PORTLAND COMMUNITY COLLEGE BOARD OF DIRECTORS

Business Meeting

May 18, 2023

The Board of Directors meetings are held in accordance with open meeting laws and accessibility requirements. If a person with a disability needs assistance in order to attend or participate in a meeting, please notify the Board of Director's Office at least 48 hours in advance by calling (971) 722-4365 or by email at boardmember@pcc.edu, please use ACCESSIBILITY in the subject line.

Please print double-sided in support of Board Policy B707 – Sustainable Use of Resources

Board of Directors Goals 2022-2023

Belonging

Strategic Goal: Ensure that the Board of Directors and the President both advance Diversity, Equity and Inclusion in measurable and strategic ways.

- Monitor the recruitment, hiring, and retention of employees of color.
- Monitor the awarding of contracts to D/M/W/ESB/SDV companies.
- Integrate diversity, equity, and inclusion into its policymaking processes and all
- board functions.
- Support a people-centered approach to the well-being of students and staff.

Delivery

Strategic Goal: The board holds itself and the college president accountable for improving equitable student success.

- Monitor semiannual performance on access, retention, and completion rates for all students; while reducing and eliminating disparities in these rates for low-income students and students of color.
- Utilize personal and professional networks to establish new strategic partnerships that bring new resources to the goal of improving outcomes for students (e.g., resources that address student housing and food insecurity, the PCC Campaign for Opportunity, etc.).
- Support the president in Workplace Transformation.

Enterprise

Strategic Goal: Through the development of policy, a strong relationship with the college president and effective public advocacy, ensure that Portland Community College is well positioned to meet the current and future needs of the communities it serves:

- Hire and on-board PCC's 8th President and communicate the PCC governance structure.
- Support successful on-boarding of the president.
- Engage in strategic advocacy with city, county, regional, state, and federal governments.
- Support successful passage for the 2022 Bond Measure.
- Engage in Board development by participating in evaluations, professional development, and training.
- Support the strategies around the accreditation recommendations and actively contribute to a successful accreditation cycle.

Workforce

Strategic Goal: Advocate for workforce development.

- Understand strategic-level workforce data to support the alignment of pathways to close talent and opportunity gaps and move students into quality, livable wage careers, increasing economic mobility.
- Advocate for and support state and federal investments in community colleges to promote equitable workforce development.

The PCC Board of Directors Working Agreement:

- Treat each other with respect
- Plan agenda thoughtfully/Conduct effective meetings
- Listen with an empathetic mind and heart
- Be prepared
- Be honest, act with integrity
- Create a positive working environment
- Call in/Call out
- Be aware of impact as well as intent
- Stay true to board goals
- Stay engaged
- Enable/empower all voices

Portland Community College
BOARD OF DIRECTORS
PO BOX 19000, Portland, Oregon 97280

May 18, 2023
Sylvania Campus,12000 SW 49th Avenue, Portland, OR 97219
CC Building, Rooms 233 A/B
Streaming Link: https://portlandcc.zoom.us/j/95456434965
Or Telephone: +1 669 444 9171 US or +1 669 900 6833 US
Webinar ID: 954 5643 4965

AGENDA

3:00 PM **MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION PUBLIC HEARING ON THE 2023-25 BIENNIUM BUDGET FOR THE PERIOD JULY 1, 2023 TO JUNE 30, 2025**

- Streaming Link: https://portlandcc.zoom.us/j/96122285491;Telephone: +1 719 359 4580 or +12532050468; Webinar ID: 961 2228 5491
- Public Hearing for TSCC FY'23-'25 Budget in accordance with ORS 294.428.
- Public Comment

4:30 PM **ADJOURN TAX SUPERVISING AND CONSERVATION COMMISSION PUBLIC HEARING**

4:45 PM **EXECUTIVE SESSION** in accordance with ORS 192.660 (d) labor negotiations, (i) employment-related performance, (k) school safety

Media Requests to join the Executive Session can be phoned in to 971.722.4365 or emailed to boardmember@pcc.edu by noon of the meeting date. Please use MEDIA REQUEST in the subject line.

5:30 PM **DINNER** *(Invite Only)*

6:30 PM **CONVENE AS LOCAL CONTRACT REVIEW BOARD**

- Public Hearing to Approve the Use of an Alternative Procurement Method (CM/GC) for the District Wide IT Tenant Improvement Projects in Accordance with ORS 297A.060
- Alternative Procurement Method (CM/GC) – Rebecca Ocken
- Public Comment
- 23-139 Adopt Findings - Grant an Exemption from Competitive Bidding - Authorize Use of the Construction

Manager/General Contractor (CM/GC) Alternative Contracting Method for District Wide Information Technology Tenant Improvements....................... 266

6:35 PM **ADJOURN LOCAL CONTRACT REVIEW BOARD**

6:35 PM **BUSINESS SESSION**

Call to Order

- Land Acknowledgment
- Approval of Agenda —May 18, 2023
- Approval of Minutes — April 20, 2023

6:40 PM **RECOGNITION**

- National Institute for Staff and Organizational Development (NISOD)
- Commendation of Retiring Employee - Russell J. Dunnington (31 Years)

6:45 PM **1TT1 SPOTLIGHT**

- Faculty Appreciation Week

6:55 PM **PRESIDENT'S UPDATES**

- President's Report
- Personnel Report

7:15 PM **INFORMATION SESSIONS**

Enterprise: Cultivate a long-term sustainable college enterprise

- Strategic Enrollment Planning Update – Ryan Clark, Lew Sanborne
- Government Relations Update – Sage Learn

7:55 PM **PUBLIC COMMENT ON AGENDA ITEMS**

Persons wishing to make public comment on agenda items can request a time slot by using this link. Details and directions can be found at the link. Deadline for signups: Wednesday, May 17 at 5:00 pm.

8:10 PM **CONSENT AGENDA:** (All items will be approved by consent agenda unless an item is withdrawn by request of a member of the Board. A separate motion will then be required to act on the item in question.)

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8:15 PM **PUBLIC COMMENT ON NON-AGENDA ITEMS**
Persons wishing to make public comment on agenda items can request a time slot by using this link. Details and directions can be found at the link. Deadline for signups: Wednesday, May 17 at 5:00 pm.

8:30 PM **REPORTS**

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- Student Update—Suzan Nuri, Student Board Member
- PCC Federation of Classified Employees (AFT Local 3922)—Jeff Grider, President
- PCC Federation of Faculty and Academic Professionals (AFT Local 2277)—Frank Goulard, President
- Board Members

8:50 PM **ADJOURNMENT**

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Portland Community College
PO BOX 19000, Portland, Oregon 97280

April 20, 2023

BOARD MEETING MINUTES

ATTENDANCE

Mohamed Alyajouri (virtual), Serin Bussell, Laurie Cremona Wagner, Tiffani Penson, Dan Saltzman, Michael Sonnleitner, Suzan Nuri

EXECUTIVE SESSION

The PCC Board of Directors met in accordance with ORS 192.660 (2) the PCC Board of Directors met in Executive Session to discuss (h) litigation.

WORK SESSION/DINNER

The Board of Directors met in the Work Session to discuss

- Housing Initiatives at Portland Community College (Belonging)
- 2023-2024 Board Schedule

COLLEGE BUDGET COMMITTEE

The Board of Directors met with the College Budget Committee. The Proposed Budget for the 2023-2025 was approved as published. Bussell/Penson

Alyajouri – Yes	Penson – Yes	Wilson – Absent
Bussell – Yes	Saltzman – Yes	
Cremona Wagner – Yes	Sonnleitner – No	

BUSINESS SESSION

Chair Penson called the Business Meeting to order at 7:10 pm and shared the Land Acknowledgement.

The April 20, 2023 agenda was approved as published. Cremona Wagner/Penson

Alyajouri – Yes	Penson – Yes	Wilson – Absent
Bussell – Yes	Saltzman – Yes	
Cremona Wagner – Yes	Sonnleitner – Yes	

The March 16, 2023 minutes were approved as published. Saltzman/Penson

Alyajouri – Yes	Penson – Yes	Wilson – Absent
Bussell – Yes	Saltzman – Yes	
Cremona Wagner – Yes	Sonnleitner – Yes	

RECOGNITION

Dr. Bennings recognized Lorraine Schmitt for 22 Years of service at PCC;
Michael Northover for being Portland Business Journal's CTO of the Year; NCMPR Paragon Awards recipients.

1TT1

Dr. Bennings highlighted Bee Campus/Tree Campus; Learning Gardens; Administrative Professionals as part of PCC's One Together, Together One (1TT1) initiative.

PRESIDENT'S UPDATES

Dr. Bennings provided college updates in her report, as well as highlights from the Personnel Report.

INFORMATION SESSIONS

Enterprise: Cultivate a long-term sustainable college enterprise

- 2023 Information Technology Update - Michael Northover, CIO, Information Technology

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Chair Penson proposed approval of Resolutions 23-129 through 23-138.
Saltzman/Cremona Wagner

Alyajouri – Yes	Penson – Yes	Wilson – Absent
Bussell – Yes	Saltzman – Yes	
Cremona Wagner – Yes	Sonnleitner – Yes	

PUBLIC COMMENT ON NON-AGENDA ITEMS

Cesa Summer: Concerns about nursing program; in person
Anne Mortensen: PCC Nursing Program; in person
Anna Wetherell: Concerns within the Nursing Program; in person
Sabrina Nichols: Nursing director position/future of the nursing program; in person
Elizabeth Rose: Nursing Director Position/future of nursing program; in person
Galen Cohen: Nursing Program Director; in person
Nikki Alcala, MSN, RN, PHN: PCC Nursing Dept; in person

REPORTS

Reports were provided by Student Board Member Suzan Nuri on behalf of the District Student Council; Frank Goulard, PCC Federation of Faculty and Academic Professionals (AFT Local 2277); and Board Members, Bussell and Sonnleitner.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 pm.

______________________________ ______________________________
Tiffani Penson, Chair Dr. Adrien L. Bennings,President

Prepared by:

____
Jeannie Moton, Executive Coordinator

Minutes approved on May 18, 2023

23-139	ADOPT FINDINGS - GRANT AN EXEMPTION FROM COMPETITIVE BIDDING - AUTHORIZE USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CMGC) ALTERNATIVE CONTRACTING METHOD FOR DISTRICT WIDE INFORMATION TECHNOLOGY TENANT IMPROVEMENTS
PREPARED BY:	John MacLean, Finance & Procurement Manager, Planning & Capital Construction
FINANCIAL RESPONSIBILITY:	Rebecca Ocken, Interim Director, Planning & Capital Construction
APPROVED BY:	Eric Blumenthal, Executive Vice President, Administration and Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem; Enterprise: Cultivate a long-term sustainable college enterprise
REPORT:	The 2017 and 2022 Bond Programs include funding for furnishings and equipment across the district.

Over the last two years P&CC staff and Information Technology (IT) leadership have evaluated the space needs for IT staff across the district. This process has taken into account the changes required by the College reorganization and new methods of delivering IT services. IT management has identified a need to move to a shared workspace concept for staff working hybrid schedules.

The design process for the new spaces involves a significant amount of new data services to be provided in renovated spaces in addition to tenant improvements. The complexity of designing and installing the new data services at the same time as the other space improvements presents a challenge to using a traditional design bid build process. This project is best suited to a Construction Manager/General Contractor (CM/GC) process to allow integration of data services with the rest of the project. The estimated budget for the project is Two Million, Five Hundred Thousand Dollars ($2,500,000).

As the work across the district is of a similar scope PCC staff recommend that the same General Contractor should perform the work.

The Construction Manager/General Contractor (CM/GC) form of contracting is a competitive request for a proposal process that requires the contractors to provide detailed information and examples from past projects that demonstrate how they are able meet the criteria the college sets forth. One of the criteria is utilization of MWESB contractors and subcontractors. They have to demonstrate their commitment, prepare an outreach plan, share utilization from past projects, and their engagement has to be above and beyond the minimum of phone calls and emails. Using a CM/GC process allows for higher MWESB and apprenticeship training percentages. Without the CM/GC contracting process the college will have little to no input into the selection criteria of the subcontractors as the decision would be made solely on price.

There are also numerous other goals for inclusivity for various College and community stakeholders. Pre-apprenticeship participation and mentorship programs for small general contractors are all desired outcomes.

The College has several critical needs related to the work going forward across the district:

- The service to staff, faculty and students must, to the maximum extent possible, continue unimpeded through construction;
- Public, student, and staff safety must be protected in a complex, construction environment;
- Disruptions, delays, and unplanned events must be kept to an absolute minimum.

Because of the complexity of this project, Staff recommends that the Construction Manager/General Contractor (CM/GC) process be utilized. The CM/GC alternative contracting process is authorized for procurement of construction services under ORS 279C.337 provided that the Local Contract Review Board (the Board of Directors for PCC under ORS 297A.060) approves an exemption from competitive bidding. Under the CM/GC contracting method:

- Prospective contractors are solicited prior to completion of the design phase pursuant to a competitive request for proposals (RFP) process, where selection is based upon criteria relating to the experience and expertise of the contractor rather than low bid.
- The contractor works with the owner and engineer during the design phase to develop the final design with the goals of improved constructability and value engineering, which results in fewer change orders and the ability to expedite the construction schedule. It also enables the contractor to be involved in development of the construction program, including implementation of the College's inclusivity goals. (Under the standard design/bid/build method, the design is completed before the project is bid, award is based upon low bid, and the contractor comes on board at that point.)
- At the end of the design phase, the owner and contractor negotiate and agree on a guaranteed maximum price ("GMP") and the construction schedule for the construction phase of the project. Execution of the GMP Amendment starts the construction phase of the project.

The CM/GC alternative contracting method is commonly used by public contracting agencies for complex projects such as the district wide IT tenant improvement projects.

Findings:

ORS 279C.335(2), implementing ORS 279C.330, requires the Board to make certain findings in order to grant an exemption, as follows:

" (a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts."

Finding: The requested exemption will not encourage favoritism or substantially diminish competition. The College will utilize a competitive RFP process to select the CM/GC firm. The procurement will be formally advertised with public notice. Full competition will be encouraged and all qualified contractors will be invited to submit a proposal. The award will be based upon an objective review and scoring of proposals by a qualified College review committee based on identified selection criteria. Once selected, the CM/GC will select subcontractors via competitive process in accordance with PCC Contracting Rules and as required by ORS

297C.337(3). This competitive process will include outreach to and solicitation of diverse and small contractors pursuant to the College's inclusivity goals.

The CM/GC process should increase competition by maximizing the opportunity for all interested large, small, and/or diverse contractors to participate in the project.

"(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency . . . that seeks the exemption. In approving a finding under this paragraph, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

(A) How many persons are available to bid;"

Finding: Based on previous PCC CM/GC contracting processes, the College expects that a substantial number of contractors will be interested in the IT Tenant Improvements project, and that there will be vigorous competition during the RFP process.

"(B) The construction budget and the projected operating costs for the completed public improvement;"

Finding: The estimated project budget is set forth above in the project description. The College has not conducted a detailed analysis of the operating costs, but expects that the improved design resulting from the CM/GC's early participation during the design phase will substantially reduce long- term operating cost.

"(C) Public benefits that may result from granting the exemption;"

Finding: Unlike a traditional design/bid/build procurement, an RFP process allows the District to review the qualification of the proposed GC's project team, ensuring the selected firm(s) has experience and expertise in development of education and related facilities, including the required City of Portland permitting process. This is important to ensure that the selected contractor has the experience and capacity to build and renovate complex facilities on an operating college campus.

Bringing the CM/GC on during the design phase also promotes an early team approach that leads to better communication, continuous value engineering, and improved constructability review, which results in an improved final design and, consequently, a more streamline construction process. The College's past experience with the CM/GC process has been that this reduces change orders and limits delays during the construction phase. The College also expects that the CM/GC team approach will also allow better monitoring by PCC staff to ensure that the Project stays within budget.

It is vital that the College minimizes the disruption to the services provided by IT staff and that the project is completed in the shortest practical time needed to accomplish the work. Use of a CM/GC process will allow this to happen on a flexible schedule and will reduce the possibility that the College will experience increased costs due to delay and disruption.

The CM/GC process will also enable PCC to work with the contractor to maximize opportunities for participation by minority, women-owned, and emerging small businesses for subcontracting work. This will increase competition among subcontractors. The College's experience with past CM/GC contracts demonstrates that the College achieves higher MWESB utilization and subcontractor participation than it does through traditional contracting methods.

Enhanced teamwork and early participation in the planning process by the Contractor through the CM/GC process will also allow the College to identify multiple internship opportunities for students, and create ‘learning lab’ opportunities as part of the design and construction process.

Overall, the public benefits of the CM/GC process include cost savings, better achievement of College community goals, and more timely delivery of the project due to fewer changes and disruptions.

"(D) Whether value engineering techniques may decrease the cost of the public improvement:"

Finding: Value engineering is a routine practice in public improvement projects regardless of procurement method. The CM/GC delivery method allows for the general contractor to participate in the value engineering process during the design phase, resulting in a more effective and efficient process as compared to value engineering via change orders to a completed design. The inherent flexibility and team approach of the CM/GC process allows the College to more easily change the design and scope of work as necessary to meet the project budget before the final design is fixed. This is not something that the traditional bid process offers. Value engineering may or may not decrease the contract sum but it will improve the College's ability to be able to manage the project within the budget and will reduce extra-cost change orders and the costs associated with the attendant project delay. PCC also expects to be able to take advantage of reduced engineering and other professional consultant service fees as a result of this more streamlined CM/GC approach.

"(E) The cost and availability of specialized expertise that is necessary for the public improvement:"

Finding: The Information Technology Tenant Improvement projects are complex and require a contractor with the expertise and experience to manage multiple subcontractors, to construct the project while the existing buildings are in use by staff and students, and that understands the particular needs of the College in terms of construction management and project delivery times. The RFP process allows for review of contractor expertise and the particular expertise of the contractor's proposed team not afforded by a low-bid procurement.

"(F) Any likely increases in public safety:"

Finding: The CM/GC process will enhance public safety because PCC will be able to consider the safety record of the contractors selected and because the CM/GC will be integral to planning the construction schedule and safety measures during the design phase. Because the adjacent PCC buildings will be occupied and open to the public throughout the Project, this public safety benefit is particularly important.

"(G) Whether granting the exemption may reduce risks to the contracting agency . . . or the public that are related to the public improvement;"

Finding: The scope and magnitude of the work requires long-term planning and scheduling around the college's academic calendar. The public interest will be best served by establishing a construction methodology that encompasses that capability over the long duration of the Program. Directly involving the contractor in development of these key plans during the design phase will result in a more realistic, achievable, and expeditious schedule.

In addition, the CM/GC process allows the contractor to discover and help address complicated technical issues during the document design process, which facilitates advanced problem-solving. The risks are better understood and are addressed early in the process, reducing financial and schedule risks as a result.

"(H) Whether granting the exemption will affect the sources of funding for the public improvement:"

Finding: This project will be funded by the 2017 and 2022 Bonds. There will be no impact on this funding source due to the CM/GC process.

"(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement:"

Finding: Because the CM/GC process results in the selection of the general contractor early in the design phase, the College is better able to take advantage of market prices by facilitating early purchase of certain project elements. The essential added value of the CM/GC process is the real time market job costing from projects around the Portland market and the West Coast. This knowledge allows the contractor and architect time to consider less costly complementary or alternative items.

"(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;"

Finding: These projects are complex and will require careful planning and coordination to reduce the impact on users of the current buildings and parking lots. One of the biggest advantages of the CM/GC method is the ability to coordinate all technical work before the start of construction and more accurately establish a construction schedule. Being able to apply best practices as a team will make for a better product within the budget constraints.

"(K) Whether the public improvement involves new construction or renovates or remodels an existing structure;"

Finding: As noted above, these projects involve renovation of multiple buildings across the district. Remodeling structures is typically much more complex than greenfield development because there are always surprises, sometimes unpleasant, once the project is underway. Conducting such work on an operating campus significantly increases that complexity. Use of the CM/GC process will ensure that the selected contractor has the experience and expertise to do the job.

"(L) Whether the public improvement will be occupied or unoccupied during construction;"

Finding: The buildings will all remain in use during the projects.

"(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions;"

Finding: P&CC staff will finalize the construction schedule with the selected contractor and IT management.

"(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract."

Finding: The College's Office of Planning & Capital Construction has extensive experience in implementing successful CM/GC contracting processes, including the successful projects from the 2008 Bond Program and the current projects funded by the 2017 Bond Program. The District's outside legal counsel, Miller Nash Graham & Dunn LLP, has extensive experience with the CM/GC alternative contracting methods and has represented the College on multiple CM/GC projects arising from past bond programs.

Ultimate Finding: For these reasons, use of the CM/GC Alternative Contracting Method for the Cascade campus projects is likely to result in substantial cost savings and deliver other significant public benefits as compared to use of the standard/bid/build process within the meaning of ORS 279C.335(2)(b).

RECOMMENDATION: That the Board of Directors, acting as the Local Contract Review Board for the College, adopt the findings presented and grant an exemption from competitive bidding for the District Wide IT Tenant Improvements Project to authorize the use of a CM/GC alternative contracting method for the project. Funding for this project will be from the 2017 and 2022 Bond Program.

23-140	COMMENDATION OF RETIRING EMPLOYEE - SUSAN G. BRYANT (26 YEARS)
PREPARED BY:	Michelle M. Lee, People Data & Systems Specialist, People Strategy Equity & Culture
APPROVED BY:	Julie Kinney, People Data & Systems Manager, People Strategy Equity & Culture Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	Susan Bryant has performed faithfully in her duties as a Job Dev/Placement Specialist and Employment Specialist for Portland Community College since December 8, 1997. She retires effective April 28, 2023.
RECOMMENDATION:	That the Board commend her for her service to Portland Community College and wish her well in her retirement years.

May 18, 2023

<u>23-141</u>	<u>COMMENDATION OF RETIRING EMPLOYEE - RUSSELL J. DUNNINGTON (31 YEARS)</u>
PREPARED BY:	Michelle M. Lee, People Data & Systems Specialist, People Strategy Equity & Culture
APPROVED BY:	Julie Kinney, People Data & Systems Manager, People Strategy Equity & Culture Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging:Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	Russell J. Dunnington has performed faithfully in his duties as an Instructor, Diesel Service Mechanic for Portland Community College since September 1, 1992. He retires effective June 20, 2023.
RECOMMENDATION:	That the Board commend him for his service to Portland Community College and wish him well in his retirement years.

May 18, 2023

23-142	COMMENDATION OF RETIRING EMPLOYEE - DONNA FIELDING-BROWN (25 YEARS)
PREPARED BY:	Michelle M. Lee, People Data & Systems Specialist, People Strategy Equity & Culture
APPROVED BY:	Julie Kinney, People Data & Systems Manager, People Strategy Equity & Culture Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	Donna Fielding-Brown has performed faithfully in her duties as an Accounting Clerk, OSS 2, Sr. Accounting Clerk, IAA 2 and IAA 3 for Portland Community College since March 9, 1998. She retires effective May 31, 2023.
RECOMMENDATION:	That the Board commend her for her service to Portland Community College and wish her well in her retirement years.

May 18, 2023

23-143	COMMENDATION OF RETIRING EMPLOYEE - JACK (MITCH) KILGORE (11 YEARS)
PREPARED BY:	Michelle Lee, People Data & Systems Specialist, People Strategy Equity & Culture
APPROVED BY:	Julie Kinney, People Data & Systems Manager, People Strategy Equity & Culture Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	Jack (Mitch) Kilgore has performed faithfully in his duties as an Associate Facilities Maintenance Manager for Portland Community College since January 3, 2012. He retires effective April 14, 2023.
RECOMMENDATION:	That the Board commend him for his service to Portland Community College and wish him well in his retirement years.

May 18, 2023

23-144	COMMENDATION OF RETIRING EMPLOYEE - WALLY STANDLEY (13 YEARS)
PREPARED BY:	Michelle M. Lee, People Data & Systems Specialist, People Strategy Equity & Culture
APPROVED BY:	Julie Kinney, People Data & Systems Manager, People Strategy Equity & Culture Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	Wally Standley has performed faithfully in his duties as an Instructor, Auto Body Repair for Portland Community College since March 29, 2010. He retires effective June 20, 2023.
RECOMMENDATION:	That the Board commend him for his service to Portland Community College and wish him well in his retirement years.

May 18, 2023

23-145	CONTINUOUS APPOINTMENT: FACULTY
PREPARED BY:	Snehal Patil, Employee Relations Specialist, People Strategy Equity & Culture
APPROVED BY:	Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	The President RECOMMENDS that the following Academic Professionals, having fulfilled the required probationary period, be granted continuous appointment, effective September 1, 2023:

RECOMMENDATION:

Continuous Appointments	Job Title
Jennifer Vernon	Instr/Early Childhood Edu
Lorena Alves Carvalho Nascimento	Instr/GIS

May 18, 2023

23-146	CONTINUOUS APPOINTMENT: ACADEMIC PROFESSIONAL
PREPARED BY:	Snehal Patil, Employee Relations Specialist, People Strategy Equity & Culture
APPROVED BY:	Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student
REPORT:	The President RECOMMENDS that the following Academic Professionals, having fulfilled the required probationary period, be granted continuous appointment, effective September 1, 2023:

RECOMMENDATION:

Continuous Appointments	Job Title
Anne Grey	Coord/Teaching & Learning
Tahja Whiteley	Spec/Student Res

May 18, 2023

23-147	CONTRACT APPROVAL FOR DISTRICT WIDE STAFF COMPUTER REPLACEMENTS TO DELL TECHNOLOGIES
PREPARED BY:	John MacLean, Finance & Procurement Manager, Planning & Capital Construction
FINANCIAL RESPONSIBILITY:	Rebecca Ocken, Interim Director, Planning & Capital Construction
APPROVED BY:	Eric Blumenthal, Executive Vice President, Administration and Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Enterprise: Cultivate a long-term sustainable college enterprise
REPORT:	The 2017 Bond includes funding for IT upgrades across the district. P&CC and IT staff have identified the need to replace staff computers across the district. IT staff have identified staff computers that were over five years old and required replacement. The equipment to be purchased from Dell Technologies will be using the contract established by the National Cooperative Purchasing Alliance, reference number 01-42. The Community College Rules of Procurement Section CCR-205 exempts the college from a competitive process when using an approved cooperative contract. Dell Technologies have provided a quote for $855,101 for the required computers. PCC staff have reviewed the quote and recommend acceptance. In this instance, a COBID certified firm does not hold a contract for the goods and related services being procured.
RECOMMENDATION:	That the Board of Directors authorize PCC to execute a contract with Dell Technologies for $855,01 for replacement computers. Funding will be from 2017 Bond funds.

May 18, 2023

23-148	CONTRACT APPROVAL FOR SYLVANIA CAMPUS CENTER BUILDING HAZARDOUS MATERIAL ABATEMENT TO MINORITY ABATEMENT CONTRACTORS INC.
PREPARED BY:	John MacLean, Finance & Procurement Manager, Planning & Capital Construction
FINANCIAL RESPONSIBILITY:	Rebecca Ocken, Interim Director, Planning & Capital Construction
APPROVED BY:	Eric Blumenthal, Executive Vice President, Administration and Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem Enterprise: Cultivate a long-term sustainable college enterprise
REPORT:	The 2022 Bond Program includes funding for renovation of aging facilities at the Sylvania Campus.

Replacement of the College Center Building Roof has been identified as priority at the campus. The College has engaged Howard S Wright Construction as the General Contractor for this project. Before construction can start there is a need to remove hazardous materials from the existing roof.

In June, 2021 P&CC issued an RFP to create a price agreement with multiple vendors for hazardous materials abatement.

P&CC requested Minority Abatement Contractors Inc., one of the firms on this agreement, to provide a proposal for abatement of the CC Roof. Staff have reviewed the proposal and recommend acceptance. The total cost proposed is $738,880.

Minority Abatement Contractors Inc. is a Disadvantaged Business Enterprise registered with the Oregon Certification Office for Business Inclusion and Diversity.

RECOMMENDATION: That the Board of Directors authorize PCC to execute a contract with Minority Abatement Contractors Inc. for hazardous materials abatement services at the Sylvania Campus College Center for up to $811,800 which includes a 10% contingency. Funding will be from the 2022 Bond.

May 18, 2023

<u>23-149</u>	<u>INCREASE CONTRACT AMOUNT FOR CM/GC SERVICES FOR THE SYLVANIA CAMPUS HEALTH TECHNOLOGIES BUILDING PROJECT WITH LEASE CRUTCHER LEWIS</u>
PREPARED BY:	John MacLean, Finance & Procurement Manager, Planning & Capital Construction
FINANCIAL RESPONSIBILITY:	Rebecca Ocken, Interim Director, Planning & Capital Construction
APPROVED BY:	Eric Blumenthal, Executive Vice President, Administration and Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem Enterprise: Cultivate a long-term sustainable college enterprise

REPORT:

The 2017 Bond Program included funding for the renovation of the Sylvania Campus Health Technologies Building. The project includes renovation of other campus buildings to accommodate programs moving from the HT Building, landscape improvements, and updated wayfinding signs at the Sylvania Campus.

On September 20, 2018, through Board Resolution BA19-008, the Board of Directors authorized the College to enter into an agreement with Lease Crutcher Lewis (LCL) to provide Construction Manager/General Contractor (CM/GC) services for the project.

On March 17, 2022, through Board Resolution BA22-0094, the Board of Directors authorized the College to enter into a Guaranteed Maximum Price (GMP) agreement with LCL for up to $59,932,220 including contingency.

The project is approaching completion, however there has been a need for equipment replacement or upgrade that was not contemplated in the agreed GMP. In addition for some scopes of work, including signage, an allowance was established at the start of the project that is no longer sufficient to carry out the work. LCL has provided pricing for the additional work and price increases of $2,745,000 including a 10% contingency. PCC staff have reviewed and recommend acceptance.

The new contract value will be for up to $62,677,220.

LCL currently has 29.3% COBID participation and is exceeding workforce participation goals. This additional scope of work is projected to have a similar level of participation.

RECOMMENDATION: That the Board of Directors authorize PCC to execute an amendment to the existing contract with Lease Crutcher Lewis for the Sylvania Campus HT Building renovation for up to $2,745,000 which includes a 10% contingency. The new contract value will be a maximum of $62,677,220. Funding will be from the 2017 Bond.

May 18, 2023

<u>23-150</u>	<u>CONTRACT APPROVAL FOR TOUCHNET VIP ONECARD</u>
PREPARED BY:	Michael Mathews, Director Procurement & Contracting, Financial Services
FINANCIAL RESPONSIBILITY:	Dina Farrell, Associate Vice President Financial Services Eric Blumenthal, Executive Vice President, Administration & Finance
APPROVED BY:	Eric Blumenthal, Executive Vice President, Administration & Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student; Workforce: Respond to community and workforce needs by developing a culture of agility; Enterprise: Cultivate a long-term sustainable college enterprise

The College has identified an opportunity to make improvements to services to students related to ID, Financial aid, and emergency funds distribution.
Implementing a single-card solution will improve the speed at which funds are delivered and PCI security enhancements. Once implemented all students will receive a VIP One card.

- ID Card.
  - All students would have a physical ID card and a virtual mobile device ID card.
- Refunding of Financial Aid.
  - Financial aid may be sent to the card. Students will still have the option to have it directly deposited or have a paper check if they choose.
  - The card is automatically sent to the student, it will streamline the current process and the funds will arrive to the student quicker than the current process.
- Refunding of non-financial aid.
  - Any refund, not financial aid related can be immediately available through the VIP card.
- Student basic needs fund.

- When a student is awarded emergency funds for basic needs these funds may be placed on the card for immediate use.
  - The VIP card has the option to load funds that may be used internally at any of our dining services or our bookstore.
  - The VIP card may be used at outside businesses that we set up to take our card for things that the college does not provide such as gas, auto repair, groceries, etc.
- Print center
  - The card may be set up for students to use a declining balance at any of the print centers for printing on campus.
- Dining
  - Dining services are currently in the process of purchasing a point-of-sale system from Touchnet which will allow the use of the VIP card.
- Library.
  - A library barcode may be added to the card so that the students are able to use their card in our library
- Room access control may be added to the VIP card at a later date if the college determines appropriate

In this instance, a COBID-certified firm does not provide the services to be procured.

RECOMMENDATION: The Board of Directors authorizes the College to increase the contract with Touchnet Information Systems, Inc. by $176,723 for a district-wide VIP Onecard Program.

May 18, 2023

23-151	CONTRACT APPROVAL FOR COMPREHENSIVE HUMAN RESOURCES STUDY
PREPARED BY:	Michael Mathews, Director Procurement & Contracting, Financial Services
FINANCIAL RESPONSIBILITY:	Dr. Adrien L. Bennings, President
APPROVED BY:	Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student; Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem; Workforce: Respond to community and workforce needs by developing a culture of agility;Enterprise: Cultivate a long-term sustainable college enterprise

The College has identified the need to contract with a firm to perform a comprehensive human resources study.
A formal Request for Proposal (RFP) process was performed including evaluators from Academic Services, Student Services, the People Strategy, Equity and Culture (PSEC) division, and the Financial Services division.

The study will include the following:

- Classification and Compensation Study
  - Prepare an updated classification plan, including recommended class specifications and job titling that recognizes the scope and level of the various classes and positions, and is perceived to be equitable by administration and employees alike.
  - Conduct a pay equity analysis to identify earnings gaps based on gender, race or ethnicity and develop a formal plan and structure for adjustment.
- Market Study
  - Prepare an updated classification plan, including recommended class specifications and job titling that recognizes the scope and level of the various classes

and positions and is perceived to be fair, equitable, and competitive by administration and employees alike.

- Organizational Structure Review
  - Conduct a review of the organizational structure to determine whether the reporting levels and span of control are appropriate.

The selected firm is certified by the Certification Office for Business Inclusion and Diversity (COBID) as a woman-owned business.

RECOMMENDATION: The Board of Directors authorizes the College to enter into a contract with Trupp HR, Inc in the amount of $281,200.00 for the provision of a comprehensive HR Study.

May 18, 2023

<u>23-152</u> <u>RATIFICATION OF LEASE EXTENSION FOR SHIPYARD COMMERCE CENTER FACILITY</u>

PREPARED BY: Michael Mathews, Director Procurement & Contracting, Finance

FINANCIAL RESPONSIBILITY: Dr. Karen Paez, Associate Vice President, Academic Affairs

APPROVED BY: Dr. Katy W. Ho, Vice President, Academic Affairs
Dr. Adrien L. Bennings, President

STRATEGIC THEME: Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student; Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem; Workforce: Respond to community and workforce needs by developing a culture of agility

On May 1, 2010 the College entered into a three year lease with Shipyard Commerce Center to provide shop access for the College's Welding Technology Program. This Agreement has been very beneficial to the College and its students by providing real world application to its training curriculum.

The College would like to extend the lease for this facility for two additional years, and is requesting that the Board ratify the lease extension

The selected firm is certified by the Certification Office for Business Inclusion and Diversity (COBID) as a woman-owned business.

RECOMMENDATION: The Board of Directors ratifies the lease extension of the Shipyard Commerce facility for two additional years. Total expenditure for the lease term not to exceed $100,000.

May 18, 2023

<u>23-153</u>	<u>INCREASE CONTRACT AMOUNT FOR DESIGN SERVICES FOR THE SYLVANIA CAMPUS WAYFINDING SIGNAGE DESIGN PROJECT WITH BORA ARCHITECTS</u>
PREPARED BY:	John MacLean, Finance & Procurement Manager, Planning & Capital Construction
FINANCIAL RESPONSIBILITY:	Rebecca Ocken, Interim Director, Planning & Capital Construction
APPROVED BY:	Eric Blumenthal, Executive Vice President, Administration and Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem; Enterprise: Cultivate a long-term sustainable college enterprise
REPORT:	The 2017 Bond Program included funding for site improvements at the Sylvania Campus.

Planning & Capital Construction staff determined that the existing wayfinding signage at the Sylvania Campus no longer met user requirements and needed to be replaced.

On April 21, 2022, through Board Resolution BA22-109 the Board of Directors authorized the College to enter into an agreement with BORA Architects for design services for the project for a fee of up to $172,700, which included a 10% contingency.

As the design has progressed it has become clear that the scope of the project has increased and the schedule has lengthened. Bora has submitted a proposed fee amendment of $85,250 to cover the increased work. PCC staff have reviewed and recommend acceptance.

The new contract value will be for up to $266,475 which includes a 10% contingency.

BORA does not intend to use any subconsultants for this project but are aware of PCC's COBID goals if the need arises.

RECOMMENDATION: That the Board of Directors authorize PCC to execute an amendment to the existing contract with BORA Architects for the Sylvania Campus Wayfinding Design project for up to $93,775 which includes a 10% contingency. The new contract value will be a maximum of $266,475, which includes a 10% contingency. Funding will be from the 2017 Bond.

May 18, 2023

23-154	APPLY TO THE HIGHER EDUCATION COORDINATING COMMISSION FOR APPROVAL OF THE COUNSELOR IN TRAINING LESS THAN ONE-YEAR CERTIFICATE FOR PORTLAND COMMUNITY COLLEGE
PREPARED BY:	Susan Watson, Curriculum Coordinator, Academic Affairs
FINANCIAL RESPONSIBILITY:	Joy Jerome Turtola, Pathway Dean, Public Services, Education, and Social Sciences
APPROVED BY:	Dr. Katy Ho, Vice President, Academic Affairs Dr. Adrien L. Bennings, President
REPORT:	The proposed Counselor In Training Less Than One-Year Certificate will provide education in the knowledge and skills needed to perform the Addiction Technician position. After completing this certificate, students can apply for entry-level Addiction Technician positions after completing the Certified Alcohol and Drug Counselor Registrant (CADC-R) in the State of Oregon through the Mental Health and Addiction Certification Board of Oregon (MHACBO). This certificate fulfills the education requirements of the CADC-R certification. This certificate is targeted at those who primarily speak Spanish and/or working adults who are multilingual (Spanish) and working within the human services profession. The courses in this certificate will be offered solely in Spanish. This 36-credit certificate prepares students to perform the duties of the Addiction Technician.
STRATEGIC THEME:	Workforce: responds to community and workforce needs by developing a culture of agility.
RECOMMENDATION:	That the College be authorized to submit an application to the Higher Education Coordinating Commission for the Counselor in Training Less Than One-Year Certificate for Portland Community College.

May 18, 2023

23-155	ADOPT REVISED DEBT MANAGEMENT STANDARDS
PREPARED BY:	Michelle Brown, Bursar & Treasury Manager, Finance Dina Farrell, Associate Vice President of Finance, Finance
APPROVED BY:	Eric Blumenthal, Executive Vice President of Administration & Finance Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Enterprise: Cultivate a long-term sustainable college enterprise

REPORT:

The Debt Management Standards have been reviewed to ensure continued compliance within applicable federal and state laws including the requirements of the Oregon Administrative Rules and Oregon Revised Statutes governing public borrowing and issuance of bonds. Minor wording changes have been made to the Debt Management Standards. In addition, the PCC Tax Exempt Post-Issuance Compliance Policy & Procedures, which the College currently follows, has been added in as Appendix A. This policy is designed to ensure the College (the Issuer) complies with applicable requirements of federal tax law necessary to preserve the tax status of interest on tax-exempt obligations issued by the College. It sets forth compliance procedures so that the College, as Issuer, utilizes the proceeds of all issues of bonds, certificates of participation, bond anticipation notes, and tax and revenue anticipation notes in accordance with applicable federal tax requirements, and complies with all other applicable federal requirements for its outstanding bonded debt.

The scope of the Debt Management Standards allows the College to enter into debt obligations to finance the construction or acquisition of buildings and infrastructure and other assets, maintain existing facilities, purchase land and personal property, or act on the option to refinance or restructure existing debt and other legally acceptable obligations.

In April 2004, the Portland Community College Board enacted Policy B 509 - College Debts, which delegates to the President the ability to appoint a College Debt Officer whose responsibilities shall include:

- Ensuring compliance with the Oregon Revised Statutes governing public borrowing and issuance of bonds;
- Providing sufficient funds to meet current and future debt service requirements on all indebtedness;
- Ensuring full compliance with the terms and conditions outlined in bond resolutions approved by the Board.

Policy B 509 – College Debts further delineates the overarching functions the College Debt Officer shall perform. The revised Debt Management Standards align those functions with the more detailed responsibilities of the College Debt Officer.

RECOMMENDATION: That the Board of Portland Community College:

1. Approve the revised Debt Management Standards as written in Exhibit A and the PCC Tax Exempt Bond Post-Issuance Compliance Policy as written in Appendix A;

2. Direct the President and any designee, including the appointed College Debt Officer, to implement debt service standards and procedures in accordance with the College's policy review cycle, and where necessary establish additional debt operating procedures for the College.

Exhibit A:

PORTLAND COMMUNITY COLLEGE

DEBT MANAGEMENT STANDARDS

The College maintains conservative financial policies, budgets and strategic planning efforts to support strong financial health both short-term and long-term.

I. SCOPE

Within the applicable Federal, State and Local laws, including Oregon Revised Statute ("ORS") Sections 287A and 341 and Oregon Administrative Rule ("OAR") 170-061, Portland Community College ("College") may enter into debt obligations to finance the construction or acquisition of buildings and infrastructure and other assets, maintain existing facilities, purchase land and personal property, or act on the option to refinance or restructure existing debt and other legally acceptable obligations. Unless recommended otherwise by the President or designee, whose recommendation must be approved by the Board, all debt will be incurred at the College level.

These Standards ("Standard") provide general guidance for the issuance and management of College debt and apply to all debt issued, regardless of the purpose for which issued or the funding source for repayment.

All Debt issued will be in compliance with these standards.

II. PURPOSE

A. This Standard sets forth criteria for the issuance, use and repayment of debt; and creates procedures and policies designed to:

1. Manage the College's obligations within available resources;
2. Minimize the debt service and issuance costs for the repayment structure and period selected;
3. Maintain the highest credit ratings possible;
4. Maintain full, complete, and accurate financial disclosure and reporting and comply with regulations requiring continuing disclosure; and
5. Comply with appropriate and applicable Federal, State and Local law.

III. RESPONSIBILITY

A. Authority to issue and manage debt is derived from Federal and State law and the financial and debt management policies of the College. The President or designee shall be responsible for implementing the debt service policies and procedures reviewed in accordance with the College's policy review cycle and shall establish debt operating procedures for the College.

B. This section authorizes the President or designee to appoint a subordinate employee from Finance and Administration to act in the capacity of the Debt Officer.

C. Responsibilities of the Debt Officer shall include:

1. Ensuring compliance with Federal, State and Local laws and rules governing public borrowing, both tax-exempt and taxable, and issuance of bonds and post issuance monitoring pursuant to the PCC Tax Exempt Bond Post-issuance Compliance Policy & Procedures attached hereto as Appendix A (referred to herein as the "Policy & Procedures");
2. Providing sufficient funds to meet current and future debt service requirements on all indebtedness;
3. Ensuring full compliance with the terms and conditions outlined in bond resolutions approved by the Board.

D. The College Debt Officer shall perform the following functions:

1. Upon the approval by the Board, the College shall issue bonds and other obligation in accordance with the guidelines and limitations set forth in ORS Sections 287A and 341 and OAR 170-061 and all specifications in the College's' Debt Policies and Procedures and Federal Regulations. As further specified, the College shall maintain a debt service fund to account for property tax revenues levied to pay for the maturing principal and interest of the general obligation bonds and to establish an adequate fund balance to meet the cash outlay requirements until property tax revenues are received.

2. For non-voter approved obligations, ensure the College has sufficient funds to meet future debt payments.

3. Act in the best interest of the College and taxpayers when issuing debt, and market our debt with advice from independent financial advisors and/or underwriters and legal bond counsel to get unbiased professional opinions on methodology and structure. In addition, periodically monitor the changes in interest rates and, where feasible and beneficial to the College, refund the existing debt(s) in accordance with Federal, State and Local laws and regulations.
4. Establish the process for the review, approval and publication of official primary market disclosure, where appropriate, following review by the appropriate office.
5. Account for the debt issues and related transactions in accordance with local budget law and generally accepted accounting principles.
6. Recommend debt operating procedures policies to the appropriate College officials.
7. Maintain the primary relationship and communicate with national rating agencies.
    a) This communications effort includes providing periodic updates on the College's general financial condition along with coordinating meetings and presentations in conjunction with debt issuances.
8. Prepare and utilize key performance indicators and financial ratios to analyze the College's capacity to assume debt.
9. Monitor compliance with federal tax law for tax-exempt bonds regarding use of proceeds, sizing of debt service funds, and utilization of debt service reserve accounts as appropriate and pursuant to the Policy & Procedures.
10. Pursuant to the Policy & Procedures, prepare materials in compliance with Continuing Disclosure Agreements from prior debt offerings and post on the Electronic Municipal Market Access System ("EMMA"), and track material events in accordance with those Agreements and post information for any material event as required under the Agreements.

IV. OBJECTIVES:

A. The College shall provide the most efficient means of financing the College's short-term and long-term capital needs and to provide sufficient resources to pay for the College's obligations when they mature. General Obligation indebtedness shall only be used to finance legally allowable obligations including but not limited to major capital construction, acquisition, and maintenance projects.

B. The College shall issue bonds and other obligations in accordance with the guidelines and limitations set forth in the ORS Sections 287A and 241 and OAR 170-061 and all other applicable Federal, State, and Local laws and regulations.

C. The College shall maintain conservative financial policies, budgets and strategic planning efforts to support strong financial health both short-term and long-term and strive to:

1. Reduce or avoid fluctuations in the debt rate;
2. Minimize borrowing costs and tax-payer impact;
3. Preserve or enhance the College's credit ratings;
4. Assure full, complete, and accurate financial disclosure and reporting compliance;
5. Comply with applicable Federal, State and Local laws and regulations that govern public borrowing and issuance of bonds;
6. Provide sufficient funds to meet debt service requirements on all indebtedness;
7. Ensure full compliance with the terms and conditions outlined in the bond resolution.

V. DEBT ISSUANCE

A. Limitation on Indebtedness:

1. General obligation indebtedness shall be used to finance legally acceptable obligations such as, but not limited to, major capital construction, acquisition and maintenance projects, and pension obligations.
2. The College may consider using full faith and credit obligations to fund legally allowable obligations if sufficient revenues are available to pay the obligation in the future. In addition, the College may consider other types of lease arrangements if deemed beneficial to the College.
3. The College's outstanding debt shall not exceed 65 percent of the Colleges' legal debt margin.

B. Method of Sale:

1. The College shall choose between the following three bond sale methods: negotiated, competitive, or private placement, including placements directly to bank portfolios. Factors that may be considered when determining the most efficient or effective bond sale method include: bond market, bond structure, market timing, credit demand, credit acceptance, credit ratings, use of proceeds, bond size financing complexity, privacy of financial information, credit enhancement participation, desire to negotiate bond covenants.
2. When applicable or as required the College shall prepare and make available upon request, to bidders and investors, a preliminary official statement containing all relevant information required by Federal, State and Local law.
3. The College may obtain a credit enhancement device providing additional security for the payment of all or any portion of the amounts owing on the bonds or for the purpose of funding, in lieu of cash, all or any portion of the debt service reserve. Credit enhancement may be in the form of letter of credit, line of credit, municipal bond insurance, state bond guaranty, or other device or facility used to enhance the creditworthiness or marketability of the obligations.

C. Debt Service

1. The College shall maintain a debt service fund to account for property tax revenues levied to pay for the maturing principal and interest of general obligation bonds and to establish an adequate fund balance to meet the cash outlay requirements until property tax revenues are received.
2. The College shall maintain a debt service fund to account for revenues designated to pay indebtedness other than General Obligation bonds as appropriate to the situation.

D. Financing Proposals:

1. Financing proposals or other extensions of College credit through sale of securities, execution of loans or making of guarantees directly or indirectly, or the lending or pledging of the College credit, shall be referred to the President or designee for approval.

E. Financial Accountability:

1. The College shall establish a debt service fund to account for the revenues and other financing sources for payment of the maturing principal and interest on its outstanding obligations.
2. The College shall maintain adequate funds in the debt service account to meet the cash outlay requirements for payment of maturing principal and interest until property tax revenues and revenues from other financing sources are received.

F. Refunding

1. The College shall periodically monitor the changes in interest rates and where feasible and beneficial, refund the existing debt in accordance with the guidelines, procedures, and policies of the Office of the State Treasurer and under Federal, State, and Local law.
2. For advance refunding, a minimum of 3.00% in present value savings shall be achieved before proceeding.
3. For current refunding, the College shall review on a case-by-case basis the benefits that the refunding in question would generate.

G. Financial Advisors and Legal Counsel

1. The College shall employ professional, technical, and legal services to ensure the most cost effective method of selling the bonds. These services may include legal services (bond counsel), financial advisory services, underwriters, and paying agents.

H. Rating Agencies

1. The College shall secure ratings from at least two major rating agencies on all sales of indebtedness when it is deemed to be beneficial to the College.

I. Debt service reserves for non-voter approved obligations

1. Indebtedness under this category may include, but is not limited to, full faith and credit obligations (FFCs), revenue bonds, limited taxable general obligation bonds, pension obligation bonds, and certain long-term lease financing.
2. Unlike voter approved obligations where the payment for debt service is made through an annual property tax levy, the resources to pay the debt service on non-voter approved obligations come from the general operating resources or from designated funding sources of the College.
3. As a guide, the College shall consider maintaining a debt service reserve equal to 100% of one year's debt service requirement. This is to allow the College to have more time to implement measures due to contractual obligations. The exact level will be determined on a case-by case basis by the President. Exceptions can be made if the annual debt service payment on the indebtedness is under $250,000 or as directed by the President when such an exception is warranted.

VI. POST ISSUANCE COMPLIANCE POLICY

The College Debt Officer shall adhere to the Policy & Procedures in connection with post-issuance requirements as follows:

A. Arbitrage Rebate Compliance and Other Post-issuance Responsibilities:

1. The College Debt Officer shall establish and maintain a system of record keeping and reporting to meet the arbitrage rebate compliance requirement of the federal tax code and the College compliance procedures to include:
    a) Tracking investment earnings on bond proceeds, calculating rebate payments in compliance with the tax law, and remitting any earnings subject to rebate to the federal government in a timely manner in order to preserve the tax-exempt status of the College's outstanding tax-exempt or tax-advantaged debt issues.
    b) Maintain appropriate accounting records of the tax-exempt and tax-advantaged bond expenditures in compliance with legal and accounting requirements and to provide those

records to the Financial Services Division on an as-needed basis.

B. Financial Disclosure:

1. The College is committed to full and complete primary and secondary financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, the College's divisions, outside agencies and other levels of government and the general public to share clear, comprehensible, and accurate financial information.
    a) The College is committed to meeting secondary disclosure requirements on a timely and comprehensive basis.
    b) Official statements accompanying debt issues, Annual Comprehensive Financial Reports, and continuous disclosure statements will meet (at a minimum), the standards articulated by the Government Standards Board (GASB), the National Federation of Municipal Analysts, the Securities and Exchange Commission (SEC), and Generally Accepted Accounting Principles (GAAP).
    c) The President or designee shall be responsible for ongoing disclosure to established national information repositories and for maintaining compliance with disclosure standards promulgated by Federal and State regulatory bodies.

C. Investment of Bond Proceeds

1. Unless otherwise authorized by the Board, the College shall invest the proceeds from the sale of its bonds in accordance with its Investment Policy and Federal and State laws. Management may employ investment professionals to manage these proceeds.

Appendix A
PCC Tax Exempt Bond Post-Issuance Compliance Policy & Procedures

I. <u>PURPOSE</u>

The purpose of the PCC Tax Exempt Bond Post-Issuance Compliance Policy & Procedures is to ensure that Portland Community College (the Issuer) complies with applicable requirements of federal tax law and federal securities laws that apply to any tax-exempt obligations or debt issued by the Issuer. This Policy is designed to set forth compliance procedures so that the Issuer utilizes the proceeds of all issues of bonds, certificates of participation, bond anticipation notes, and tax and revenue anticipation notes (collectively referred to as "<u>Bonds</u>") in accordance with applicable federal tax requirements, and complies with applicable federal securities laws applicable to outstanding Bonds.

The procedures described in II and III herein describe the federal tax laws and only apply to Bonds to the extent that they are issued as federally tax-exempt obligations. Such procedures do not apply to Bonds issued as federally taxable obligations. To comply with applicable federal tax requirements, the Issuer must confirm that the requirements are met at the time each Bond issue is issued and throughout the term of the Bonds (until maturity or redemption). Generally, compliance should include retention of records relating to the expenditure of the proceeds of each Bond issue, the investment of the proceeds of each Bond issue, and any allocations made with respect to the use of the proceeds of each Bond issue, sufficient to establish compliance with applicable federal tax requirements, including records related to periods before the Bonds are issued (*e.g.*, in the case of reimbursement of prior expenditures) until six (6) years after the final maturity or redemption date of any issue of Bonds.

The procedures described in IV herein describe the federal securities laws and only apply to Bonds to the extent that there is a disclosure document prepared in connection with a public offering or private placement of the Bonds. For example, they do not currently apply to bank loans or other debt for which an official statement or other disclosure document is not prepared. To comply with applicable federal securities law requirements, the Issuer must comply with the anti-fraud laws at the time of issuance and must maintain continuous compliance with its continuing disclosure obligations until the final maturity or redemption of the applicable Bonds.

II. PROCEDURES

A. Responsible Official.

The Associate Vice President of Finance ("AVP of Finance") will oversee bond compliance for Portland Community College. The AVP of Finance will be responsible for each of the procedures listed below, notify the current holder of that office of the responsibilities, and provide that person a copy of these procedures. Upon employee transitions, the College will advise any newly-designated Bond Compliance Officer of his/her responsibilities under these procedures and will ensure the Bond Compliance Officer understands the importance of these procedures. If employee positions are restructured or eliminated, the College will reassign responsibilities as necessary.

B. Issuance of Bonds

Bond Counsel. The Issuer will retain a nationally-recognized bond counsel law firm ("Bond Counsel") to assist the Issuer in issuing Bonds. In connection with any tax-exempt Bond issue, Bond Counsel will deliver a legal opinion which will be based in part on covenants and representations set forth in the Issuer's Tax Certificate (or other closing documents containing the tax representation) (the "Tax Certificate") and other certificates relating to the Bonds, including covenants and representations concerning compliance with post-issuance federal tax law requirements that must be satisfied to preserve the tax-exempt status of tax-exempt Bonds. As described more fully below, the Issuer will also consult with Bond Counsel and other legal counsel and advisors, as needed, following issuance of each Bond issue to ensure that applicable post-issuance requirements in fact are met, so that tax-exempt status of interest will be maintained for federal income tax purposes so long as any Bonds remain outstanding.

The Bond Compliance Officer and/or other designated Issuer personnel will consult with Bond Counsel and other legal counsel and advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that that tax-exempt status of interest will be maintained. Those requirements and procedures shall be documented in a Tax Certificate and other certificates and/or other documents finalized at/or before issuance of the Bonds. If there is no document in the transcript titled "Tax Certificate," the Bond Compliance Officer and/or other designated Issuer personnel will consult with Bond Counsel prior to the closing of the financing to understand which document(s) in the transcript contain the tax representations and covenants. The requirements and procedures in the Tax Certificate shall include future compliance with applicable arbitrage rebate requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the Bonds.

Documentation of Tax Requirements. The federal tax requirements relating to each Bond issue will be set forth in the Tax Certificate executed in connection with the Bond issue, which will be included in the closing transcript. The certifications, representations, expectations, covenants and factual statements in the Tax Certificate relate primarily to the restriction on use of the Bond-financed facilities by persons or entities other than the Issuer, changes in use of assets financed or refinanced with Bond proceeds, restrictions applicable to the investment of Bond proceeds and other moneys relating to the Bonds, arbitrage rebate requirements, and economic life of the Bond-financed assets.

Information Reporting. The Bond Compliance Officer and/or other designated Issuer personnel will assure filing of information returns on IRS Form 8038-G no later than the 15th day of the second calendar month in the calendar quarter following the calendar quarter in which an issue of Bonds is issued. The Issuer will confirm that the IRS Form 8038-G is accurate and is filed in a timely manner with respect to all Bond issues, including any required schedules and attachments. The IRS Form 8038-G filed with the IRS, together with an acknowledgement copy (if available) or IRS Notice CP152, will be included as part of the closing transcript for each Bond issue, or kept in the records related to the appropriate issue of Bonds.

C. Application of Bond Proceeds

Use of Bond Proceeds. The Bond Compliance Officer and/or other designated Issuer personnel shall:

- monitor the use of Bond proceeds and the use of the Bond-financed assets (*e.g.*, facilities, furnishings or equipment) throughout the term of the Bonds (and in some cases beyond the term of the Bonds) to ensure compliance with covenants and restrictions set forth in the applicable Tax Certificate;
- maintain records identifying the assets or portion of assets that were financed or refinanced with proceeds of each issue of Bonds;
- consult with Bond Counsel and other legal counsel as needed in the review of any contracts or arrangements involving use of Bond-financed facilities to ensure compliance with all covenants and restrictions set forth in the applicable Tax Certificate;

- maintain records for any contracts or arrangements involving the use of Bond-financed facilities as might be necessary or appropriate to document compliance with all covenants and restrictions set forth in the applicable Tax Certificate;
- communicate as necessary and appropriate with personnel responsible for the Bond-financed assets to identify and discuss any existing or planned use of the Bond-financed assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the applicable Tax Certificate.

Timely Expenditure of Bond Proceeds. At the time of issuance of any Bonds issued to fund original expenditures, the Issuer must reasonably expect to spend at least 85% of all proceeds expected to be used to finance such expenditures (which proceeds would exclude proceeds in a reasonably required reserve fund) within three (3) years after issuance of such Bonds.[1] In addition, for such Bonds, the Issuer must have incurred or expect to incur within six months after issuance original expenditures of not less than 5% of such amount of proceeds, and must expect to complete the Bond-financed project (the "Project") and allocate Bond proceeds to costs with due diligence.[2] Satisfaction of these requirements allows Project-related Bond proceeds to be invested at an unrestricted yield for three (3) years.[3]

1 In the case of short-term working capital financings (*e.g.*, TRANs), the Issuer's actual maximum cumulative cash flow deficit as of the close of the six-month period commencing on the issue date must be at least equal to 100% of the issue price of the notes (under the six-month rebate exception, excluding the reasonable working capital reserve) or 90% of the issue price of the notes (under the statutory safe harbor exception) in order for the notes to be exempt from the rebate requirements. six-month rebate exception, excluding the reasonable working capital reserve) or 90% of the issue price of the notes (under the statutory safe harbor exception) in order for the notes to be exempt from the rebate requirements.

2 These requirements do not apply to short-term working capital financings (*e.g.*, TRANs).

3 Proceeds of working capital financings (*e.g.*, TRANs) may be invested at an unrestricted yield for thirteen (13) months.

Bonds issued to refinance outstanding obligations are subject to separate expenditure requirements, which shall be outlined in the Tax Certificate relating to such Bonds. The Issuer's finance staff will monitor the appropriate capital project accounts (and, to the extent applicable, working capital expenditures and/or refunding escrow accounts) and ensure that Bond proceeds are spent within the applicable time period(s) required under federal tax law.

Capital Expenditures. In general, proceeds (including earnings on original sale proceeds) of Bonds issued to fund original expenditures, other than proceeds deposited in a reasonably required reserve fund or used to pay costs of issuance, should be spent on capital expenditures.[4] For this purpose, capital expenditures generally mean costs to acquire, construct, or improve property (land, buildings and equipment), or to adapt the property to a new or different use. The property financed or refinanced must have a useful life longer than one (1) year. Capital Expenditures include design and planning costs related to the Project, and include architectural, engineering, surveying, soil testing, environmental, and other similar costs incurred in the process of acquiring, constructing, improving or adapting the property. Capital Expenditures do not include operating expenses of the Project or incidental or routine repair or maintenance of the Project, even if the repair or maintenance will have a useful life longer than one (1) year.

D. Use of Bond-Financed Assets

Ownership and Use of Project. For the life of a Bond issue, the Project must be owned and operated by the Issuer (or another state or local governmental entity). At all times while the Bond issue is outstanding, no more than 10% (or $15,000,000, if less) of the Bond proceeds for the Project may be used, directly or indirectly, in a trade or business carried on by a person other than a state or local governmental unit ("Private Use").[5] In addition, not more than 5% (or $5 million, if less) of the proceeds of any Bond issue may be used, directly or indirectly, to make a loan to any person other than governmental persons. Generally, Private Use consists of any contract or other arrangement, including leases, management contracts, operating agreements, guarantee contracts, take or pay

4 Proceeds of working capital financings (*e.g.*, TRANs) need not be spent for capital expenditures.

5 This 10% limitation is limited to 5% in cases in which the Private Use is either unrelated or disproportionate to the governmental use of the financed facility.

contracts, output contracts or research contracts, which provides for use by a person who is not a state or local government on a basis different than that of the general public. The Project may be used by any person or entity, including any person or entity carrying on any trade or business, if such use constitutes "General Public Use". General Public Use is any arrangement providing for use that is available to the general public at either no charge or on the basis of rates that are generally applicable and uniformly applied.

Management or Operating Agreements. Any management, operating or service contracts whereby a non-exempt entity is using assets financed or refinanced with Bond proceeds (such as bookstore, cafeteria or dining facility, externally-managed parking facilities, gift shops, etc.) must relate to portions of the Project that fit within the allowable private use limitations or the contracts must meet the IRS safe harbor for management contracts. Any replacements of or changes to such contracts relating to Bond-financed assets or facilities, or leases of such assets or facilities, should be reviewed by Bond Counsel. The Bond Compliance Officer shall contact Bond Counsel if there may be a lease, sale, disposition or other change in use of assets financed or refinanced with Bond proceeds.

Useful Life Limitation. The weighted average maturity of the Bond issue cannot exceed 120% of the weighted average economic life of the Bond-financed assets. In other words, the weighted average economic life of the Project must be at least 80% of the weighted average maturity of the Bond issue. Additional state law limitations may apply as well.

E. Investment Restrictions; Arbitrage Yield Calculations; Rebate

Investment Restrictions. Investment restrictions relating to Bond proceeds and other moneys relating to the Bonds are set forth in the Tax Certificate. The Issuer's finance staff will monitor the investment of Bond proceeds to ensure compliance with applicable yield restriction rules.

Use and Control of Bond Proceeds. Unexpended Bond proceeds (including reserves) may be held directly by the Issuer or by the trustee for the Bond issue under an indenture or trust agreement. The investment of Bond proceeds shall be managed by the Issuer. The Issuer shall maintain appropriate records regarding investments and transactions involving Bond proceeds. The trustee, if appropriate, shall provide regular statements to the Issuer regarding investments and transactions involving Bond proceeds.

Arbitrage Yield Calculations. Investment earnings on Bond proceeds should be tracked and monitored to comply with applicable yield restrictions and/or rebate requirements.

Any funds of the Issuer set aside or otherwise pledged or earmarked to pay debt service on Bonds should be analyzed to assure compliance with the tax law rules on arbitrage, invested sinking funds, and pledged funds (including gifts or donations linked or earmarked to the Bond-financed assets).

Rebate. The Issuer is responsible for calculating (or causing the calculation of) rebate liability for each Bond issue, and for making any required rebate payments. Unless Bond Counsel has advised the Issuer that the Bonds are exempt from the rebate requirements described in this section, the Issuer will retain an arbitrage rebate consultant to perform rebate calculations that may be required to be made from time to time with respect to any Bond issue. The Issuer is responsible for providing the arbitrage rebate consultant with requested documents and information on a prompt basis, reviewing applicable rebate reports and other calculations and generally interacting with the arbitrage rebate consultant to ensure the timely preparation of rebate reports and payment of any rebate.

The reports and calculations provided by the arbitrage rebate consultant are intended to assure compliance with rebate requirements, which require the Issuer to make rebate payments, if any, no later than the fifth (5^{th}) anniversary date and each fifth (5^{th}) anniversary date thereafter through the final maturity or redemption date of a Bond issue. A final rebate payment must be made within sixty (60) days of the final maturity or redemption date of a Bond issue.

The Issuer will confer and consult with the arbitrage rebate consultant to determine whether any rebate spending exceptions may be met. Rebate spending exceptions are available for periods of 6 months, 18 months and 2 years. The Issuer will review the Tax Certificate and/or consult with the arbitrage rebate consultant or Bond Counsel for more details regarding the rebate spending exceptions.

In the case of short-term working capital financings, such as tax and revenue anticipation notes, if there is concern as to whether or not the Issuer has met its requisite maximum cumulative cash flow deficit with respect to its short-term working capital notes, the services of a rebate analyst should be engaged to determine whether either the six-month spending exception or the statutory safe harbor exception to the rebate rules is met

(in which case no rebate would be owed) or whether the proceeds of the notes are subject, in whole or in part, to rebate.

Copies of all arbitrage rebate reports, related return filings with the IRS (*i.e.*, IRS Form 8038-T), copies of canceled checks with respect to any rebate payments, and information statements must be retained as described below. The responsible official of the Issuer described in Subsection A of this Part II will follow the procedures set forth in the Tax Certificate entered into with respect to any Bond issue that relate to compliance with the rebate requirements.

The College will ensure five-year rebate reports are completed for all outstanding tax-exempt bonds issued.

F. Record Retention

Allocation of Bond Proceeds to Expenditures. The Issuer shall allocate Bond proceeds to expenditures for assets, and shall trace and keep track of the use of Bond proceeds and property financed or refinanced therewith.

Record Keeping Requirements. Copies of all relevant documents and records sufficient to support an assertion that the tax requirements relating to a Bond issue have been satisfied will be maintained by the Issuer for the term of a Bond issue (including refunding Bonds, if any) plus six (6) years, including the following documents and records:

- Bond closing transcripts;
- Copies of records of investments, investment agreements, credit enhancement transactions, financial derivatives (*e.g.*, an interest rate swap), arbitrage reports and underlying documents, including trustee statements;
- Copies of material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds;
- All contracts and arrangements involving private use, or changes in use, of the Bond-financed property;
- All reports and documents relating to the allocation of Bond proceeds and private use of Bond-financed property; and
- Itemization of property financed with Bond proceeds, including placed in service dates.

- In the case of short-term working capital financings, such as tax and revenue anticipation notes, information regarding the Issuer's revenue, expenditures and available balances sufficient to support the Issuer's maximum cumulative cash flow deficit.

III. POST-ISSUANCE COMPLIANCE

A. In General

The Issuer will conduct periodic reviews of compliance with these procedures to determine whether any violations have occurred so that such violations can be remedied through the "remedial action" regulations (Treas. Reg. Section 1.141-12) or the Voluntary Closing Agreement Program (VCAP) described in IRS Notice 2008-31 (or successor guidance). If any changes or modifications to the terms or provisions of a Bond issue are contemplated, the Issuer will consult Bond Counsel. The Issuer recognizes and acknowledges that such modifications could result in a "reissuance" of the Bonds for federal tax purposes (*i.e.*, a deemed refunding) and thereby jeopardize the tax-exempt status of the Bonds after the modifications.

The Bond Compliance Officer and/or other designated Issuer personnel will consult with Bond Counsel and other legal counsel and advisors, as needed, following issuance of each issue of the Bonds to ensure that all applicable post-issuance requirements in fact are met, so that interest on the Bonds will be excluded from gross income for federal income tax purposes so long as any Bonds remain outstanding. This will include, without limitation, consultation in connection with future contracts with respect to the use of Bond-financed assets and future contracts with respect to the use of output or throughput of Bond-financed assets.

Whenever necessary or appropriate, the Issuer will engage an expert advisor as arbitrage rebate consultant to assist in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds.

B. Monitoring Private or Other Use of Financed Assets

The Issuer will maintain records identifying the assets or portion of assets that are financed or refinanced with proceeds of a Bond issue, including the uses and the users thereof (including terms of use and type of use). Such records may be kept in any combination of paper or electronic form. In the event the use of Bond proceeds or the assets financed or refinanced with Bond proceeds is different from the covenants, representations or factual statements in the Tax Certificate, the Issuer will promptly contact and consult with Bond Counsel to ensure that there is no adverse effect on the tax-exempt status of the Bond issue and, where appropriate, will remedy any violations through the "remedial action" regulations (Treas. Reg. Section 1.141-12), the Voluntary Closing Agreement Program (VCAP) described in IRS Notice 2008-31 (or successor guidance), or as otherwise prescribed by Bond Counsel.

C. <u>Ongoing Training</u>

Training shall be made available to the Compliance Officer to support the Compliance Officer's understanding of the tax requirements applicable to the Bonds. Such training may include, but would not be limited to, attending training sessions at local conferences such as OMFOA and/or OASBO, participation in IRS teleconferences, reading technical guidance materials provided by educational organizations, the IRS, and/or Bond Counsel, and discussing questions and issues with the Issuer's Bond Counsel and/or arbitrage rebate consultant.

D. <u>Annual Checklist of Tax-Exempt Bond Compliance Checklist</u>

The Bond Compliance Officer will complete the attached "Annual Tax-Exempt Bond Compliance Checklist" with respect to all outstanding Bonds on or before March 31 of each annual period. The Bond Compliance Officer will retain a copy of each completed and signed checklist in a file that is retained in accordance with the document retention requirements described in Section II.F., above.

VII. IV. <u>FEDERAL SECURITIES LAW PROCEDURES</u>.

A. <u>Anti-Fraud Provisions</u>

Pursuant to the antifraud provisions of the Securities Act of 1933 and the Securities and Exchange Act of 1934, and accompanying regulations, applicable to securities such as the Bonds, if publicly offered, any material provided by the Issuer in connection with the offer or sale of the Bonds may not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading. This material may be in the form of an offering circular or offering memorandum for a private placement. For a publicly offered transaction, the disclosure document may be a preliminary official statement or a final official statement and any materials provided to the rating agencies or credit enhancement provider. Such material may also include information provided to a bank or institutional investor about the Issuer or the Bonds in connection with a bank loan or private placement. The antifraud provisions also apply to continuing disclosure discussed below. The Bond

Compliance Officer will actively participate in the Bond issuance process to ensure that all information regarding the Issuer described in the official statement or other materials prepared in connection with the initial sale of publicly offered Bonds does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

B. Continuing Disclosure

In connection with an offering of the Bonds, the Issuer will execute a Continuing Disclosure Agreement, Continuing Disclosure Undertaking, Continuing Disclosure Certificate or such similarly titled document (herein referred to as the "Continuing Disclosure Agreement"). Pursuant to the Continuing Disclosure Agreement, the Issuer may be obligated to provide annual financial disclosure to the secondary market through the Municipal Rulemaking Securities Board's Electronic Municipal Market Access ("EMMA") system, as well as notices of certain material events listed in the Continuing Disclosure Agreement. In order to maintain compliance with the Issuer's obligations in the Continuing Disclosure Agreement, the Bond Compliance Officer will, if and as required by such Continuing Disclosure Agreement:

- Assist in the preparation or review of annual reports ("Annual Reports") in the form required by the related Continuing Disclosure Agreements.
- Maintain a calendar, with appropriate reminder notifications, listing the filing due dates relating to dissemination of Annual Reports, which annual due date is generally expressed as a date within a certain number of days following the end of the Issuer's fiscal year (the "Annual Report Due Date"), as provided in the related Continuing Disclosure Agreement.
- Ensure timely dissemination of the Annual Report by the Annual Report Due Date, in the format and manner provided in the related Continuing Disclosure Agreements, which may include transmitting such filing to the Municipal Securities Rulemaking Board ("MSRB") through the Electronic Municipal Market Access ("EMMA") System at www.emma.msrb.org in the format prescribed by the MSRB.
- Monitor the occurrence of any "Material Event" (as defined in the Continuing Disclosure Agreement) and timely file notice of the occurrence of any such Material Event in the manner provided under the Continuing Disclosure Agreement. To be timely filed, such notice must be transmitted within 10 days

(or such other time period as set forth in the Continuing Disclosure Agreement) of the occurrence of such Material Event.

- Ensure timely dissemination of notice of any failure to perform under a Continuing Disclosure Agreement, if and as required by the Continuing Disclosure Agreement.
- Respond to requests, or ensure that the Issuer contact responds to requests, for information under SEC Rule 15c2-12, as provided in the Continuing Disclosure Agreement.
- Monitor the performance of any dissemination agent(s) engaged by the Issuer to assist in the performance of any obligation under the Continuing Disclosure Agreement.

Form of Annual Tax-Exempt Bond Compliance Checklist

Bond-Issuance: ______________ Date Completed: ______________

	Yes	No
Has there been a sale of all or any portion of a facility financed with tax-exempt bonds (a "Project")?		
Has there been a lease of all or any portion of a Project to any party other than a state or local government?		
Has the Issuer entered into a new, or amended an already existing, management or service contract related to a Project?		
Has the Issuer entered into a naming rights agreement relating to all or any portion of a Project?		
Has the Issuer entered into any other arrangement with an entity, other than a state or local government, that provided legal rights to that entity with respect to a Project?		
Will there be a rebate/yield restriction arbitrage computation date during the upcoming annual period?		
Is the Issuer out of compliance with the record retention requirements as described in Section IV of the Tax-Exempt Bond Compliance Procedures?		
Has the Issuer failed to make any required filings with EMMA as required by their Continuing Disclosure Agreements?		

If an answer to any question above is "Yes", or the answer is unclear, the Bond Compliance Officer shall consult with the Issuer's bond counsel to determine (i) if the event could adversely impact the tax-exemption of the Issuer's outstanding tax-exempt bonds and/or (ii) whether any action needs to be taken during the upcoming annual period to ensure compliance with the tax-exempt bond restrictions.

The undersigned is the "Bond Compliance Officer" as described in the Tax-Exempt Bond Compliance Procedures and has completed the above checklist to the best of the knowledge of the undersigned.

Signature: ______________________________ Date: ________________________

Associate Vice President, Finance

23-156	UPDATE AND AFFIRMING MEMORANDUM OF UNDERSTANDING FOR STUDENT TRUSTEE ROLE
PREPARED BY:	Berto Cerrillo, Director of Student Life & Leadership, Student Governance
FINANCIAL RESPONSIBILITY:	Associated Students of Portland Community College (ASPCC) Senate, Josh Peters-McBride, Executive Dean, Student Life and Engagement, Student Affairs Heather Lang, Interim Vice President, Student Affairs
APPROVED BY:	Dr. Adrien L. Bennings, President
STRATEGIC THEME:	Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student; Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem; Enterprise: Cultivate a long-term sustainable college enterprise
REPORT:	On January 19, 2023, the PCC Board was given an updated Memorandum of Understanding regarding the Student Trustee role and how it operates. The ASPCC Senate reviewed the document throughout January and it was officially affirmed via resolution on February 10, 2023. Updates to the Memorandum of Understanding include updates to the student experience in the role, clarifications on the selection and affirmation process, and updated language to reflect the new structure of the ASPCC Student Government.
RECOMMENDATION:	The Board of Directors approves the updated Memorandum of Understanding (Exhibit B) regarding the Student Trustee as presented by the ASPCC Senate.

23-156
Exhibit B

Memorandum of Understanding

between

Portland Community College, Associated Students of Portland Community College (ASPCC)

and

Board of Directors for Portland Community College

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the ASPCC and Board of Directors for Portland Community College to include an ex-officio student representative (Student Representative) on the Board of Directors.

Background

A Portland Community College Student Representative on the Board, in a non-voting capacity, will help to enhance communication and trust between administration and the student body.

Purpose

Student membership will enable ongoing dialogue between parties. It will provide a student voice for important issues regarding College business, and will enable a system of communication that is inclusive, representative, and productive. The purpose of this relationship is to cultivate a comprehensive perspective of the College at both administrative and student levels.

Outcomes for Student Representative

- **Leadership** development through experiences and training
- **Governance** exposure and learning how to lead a college
- **Service** to community by engaging with and advocating for students

Funding

ASPCC and the College will both be financially obligated to cover necessary expenses for the Student Representative as required for role function, not to include personal expenses.

Selection

Student Life & Leadership will facilitate the process of selecting the Student Representative during the spring term of each academic year. The process will involve students, in alignment with ASPCC selection procedures for all student leadership positions. A recommendation will be forwarded to the President and Board Chair (or designee) for affirmation and endorsement by the end of spring term for service beginning summer of the next academic year.

Training

Student Life & Leadership partners with the Executive Coordinator for the PCC Board of Directors to support the success of the Student Representative position. Student Life & Leadership will provide an orientation and ongoing support in alignment with ASPCC orientation and training procedures for student leaders. Training and orientation related to membership on the PCC Board of Directors will be provided by Board staff. To support the purpose of this agreement, the Student Representative should have the opportunity to meet with Board Directors individually throughout their term of service for the purpose of mentorship.

Terms

The student shall serve as the Student Representative on the Board of Directors and otherwise complies with the qualifications and requirements for student representation as set forth in Board Policy 2105. The Student Representative shall be accountable for compliance with all Legislative and governing policies and procedures applicable to service on the PCC Board of Directors.

Furthermore, the Student Representative will comply with Student Rights and Responsibilities and any other agreements as established for members of the ASPCC.

Violations of these terms may result in removal from the position, per the ASPCC Constitution. In the event that a student is removed, the ASPCC Senate retains the right to appoint an alternate for the duration of the term.

Annual Review of MOU

This MOU will be reviewed annually - in January - by the Student Representative, Student Life & Leadership Director, and the Dean of Student Life and Engagement. The ASPCC Senate and the PCC Board of Directors will be invited to provide feedback. If the review results in proposed changes, Board and Senate protocols will be followed with revisions affirmed by both parties.

Contact Information

Signed:__________________________
Tiffani Penson, Chair
PCC Board of Directors

Signed:__________________________
Suzan Nuri, President
ASPCC Senate

Signed: __________________________
Dr. Adrien L. Bennings, President
Office of the President

Date: _____________

It is against the College's policy for any manager, supervisor, faculty member, staff member, or student to engage in prohibited harassment or discrimination of any member of the College community. PCC adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of higher education, including applicable provisions of the Civil Rights Act of 1964 (as amended); related Executive Orders 11246 and 11375; Title IX of the Education Amendments Act of 1972; Section 504 of the Rehabilitation Act of 1973; Titles I and II of the Americans with Disabilities Act of 1990 (as amended); the Age Discrimination in Employment Act, the Uniformed Service Employment and Reemployment Rights Act, and all applicable federal, state, and local civil rights laws. PCC does not discriminate against any employee, applicant for employment, student, or applicant for admission on the race, color, religion, national origin, sex, marital status, disability, veteran status, age, sexual orientation, or any other status protected by federal, state, or local law including protections for those opposing discrimination or participating in any resolution process on campus, with the Equal Employment Opportunity Commission or other human rights agencies. This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the PCC community who acts to deny, deprive, or limit the educational or employment and/or social access, benefits, and/or opportunities of any member of the PCC community, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of PCC's policy on nondiscrimination.