

**SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT  
RONALD REAGAN BOARD OF TRUSTEES ROOM-RM 145  
HEALTH SCIENCES/DISTRICT OFFICES BLDG., SADDLEBACK COLLEGE**

**MINUTES OF THE BOARD OF TRUSTEES' MEETING  
May 18, 2020**

**PRESENT**

Members of the Board of Trustees:

T.J. Prendergast, III, President  
Timothy Jemal, Vice President  
James R. Wright, Clerk  
Barbara J. Jay, Member  
David B. Lang, Member  
Marcia Milchiker, Member  
Terri Whitt Rydell, Member  
Rose Esfandiari, Student Member

**ABSENT**

**Administrative Officers:**

Kathleen F. Burke, Chancellor  
Robert Bramucci, Vice Chancellor, Technology and Learning Services  
Ann-Marie Gabel, Vice Chancellor, Business Services  
Kim Widdes, Acting Vice Chancellor, Human Resources  
Elliot Stern, President Saddleback College  
Cindy Vyskocil, Acting President Irvine Valley College

**CALL TO ORDER: 5:00 P.M.**

In an effort to control the spread of COVID-19, this meeting will not be physically open to the public. All members of the public may participate in the meeting via Zoom Videoconference. Upon entry into the meeting; all computers and telephones except for the Board of Trustees shall be muted. The May 18, 2020 Board Meeting will be conducted telephonically.

The closed session and regular session meeting will consist of two locations. The South Orange County Community College District Board of Trustees will participate via teleconference pursuant to Executive Order N-29-20 and N-35-20 issued by Governor Newsom on March 12 and March 21, 2020 respectively.

In compliance with the Executive Order, Board Members, interested parties, and members of the public will be able to call or sign-in to the meeting at 5 p.m. on Monday, May 18, 2020.

Primary Location: Saddleback College, Health Sciences/District Offices Building, Chancellor's Conference Room, HS 324, 28000 Marguerite Parkway, Mission Viejo, CA 92692.

Teleconferencing Location: via Zoom Videoconferencing at <https://socccd.zoom.us/j/91535920902?pwd=OG03M2JpWHRwMVFTQ001QnQ2VEtjUT09>

Meeting ID 915 3592 0902, Meeting Password: 255399

This agenda is available on the SOCCCD website at [www.socccd.edu](http://www.socccd.edu)

Consistent with the provisions of the Executive Order N-29-20 and N-35-20, the above-noticed meeting of the Board of Trustees shall take place as follows:

1. Members of the Board of Trustees may participate remotely via Zoom Videoconferencing. If members choose to participate remotely, their locations will not be noticed nor will public access be available at their locations.
2. Members of the public may participate via Zoom Videoconferencing using the link above or by calling in to the meeting at (877) 853-5247 (Toll Free) or (888) 788-0099 (Toll Free) Meeting ID: 915 3592 0902, Password: 255399
3. Members of the public wishing to comment on an agenda item or another topic within the jurisdiction of the Board of Trustees will be given the opportunity to ask questions by submitting public comments via email to the Board of Trustees Liaison, Grace Garcia, at: [ggarcia@socccd.edu](mailto:ggarcia@socccd.edu). All public comments will be accepted via email. Submissions must be received prior to the posted start time of the meeting. Please include in the subject line of the email: COMMENTS FOR THE MEETING OF MAY 18, 2020. Please indicate if you are addressing a specific agenda item, or are making "Public Comment." Submissions will be read aloud at the meeting and must comply with the 2 minute time limit.

#### American with Disabilities Act (ADA)

It is the policy of the SOCCCD to fully comply with the requirements of the Americans with Disabilities Act. Consistent with that policy, the facilities where this event will be held are wheelchair accessible. Upon request, this announcement and the agenda or program for the event and any related materials, will be provided in alternative formats (such as large print, braille or accessible electronic text). If you need such materials or other disability accommodations (such as a translator) or more information, please contact the Office of the Chancellor at (949) 582-4840 at least 48 hours before the scheduled event.

## **1.0 PROCEDURAL MATTERS**

1.1 Call to Order

1.2 Roll Call - Establishment of Quorum

Trustee T.J. Prendergast, Board President  
Trustee Tim Jemal, Vice President  
Trustee James Wright, Clerk of the Board  
Trustee Barbara Jay, Member  
Trustee David Lang, Member  
Trustee Marcia Milchiker, Member  
Trustee Terri Whitt Rydell, Member  
Student Trustee Rose Esfandiari

1.3 Public Comments

Members of the public may address the Board on items listed to be discussed in closed session. If you wish to address the board on a closed session item, please submit your request via email prior to the start of closed session. Speakers are limited to two minutes each.

### **RECESS TO CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:**

#### **1.3 Public Employee Employment, Evaluation of Performance, Discipline, Dismissal, Release (Government Code Section 54957 and 594954.5)**

A. Public Employee Discipline, Dismissal, Release (Government Code Section 54957)

#### **1.4 Conference with Labor Negotiators (Government Code Section 54957.6)**

A. Faculty Association (FA)

Agency Designated Negotiator: Dr. Cindy Vyskocil, Acting President - IVC

B. Classified School Employees Association (CSEA)

Agency Designated Negotiator: Kim Widdes, Acting Vice Chancellor - HR

C. Police Officers Association (POA)

Agency Designated Negotiator: Dr. Cindy Vyskocil, Acting President – IVC

#### **1.5 Conference with Real Property Negotiators (Government Code Section 54956.8)**

A. Exchange of Property

Agency Designated Negotiators: South Orange County Community College District - Ann-Marie Gabel, CPA, Vice Chancellor, Business Services (Seller), Andrew Bernstein, Jackson Tidus, (District Real Estate Legal Counsel) and Gregory G. Gotthardt, FTI Consulting, LLC (District Real Estate Consultant)

Lease of Property by District: Approximately 21.5 acres of real property located at 1610 Valencia Ave. and 1602 Victory Road Tustin, CA 92782 (Property) also known as the Advanced Technology & Education Park (ATEP site)

Negotiating Parties: Southern California University of Health Sciences

Under Negotiation: Instructions to designated negotiators will concern price and terms of payment for the ground lease of the identified Property.

**1.6 Conference with Legal Counsel (Government Code Section 54956.9)**

- A. Anticipated Litigation (Government Code Section 54956.9(d)(2).)  
Significant exposure to litigation: 2 potential cases
  - 1. Mark Prizmic - Claim number 584466
  - 2. Refaat Bilal - Appeal of Administrative Determination
- B. Existing Litigation (Government Code Section 54956.9 (d)(1).)  
1 case

**RECONVENE OPEN SESSION: 6:30 P.M.**

**2.0 PROCEDURAL MATTERS**

2.1 Actions Taken in Closed Session

On a 7 to 0 roll call vote, the board, in closed session, voted to issue a Notice of Rejection of Claim, regarding claim #584466, pursuant to Government Code Section 913. The Governing Board further authorizes the Chancellor or her designee to issue any appropriate notices.

On a 7 to 0 roll call vote, the board, in closed session, voted to deny the appeal of administrative determination of complaint alleging discrimination filed by an Irvine Valley College Student.

2.2 Invocation  
Led by Trustee Tim Jemal

2.3 Pledge of Allegiance  
Led by Trustee David Lang

2.4 Swearing In: Student Trustee Rose Esfandiari  
Oath of Office was administered by Board President, T.J. Prendergast

2.5 Public Comments  
Members of the public may address the Board on any item on the agenda at this time or during consideration of the item. Items not on the agenda that are within the subject matter jurisdiction of the Board may also be addressed at this time. If you wish to address the board, please submit

your request via email prior to the beginning of open session. Speakers are limited to two minutes each.

Two public comments were made.

A public comment from an IVC student regarding the quality of education and the abundance of opportunities found at IVC. A public comment regarding Agenda Item 5.2, Resolution #4. A request to the Board of Trustees and the authors of the resolution to consider modifying parts of the resolution.

### **3.0 REPORTS**

3.1 Oral Reports: Speakers are limited to two minutes each.

- A. Student Trustee
- B. Associated Student Government Reports
- C. Saddleback College Academic Senate
- D. Irvine Valley College Academic Senate
- E. Faculty Association
- F. Irvine Valley College Classified Senate
- G. Saddleback College Classified Senate
- H. California School Employees Association
- I. Police Officers Association
- J. Board Request(s) for Reports

### **4.0 DISCUSSION ITEMS**

4.1 Saddleback College and Irvine Valley College: Student Government Tentative Budgets FY 2020-2021  
Representatives from student government and college staff will present the tentative student government budgets for FY 2020-2021. The student government tentative budgets FY 2020-2021 are being submitted for approval under Agenda Item 6.5.

[Item 4.1](#)  
[Exhibits A-B](#)

Trustee Milchiker requested to remove item 5.2 and Trustee Jemal requested to remove item 5.5 from the consent calendar for separate discussion and action.

On a motion made by Trustee Lang and seconded by Trustee Jay, the balance of the consent calendar was approved on a unanimous roll-call vote.

### **5.0 CONSENT CALENDAR ITEMS**

**All matters on the consent calendar are routine items and are to be approved in one motion unless a Board member requests separate action on a specific item, and states the compelling reason for separate action.**

- 5.1 SOCCCD: Board of Trustees Meeting Minutes  
Approve minutes of a Special Meeting held virtually on April 20, 2020 and a Regular Meeting held virtually on April 27, 2020.

[Item 5.1](#)  
[Exhibits A-B](#)

- 5.2 Irvine Valley College, Saddleback College, SOCCCD: Resolutions
1. Tammy Bostwick, Outstanding Classified Employee of the Year, Irvine Valley College
  2. Kevin Dalla Betta, Outstanding Classified Employee of the Year, Saddleback College
  3. Danielle Miller, Classified Employee Outstanding Service Award, District Services
  4. Resolution denouncing Xenophobia and anti-Asian sentiment arising due to fears of the COVID-19 Pandemic and affirming SOCCCD's commitment to the well-being and safety of Asian American communities.
  5. Resolution affirming our unwavering commitment to student success and equity as we respond to and recover from the COVID-19 Pandemic.

The honorees receiving resolutions were acknowledged and congratulated by Chancellor Burke.

On a motion made by Trustee Lang and seconded by Trustee Milchiker, Resolution 4 was removed for separate discussion. The board approved the resolution as submitted with no changes or amendments. The motion was approved on a 5-0 roll-call vote, with Trustee Prendergast and Trustee Rydell abstaining.

On a motion made by Trustee Jay and seconded by Trustee Rydell, the balance of the resolutions were approved on a unanimous roll-call vote.

[Item 5.2](#)  
[Resolution 1](#)  
[Resolution 2](#)  
[Resolution 3](#)  
[Resolution 4](#)  
[Resolution 5](#)

- 5.3 Saddleback College: New, Revised, and Deleted Curriculum for the 2020-21 and 2021-22 Academic Years

Approve the proposed curriculum change for the 2020-21 academic year at Saddleback College as listed in Exhibit A and the proposed curriculum changes for the 2021-22 academic year

[Item 5.3](#)  
[Exhibits A-B](#)

- 5.4 SOCCCD: Transfer of Budget Appropriations: Adopt Resolution No. 20-12 to Approve FY 2019-2020 Budget Transfers  
Adopt Resolution No. 20-12 to approve the transfer of budget appropriations as listed.

[Item 5.4](#)  
[Exhibit A](#)

- 5.5 SOCCCD: Budget Amendment: Adopt Resolution No. 20-13 to Amend FY 2019-2020 Adopted Budget  
Adopt Resolution No. 20-13 to amend the FY 2019-2020 Adopted Budget as listed.

On a motion made by Trustee Lang and seconded by Trustee Jay, this item was approved on a unanimous roll-call vote.

[Item 5.5](#)  
[Exhibit A](#)

At 8:52 p.m., a motion was made by Trustee Lang and seconded by Trustee Jemal to extend the meeting to 9:30 p.m., the extension was approved on a unanimous roll-call vote.

- 5.6 SOCCCD: April 2020 Amendment  
Ratify the amendment as listed.

[Item 5.6](#)  
[Exhibit A](#)

- 5.7 SOCCCD: Purchase Orders and Checks  
Ratify the purchase orders and checks as listed.

[Item 5.7](#)  
[Exhibits A-C](#)

- 5.8 SOCCCD: Contracts  
Ratify contracts as listed.

[Item 5.8](#)  
[Exhibits A-B](#)

**6.0 GENERAL ACTION ITEMS**

- 6.1 SOCCCD: California Environmental Quality Act Exemption for Solar Shade Canopies Project at Irvine Valley College  
Declare the Solar Shade Canopies project at Irvine Valley College to have no significant impact upon the environment and authorize the filing of the Notice of Exemption.

On a motion made by Trustee Wright and seconded by Trustee Jemal, this item was approved on a unanimous roll-call vote.

[Item 6.1](#)  
[Exhibit A](#)

- 6.2 SOCCCD: Irvine Valley College Solar Shade Canopies Project, Energy Services Agreement Public Hearing  
Open a public hearing and invite members of the public to present their comments with regard to the Energy Services agreement to install solar shade canopies equipment at Irvine Valley College.

Board President Prendergast called for a Public Hearing in order to provide the public an opportunity to express opinions about the Energy Services agreement to install solar shade canopies equipment at Irvine Valley College. Hearing no public comments, the Public Hearing was closed and the regular Board of Trustees meeting was reconvened.

[Item 6.2](#)  
[Exhibit A](#)

- 6.3 SOCCCD: Irvine Valley College Solar Shade Canopies Project, Adopt Resolution No. 20-14, Authorizing Entering into an Energy Services Agreement  
Adopt Resolution No. 20-14 to authorize entering into an Energy Services agreement for the Irvine Valley College Solar Shade Canopies project.

On a motion made by Trustee Milchiker and seconded by Trustee Wright, this item was approved on a unanimous roll-call vote.

[Item 6.3](#)  
[Exhibit A](#)

- 6.4 SOCCCD: Irvine Valley College Solar Shade Canopies Project, Award of Energy Services Agreement, Operations and Maintenance Agreement and the Performance Output Guarantee Agreement, Borrego Solar Systems, Inc.  
Approve the Energy Services agreement, for a fixed price, lump sum value of \$3,180,067, and the Operations and Maintenance Agreement and the Performance Output Guarantee Agreement, with a contract value



of \$890,657, for the Irvine Valley College Solar Shade Canopies project with Borrego Solar Systems, Inc.

On Motion made by Trustee Wright and seconded by Trustee Jemal, this item was approved on a 5-0 roll-call vote with Trustee Jay and Trustee Milchiker abstaining.

[Item 6.4](#)  
[Exhibits A-E](#)

At 9:16 p.m. a motion was made by Trustee Rydell and seconded by Trustee Lang to extend the meeting to 10 p.m., the extension was approved on a unanimous roll-call vote.

- 6.5 Saddleback College and Irvine Valley College: Student Government Tentative Budgets FY 2020-2021  
Approve the FY 2020-2021 tentative student government budgets as listed.

On a motion made by Trustee Jemal and seconded by Trustee Milchiker, this item was approved on a unanimous roll-call vote.

[Item 6.5](#)  
[Exhibits A-B](#)

- 6.6 SOCCCD: Annual Approval for Student Trustee to Receive Compensation and to Make/Second Motions for Board Meetings  
Approve compensation for the Student Trustee; allow the student trustee to make and second motions; and approve the term commencement date of May 18.

On a motion made by Trustee Jemal and seconded by Trustee Milchiker, this item was approved on a unanimous roll-call vote.

[Item 6.6](#)

- 6.7 SOCCCD: Consolidated Elections for Members of Governing Boards  
Approve Resolution #20-15 to notify the Orange County Department of Education of the consolidated election specifications.

On a motion made by Trustee Lang and seconded by Trustee Jay, this item was approved on a unanimous roll-call vote.

[Item 6.7](#)  
[Exhibit A](#)

- 6.8 SOCCCD: 2021-2022 Academic Calendar  
Approve the proposed Academic Calendar for 2021-2022.

On a motion made by Trustee Jemal and seconded by Trustee Wright, this item was approved on a unanimous roll-call vote.

[Item 6.8](#)  
[Exhibits A-B](#)

- 6.9 SOCCCD: Academic Employee and Classified Administrator Personnel Actions – Regular Items  
Ratify New Personnel Appointments, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Authorization to Eliminate Positions and/or Position Numbers.

Two amendments were made to Exhibit B. 1., on page 1 of 6 – Beano, E. stipend was removed, and on page 4 of 6 – Tchaikovsky, B. stipend was removed.

On a motion made by Trustee Milchiker and seconded by Trustee Jay, this item was approved on a unanimous roll-call vote.

[Item 6.9](#)  
[Exhibit A](#)

- 6.10 SOCCCD: Faculty Conversion to Canvas One – Time Stipends  
Ratify Additional Compensation: Canvas Conversion-General Fund.

On a motion made by Trustee Jay and seconded by Trustee Wright, this item was approved on a 6-1 roll-call vote with Trustee Lang casting a negative vote.

[Item 6.10](#)  
[Exhibit A](#)

- 6.11 SOCCCD: Classified Personnel Actions – Regular Items  
Ratify Authorization to Establish and Announce (A) Classified Position(s), Out of Class Assignments – for Positions that are Temporarily Available due to Leaves of Absence, etc., Resignation/Retirement/Conclusion of Employment.

On a motion made by Trustee Wright and seconded by Trustee Jay, this item was approved on a unanimous roll-call vote.

[Item 6.11](#)  
[Exhibit A](#)

- 6.12 SOCCCD: Non-Bargaining Unit Personnel Action – Regular Items  
Ratify New Personnel Appointments.

On a motion made by Trustee Wright and seconded by Trustee Jay, this item was approved on a unanimous roll-call vote.

[Item 6.12](#)  
[Exhibit A](#)

- 6.13 SOCCCD: Equal Employment Opportunity (EEO) Plan 2019 - 2022  
Approve the SOCCCD Equal Employment Opportunity Plan, designed to communicate the importance of diversity in the workplace and eliminate barriers  
to equal employment opportunities

On a motion made by Trustee Lang and seconded by Trustee Wright, this item was approved on a unanimous roll-call vote.

[Item 6.13](#)  
[Exhibits A-B](#)

- 6.14 SOCCCD: Destruction of Class 3 Disposable Records  
Approve destruction of Class 3 disposable records in compliance with code.

On a motion made by Trustee Lang and seconded by Trustee Rydell, this item was approved on a unanimous roll-call vote.

[Item 6.14](#)  
[Exhibit A](#)

- 6.15 SOCCCD: Sabbatical Leave Revision  
Approve Revision of Sabbatical Leave previously approved by the Board.

On a motion made by Trustee Lang and seconded by Trustee Jay, this item was approved on a unanimous roll-call vote.

[Item 6.15](#)  
[Exhibit A](#)

- 6.16 SOCCCD: Sabbatical Leave Rescindment  
Approve Rescindment of Sabbatical Leave previously approved by the Board.

On a motion made by Trustee Jay and seconded by Trustee Wright, this item was approved on a unanimous roll-call vote.

[Item 6.16](#)  
[Exhibit A](#)

**7.0 REPORTS**

- 7.1 SOCCCD: Staff Response to Public Comments from Previous Board Meeting  
None

[Item 7.1](#)

- 7.2 SOCCCD: Facilities Plan Status Report  
Status of current construction projects.

[Item 7.2](#)  
[Exhibit A](#)

- 7.3 SOCCCD: Monthly Financial Status Report  
The reports display the adopted budget, revised budget and transactions through April 30, 2020.

[Item 7.3](#)  
[Exhibit A](#)

- 7.4 SOCCCD: Quarterly Investment Report  
Report for period March 31, 2020.

[Item 7.4](#)

- 7.5 SOCCCD: Retiree (OPEB) Trust Fund  
Report for period ending March 31, 2020.

[Item 7.5](#)  
[Exhibit A](#)

- 7.6 SOCCCD: Pension Stabilization Trust Fund  
Report for period ending March 31, 2020.

[Item 7.6](#)  
[Exhibit A](#)

**8.0 WRITTEN REPORTS FROM ADMINISTRATION**

**Reports by the following individuals may be written and submitted through the docket process prior to distribution of the Board agenda packet.**

- A. Chancellor
- B. Acting President, Irvine Valley College
- C. President, Saddleback College

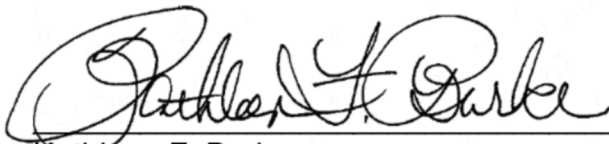
[Item 8.0](#)

[Chancellor's Written Report](#)  
[Irvine Valley College Written Report](#)  
[Saddleback College Written Report](#)

**9.0 ADDITIONAL ITEMS**

**ADJOURNMENT (or continuation of closed session if required): 9:00 P.M.**

The meeting was adjourned at 9:43 p.m.

A handwritten signature in black ink, appearing to read "Kathleen F. Burke". The signature is written in a cursive style and is positioned above a horizontal line.

Kathleen F. Burke  
Secretary, Board of Trustees