

**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
August 22, 2016**

PRESENT

Members of the Board of Trustees:

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

Administrative Officers:

Debra Fitzsimons, Interim Chancellor
C.M. Brahmhatt, Acting Vice Chancellor, Business Services
Robert Bramucci, Vice Chancellor, Technology and Learning Services
David Bugay, Vice Chancellor, Human Resources
Tod Burnett, President Saddleback College
Glenn Roquemore, President Irvine Valley College

CALL TO ORDER: 5:00 P.M.

1.0 PROCEDURAL MATTERS

1.1 Call to Order

1.2 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 complete a yellow form entitled, "Request to Speak" and submit it to the board's Executive Assistant. These forms are available outside the board room. **Speakers are limited to two minutes each.***

1.3 Hold Public Hearing – Saddleback College Student Discipline

Pursuant to a student's request, the Board conducted a public hearing to hear from the student why they should not proceed with proposed disciplinary action.

RECESS TO CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

- 1.4 Student Discipline (Education Code Section 72122)(1 matter)
- 1.5 Public Employee Employment, Discipline, Dismissal, Release (Government Code Section 54957(b).)
 - A. Public Employee Employment (Government Code Section 54957(b).)(4 matters)
 - 1. Acting Chancellor
 - 2. Vice Chancellor for Business Services
 - 3. Senior Administrative Assistant Saddleback College
 - 4. Network Technician Saddleback College
 - B. Public Employee Discipline, Dismissal, Release (Government Code Section 54957(b).)(1 matter)
- 1.6 Conference with Labor Negotiators (Government Code Section 54957.6)
 - A. Unrepresented Employee: Acting Chancellor
Agency Designated Negotiator: Tim Jemal, Board President
 - B. SOCCCD Faculty Association
Agency Designated Negotiator: David P. Bugay, Ph.D.
 - C. California School Employees Association (CSEA)
Agency Designated Negotiator: David P. Bugay, Ph.D.
- 1.7 Conference with Legal Counsel (Government Code Section 54956.9)
 - A. Existing Litigation (Government Code Section 54956.9(b)(1 case)
 - 1. Swinerton v. SOCCCD
 - B. Anticipated Litigation (Government Code Section 54956.9(d)(2), (e)(1)
(1 potential case)

RECONVENE OPEN SESSION: 6:30 P.M.

2.0 PROCEDURAL MATTERS

2.1 Actions Taken in Closed Session

On a 7 to 0 vote, the board approved the appointment of Dr. Debra Fitzsimons as the Interim Chancellor subject to approval of a mutual agreement on an employment contract.

On a 7 to 0 vote, the board approved a general unpaid leave of absence without benefits for three months for a full-time classified employee to serve as an adjunct counselor at Saddleback College.

On a 7-0 vote, the board approved a general unpaid leave of absence with

benefits for two months for a full-time classified employee at Saddleback College.

On a 7-0 vote, the board approved a general leave of absence of seven LHE hours for the fall semester to a full-time faculty member at Irvine Valley College with the stipulation that the hours will be made up within the next three semesters subject to agreement of faculty negotiation.

On a 7-0 vote, the board approved a settlement agreement for the sum of \$1,080,000 as a credit to the District on contract sums previously withheld by Swinerton Builders.

2.2 Invocation

Led by Trustee Barbara Jay

2.3 Pledge of Allegiance

Led by Trustee Tim Jemal

2.4 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 complete a yellow form entitled, "Request to Speak" and submit it to the board's Executive Assistant. These forms are available outside the board room. **Speakers are limited to up to two minutes each.***

One public comment in support of ASG of IVC budget. One public comment opposing the proposed action on the student discipline matter.

Item 6.3 was advanced ahead of oral reports.

3.0 REPORTS

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

- A. Board Reports
- B. Chancellor's Report
- C. College Presidents' Reports (*Written Reports included in Section 8.0*)
- D. Associated Student Government Reports
- E. Board Request(s) for Reports

4.0 DISCUSSION ITEMS

**4.1 SOCCCD: Basic Aid Allocation Recommendation for FY 2016-2017-
of Projects for Final Budget**

This item is presented to the board for information and discussion prior to approving the basic aid recommendations as part of the Adopted Budget FY 2016-2017

Executive District Director, Fiscal Services/Comptroller Kim McCord, Vice Chancellor, Technology and Learning Services Bob Bramucci and Executive District Director, Facilities/Purchasing/Materials Brandye D'Lena presented the basic aid recommendations as part of the Adopted Budget FY 2016-2017.

4.2 SOCCCD District-wide Parking Study Report
Report on results of study.

Interim Chancellor Debra Fitzsimons and Construction Manager Mary Opel, presented the results of the study. The purpose of the study was to analyze parking at Saddleback College, Irvine Valley College, and ATEP and make recommendations to inform planning.

Items 6.1 and 6.2 were advanced ahead of the consent calendar.

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.

Trustee Lang requested to remove items 5.4 and 5.19, Trustee Jay requested to remove item 5.5, Trustee Wright requested to remove item 5.6 and Trustees Jamal and Jay requested to remove item 5.14 from the consent calendar for separate discussion and action.

The balance of the consent calendar was approved on a 7-0 vote.

- 5.1 SOCCCD: Board of Trustees Meeting Minutes**
Approve minutes of Regular Meeting held on July 18, 2016.
- 5.2 Saddleback College: Curriculum Revised for the 2016-17 Academic Year**
Saddleback College: Approve the proposed curriculum changes for the 2016-17 academic year at Saddleback College.
- 5.3 Saddleback College: Student Travel Study Abroad Program to Cuba, from December 30, 2016 to January 8, 2017**
Approve the Saddleback College study abroad program: Cuban Culture, Literature, Arts and Politics Studies in Cuba, from December 30, 2016 to January 8, 2017 and authorizes the administration to execute the Educational Tour/Field Study Travel Contractor Agreement with the Travel and Education for coordinating all travel agreements.
- 5.4 SOCCCD: Saddleback College, Sciences Building Project, Notice of Completion, C. W. Driver**
Authorize filing the Notice of Completion for the Saddleback College Sciences Building project to C.W. Driver with a contract amount of \$55,866,919.

On a motion made by Trustee Wright and seconded by Trustee Whitt, this item was approved on a 7-0 vote.

5.5 Saddleback College and Irvine Valley College: Speakers

Approve general fund honoraria for speakers for events and/or classes at Saddleback College and Irvine Valley College.

On a motion made by Trustee Jemal and seconded by Trustee Wright, this item was approved on a 7-0 vote.

At 8:57 p.m., Trustee Prendergast made a motion, seconded by Trustee Wright, to extend the meeting to 9:30 p.m. The motion passed on a 7-0 vote.

5.6 Irvine Valley College: Curriculum Revisions for the 2016-2017 Academic Year

Approve curriculum revisions as recommended by the Curriculum Committee in consultation with the Academic Senate for the 2016-2017 academic year, pursuant to Title 5, Section 53200 et seq.

On a motion made by Trustee Lang and seconded by Trustee Wright, this item was approved on a 7-0 vote with a minor correction to the exhibit.

5.7 Irvine Valley College: Community Education, Fall 2016

Approve Fall 2016 Community Education courses, presenters, and compensation.

5.8 SOCCCD: Irvine Valley College, Sand Volleyball Courts Expansion Project, Award of Bid No. 328, STL Landscape, Inc.

Award Bid No. 328, Irvine Valley College Sand Volleyball Courts Expansion project and approves the agreement with STL Landscape, Inc. of Los Angeles, CA, in the amount of \$260,000.

5.9 SOCCCD: Irvine Valley College Parking Lot Phase IA Project and Solar Shade Structures, Design-Build Criteria Architectural Services, Brooks + Scarpa Architects, Inc.

Approve the Brooks + Scarpa Architects, Inc. agreement for Criteria Architectural Services for the Irvine Valley College Parking Lot Phase IA project and Solar Shade Structures in the amount of \$168,000.

5.10 SOCCCD: Budget Amendment: Adopt Resolution No. 16-24 to Amend FY 2015-2016 Adopted Budget

Adopt Resolution No. 16-24 to amend the FY 2015-2016 Adopted Budget as indicated.

5.11 SOCCCD: Contract with Synergy Software Solutions for Software Development Services

Approve the agreement with Synergy Software Solutions, for a total amount not to exceed \$211,680 for FY 2016-2017.

- 5.12 **SOCCCD: Contract with Redisq Technologies for Software Development Services**
Approve the agreement with Redisq Technologies, for a total amount not to exceed \$124,992 for FY 2016-2017.

- 5.13 **SOCCCD: Contract with Nimble Consulting for Project Management and Database Design Services**
Approve the agreement with Nimble Consulting for an amount not to exceed \$270,144 for FY 2016-2017.

- 5.14 **SOCCCD: Contract with TimeSaver Systems for Quality Assurance Services**
Approve the agreement with TimeSaver Systems, for an amount not to exceed \$129,360, for the term of December 1, 2016 to June 30, 2017.

On a motion made by Trustee Lang and seconded by Trustee Prendergast, this item was approved on a 7-0 vote.

- 5.15 **SOCCCD: Advanced Technology and Education Park (ATEP) IVC First Building Project and Utilities and Infrastructure, Phase I Project, Testing and Inspection Services Agreement, C.E.M. Lab Corp**
Approve the Testing and Inspection Services agreement with C.E.M. Lab Corp. for the Advanced Technology and Education Park, IVC First Building and Utilities and Infrastructure, Phase I projects for a not to exceed amount of \$341,586.

- 5.16 **SOCCCD: Transfer of Budget Appropriations**
Ratify the Transfer of Budget Appropriations as detailed.

- 5.17 **SOCCCD: July and August 2016 Change Orders/Amendments**
Ratify the change orders and amendments as listed.

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

- 5.19 **SOCCCD: June- July 2016 Contracts**
Ratify contracts as listed.

On motion made by Trustee Lang and seconded by Trustee Wright, this item was approved on a 7-0 vote.

6.0 GENERAL ACTION ITEMS

- 6.1 **SOCCCD: Adopt Budget for Fiscal Year 2016-2017**
Approve the FY 2016-2017 Adopted Budget.

On a motion made by Trustee Lang and seconded by Trustee Wright, this

item was approved on a 7-0 vote.

6.2 Irvine Valley College and Saddleback College: Adopt Student Government Budgets FY 2016-2017

Approve the FY 2016-2017 adopted student government budgets.

On a motion made by Trustee Wright and seconded by Trustee Jay, this item was approved on a 7-0 vote.

At 9:26 p.m., Trustee Prendergast made a motion, seconded by Trustee Wright, to extend the meeting to 10 p.m. The motion passed on a 7-0 vote.

6.3 SOCCCD: Recess to Public Hearing – Saddleback College Student Discipline

Conduct a public hearing to provide an opportunity for the disciplinary matter to be discussed in public session.

A motion was made by Trustee Prendergast, seconded by Trustee Milchiker, to amend the recommendation to be for a suspension for the Fall semester and prior to enrollment in the Spring semester the student identified will meet with Vice President of Student Services, Dr. Juan Avalos, to develop a behavior contract conditional to the enrollment for the Spring semester. The motion was approved on a 7-0 vote with Student Trustee Forde abstaining.

6.4 SOCCCD: Saddleback College Stadium and Site Improvement Project, Design-Build Agreement, PCL Construction Services, Inc.

Approve the Saddleback College Stadium and Site Improvement project design-build agreement with PCL Construction Services, Inc., for a total contract amount of \$48,999,900.

A replacement page was submitted to reflect missing information on the last two paragraphs under the "Status" heading.

On a motion made by Trustee Lang and seconded by Trustee Jay, this item was approved on a 7-0 vote.

6.5 SOCCCD: Irvine Valley College Health Center/Concessions Project, Adopt Resolution No. 16-22, Authorizing Design-Build Delivery Method

Adopt Resolution No. 16-22 to authorize the use of the design-build delivery method for the Irvine Valley College Health Center/Concessions project.

On a motion made by Trustee Wright and seconded by Trustee Prendergast, this item was approved on a 7-0 vote.

6.6 SOCCCD: Irvine Valley College Parking Lot Phase IA Project and Solar Shade Structures, Adopt Resolution 16-23, Authorizing Design-Build

Delivery Method

Adopt Resolution No. 16-23 to authorize the use of the design-build delivery method for the Irvine Valley College Parking Lot Phase IA project and Solar Shade Structures.

On a motion made by Trustee Wright and seconded by Trustee Lang, this item was approved on a 7-0 vote.

6.7 SOCCCD: Contract with eNamix for Quality Assurance Services

Approve the agreements with eNamix, for a total amount not to exceed \$548,352 for FY 2016-2017.

On a motion made by Trustee Milchiker and seconded by Trustee Prendergast, this item was approved on a 7-0 vote.

6.8 SOCCCD: Contract with Neudesic LLC for Software Development

Approve the work order with Neudesic LLC, for an amount not to exceed \$1,514,600.00 for the term of September 1, 2016 through June 30, 2017.

On a motion made by Trustee Lang and seconded by Trustee Milchiker, this item was approved on a 7-0 vote.

6.9 SOCCCD: Academic Personnel Actions – Regular Items

Approve New Personnel Appointments, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Authorization to Eliminate Academic Position and/or Position Numbers, Resignation/Retirement/Conclusion of Employment.

On a motion made by Trustee Milchiker and seconded by Trustee Wright, this item was approved on a 7-0 vote.

6.10 SOCCCD: Classified Personnel Actions – Regular Items

Approve New Personnel Appointments, Authorization to Establish and Announce a Classified Position, Reorganization, Change of Status, Out of Class Assignments, Resignation/Retirement/Conclusion of Employment, Volunteers.

A correction was made to Exhibit A, B.2, pg. 5, and C.3.a, pg. 6. Item B.1, pg. 5, was pulled and will be submitted on the next board agenda.

On a motion made by Trustee Milchiker and seconded by Trustee Lang, this item was approved with corrections on a 6-0 vote with Trustee Wright abstaining.

7.0 REPORTS

- 7.1 **Saddleback College and Irvine Valley College: Speakers**
A listing of speakers for events and/or classes at Saddleback College and Irvine Valley College.
- 7.2 **SOCCCD: Summary of Ballot Initiatives**
A summary of ballot initiatives affecting education and government accountability is provided in Exhibit A for information.
- 7.3 **SOCCCD: Basic Aid Report**
Report on projected receipts and approved projects.
- 7.4 **SOCCCD: Facilities Plan Status Report**
Status of current construction projects.
- 7.5 **SOCCCD: Monthly Financial Status Report**
The reports display the adopted budget, revised budget and transactions through June 30, 2016.
- 7.6 **Quarterly Financial Status Report**
Report is for period ending June 30, 2016.
- 7.7 **Quarterly Investment Report**
Report is for period ending June 30, 2016.
- 7.8 **SOCCCD: Retiree (OPEB) Trust Fund**
Report is for the period ending June 30, 2016

8.0 REPORTS FROM ADMINISTRATION AND GOVERNANCE GROUPS

*Reports by the following individuals and groups may be written and submitted through the docket process prior to distribution of the Board agenda packet. **Speakers are limited to two minutes each.***

- A. Saddleback College Academic Senate
- B. Faculty Association
- C. Irvine Valley College Academic Senate
- D. Vice Chancellor, Technology and Learning Services
- E. Vice Chancellor, Human Resources
- F. Vice Chancellor, Business Services
- G. Irvine Valley College Classified Senate
- H. California School Employees Association
- I. Saddleback College Classified Senate
- J. Police Officers Association

9.0 ADDITIONAL ITEMS

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

The meeting was adjourned at 9:45 p.m. in memory of Saddleback College student Navpreet Singh.



Debra L. Fitzsimons, Interim Chancellor