutions**

Increase funding for institutional aid programs including Minority Serving Institutions (MSIs), Title III-A Strengthening Institutions; Strengthening Historically Black Colleges and Universities (HBCUs); Hispanic Serving Institutions (HSIs); Tribal Colleges; and other programs serving traditionally underrepresented populations. Robust funding for these programs will help reduce achievement gaps at community colleges and other institutions.

#### **Bolster Job Training and Career and Technical Education**

Continue to support community college training programs that lead to jobs in in-demand industries by increasing funding for the Strengthening Community College Training Grants program administered by the Department of Labor, now entering its fourth year.

Enhance funding for Perkins Career and Technical Education (CTE) programs, Adult Basic and Literacy Education State Grants, state grants under the Workforce Innovation and Opportunity Act (WIOA), and the National Science Foundation's Advanced Technological Education (ATE) program.

### Support Dreamers

#### **Enact the Dream Act**

Enact the Dream Act, once and for all, to give Dreamers permanent legal status. The Dream Act provides a path to citizenship for undocumented young people, including the thousands of students currently enrolled in the Deferred Action for Childhood Arrivals (DACA) program. Dreamers were brought to the U.S. as minors and frequently know no other nation besides America. More importantly, they make substantial contributions to the U.S. economy and society. Dreamers should also be able to access Title IV student aid funding. The DREAM Act has traditionally garnered bipartisan support and work toward this goal must continue.

## Reform Student Aid for Today's Students

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### **Support Workforce Pell Grants for Students in Short-Term Programs**

Establish Pell Grant eligibility for shorter-term programs, accompanied by rigorous and relevant quality standards. Currently, programs must be two-thirds of a year in order to be eligible for Pell Grants. This excludes many community college workforce-oriented programs that greatly benefit both students and local businesses. Many students cannot participate in these programs because of their cost. Community colleges support lowering the threshold for Pell Grant eligibility to 150 clock hours, as in the JOBS Act and the PELL Act, which would increase access to these programs.

### **Invest in Basic Needs Supports for Students**

Support policies that address the needs of students by providing greater access to basic needs services. Title IV assistance is rarely generous enough to cover all necessities such as food, housing, transportation, childcare, and medical expenses for many community college students. Congress should address the basic needs of the whole student by:

- Increasing the capacity of community colleges to connect students with supportive services to help them persist and succeed in postsecondary education. The promising new Basic Needs and Postsecondary Student Success programs tackle some of these issues and should be greatly expanded. Title IV student aid programs also can be better integrated with income-maintenance programs.
- Strengthening existing federal programs, including the Child Care Access Means Parents in School (CCAMPIS) and the Supplemental Nutrition Assistance Program (SNAP), to meet students' true needs.
- Ensuring health care programs for low-income individuals are accessible to community college students.

### **Allow for Responsible Borrowing Loans**

Support responsible student borrowing by tying borrowing limits to enrollment intensity. Limiting part-time students to pro-rated debt will help students manage their debt load through program completion and decrease the likelihood they will face difficulties in repayment.

### **Utilize Accountability and Transparency Policies that Reflect Needs of Community Colleges**

Create a federal student unit record system to generate accurate, meaningful student-level data on postsecondary outcomes, including post-completion earnings. Ensure that cohort default rates or any loan-driven accountability measures reflect the incidence of student borrowing and the student body generally. The combination of these proposals will provide accountability and transparency that is responsive to the community college mission while maintaining integrity in the student aid programs.

## Focus Student Tax Policy on Those Who Can Benefit Most

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### **End the Taxation of Pell Grants, and Modify the AOTC & LLC**

Make Pell Grants tax-free. Under current law, community college students must pay taxes on any portion of their Pell Grants that is used to help meet living expenses. These expenses are every bit as tangible as tuition and should not be taxed as this practice further dilutes the aid students rely on.

Community colleges also support altering the \$2,500 American Opportunity Tax Credit (AOTC) so that Pell Grant awards are not subtracted from a student's eligible expenses. This would dramatically enhance the ability of low-income students to qualify for the credit. Making this change would help hundreds of thousands of community college students receive the maximum credit of \$2,500 each year.

These changes were embodied in the "Tax Free Pell Grant Act," which received bipartisan support in the 117<sup>th</sup> Congress. Similar legislation should be enacted in the 118<sup>th</sup> Congress.

## Farm Bill

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### **Support Rural Community Colleges**

Create federal funding streams for community colleges to support rural economic development, particularly in the agricultural sector. Rural community colleges play an increasing role in training workers to support agriculture and ag-related fields. Providing grants to assist community colleges for agricultural and natural resources would support the growing need for an agricultural workforce that needs skilled training.

### **Increase Access to SNAP**

Support streamlining of access to SNAP benefits for community college students, preventing bureaucratic barriers and increasing participation among eligible students.

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## **FISCAL YEAR 2024 COMMUNITY COLLEGE FEDERAL FUNDING PRIORITIES**

AACC and ACCT are members of the Student Aid Alliance and the Coalition to Invest in America's Workforce and support their appropriations requests. Community college funding priorities for FY 2024 include:

### **The Federal Pell Grant Program**

We strongly urge Congress to increase the Pell Grant maximum award to \$13,000 – double the FY 21 award - via mandatory and/or discretionary spending. The time has come for Congress to make a historic investment in this crucial program. While community colleges offer the lowest tuition by far of the major higher education sectors, the average annual cost of attendance for a community college is over \$18,000. This makes a doubling of the grant hugely beneficial to our students, who have lower incomes, on average, than students in other sectors. If doubling the Pell Grant is not possible immediately, we urge you to increase the discretionary maximum award by at least \$750 in FY 24.

### **Strengthening Community College Training Grants**

Community colleges strongly support the Strengthening Community College Training Grant (SCCTG) program, which was funded at \$65 million in FY 23. SCCTG provides direct support for expanded workforce training capacity at our institutions, so they can meet the demand for skilled workers in industries nationwide. Since applications for the program have far outstripped available funds, a substantial investment in this program is warranted. Accordingly, we recommend increasing funding for the program to \$100 million in FY 2024.

### **Support Under-Resourced Institutions and Students**

The Higher Education Act Strengthening Institutions Program (Title III-A) helps community colleges and other institutions serve low-income students by providing funds to improve academic quality, institutional management, and fiscal stability. Funds may be used for planning, faculty development, establishing endowments, and other purposes. Title III-A also supports improvements in administration and academic programs, and many recent grantees have focused on increasing student completion. We urge you to fund this program at \$210 million in FY 2024.

### **Accelerated Success: Free Community College**

Community colleges have long supported a Federal-State partnership to make postsecondary education affordable and accessible to all by covering tuition costs for students attending community colleges. We commend the President's budget proposal calling for a discretionary program that moves us in that direction by allowing eligible

students enrolled in eligible programs up to two years of free community college. Recent federal investments in infrastructure and manufacturing will lead to an increase demand of workers in those industries and community colleges are poised to provide the skill-ready workforce if barriers to entry such as costs can be lowered. We urge you to fund the new Accelerated Success: Free Community College at \$500 million in FY 2024.

### **Perkins Career and Technical Education**

The Carl D. Perkins Career and Technical Education Act (CTE) programs are the largest ongoing source of federal institutional support for community colleges, helping them improve all aspects of cutting-edge CTE programs. Community colleges use Perkins grants to prepare students for high-skill, in-demand fields by helping them meet challenging academic, vocational, and technical standards; improve curricula; purchase the equipment students need to know how to use in today's jobs; integrate vocational and academic instruction; and foster better links between colleges and the business community. We urge Congress to make a significantly increased investment in this program of at least 10% above the FY 23 appropriation.

### **Strengthen Workforce Development and Adult Basic Education**

Federal workforce education programs authorized by the Workforce Innovation and Opportunity Act (WIOA) are needed to help individuals navigate the changing economy. The best opportunity for displaced and economically disadvantaged workers is to augment their skills with education. Adult Basic Education State Grants help serve 1.8 million participants each year to gain reading, numeracy, English literacy, and GED preparation. We recommend at least \$790 million for the ABE State Grants and strong increases for the other WIOA programs.

### **Additional Funding Priorities for Community Colleges**

We strongly support \$165 million for Postsecondary Student Success Grants and \$32 million for the Basic Needs Grants within the Fund for the Improvement of Postsecondary Education (FIPSE). Affordable childcare is also essential to increasing student retention and completion, so we urge Congress to fund the Child Care Access Means Parents in School program at \$110 million in FY 24 and retain the provision from the FY 23 appropriations bill that lifted the statutory cap on program grants.

Community colleges strongly support Federal Supplemental Educational Opportunity Grants, Federal Work Study, international education, TRIO and GEAR UP programs, Hispanic-Serving Institutions, Predominantly Black Institutions, Asian American and Native American Pacific Islander-Serving Institutions, and other programs supporting Minority Serving Institutions and Historically Black Colleges and Universities. The Student Aid Alliance request, which we support, encompasses some of these programs. We urge robust increases for the others.

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### **Increase Access to SNAP**

Support streamlining of access to SNAP benefits for community college students, preventing bureaucratic barriers and increasing participation among eligible students.

# Open Meeting Law

## A Refresher and Some Reminders

Lynne C. Adams  
January 16, 2024



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## Discussion Topics

- Email and Meetings
- Serial Discussions
- Sticking to the Agenda

# Open Meeting Law Basics

- The board may discuss College business only in a public meeting that has been properly noticed.
- Meeting only occurs if
  - there is a quorum of board members **and**
  - the quorum engages in discussion, action or deliberation about a matter that has, will or may come before the board.
- Attorney General: “The safest course of action is to assume the Open Meeting Law applies whenever a majority of the [board] discusses the [College’s business].”

# What Triggers a Meeting?

- Meeting does not require physical presence or even “presence” at the same time.
  - An email on which a quorum of board members is copied – originally or eventually – may be a “meeting.”
  - A discussion in which a quorum of board members is eventually included may be a “meeting.”

## Email and “Meetings”

- Open Meeting Law is clear that electronic communications can be “meetings.”
- A meeting is held when a quorum of board members *share their opinions* via electronic communication:
  - Discussing legal action
  - Deliberating with respect to legal action
  - Taking legal actionregarding an issue that has, will or *may* come before the board.

## Email and “Meetings”

- A meeting can also occur when there is *only one-way communication* to a quorum of the board members that proposes legal action.
- Even if an email is not originally sent to a quorum of the Board, if it is forwarded to a quorum, either by one person or multiple people, it can be a “meeting.”
  - Board member A to member B: “I think we have to increase tuition by 25% this year.”
  - Same communication by Board member A to member C in a separate email.
  - 3 board members now have received an email that proposes legal action.

## Email and “Meetings”

- Two members of the Pima Community College board violated Open Meeting Law by sending email in 2022.
  - Multiple emails sent to a quorum of the board that expressed the board members’ opinions on matters that could foreseeably come before the board for action.
    - Termination of an employee
    - Review of College diversity efforts.
  - The emails “invited the Board to engage in a non-public discussion of a matter that could foreseeably come before the Board for future legal action, and expressed far more than simply asking the matter to be placed on an agenda for discussion at a future meeting.”

## Email and “Meetings”

- The two PCC Board members argued that they did not violate the law because they were acting as individual members of the board and were expressing their own opinions.
  - Exception only applies when a board member expresses an opinion through the media or at a public event *and*
  - The opinion is not directed at or given to another member of the board.

A.R.S. Section 38-431.09(B).

- Here the board members used email “addressed to and principally directed at a quorum of the Board.”

## **Email and “Meetings”**

### **Best practice?**

**Do not send email to other board members – whether a quorum or not – about any College business!**

## Serial Communications

- The discussion of a quorum does not need to be at the same time – may be “serial” or “chain” communications, either in person or via telephone, email or some other electronic means.

c. Board member A on a five-member board may not e-mail board members B and C on a particular subject within the scope of the board's responsibilities and include what other board members D and E have previously communicated to board member A. This e-mail would be part of a chain of improper serial communications between a quorum on a subject for potential legal action.

# Serial Communications

- Staff members “count” when viewing potential Open Meeting Law violations.
  - “A staff member who meets with each member individually. . . and then shares the comments made by other members would violate the Open Meeting Law.”
  - Although a staff member may provide information to board members separately, they must be careful not to facilitate a “discussion” through information sharing.

# Serial Communications

- Information sharing between the President and board members is fine, but. . .
  - Be careful just to share information, not an indication of how board members may vote on an issue if it were to come before the board.
  - Blind copy all board members to remove the potential for an inadvertent “reply all” by a board member.
- Penalties can be levied against a non-board member who knowingly aids a board member in violating the law.

## Serial Communications

- In addition to PCC Board members sending emails directly to a quorum of the board, there were instances in which one of the board members directed a staff member to forward email to other board members.
  - “By directing [the staff member] to forward these email communications to a quorum of the Board, [the board member] violated the Open Meeting Law.”
  - No finding against the staff member, just against the board member.

## Sticking to the Agenda

- The agenda controls the discussion and action at a public meeting.
- Some flexibility related to board discussion about items, but all discussion must be about or “related” to an item specifically listed on the agenda.
- No clear line, so rely on your own instincts and me to tell you when you are too far afield of an agenda item.
  - Would a member of the general public would know that the board was going to discuss a topic at a meeting?

## Sticking to the Agenda

- One member of the Cochise County Board of Supervisors was alleged to have violated this requirement several times in 2023.
  - Agenda Item: Agreement between US Army Environmental Command and Cochise County Flood Control District for the Bella Vista/Coyote Wash Stormwater Management Project.” Board member discussed his views that the San Pedro Riparian National Conservation Area was “fraudulent” and not legitimately created in 1988.
  - Agenda Item: Agreement between Cochise County Health and Social Services and the Arizona Department of Health Services. Board member discussed his view about natural immunity for individuals who are not vaccinated for COVID-19.

## Sticking to the Agenda

- Same board member attempted to get “consensus” among board members during a work session.
  - Agenda: Discussion about possible changes to election processes; “Work Sessions are a time for County staff to inform and discuss agenda items with the Board of Supervisors and public comments will not be taken.”
  - Board member attempted several times to get a “consensus” without a vote regarding voting machines so that the board could instruct the County Recorder to take action.

## **Sticking to the Agenda**

**Best practice?**

**When in doubt, stop discussion and add topic to the next meeting agenda.**

**Avoids assertions that any action taken is null and void because of Open Meeting Law violation.**

# Questions?

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